

This assessment has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practices.

This assessment has not identified significant concerns relating to the rezoning of the subject site for the intended purposes, however additional investigations are recommended to be undertaken by the proponent in relation flora and fauna, contaminated land and acid sulfate soils prior to any community/agency consultation being undertaken.

The Mine Subsidence Board (MSB) and Council's Water and Sewer (W&S) Unit have previously held reservations for the further development of the site.

The MSB held objections for the more intensive development of the site as proposed by the rezoning request of 2009 there would be exceedance of the surface limitations. Written advice from the MSB has confirmed that the less intense current proposal has in principle support.

Council's W&S unit has identified concerns with the intensification of development of the site given the odour buffer restriction on the deposited plan. W&S have however identified that the subject site is marginally outside the nominal 400m 'typical buffer zone' described in NSW Planning Circulars and NSW Water Directorate documentation. The W&S unit has indicated their support for the proposal, provided that *'the remaining land was rezoned 5a Special Uses Sewerage Buffer'* to prevent the incremental loss of the buffer zone in the future. This recommendation is not supported. It is considered that the existing restriction on the DP and the 7(b)/E3 zoning of the remainder of the site will be sufficient to address this concern.

## **LOCAL PLANS, POLICIES AND STRATEGIES**

### **Wyong Local Environmental Plan 1991 and Wyong Standard Instrument Local Environmental Plan**

The site is zoned 7(b) Scenic Protection under Wyong Local Environmental Plan (LEP) 1991 and is proposed to be zoned E3 Environmental Management under Council's draft WLEP 2012.

The range of land uses proposed within the E3 Environmental Management Zone differs somewhat from the current 7(b) Scenic Protection Zone, and it could be considered that there may be some potential development loss as a result of the zoning change.

Given other restrictions on the remainder of the site, specifically mine subsidence; it is considered that the E3 conversion zone proposed by Council's draft WLEP 2012 is an appropriate zone.

Development of the site is restricted to dwelling houses and agriculture under the provisions of Clause 53 Development Restrictions on Certain Land:

#### **53 Development restrictions on certain land**

Notwithstanding any other provision of this plan, the Council must not grant consent for development on land referred to in Schedule 4:

**2.5 Proposed Rezoning - RZ/12/2012 - Lot 1 DP 1005467 - 165 Yeramba Road, Summerland Point (contd)**

---

- (a) if the development is specified as prohibited in relation to that land in that Schedule, or
- (b) if the development is not included in development specified as being the only development permissible with consent in relation to that land in that Schedule, or
- (c) unless the Council is satisfied that any restriction specified in relation to that land in that Schedule will be met.

The purpose of this clause is to restrict development to a rural residential style character.

Council conducted a broad brush study of the Gwandalan/Summerland Point area in the late 70's and early 80's. This study resulted in TP 215 which was endorsed by Council in September 1980 as a draft plan for future development in the area.

TP 215 identifies the 7(b) land in Summerland Point (which contains the subject site) as being of high environmental and visual quality, however would be suitable for low key development, provided it was subject to stringent development controls.

An amendment to Interim Development Order (IDO) number 58, gazetted in 1983, enabled the subdivision of land fronting Yeramba and Summerland Roads into four (4) hectare allotments, the subject site being one of these allotments. In addition to this subdivision, the amendment specified that development of these allotments should be restricted to one dwelling and agriculture.

This requirement was carried over into LEP 1991 as Clause 53, and has been applied to that entire 7(b) area identified by TP 215.

The application of the clause restricts development options to dwelling houses or agriculture only for that area of the site proposed to be rezoned, i.e. dual occupancies will not be permissible, nor will any land use permissible in the 2(a)/R2 zone, other than dwelling houses. Considering that housing choice is a key planning criteria, such a restriction is not considered appropriate.

The rigour of legislation pertaining to environmental protection and development assessment has significantly increased since the adoption of this TP and the associated development restriction. Having regard for this, as well as the nature of development surrounding the subject site, particularly that land adjacent on Yeramba Road, it is considered that the intent of this clause as it relates to applicable land at Summerland Point, is outdated and should be removed from Schedule 4 of Wyong LEP 1991.

The Schedule also includes Lot 21 DP 708344 (185 Cams Boulevard) which enables development for the purposes of tourist accommodation within the existing guesthouse building, beyond dwelling houses and agriculture (as per Schedule 4). This enabling clause was gazetted in 2006, with a Development Application approved for this purposes in 2007. Removal of this clause will result in existing use rights for the guesthouse on Lot 21.

It should be noted that the exhibited version of Council's d WLEP 2012 does not include a comparative provision for Clause 53. It has been identified that the restrictions placed on land by this clause and associated schedule can be managed through appropriate zoning of land.

**Development Control Plan (DCP) 2005: Development Controls for Wyong Shire & Draft DCP 2012: Development Provisions for Wyong Shire**

Any development of the subject site being undertaken as a result of the rezoning will be required to be consistent with relevant controls of DCP 2005, or pending timing of draft DCP 2012, in particular, the following Chapters:

| <b>DCP 2005</b>                                 | <b>DCP 2012</b>                                       |
|---|---|
| 61: Car Parking;                                | Chapter 2.1: Dwelling Houses and Ancillary Structures |
| 66: Subdivision;                                | Chapter 2.3: Dual Occupancy Development               |
| 67: Engineering Requirements for Development;   | Chapter 2.11: Parking and Access                      |
| 69: Controls for Site Waste Management;         | Chapter 3.1: Site Waste Management                    |
| 58: Dual Occupancy Development;                 | Chapter 3.2: Water Sensitive Urban Design             |
| 100: Quality Housing; and                       |   |
| 99: Building Lines;                             |   |
| Draft Chapter 97: Water Sensitive Urban Design. |   |

**STATE ACTS, PLANS, POLICIES AND STRATEGIES**

**Central Coast Regional Strategy (CCRS) 2006**

The Central Coast Regional Strategy (CCRS) was released by the Department of Planning & Infrastructure (DoPI) in July 2008. The CCRS identifies the population potential of the Central Coast expected over the next 25 years, and expected employment capacity targets. The strategy also identifies actions to ensure ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport.

Whilst the proposal will not generate a significant number of dwellings, it will contribute to achieving the overall dwelling target set by the Strategy.

**North Wyong Shire Structure Plan (NWSSP) 2012**

The site of the proposal is located within the NWSSP area and identified as a long term land release area for residential purposes. According to the description for this timeframe, land will not be zoned before 15 years, the timing of which will be impacted by future coal extraction potential, future use of power station sites and access to services and employment opportunities.

The NWSSP also provides that while staging according to the identified timeframes is preferred, 'The Government and Wyong Council may decide to accelerate the release of land if satisfactory arrangements are in place to forward fund the appropriate infrastructure and other factors.'

As previously discussed, consultation has been undertaken with the MSB, who has agreed in principle to the proposal. It is therefore considered that the impacts of coal extraction in the future will not adversely affect the site, or the proposal.

Additionally, Council's Transportation and Design Engineers have identified that the required services (water, sewer, power, roads etc) for the proposal are available to the site.

Having regard for the outcomes of this preliminary consultation, it is considered that the proposal is consistent with the requirements and recommendations of the NWSSP.

### **Regional Economic Development and Employment Strategy (REDES) 2010**

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council. The launch of the strategy occurred on 3 February 2010.

Whilst not directly employment related, the proposal may have a small positive impact on local employment through construction of new dwelling houses.

### **Section 117 Directions**

The proposal has been assessed against relevant Section 117 Ministerial Directions (Attachment 2) and is considered to be consistent with the applicable Directions.

### **State Environmental Planning Policies**

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs). The assessment in full is contained within Attachment 3 of this report.

It is considered that the proposal can be consistent with SEPP 55, provided further investigative studies are undertaken in relation to this issue.

Subject to the findings of further investigative fauna studies, consideration of the proposal against SEPP 44 – Koala Habitat may be required.

## **OPTIONS**

### **Option 1 – Progression of Proposal as Proposed**

This report recommends additional investigative studies are undertaken in order to support and justify the proposed rezoning. Presently, it is proposed that such studies are delayed until a Gateway Determination to proceed with the progression of the proposal is received.

In order to provide some level of development and financial certainty for the proponent, prior to the outlay of funds for these studies to be undertaken, this option is recommended.

### **Option 2 – Delay Progression until Additional Investigative Studies Completed**

As an alternative to Option 1, Council could request additional investigative studies to be undertaken by the Proponent prior to a Planning Proposal being forwarded to the DoPI for consideration.

This would result in the outlay of funds and time by the Proponent without any certainty being available as to the potential outcomes.

This option is therefore not recommended.

### **Option 3 – Refuse to Progress the Proposal**

The site is identified within the CCRS and NWSSP for future residential development, and provided the proponent is able to fund the required additional infrastructure, the proposal should proceed.

This option is not recommended.

## **STRATEGIC LINKS**

### **Wyong Shire Council Strategic/ Annual Plan**

The proposed rezoning is consistent with the Wyong Shire Council Strategic/Annual Plan.

### **Long term Financial Strategy**

There are no impacts on the broader Long Term Financial Strategy.

### **Asset Management Strategy**

There are no impacts on the broader Asset Management Strategy.

### **Workforce Management Strategy**

There are no impacts on the Workforce Management Strategy, given the small scale nature of the proposal.

### **Budget Impact**

There are no immediate budget impacts, as progress of the Planning Proposal is being funded by the requisite accompanying Phase 1 fee. Further assessment work conducted by Council will be funded by the proponent.

## **CONSULTATION**

The proposal was referred to the following internal Council units for comment:

- Development Assessment - Design Engineering
- Development Assessment – Development Applications
- Strategic Development – Ecology
- Strategic Development - Bushfire
- Strategic Development – Transportation Engineering
- Strategic Development – Planning
- Strategic Development – Section 94
- Water and Sewer Planning

Those comments received were utilised to assess the proposal and determine the need for additional investigative studies.

Future community and government agency consultation requirements will be outlined by the Gateway Determination, should the proposal be supported.

**GOVERNANCE AND POLICY IMPLICATIONS**

Refer to discussion relating to Local Plans, Policies and Strategies

**MATERIAL RISKS AND ISSUES**

The assessment of the proposal has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practices.

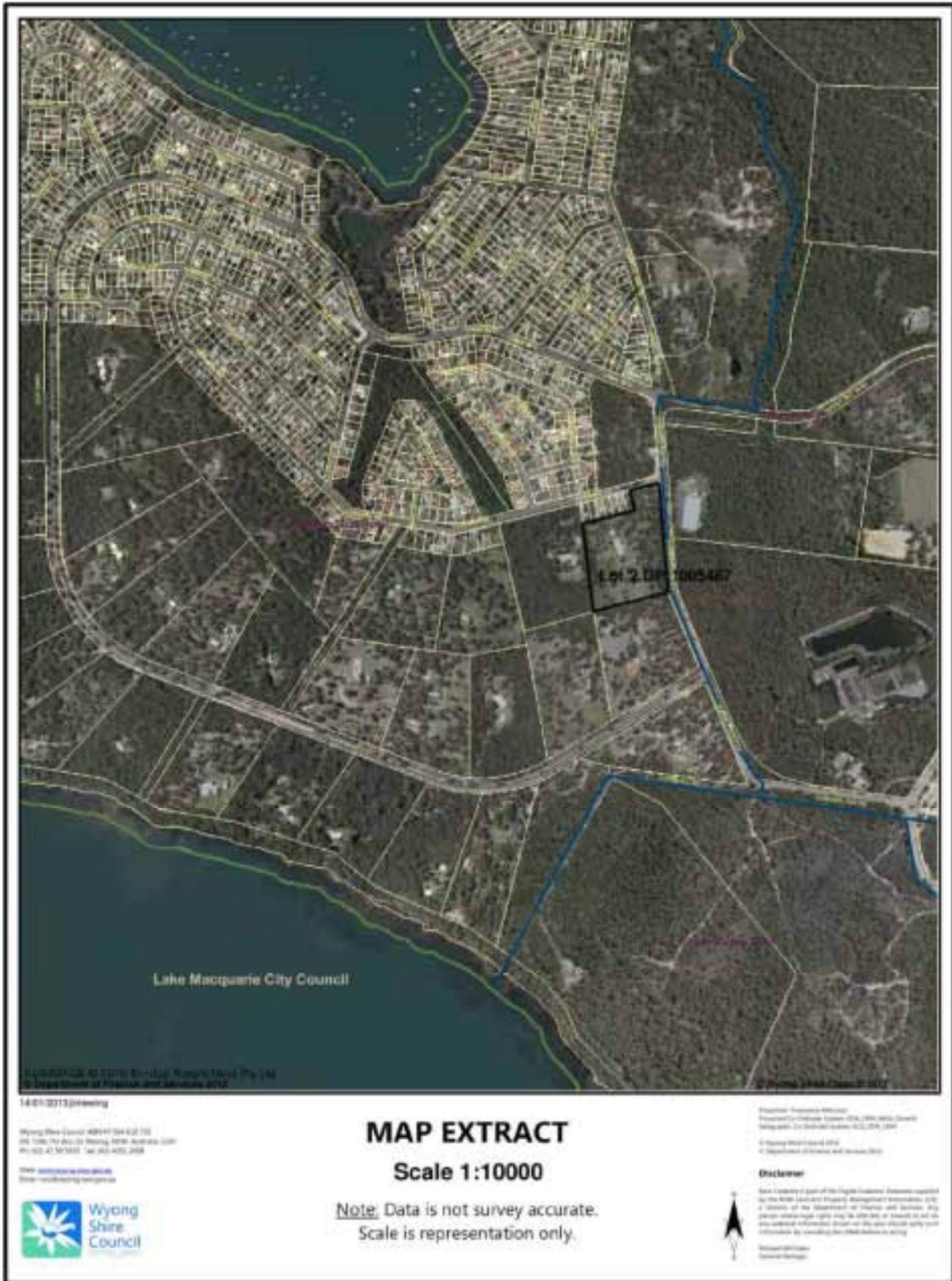
**CONCLUSION**

This report seeks Council's endorsement to prepare and submit to the DoPI, a Planning Proposal to rezone part of Lot 1 DP 5555467, 165 Yeramba Road, Summerland Point to 2(a) Residential/R2 Low Density Residential, to enable the creation of an additional four (4) lots.

The consistency of the proposal with local and regional planning strategies, in addition to its compatibility with surrounding development, provides justification for supporting the rezoning proposal.

**ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Locality Plan                                  | D03293051 |
| 2 | Section 117 Direction Assessment               | D03293052 |
| 3 | State Environmental Planning Policy Assessment | D03293053 |



| Direction   | Comment  |
|---|--|
| Employment & Resources  |  |
| 1.1 Business & Industrial Zones   |  |
| <p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>   | <p>Not Applicable.</p> <p>The proposal does not affect land within an existing or proposed business or industrial zone.</p>  |
| 1.2 Rural Zones   |  |
| <p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>   | <p>Not Applicable.</p> <p>The proposal does not affect land within an existing or proposed rural zone.</p>   |
| 1.3 Mining, Petroleum Production and Extractive Industries  |  |
| <p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p> | <p>Applicable.</p> <p>Discussion with the District Manager of the Wyong MSB has identified that the site of this proposal is on the outskirts of the potential mining area, therefore, development of the area of the site fronting Yeramba Road will not affect potential for coal extraction.</p> <p>The proposal has been given in principle support by the MSB, therefore the proposal is considered to be consistent with this Direction.</p> |
| 1.4 Oyster Aquaculture  |  |
| <p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture</p>   | <p>Not Applicable.</p> <p>The Planning Proposal is not located in Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i></p>  |



| Direction   | Comment   |
|---|---|
| <p>Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</p>   |   |
| 1.5 Rural Lands   |   |
| <p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p> | <p>Not Applicable.</p> <p>This direction does not apply to the Wyong LGA.</p>   |
| Environment & Heritage  |   |
| 2.1 Environmental Protection Zones  |   |
| <p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>  | <p>Applicable.</p> <p>The site of the Planning Proposal is currently zoned 7(b) Scenic Protection.</p> <p>Consultation undertaken with Council's Development Ecologist has identified that there may be potential habitat for some threatened flora and fauna on site. Should the planning proposal proceed be supported by the Gateway, additional studies recommended by this assessment will be required to be undertaken by the proponent prior to endorsement for gazettal being sought.</p> |
| 2.2 Coastal Protection  |   |
| <p>Aims to implement the principles in the NSW Coastal Policy.</p> <p>Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.</p>  | <p>Applicable.</p> <p>The proposal has been identified as being within the Coastal Zone.</p> <p>The proposal seeks a zoning amendment to Wyong LEP 1991 or Wyong Council SI (timing dependant). Given these plans are consistent with the principles with the NSW Coastal Policy; it is considered that this proposal is consistent with</p>  |

| Direction  | Comment   |
|--|---|
|  | this Direction.   |
| 2.3 Heritage Conservation  |   |
| <p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>  | <p>Applicable.</p> <p>The proposal does not identify an impact on any European or Indigenous heritage items or objects. It is therefore considered that the proposal is consistent with this Direction.</p>   |
| 2.4 Recreational Vehicle Areas   |   |
| <p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>  | <p>Applicable.</p> <p>The proposal does not seek to enable development for recreational vehicle use. It is therefore considered that the proposal is consistent with this Direction.</p>  |
| Housing, Infrastructure and Urban Development  |   |
| 3.1 Residential Zones  |   |
| <p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p> | <p>Applicable.</p> <p>The proposal seeks to rezone the site to enable subdivision to create an additional four allotments, suitable for dwelling purposes.</p> <p>The proposal is located adjacent to and opposite an existing residential area, therefore is able to access and augment existing services and infrastructure for any new dwellings constructed. This is confirmed by comments received during consultation with Council's Design and Transport Engineers.</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p> |
| 3.2 Caravan Parks and Manufactured Home Estates  |   |
| <p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>   | <p>Applicable.</p> <p>The planning proposal does not seek to rezone land to provide for caravan parks or manufactured home estates</p> <p>It is therefore considered that the proposal is</p>   |

| Direction   | Comment  |
|---|--|
|   | consistent with this Direction.  |
| 3.3 Home Occupations  |  |
| <p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>  | <p>Applicable.</p> <p>The proposal does not seek to prohibit home occupations. It is therefore considered that the proposal is consistent with this Direction.</p>   |
| 3.4 Integrating Land Use & Transport  |  |
| <p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> | <p>Applicable.</p> <p>It is considered that the proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Transport and Development.</p> <p>The proposal is directly adjacent to a well serviced bus stop. Further assessment to ensure availability of alternative transport choices will be undertaken during the Development Application process.</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p> |
| 3.5 Development Near Licensed Aerodromes  |  |
| <p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 &amp; 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>   | <p>Not Applicable.</p> <p>The proposal does not seek to create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>  |
| 3.6 Shooting Ranges   |  |
| <p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges</p>   | <p>Not Applicable.</p> <p>The proposal is does not propose to affect, create, alter or remove a zone or a provision relating to</p>  |

| Direction   | Comment   |
|---|---|
| <p>and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>  | <p>land adjacent to and/ or adjoining an existing shooting range.</p>   |
| Hazard & Risk   |   |
| 4.1 Acid Sulfate Soils  |   |
| <p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>   | <p>Applicable.</p> <p>A desktop mapping exercise has identified that the potential for acid sulfate soil on the proposal site is unknown. Should the proposal be endorsed by the Gateway, the proponent will be required to undertake an acid sulfate soil assessment.</p> <p>It is therefore considered that this proposal will be consistent with this Direction.</p>   |
| 4.2 Mine Subsidence & Unstable Land   |   |
| <p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p> | <p>Applicable.</p> <p>The proposal is located within the Swansea/North Entrance Mine Subsidence District.</p> <p>Discussion with the District Manager of the Wyong MSB has identified that the site of this proposal is on the outskirts of the potential mining area; therefore, development of the area of the site fronting Yeramba Road will not affect potential for coal extraction.</p> <p>The proposal has been given in principle support by the MSB, therefore the proposal is considered to be consistent with this Direction.</p> |
| 4.3 Flood Prone Land  |   |
| <p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an</p>   | <p>Not Applicable.</p> <p>The site of the proposal is not identified as being flood prone land.</p>   |

| Direction  | Comment  |
|--|--|
| <p>LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>   |  |
| 4.4 Planning for Bushfire Protection   |  |
| <p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>   | <p>Applicable.</p> <p>The site of the proposal contains Category 2 bushfire prone vegetation and bushfire buffer zones.</p> <p>A bushfire assessment report accompanying bushfire is not considered a significant risk to the proposal.</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p> |
| Regional Planning  |  |
| 5.1 Implementation of Regional Strategies  |  |
| <p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy &amp; South Coast Regional Strategy.</p> | <p>Applicable.</p> <p>The proposal is considered to be consistent with the Central Coast Regional Strategy.</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p>   |
| 5.2 Sydney Drinking Water Catchments   |  |
| <p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>  | <p>Not Applicable.</p> <p>The proposal is not located within Sydney's hydrological catchment.</p>  |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast   |  |
| <p>Aims to: ensure that the best agricultural land will be available for current and future generations to</p>   | <p>Not Applicable.</p> <p>The proposal is not located within the Far North</p>   |

| <b>Direction</b>   | <b>Comment</b>   |
|--|--|
| <p>grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p> | Coast Region.  |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast   |  |
| <p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>  | <p>Not Applicable.</p> <p>The proposal is not located between Port Stephens and Tweed Shire Councils.</p>  |
| 5.8 Second Sydney Airport: Badgerys Creek  |  |
| <p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>   | <p>Not Applicable.</p> <p>The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.</p>   |
| Local Plan Making  |  |
| 6.1 Approval and Referral Requirements   |  |
| <p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>   | <p>Applicable.</p> <p>The planning proposal does not seek to include provisions which require concurrence from other agencies.</p> <p>It is therefore considered the proposal is consistent with this Direction.</p> |
| 6.2 Reserving Land for Public Purposes   |  |
| <p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p>  | <p>Applicable.</p> <p>The proposal does not seek to alter or create land for public purposes.</p> <p>It is therefore considered the proposal is</p>  |

| Direction  | Comment  |
|--|--|
| Applies when the relevant planning authority prepares a planning proposal.   | consistent with this Direction.  |
| 6.3 Site Specific Provisions   |  |
| <p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>                                       | <p>Applicable.</p> <p>The proposal does not seek to enable a specific use on the site which is not permissible under the proposed zone (2(a) Residential or R2 Low Density Residential).</p> <p>It is therefore considered the proposal is consistent with this Direction.</p> |
| Metropolitan Planning  |  |
| 7.1 Implementation of the Metropolitan Strategy  |  |
| <p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.</p> <p>Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.</p> | <p>Not Applicable.</p> <p>This Direction does not apply to Wyong LGA.</p>  |

| SEPP  | Comment  |
|---|--|
| SEPP No. 44 – Koala Habitat   |  |
| <p>Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <p>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</p> <p>(b) by encouraging the identification of areas of core koala habitat, and</p> <p>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones</p>                | <p>As the area proposing the additional 4 lots is less than 1hectare, the provisions of State Environmental Planning Policy 44 – Koala Habitat have not been triggered. The site in its entirety has does trigger the SEPP, therefore SEPP 44 becomes activated.</p> <p>Should the proposal be supported by the Gateway, an assessment under SEPP 44 will be required to be undertaken by the proponent.</p> |
| SEPP No. 55 – Contaminated Land   |  |
| <p>Aims:</p> <p>to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p> | <p>Whilst the preliminary desktop mapping/assessment exercise has not identified any contamination of the site, this issue still requires formal assessment.</p> <p>Should the proposal proceed beyond a Gateway determination, the proponent will be required to undertake a contaminated land assessment to comply with the provisions of this SEPP.</p>   |
| SEPP No. 71 Coastal Protection  |  |
| <p>Aims:</p> <p>(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and</p> <p>(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural</p>   | <p>The proposal is consistent with the aims and objectives of the SEPP 71 Policy.</p> <p>The proposal seeks to enable additional infill residential development adjoining an existing residential area.</p> <p>The proposal does not affect access to and along coastal foreshores, nor is the site affected by</p>  |



| SEPP   | Comment  |
|--|--|
| <p>attributes of the coastal foreshore, and</p> <p>(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</p> <p>(e) to ensure that the visual amenity of the coast is protected, and</p> <p>(f) to protect and preserve beach environments and beach amenity, and</p> <p>(g) to protect and preserve native coastal vegetation, and</p> <p>(h) to protect and preserve the marine environment of New South Wales, and</p> <p>(i) to protect and preserve rock platforms, and</p> <p>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the <u>Protection of the Environment Administration Act 1991</u>), and</p> <p>(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</p> <p>(l) to encourage a strategic approach to coastal management.</p> | <p>coastal processes such as erosion.</p> <p>It is not considered that an increased density of a minor nature may adversely affect the scenic nature of the environment.</p> |

## 2.6 Proposed Rezoning - RZ/14/2012 - 'Old Farm' Old Maitland Road, Mardi

---

TRIM REFERENCE: RZ/14/2012 - D03282925

MANAGER: Jari Ihalainen, Director Land Management

AUTHOR: Jenny Mewing; Strategic Planner

### SUMMARY

A proposal has been received to rezone 'Old Farm' (414 Old Maitland Road), Mardi, to enable rural residential/rural village development.

An assessment of the proposal has been undertaken, which identified that the concept has merit 'in principle', and that Council should initiate the rezoning process by preparing a Planning Proposal and referring it to the Department of Planning and Infrastructure (DoPI) for a "Gateway" determination.

Real Description: Lot 36 DP 755249; Lot 41 DP 123953; Lot 1 DP 229971; Lot 1 DP 229970; Lot 1 DP 120512; Lot 101 DP 604655; Lot A DP 396415 and Lot 1 DP 554423  
Street Address: 414 Old Maitland Road, Mardi  
Owner/s: Transnational Pastoral Pty Ltd  
Site Area: 223.7 hectares  
Current Zoning: 1(a) Rural; 5(a) Special Uses (Water Catchment) & 7(a) Conservation  
Current Land use: Non-intensive animal agriculture (grazing)

### RECOMMENDATION

- 1 ***That a Planning Proposal be prepared to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, for the rural residential/rural village development of Old Farm.***
- 2 ***That Council, forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.***
- 3 ***That Council require, subject to the "Gateway Determination," the proponent enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.***
- 4 ***That Council authorise the General Manager (or delegate) to sign the Funding Agreement.***
- 5 ***That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".***

- 6** *That a further report be submitted to Council to report on results of community consultation.*

### **BACKGROUND/CURRENT STATUS**

The subject site is located on Old Maitland Road; approximately 2km south of the M3 Motorway Tuggerah interchange (see Attachment 1).

A rezoning proposal was lodged with Council in 1998 which sought to rezone the subject site to develop 'Stonehenge,' a rural residential hamlet/village. The Proponent preferred concept design included village areas, larger rural lots, a lake (dam), a restaurant, community facilities, accommodation, a function centre and shops. The number of dwellings provided for was approximately 400.

At its meeting of 12 May 1999, Council resolved:

- 1 *"That Transnational Investments Pty Ltd be advised that Council sees merit in the current concept plan but is unable to support it at present as there appears to be conflict with a number of issues to be resolved by the Local Environmental Study, particularly habitat conservation, bushfire management and maintenance of non-urban character.*
- 2 *That Transnational Investments Pty Ltd be advised that Council is generally supportive in principle of a proposal being developed to permit a rural village/rural residential style of development on the site provided that:*
  - a. *A Social Impact Assessment confirms the acceptability of a gated community (security estate).*
  - b. *The development is not urban in character but may include features such as a variety of block sizes and styles, restaurants, tourists related shops, Chapels, stables and community recreation facilities.*
  - c. *Any feature lake is compatible with the habitat conservation requirements for the site and need to address water quality control.*
  - d. *The development will satisfy a unique market in the Shire with a very high level of architectural design for dwellings.*
  - e. *Urban services including town water, reticulated sewerage, underground power and natural gas can be provided with creating an urban or suburban environment.*
  - f. *A Vegetation Management Plan can be prepared which focuses on maximizing the retention of significant trees, habitat trees and significant trees of resource value to threatened fauna within areas of natural habitat that are proposed to be developed.*

- 3 *That Transnational Investments Pty Ltd be advised that Council considers that an LES is required which will address all relevant issues including:*
- 4
- a. *The integration of ecological constraints into an acceptable development concept plan and undertaking further assessment of relevant ecological issues that are raised by the final design.*
  - b. *A Bushfire Hazard Assessment and Management Plan for the site.*
  - c. *Development of a stormwater and nutrient management strategy for the site.*
  - d. *A Social Impact Statement which addresses issues raised in the report.*
  - e. *Traffic Impact analysis.*
  - f. *Water supply and sewerage infrastructure options.*
  - g. *ESD objectives.*
  - h. *Aboriginal Heritage Assessment.*
- 5 *That Council resolve to prepare a draft Local Environmental Plan for the purpose of rezoning the site to permit rural village/rural-residential style of development on the site.*
- 6 *That the Department of Urban Affairs and Planning be notified of the decision within 28 days.*
- 7 *That Council seek advice on form, content and preparation of the Local Environmental Study from the Director-General of the Department of Urban Affairs and Planning.*
- 8 *That subject to agreement on funding under Clause 14 of the Environmental Planning and Assessment Regulation 1994, Council prepares a Local Environmental Study pursuant to Section 57(1) of the Environmental Planning and Assessment Act, 1979.*
- 9 *That the draft Local Environmental Plan and Local Environmental Study be placed on public exhibition for a period of 28 days.*
- 10 *That Section 149 Certificates be appropriately noted.”*

Subsequent Council resolutions and development of the Local Environmental Study (LES) led to the identification of a preferred development scenario for the site (Attachment 2), which was used for government agency consultation, under Section 62 of the EP & A Act, 1979, in 2000 (as it was at the time).

This consultation resulted in significant issues being raised from a number of government departments relating (but not limited) to extractive industry potential, flora and fauna impacts, proposed lake construction, aboriginal archaeology and bushfire. These issues resulted in a number of additional studies being undertaken by the proponent.

Given the complexity of the site and issues raised during this period, it was identified that a Masterplanning approach would best manage the concerns of the agencies. As a result, substantial design issues and statutory approval issues would need to be resolved at the development application stage.

In 2004, a certificate (under Section 65 of the EP & A Act, 1979) to exhibit the plan was denied by DoPI. This was on the basis that the plan was inconsistent with the principles and objectives of the Gosford-Wyong Structure Plan (1975), Shaping the Central Coast (1999) and the Central Coast Regional Strategy (2006). Furthermore, the draft LEP sought to include a Masterplanning clause which was deemed by DoPI to duplicate the rezoning/development application process.

In addition, the proposal was deemed:

- inconsistent with a number of S117 directions;
- inconsistent with the Local Environmental Study (LES), and
- contain unresolved issues with a number of public authorities.

Council has continued its support of the rezoning of this site for rural residential purposes.

## THE PROPOSAL

The current proposal (Attachment 3) seeks the rezoning of the site to specifically enable approximately 300 rural residential/rural village lots comprising:

*'An identified rural village area containing rural housing lots at a density of 1 dwelling per 2000m<sup>2</sup> of suitably zoned land. Rural dwellings would be provided in the form of:*

- *rural residential lots;*
- *rural village housing; along with*
- *Small restaurants and community facilities.'*

*'Areas subject to environmental protection. Including areas designated as*

- *Environmental Living – allowing for rural residential lots with a minimum of 1 hectare; and*
- *Environmental Conservation – allowing for rural residential lots with a minimum of 40 hectares'.*

The yield estimates for the concept plan are for approximately 270 lots in the village zoning and 30 lots in environmental living and conservation areas.

**ISSUES ANALYSIS**

The planning proposal submission has been assessed having regard for the following matters:

- Flora and fauna;
- Bushfire;
- Climate Change;
- Natural Resources (Agriculture, Mineral Resources, Regional Water Supply);
- Aboriginal Archaeology and European Cultural Heritage;
- Contaminated Land and Acid Sulfate Soils;
- Odour;
- Flooding and Drainage;
- Noise and Acoustics;
- Social Impact and Amenity;
- Servicing; and
- Economic Feasibility.

The proponent undertook a significant number of studies in relation to majority of these matters when the 1998 rezoning was being considered. The submission for the present proposal relies heavily on the information obtained from these studies.

Approximately 15 years has elapsed since these studies were undertaken. During this period, there have been significant changes to relevant legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practices. Such changes have resulted in many of the original studies being insufficient or outdated.

In an attempt to assist with the progression of the rezoning, and where practicable, the original studies will be forwarded to relevant State Government departments to determine their adequacy. In areas where there have been significant changes which have the potential to influence the outcomes of studies, (e.g. flora and fauna, flooding and drainage), revised studies will be required to be undertaken by the Proponent. Such studies would only be required to be undertaken post Gateway Determination.

The current concept plan, with reference to and proposed scale and form, could be significantly impacted by the outcomes of such additional studies. A revised concept/zoning plan will be required to be prepared once these studies have been completed.

**LOCAL PLANS, POLICIES AND STRATEGIES****Wyong Local Environmental Plan 1991 and Wyong Standard Instrument Local Environmental Plan**

The subject site is currently zoned 1(a) Rural; 5(a) Special Uses (Water Catchment) and 7(a) Conservation under Wyong Local Environmental Plan (LEP) 1991 as identified in Attachment 4.

The Wyong Standard Instrument Local Environmental Plan (SI LEP) as exhibited proposes to zone the site RU1 Primary Agriculture, E2 Environmental Conservation and E3 Environmental Management. These zones are the direct conversion zones from Wyong LEP 1991 zones.

The site is also affected by a Height Limitation Area implemented through Clause 46 – Development of certain land near Warnervale Airport of Wyong LEP 1991. This restriction affects Lot 41 DP 123953 and Lot 1 DP 229971. Given the proposal does not intend to enable development on this land; Clause 46 is of no significance.

### **Wyong Valleys Study 1998**

The Wyong Valleys Study was undertaken in 1998 with the intent of developing a planning strategy for the Yarramalong and Dooralong Valley areas. Relevant components of the Valley Planning Strategy have been taken into account in preparing Council's draft Settlement Strategy.

Such relevant provisions relate to the identification of opportunities to provide for Rural Living in the Valleys area. This identification was based on an analysis of constraints, including (but not limited to) flooding, slopes, 'at risk' vegetation communities, landscape quality, agricultural potential and proximity to services. It is important to note that the Study distinguishes between Rural Living and Rural Hamlets, with the former relating primarily to single dwellings on larger lots.

The site of the subject proposal was included within the original Valley Planning Strategy as an area with high potential (subject to associated constraints) suitable for further consideration for this purpose.

### **Draft Wyong Settlement Strategy 2012**

Council's draft Settlement Strategy provides an analysis of demand, supply and nature of land and identifies where additional land may need to be set aside for residential, business and commercial development while retaining the Shire's natural environmental values.

As previously identified, the Settlement Strategy includes relevant provisions as identified within the Wyong Valley Planning Study.

A review of the Wyong Valley Planning Strategy land capability and suitability for additional rural residential subdivision has been undertaken as part of the development of the draft Strategy. This assessment has identified that the subject site is a medium priority area, being moderately suitability to support future settlement due to the effect of a range of "land suitability" considerations for rural residential development. Accordingly, the Settlement Strategy identifies that:

*'further investigations including detailed studies on environmental and development constraints will need to be undertaken to determine whether these areas are capable and suitable for greenfield or infill development opportunities'.*

## 2.6 Proposed Rezoning - RZ/14/2012 - 'Old Farm' Old Maitland Road, Mardi (contd)

Similarly to the Wyong Valleys Study, the draft Settlement Strategy distinguishes between rural residential developments as opposed to rural hamlets, with the later having some form of commercial/retail component. Any retail/commercial/village component of the current proposal would need further investigation and justification before any final view on its suitability could be determined.

### **Development Control Plan (DCP) 2005: Development Controls for Wyong Shire & Draft DCP 2012: Development Provisions for Wyong Shire**

Any development of the subject site being undertaken as a result of the rezoning will be required to be consistent with relevant controls of DCP 2005, or pending timing of DCP 2012, in particular, the following Chapters:

| <b>DCP 2005</b>                                 | <b>DCP 2012</b>                                       |
|---|---|
| 61: Car Parking;                                | Chapter 2.1: Dwelling Houses and Ancillary Structures |
| 66: Subdivision;                                | Chapter 2.3: Dual Occupancy Development               |
| 67: Engineering Requirements for Development;   | Chapter 2.11: Parking and Access                      |
| 69: Controls for Site Waste Management;         | Chapter 3.1: Site Waste Management                    |
| 58: Dual Occupancy Development;                 | Chapter 3.2: Water Sensitive Urban Design             |
| 100: Quality Housing; and                       | Chapter 3.3: Floodplain Management                    |
| 99: Building Lines;                             |   |
| Draft Chapter 97: Water Sensitive Urban Design. |   |

## **STATE PLANS, POLICIES AND STRATEGIES**

### **Central Coast Regional Strategy (CCRS)**

The subject site is not identified within the Central Coast Regional Strategy (CCRS) for future development. Furthermore, the CCRS specifically states that:

*'opportunities for settlement expansion will not apply to the rezoning of land for urban residential development west of the F3 Freeway.'*

The inconsistency of the 1998 proposal with the CCRS was a primary reason for the DoPI declining to issue a Section 65 certificate.

The proponent, local and state members have lobbied the DoPI with regard to a rezoning of the site for rural residential purposes. In response, DoPI have identified (Attachment 5) that it would be willing to consider a proposal for the site, provided it was identified as a suitable location for rural residential development within a local Strategy, and endorsed by the Director General of DoPI.

Council's draft Settlement Strategy is expected to fulfill this requirement. It is important to note however that the Strategy has not been endorsed by Council, or the DoPI Director General. This may hinder the progression of the proposal beyond Council endorsement. This aspect of the process could be simplified with processing/determination times improved,



by the removal of the 'urban' components from the concept plan (i.e. village/retail/commercial areas).

The CCRS further identifies that additional greenfield development sites not already nominated by the Strategy are required to be assessed against the CCRS Sustainability Criteria. It is considered that following the completion of additional investigative studies, the proposal can be consistent with these criteria.

### **Regional Economic Development and Employment Strategy (REDES) 2010**

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

Whilst the proposal will not directly supply long term employment opportunities, short term opportunities would be created through associated planning and construction work. The attraction of the development for "executives" may assist in the relocation of business to the Central Coast.

### **Section 117 Directions**

The proposal has been assessed on a preliminary basis against relevant Section 117 Ministerial Directions. The assessment in full is contained within Attachment 6 of this report.

The consistency of the proposal against a number of s117 Directions is subject to the outcomes of a number of additional updated studies required to be undertaken by the proponent, should the proposal be supported by Council and the Gateway.

### **State Environmental Planning Policies**

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPP). The assessment in full is contained within Attachment 7 of this report.

It is considered that the proposal can be consistent with SEPP 55 – Contaminated Land, provided further investigative studies are undertaken in relation to this issue.

Subject to the findings of further investigative fauna studies, consideration of the proposal against SEPP 44 – Koala Habitat may be required.

## **OPTIONS**

### **Option 1 – Progression of Proposal as Proposed**

This report recommends additional investigative studies are undertaken to assist in the development of a revised concept plan. Presently, it is proposed that such studies are delayed until a Gateway Determination to proceed with the progression of the proposal is received.

In order to provide some level of development and financial certainty for the Proponent, prior to the outlay of funds for these studies to be undertaken, this option is recommended.

**Option 2 – Delay Progression until Additional Investigative Studies Completed**

As an alternative to Option 1, Council could request additional updated investigative studies to be undertaken by the Proponent prior to a Planning Proposal being forwarded to the DoPI for consideration. The completion of these studies could take some time (as seasonal survey work will be required).

This would result in the potential outlay of funds and time by the Proponent without any certainty being available as to the potential outcomes.

This option is therefore not recommended.

**Option 3 – Defer the Proposal until CCRS is Reviewed**

Despite the advice received from DoPI (Attachment 5), a formal commitment to include the site in the next revision of the CCRS has not been provided. Furthermore, whilst the timing of a review is imminent, Council has not been advised of when it will commence or be completed.

This option is not recommended.

**Option 4 – Refuse to Progress the Proposal**

The site has long been identified for rural residential development as identified within Council's own strategic planning documents.

This option is not recommended.

**STRATEGIC LINKS**

**Wyong Shire Council Strategic/ Annual Plan**

The proposal is consistent with Wyong Shire Council's Strategy Annual Plan.

**Long term Financial Strategy and Asset Management Strategy**

The current proposal seeks to zone a large portion of the subject site for conservation purposes, having regard for the onsite environmental attributes. The proponent proposes that these areas will be subdivided under the Torrens title system into 40 hectare allotments and sold into private ownership and managed through Management Deeds.

Management of conservation land where number of landowners are involved is problematic. It is difficult to ensure the same standards of management are applied consistently across the asset.

In the past, Council has identified that areas of significant conservation value should be transferred into Council ownership. This practice however has resulted in a significant financial burden for its upkeep, therefore it is not recommended in this instance.

Subject to a positive determination being received from the Gateway, the Proponent will be requested to further investigate additional management options for any environmentally significant land.

### **Link to Community Strategic Plan (2030)**

The proposal can be directly linked to the following objectives of the plan:

1. Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.
  - (e) Developing and implementing the Wyong Shire-wide Settlement Strategy.
3. Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.
  - (f) Maximise the access to, and potential for, new and existing facilities/infrastructure to support growth.
4. Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.
  - (a) Preserving threatened and endangered species as well as ecological communities and biodiversity.
  - (c) Ensuring all development areas create or maintain tree covered ridgelines and waterways.

### **Budget Impact**

There are no immediate budget impacts, as progress of the Planning Proposal is being funded by the requisite accompanying Phase 1 fee. Further assessment work conducted by Council will be funded by the proponent.

### **CONSULTATION**

The proposal was referred to the following internal Council units for comment:

- Central Coast Water Corporation
- Community and Cultural Development – Social Planning
- Development Assessment - Design Engineering
- Development Assessment – Development Applications
- Floodplain and Stormwater Management - Hydrology
- Strategic Development – Ecology
- Strategic Development - Bushfire
- Strategic Development – Transportation Engineering
- Strategic Development – Planning
- Strategic Development – Section 94
- Water and Sewer Planning

Those comments received were utilised to assess the proposal and determine the need for additional investigative studies.

Future community and government agency consultation requirements will be outlined by the Gateway Determination, should the proposal be supported.

### **GOVERNANCE AND POLICY IMPLICATIONS**

Refer to discussion relating to Local Plans, Policies and Strategies

### **CONCLUSION**

This report seeks Council's endorsement to prepare and submit to the DoPI, a Planning Proposal for the Old Farm site (414 Old Maitland Road, Mardi) to enable Rural residential development.

**2.6 Proposed Rezoning - RZ/14/2012 - 'Old Farm' Old Maitland Road, Mardi (contd)**

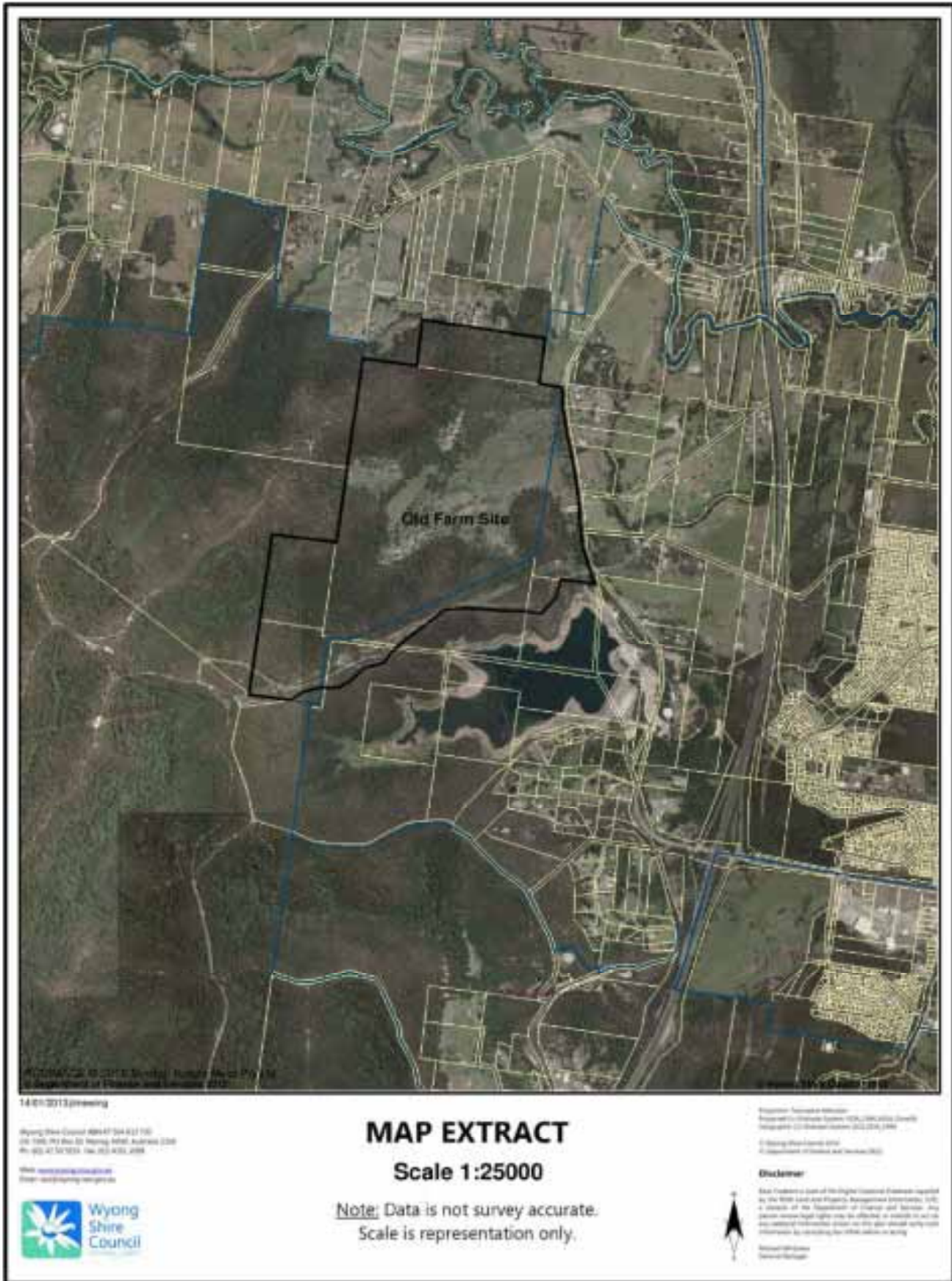
---

The site has long been identified as being suitable for this land use and is supported by the Wyong Valleys Study (1998) and Council's exhibited draft Settlement Strategy (2012).

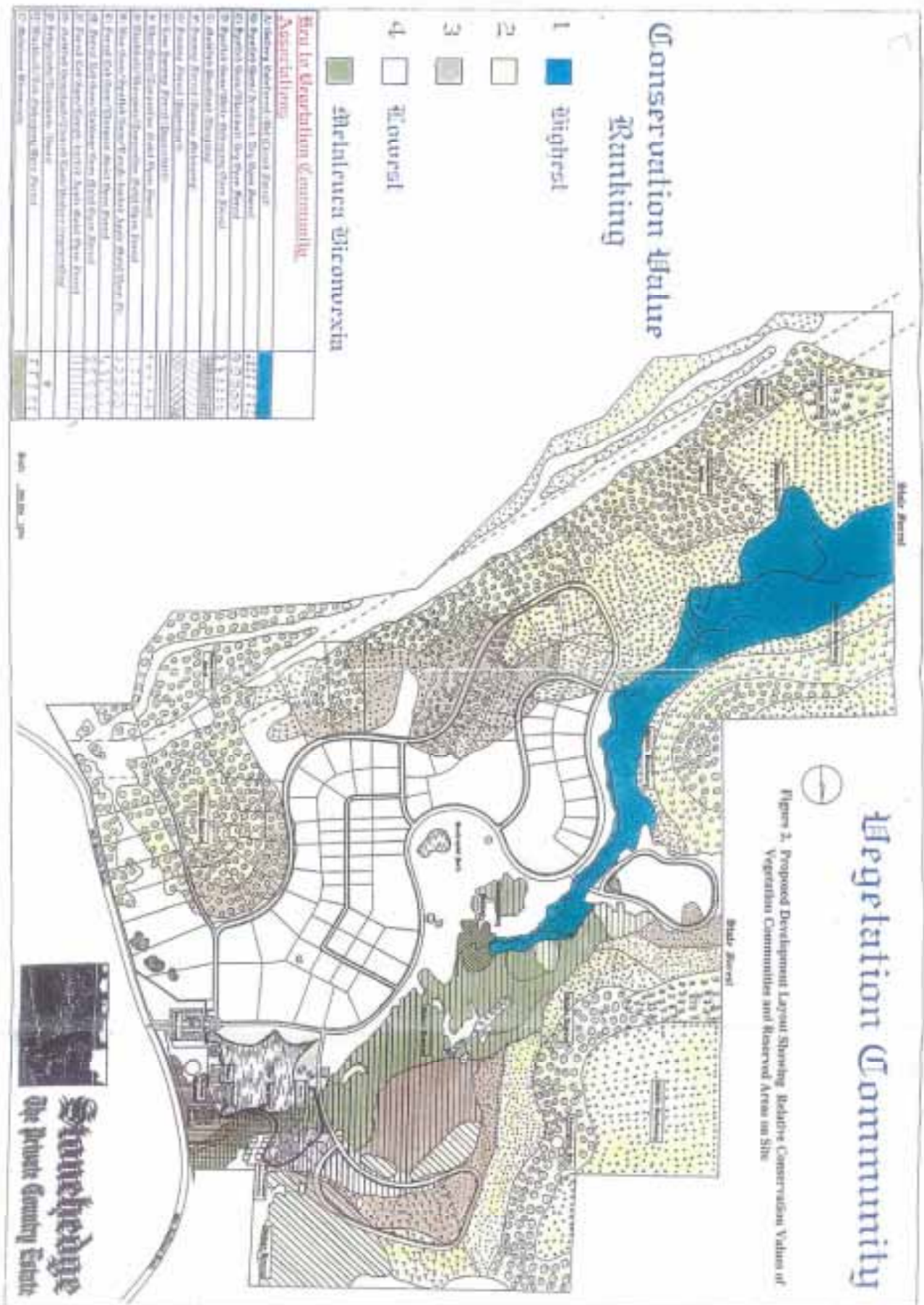
Where studies from the 1998 rezoning proposal are deemed inadequate, additional studies/updates will be required to be undertaken at the expense of the Proponent.

**ATTACHMENTS**

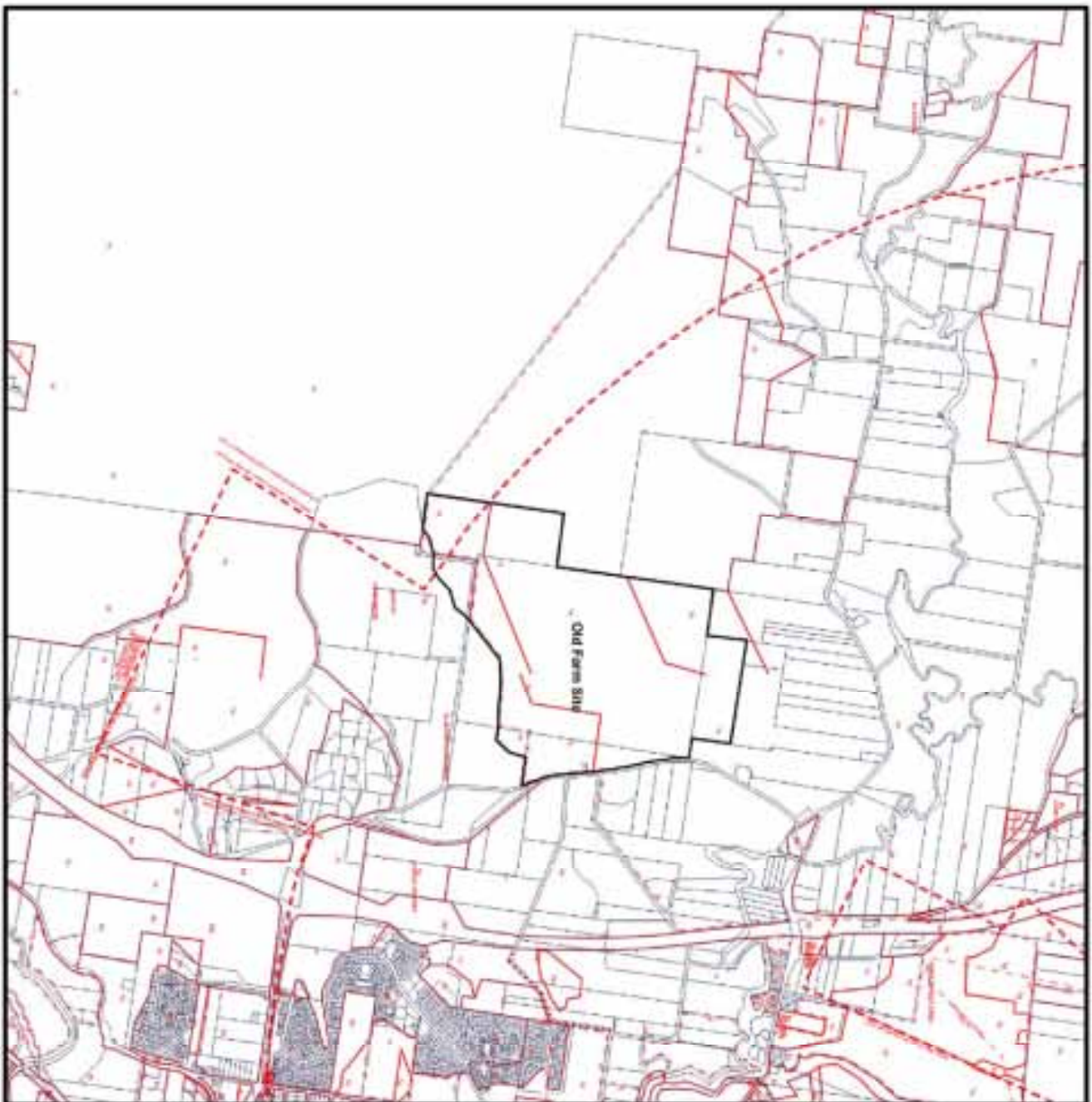
|   |   |           |
|---|---|-----------|
| 1 | Locality Plan   | D03293043 |
| 2 | Original Concept Plan   | D03293045 |
| 3 | Current Concept Plan  | D03293046 |
| 4 | Wyong LEP 1991 Zoning   | D03293047 |
| 5 | Department of Planning & Infrastructure Letter - 29 February 2013 | D03293048 |
| 6 | Section 117 Direction Assessment                                  | D03293049 |
| 7 | State Environmental Planning Policy Assessment                    | D03293097 |











**WYONG SHIRE COUNCIL**  
**LOCAL ENVIRONMENTAL PLAN 1991**



Not to Scale  
**ZONE - CADASTRAL**  
**BASE EXTRACT**

- 1 RURAL**  
 1.1 Rural Zone  
 1.2 Rural Zone (Special Land Use)  
 1.3 Rural Zone (Special Land Use)  
 1.4 Rural Zone (Special Land Use)
- 2 RESIDENTIAL**  
 2.1 Residential Zone  
 2.2 Residential Zone (Special Land Use)  
 2.3 Residential Zone (Special Land Use)  
 2.4 Residential Zone (Special Land Use)  
 2.5 Residential Zone (Special Land Use)  
 2.6 Residential Zone (Special Land Use)
- 3 BUSINESS**  
 3.1 Business Zone  
 3.2 Business Zone (Special Land Use)  
 3.3 Business Zone (Special Land Use)
- 4 INDUSTRIAL**  
 4.1 Industrial Zone  
 4.2 Industrial Zone (Special Land Use)  
 4.3 Industrial Zone (Special Land Use)
- SPECIAL USES**  
 5.1 Special Use Zone  
 5.2 Special Use Zone (Special Land Use)  
 5.3 Special Use Zone (Special Land Use)
- 6 OPEN SPACE**  
 6.1 Open Space Zone  
 6.2 Open Space Zone (Special Land Use)  
 6.3 Open Space Zone (Special Land Use)
- 7 ENVIRONMENTAL PROTECTION**  
 7.1 Environmental Protection Zone  
 7.2 Environmental Protection Zone (Special Land Use)  
 7.3 Environmental Protection Zone (Special Land Use)
- 8 NATIONAL PARKS**  
 8.1 National Parks Zone  
 8.2 National Parks Zone (Special Land Use)  
 8.3 National Parks Zone (Special Land Use)
- 9 INVESTIGATION**  
 9.1 Investigation Zone  
 9.2 Investigation Zone (Special Land Use)  
 9.3 Investigation Zone (Special Land Use)
- Waterwise Amenities Corridor**  
 10.1 Waterwise Amenities Corridor  
 10.2 Waterwise Amenities Corridor (Special Land Use)  
 10.3 Waterwise Amenities Corridor (Special Land Use)

The Council is responsible for the preparation and implementation of the Local Environmental Plan 1991. The Council is not responsible for the preparation and implementation of the State Environmental Planning Policy 1991. The Council is not responsible for the preparation and implementation of the State Environmental Planning Policy 1991. The Council is not responsible for the preparation and implementation of the State Environmental Planning Policy 1991.







Planning &  
Infrastructure

Mr Lawrence Denton  
Transnational Investments Pty Ltd  
3 Bryant Drive  
TUGERRAH NSW 2259

Contact: Ben Holmes  
Phone: 02 4348 5009  
Fax: 02 4323 6573  
Email: ben.holmes@planning.nsw.gov.au  
Our ref: B461044  
Your ref:  
File: 11/03514

Dear Mr Denton

**'Old Farm Site' – Proposal for executive housing and rural-residential**

I refer to your letter of 6 February 2012 regarding future development of the 'Old Farm' site, Old Maitland Road, Mardi. It is acknowledged that the proposal involves a combination of large-lot executive housing and rural-residential development.

As discussed at our meeting with Wyong Shire Council on 17 February 2012, the proposal would need to be considered in the context of issues relating to rural residential development and development west of the F3, as set out in the Central Coast Regional Strategy. As we discussed, there appears to be a case for the Council to be able to address the demand for, and preferred location of rural residential development, due to changed circumstances, as part of a local Strategy. If Council was able to substantiate a well documented case, and had their Strategy endorsed by the Director General, this would be relevant for any future planning proposal that the Council may wish to advance.

Such a local Strategy would need to consider both supply and demand for differing housing markets, including rural-residential/ executive housing, in the Wyong Local Government Area, as well as the preferred locations for its supply – including those lands around the 'Old Farm' site which may also have similar characteristics.

Once the local Strategy is adopted by Council and endorsed by the Director General, Council could then submit a planning proposal for the 'Old Farm' site to the LEP Gateway for determination. The Gateway would consider the particular merits of the proposal, including Council's strategic justification and assessment against the Regional Strategy, before making its determination. In the interim however, you may wish to consult with relevant government agencies concerning any requirements they may have.

Yours sincerely

A handwritten signature in black ink that reads 'M. Leavey'.

Michael Leavey  
Regional Director  
Hunter & Central Coast

29/2/12

cc Wyong Shire Council

Hunter & Central Coast Region – Central Coast Office - Level 3 107-109 Mann Street (PO Box 1148) Gosford NSW 2250  
Phone 02 4348 5000 Fax 02 4323 6573 Website planning.nsw.gov.au

| Direction   | Comment   |
|---|---|
| Employment & Resources  |   |
| 1.1 Business & Industrial Zones   |   |
| <p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>   | <p>Not Applicable.</p> <p>The proposal does not affect land within an existing or proposed business or industrial zone.</p>   |
| 1.2 Rural Zones   |   |
| <p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>   | <p>Applicable.</p> <p>The proposal seeks to rezone land from 1(a) Rural for residential purposes.</p> <p>Council's draft Settlement Strategy (as exhibited) identifies that the subject site as being suitable for investigation for Rural Residential development. It should be noted that this strategy has not yet been endorsed by the Director General of DoPI. Subject to this endorsement, it is considered that the proposal can be consistent with this Direction.</p> <p>Should this endorsement not be provided, the proponent will be required to undertake a study prepared in support of the planning proposal which gives consideration to the objectives of this direction.</p> |
| 1.3 Mining, Petroleum Production and Extractive Industries  |   |
| <p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with</p> | <p>Applicable.</p> <p>The proposal seeks to enable rural residential development within an identified mine subsidence district.</p> <p>It is not expected that the subject site will be impacted by future mining activity. Subsidence and other impacts of the proposed Wallarah 2 project are not expected to extend to the subject site. Other extractive industry proposals are required to be confirmed.</p> <p>The scale of proposed residential development may exceed surface development</p>   |

| Direction  | Comment  |
|--|--|
| such development.  | <p>limitations/guidelines of the MSB.</p> <p>Additional comment from the MSB will be required having regard to the above, prior to confirming this proposal can be consistent with this direction.</p>   |
| 1.4 Oyster Aquaculture   |  |
| <p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</p> | <p>Not applicable.</p> <p>The proposal is not located within a Priority Oyster Aquaculture Area.</p>   |
| 1.5 Rural Lands  |  |
| <p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>  | <p>Not applicable.</p> <p>SEPP (Rural Lands) 2008 does not apply within the Wyong LGA.</p>   |
| Environment & Heritage   |  |
| 2.1 Environmental Protection Zones   |  |
| <p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>   | <p>Applicable.</p> <p>The site of the proposal includes land zoned 7(a) Conservation, however the majority of the proposed development footprint is located on land within the 1(a) Rural zone.</p> <p>A number of flora and fauna studies have been</p> |

| Direction   | Comment   |
|---|---|
|   | <p>undertaken circa 1999/2000 for a previous proposal. Having regard for the age of these studies and a revised concept plan, the proponent will be requested to undertake new studies, consistent with applicable vegetation management legislation, in addition to development of appropriate conservation management strategies.</p> <p>Providing the above is undertaken, it is considered that the proposal can be consistent with this Direction.</p>   |
| 2.2 Coastal Protection  |   |
| <p>Aims to implement the principles in the NSW Coastal Policy.</p> <p>Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.</p>                    | <p>Not applicable.</p> <p>The site of the proposal is not within the Coastal Zone.</p>  |
| 2.3 Heritage Conservation   |   |
| <p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p> | <p>Applicable.</p> <p>There are a number of known and surveyed Aboriginal sites/objects located on the subject site.</p> <p>The site was also the location of the Old Woodbury Dairy Farm. A heritage study on remnant structures associated with this activity has not been undertaken.</p> <p>An aboriginal archaeology study was undertaken on the site in circa 1999/2000. This study was not undertaken in consultation with the Guringai Tribal Link, a newly formed group in the area.</p> <p>In order to be consistent with this Direction, the OEH will be required to consider the relevance and compliance of past archaeological studies and determine the need for additional investigations.</p> <p>The proposal at present is considered inconsistent with this Direction.</p> |
| 2.4 Recreational Vehicle Areas  |   |
| Aims to protect sensitive land or land with   | Applicable.   |

| Direction  | Comment  |
|--|--|
| <p>significant conservation values from adverse impacts from recreational vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>  | <p>The proposal is considered consistent with this Direction as it does not propose to develop land for recreational vehicle usage.</p>  |
| Housing, Infrastructure and Urban Development  |  |
| 3.1 Residential Zones  |  |
| <p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p> | <p>Applicable.</p> <p>The proposal seeks to enable rural residential development.</p> <p>The proposal seeks to provide a form of housing which is in limited supply within the broader central coast region.</p> <p>The subject site can be serviced by connection to the existing water and sewer reticulated systems.</p> <p>It is considered that the proposal is consistent with this Direction.</p> |
| 3.2 Caravan Parks and Manufactured Home Estates  |  |
| <p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>   | <p>Applicable.</p> <p>The proposal does not seek to specifically enable caravan parks or manufactured homes, however it does not seek to exclude or remove existing provisions relating to this purpose. It is therefore considered that the proposal is consistent with this Direction.</p>   |
| 3.3 Home Occupations   |  |
| <p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>   | <p>Applicable.</p> <p>The proposal does not seek to alter the permissibility of home occupations. It is therefore considered that the proposal is consistent with this Direction.</p>  |
| 3.4 Integrating Land Use & Transport   |  |
| <p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by</p>   | <p>Applicable.</p> <p>The proposal seeks to enable rural residential development.</p>  |

| Direction   | Comment  |
|---|--|
| <p>walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>   | <p>In order to be consistent with this Direction, the proponent will be required to prepare a traffic study and Transport Management and Accessibility Plan in consultation with Council.</p> <p>It is considered that undertaking the above will result in the proposal being consistent with this Direction.</p> |
| 3.5 Development Near Licensed Aerodromes  |  |
| <p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 &amp; 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p> | <p>Not applicable.</p> <p>The proposal is not located in the vicinity of a licensed aerodrome.</p>   |
| 3.6 Shooting Ranges   |  |
| <p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>   | <p>Not applicable.</p> <p>The proposal does not seek to affect, create, alter or remove a zone or provision relating to shooting ranges.</p>   |
| Hazard & Risk   |  |
| 4.1 Acid Sulfate Soils  |  |

| Direction   | Comment  |
|---|--|
| <p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>   | <p>Applicable.</p> <p>The subject site contains Class 4 and 5 acid sulfate soils.</p> <p>Additional investigations may be required subject to further comment from OEH.</p>  |
| 4.2 Mine Subsidence & Unstable Land   |  |
| <p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>                   | <p>Applicable.</p> <p>The subject site is located within the Wyong Mine Subsidence District.</p> <p>Subject to endorsement by Council and the Gateway, further consultation is to be undertaken with the MSB.</p> <p>Subject to undertaking the above, it is considered the proposal is consistent with this Direction.</p>  |
| 4.3 Flood Prone Land  |  |
| <p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p> | <p>Applicable.</p> <p>Flood studies for the Lower Wyong River indicate that portions of the site are affected by the 1 in 20 and 1 in 100 flood events. There is also potential that the site may be affected by localised flooding, particularly, the cleared portion of the site.</p> <p>The proponent will be required to undertake a revised flood study to determine the full level of flood affectation on the site, in addition to developing appropriate flood risk management plans.</p> <p>Subject to undertaking the above, it is considered that the proposal is consistent with this Direction.</p> |
| 4.4 Planning for Bushfire Protection  |  |
| <p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>  | <p>Applicable.</p> <p>Subject to endorsement by Council and the Gateway, the proponent will be required to undertake a revised bushfire assessment consistent with the provisions of Planning for Bushfire Protection 2006.</p>  |

| Direction  | Comment  |
|--|--|
|  | <p>Consultation will also be required to be undertaken with the RFS.</p> <p>Subject to the above, it is considered that the proposal is consistent with this Direction.</p>  |
| Regional Planning  |  |
| 5.1 Implementation of Regional Strategies  |  |
| <p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy &amp; South Coast Regional Strategy.</p> | <p>Applicable.</p> <p>The site is subject to the provisions of the Central Coast Regional Strategy (CCRS).</p> <p>The subject site is not recommended for settlement expansion as it lies west of the M3 Motorway.</p> <p>The proponent however has entered into further consultation with DoPI. The proposal submission indicates that DoPI would rely on Council's strategic planning to identify suitable locations for rural residential development, despite the recommendations of the CCRS.</p> <p>However, Council's draft Settlement Strategy (as exhibited) identifies the subject site as being suitable for investigation for rural residential development. It should be noted that this strategy has not yet been endorsed by the Director General of DoPI.</p> <p>At present, the proposal is inconsistent with this Direction.</p> |
| 5.2 Sydney Drinking Water Catchments   |  |
| <p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>  | <p>Not Applicable.</p> <p>The proposal is not located within Sydney's hydrological catchment.</p>  |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast   |  |
| <p>Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and</p>   | <p>Not Applicable.</p> <p>The proposal is not located within the Far North Coast Region.</p>   |



| Direction   | Comment  |
|---|--|
| <p>reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>  |  |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast  |  |
| <p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>   | <p>Not Applicable.</p> <p>The proposal is not located between Port Stephens and Tweed Shire Councils.</p>  |
| 5.8 Second Sydney Airport: Badgerys Creek   |  |
| <p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>  | <p>Not Applicable.</p> <p>The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.</p>   |
| Local Plan Making   |  |
| 6.1 Approval and Referral Requirements  |  |
| <p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>  | <p>Applicable.</p> <p>The planning proposal does not seek to include provisions which require concurrence from other agencies.</p> <p>It is therefore considered the proposal is consistent with this Direction.</p>   |
| 6.2 Reserving Land for Public Purposes  |  |
| <p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p> | <p>Applicable.</p> <p>The proposal includes a concept plan which indicates a sports field being included within the development footprint. A home owner association management deed is proposed for environmentally significant areas.</p> <p>The proponent will be required to undertake further social needs studies to determine if</p> |

| Direction  | Comment  |
|--|--|
|  | <p>additional community facilities are required in response to the expected additional population.</p> <p>Subject to the completion of such studies, it is considered that this proposal can be consistent with this Direction, once approval of the Director General of DoPI is sought.</p> |
| 6.3 Site Specific Provisions   |  |
| <p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>                                       | <p>Applicable.</p> <p>The proposal does not seek to enable a specific use on the site which is not permissible under existing zones.</p> <p>It is therefore considered the proposal is consistent with this Direction.</p>   |
| Metropolitan Planning  |  |
| 7.1 Implementation of the Metropolitan Strategy  |  |
| <p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.</p> <p>Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.</p> | <p>Not Applicable.</p> <p>This Direction does not apply to Wyong LGA.</p>  |

| SEPP  | Comment  |
|---|--|
| SEPP No. 55 – Contaminated Land   |  |
| <p>Aims:</p> <p>to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p> | <p>Whilst the preliminary desktop mapping/assessment exercise has not identified any contamination of the site, this issue still requires formal assessment.</p> <p>Should the proposal proceed beyond a Gateway determination, the proponent will be required to undertake a contaminated land assessment to comply with the provisions of this SEPP.</p> |

### **3.1 CPA/192922 - Evaluation and Selection of Tenders - Construction of Water Pump Station No. 26 and Associated Pipework in Nikko Road, Warnervale**

---

TRIM REFERENCE: CPA/192922 - D03272617

MANAGER: Greg McDonald, Director Infrastructure and Operations

AUTHOR: John Tennant; Engineer

#### **SUMMARY**

Evaluation and selection of tenders for Contract CPA/192922 – Construction of Water Pump Station WPS 26 and Associated Pipework in Nikko Road, Warnervale.

#### **RECOMMENDATION**

- 1 That Council accept the tender from the company nominated as Tenderer '1' in the attached Tender Evaluation Report, for the lump sum amount of \$375,560.00 (excl GST) for Contract CPA/192922 – Construction of Water Pump Station WPS 26 and Associated Pipework in Nikko Road, Warnervale.**
- 2 That Council determines the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

#### **BACKGROUND**

Development works for the Warnervale Town Centre precinct are expected to commence by mid 2013. To facilitate that development Council needs to augment the existing water supply system to provide sufficient system pressure to serve the higher areas of the precinct.

The works to be performed under this contract consist of a single storey double brick pump house of approximate floor dimensions 6m x 5m, approximately 35 m of DN250 suction main, approximately 153 m of DN 250, DN 375 and DN450 delivery main to be constructed under Sparks Road by trenchless technology.

#### **INVITATION TO TENDER**

The tender was advertised in the Sydney Morning Herald on 1 January 2013 and in the Central Coast Express on 9 January 2013.

The invitation documents called for lump sum tenders, based on a detailed specification.

Tenders closed at Council's Chambers at 2.00 pm on 31 January 2013.

### 3.1 CPA/192922 - Evaluation and Selection of Tenders - Construction of Water Pump Station No. 26 and Associated Pipework in Nikko Road, Warnervale (contd)

---

#### **TENDER SUBMISSIONS**

The following tenders were received and are listed in alphabetical order:

- Carey Constructions Pty Ltd
- Diona Pty Ltd
- Kerroc Constructions Pty Ltd
- McNamee Constructions Pty Ltd

No late submissions were received.

#### **TENDER EVALUATION**

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All submissions were assessed in accordance with the approved evaluation criteria being:

- a) Conformity with the specification;
- b) Ability to Manage financial, environmental, operational and safety risks;
- c) Price;
- d) Experience;
- e) Methodology;
- f) Past performance.

#### **FINANCIAL IMPLICATIONS**

There are sufficient funds allocated for this contract within the current year's capital works program under the Water Supply Capital Works Program (Line Item IM 28)

#### **RELEVANT LEGISLATION**

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

#### **CRITICAL DATES / TIME FRAMES**

It is anticipated that the contract will be awarded on 2 April 2013 and that the works will be available to be put into service by the end of August 2013.

**3.1 CPA/192922 - Evaluation and Selection of Tenders - Construction of Water Pump Station No. 26 and Associated Pipework in Nikko Road, Warnervale (contd)**

---

**OPTIONS/ALTERNATIVES**

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

**PUBLIC CONSULTATION**

No public consultation specific to this project was necessary and none has occurred.

**ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | CPA/192922 - Construction of Water Pump Station No.26 - Associated Pipework - Nikko Road, Warnervale - Confidential Attachment - | D03295795 |
|---|--|-----------|

## **4.1 Lake Road Proposed Regional Sporting Complex**

---

TRIM REFERENCE: F2010/00500 - D03248535  
MANAGER: Maxine Kenyon, Director  
AUTHOR: Tara Mills; Manager Sport Leisure Rec

### **SUMMARY**

A regional level sporting facility is proposed for Wyong Shire at Lake Road Tuggerah to address the lack of regional facilities in the Shire and support the sports fields currently operating at capacity. To move forward, Council needs to seek funding from State and Federal Government.

### **RECOMMENDATION**

- 1 That Council authorise the General Manager to seek grant funding required to construct the proposed Regional Sporting Complex.**
- 2 That Council authorise the Mayor to write to the Members of Wyong and the Members of the surrounding electorates.**
- 3 That Council request the General Manager to develop a Plan of Management for the site that addresses any future needs for club houses, erection of temporary structures and enables all types of events to be held on the site.**

### **BACKGROUND**

The Central Coast is a sporting region with a large number of clubs, associations and participants. Council provides and maintains 36 sporting complexes across the Shire. These complexes have numerous fields which are already at capacity and none of the complexes provide a regional level facility which has the required number of fields and associated infrastructure. Current registration for Council's fields is approximately 18,500. A regional complex would not only support existing sporting activities but would also enable larger competitions to be held in the Wyong Shire bringing with it various economic benefits to the Central Coast.

The inability to bring sporting events to the Shire has been highlighted by the Wyong Shire Sporting Committee and Central Coast Tourism. A regional sporting complex is considered necessary for the sporting community as well as the visitor economy.

The Tuggerah Lakes Reserve, better known as the Pioneer Dairy site in Wyong, has been identified as a possible site for a future regional sporting complex. Lots 7316 and 7317 DP 1155188; Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Road, Tuggerah are Crown Lands under the management of Crown Lands Division. It is the land fronting Lake Road to the south of the Crown Reserve that forms the Pioneer Dairy site. The land is zoned 1(c) Non-Urban Constrained Land and has an area of approximately 38 hectares. 15

hectares within the Tuggerah Lakes Reserve has been set aside for future public requirements.

This is a complex site, located opposite residential, near industrial, in a low lying flood area and it is also adjacent to a natural wetland.

Pioneer Dairy Trust has expressed, in principle, that they could support activity on the site which encourages access to their site and increases awareness and participation in the work that they do. Further discussions with this group and other stakeholders will take place during the development process.

To address the need for a regional sporting complex a consultant was contracted to undertake an initial desktop review, an assumptions report with costings and concept plans on the site. The report was received and Council was briefed on the outcome.

The proposed complex will be integrated with the wider cultural and sporting precinct that will form a corridor which comprises the Mariners Centre for Excellence, Baker Park, Wyong Racecourse and Showground and the Central Coast Hockey Complex. These facilities will give the Central Coast the ability to cater for large scale regional events. The creation of this sporting complex will make the Central Coast the destination of choice for regional sporting events.

The proposed complex comprises:

- Nine international level sports fields and one training field
- Children's adventure playground
- 1.8 km criterion cycling track
- Fitness track including fitness stations
- Public amenities to service the complex
- Public car parking including overflow parking
- Bus parking for groups

The complex is ideally located close to the northern rail line and the F3 freeway, both of which link the Central Coast to Sydney and Newcastle. This combination results in a highly connected regional sporting destination and facility - a valuable asset for New South Wales.

This proposal has support from Wyong Shire Council Sports Committee, Sports Federation, Crown Lands Division and State Members of Parliament.

## **THE PROPOSAL**

This report seeks approval for the General Manager to officially lobby State and Federal Governments for funding to allow the development of the much needed regional sporting complex and for the Mayor to write to the Minister for the Central Coast and the local members of Wyong Shire and surrounding electorates.

There is a need for a Plan of Management to be developed and the proposal is for Council staff to develop this plan for Council endorsement and exhibition.



**OPTIONS**

Nil

**STRATEGIC LINKS**

Development of the Regional Sporting Complex will enable Council to attract larger sporting and recreational events as well as cater for the increased need for facilities as the population continues to grow. This links with three of the eight priority objectives in the Community Strategic Plan (2030).

**Wyong Shire Council Strategic/ Annual Plan**

The development of this sporting complex aligns with Wyong Shire Council Community Strategic Plan 2012–2016 through Principal Activity 3: Communities will have a range of facilities, programs and services. There is a direct alignment with the key activity; planning for community recreation services and facilities to meet future demands.

**Long Term Financial Strategy**

The development of the complex is expected to be fully grant funded. The ongoing maintenance of the complex will need to be funded out of operational funds. However it is anticipated that the complex will bring events that will provide an income stream to Council and produce economic benefits to the community through tourist visitation.

**Asset Management Strategy**

Long term asset management has been planned and budgeted for.

**Budget Impact**

The development of the complex is expected to be fully grant funded. The ongoing maintenance of the complex will need to be funded out of operational funds. However it is anticipated that the complex will bring events that will provide an income stream to Council and produce economic benefits to the community through tourist visitation.

This project is to be developed over the next three years and will need to be included in Wyong Shire Council's Strategic Plan when funding has been secured.

**CONSULTATION**

Initial discussions have been held with Local Members, State Members, Sports Federation, Crown Lands Division, Sporting Associations through the Wyong Shire Council Sports Committee and the Pioneer Dairy Trust. Although this project is widely supported, a comprehensive engagement process will be undertaken with all stakeholders.

**GOVERNANCE AND POLICY IMPLICATIONS**

Nil

**MATERIAL RISKS AND ISSUES**

If funding is not forthcoming, the project will not go ahead and impact the ability to bring sporting events to the Shire.

**CONCLUSION**

The purpose of the proposed development is to meet a need for sporting and recreational purposes. A regional level sporting facility will enable major sporting and recreational events to be held within the Shire. There are no regional level sporting complexes of this proposed standard on the Central Coast.

This complex will enhance Council's sports facilities that are currently operating at capacity and address the lack of regional facilities in the Shire.

The lobbying of funding for this project is key to activating this venture.

**ATTACHMENTS**

*Nil.*