



TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
			<p>RE: Residential Zoning of School Sites</p> <p>6. Concerned at zoning of The Entrance Community Centre and the Glenvale Special School and the potential ease for such sites to be easily sold off.</p> <p>7. Council should provide assurance that the residential zoning will not jeopardise The Entrance Community Centre for use by the community.</p> <p>8. Council should confirm the validity of the community's assumption of the "bequest" to the community of the Glenvale Special School site.</p> <p>RE: North Entrance Key Site low density residential zone</p> <p>9. Concerns with the Dunleith Park Iconic site developments, a 21 storey development incompatible with the low density residential zone.</p> <p>RE: Questions from The Entrance Peninsula Community</p> <p>10. Can we afford to continue living in Wyong Shire, when the increases in water and property rates are compounded each year whilst our income remains fixed?</p> <p>11. Will the quality of life which we currently enjoy be destroyed by the proposed higher population densities, heavier traffic flow and increased demand on our already inadequate infrastructure?</p> <p>12. When will Council attend to the poor condition of local roads, lack of footpaths, curb and guttering?</p> <p>13. Will our village town centres become just another urban city with a concentration of apartment, living, empty shops, higher crime rates, traffic congestion and the development of social housing enclaves?</p> <p>14. Will I be able to afford the increases in insurance as my property is rated as 'high flood risk'?</p> <p>15. Will the notation of flood prone land in 149(2) Certificate reduce the value of my property and pose problems for its sale in the future?</p> <p>16. Will Council give preference to the priorities of developers over that of its residents?</p> <p>17. Will the amolence and local character of our area be destroyed for residents and tourists in the push to promote more and more development, including the 8 iconic developments?</p> <p>18. In the promotion of iconic high rise developments, who will pay for the necessary improvements in infrastructure, given that special allowances are to be afforded to developers?</p> <p>19. How will Council ensure that the community benefits from incentive zoning are delivered and funds are available to maintain them?</p>	<p>northern side of the Denning Street carpark site. The cluster of development is required to activate the existing and new open spaces in The Entrance Township.</p> <p>6. Disagree – The Glenvale Special School is currently zoned 2(b) (Multiple Dwelling Residential zone) and 6(a) (Open Space and Recreation Zone). Proposed zoning under Draft Wyong LEP 2012 is R2 Low Density Residential and RE1 Public Recreation. These are considered equivalent zones. The R2 zone proposed for similarly zoned properties at the North Entrance has less development potential than the 2(b) zone (due to the high flood risk).</p> <p>7. Disagree – The Entrance Community Centre is currently zoned 5(a) Special Uses School and is proposed to be zoned R3 Medium Density Residential. Zoning has been undertaken in accordance with Practice Note PN 10-001 Zoning for Infrastructure in LEPs. This Practice Note, issued by the Department of Infrastructure & Planning requires Councils to zone previous special use zones to the adjoining zone that would permit the use within the draft LEP. The proposed residential zoning for The Entrance Community Centre is not expected to affect its future use for community purposes.</p> <p>8. Noted – The Glenvale Special School site on what used to be the site of The Entrance North Public School. The old school site was made up of the following parcels: - Lots 1, 2 & 3 DP 17633 (purchased in late 1971). - Lot 272 735266 (indicated for public school purposes in the Government Gazette of 5 November 1926). - Lot 3 DP 17633 (purchased in February 1973).</p> <p>9. Disagree – The Entrance Peninsula Planning Strategy (TEPPS), the Planning Controls for The Entrance Peninsula Final Report and The Entrance Town Centre Masterplan all recommend that the Dunleith Tourist Park Site be zoned for tourist business purposes with a maximum height of around 20 storeys with an FSR of 0.7:1. TEPPS and The Entrance Town Centre Masterplan have both been adopted by Council following considerable stakeholder consultation /involvement. The development of 20 storeys on this site has been assessed/evaluated as not unreasonably impacting, nor the development/uses being incompatible with the existing neighbouring development or environment.</p> <p>10. Noted – However this is not an issue that can be addressed as part of the draft Wyong LEP 2012 or Settlement Strategy.</p> <p>11. See response to Item 14 and Item 20.</p> <p>12. Noted – However this is not an issue that can be addressed as part of the draft Wyong LEP 2012 or Settlement Strategy.</p> <p>13. Noted – Council is required to make provision for the projected increase in population in Wyong Shire over the next 20 years. The draft Wyong LEP 2012, in conjunction with the Wyong DCP 2012 and the Settlement Strategy will ensure that the required actions of the Central Coast Regional Strategy and its subsequent plans, i.e. North Wyong Shire Structure Plan (NWSSP), draft Central Coast Regional Conservation Plan (CCRCP) and Regional Economic Development & Employment Lands Strategy (REDES), are considered and implemented through Council's new planning framework.</p> <p>14. Noted – However this is not an issue that can be addressed as part of the draft Wyong LEP 2012 or Settlement Strategy.</p> <p>15. Noted – However this is not an issue that can be addressed as part of the draft Wyong LEP 2012 or Settlement Strategy.</p> <p>16. Noted – However this is not an issue that can be addressed as part of the draft Wyong LEP 2012 or Settlement Strategy.</p> <p>17. Noted – However this is not an issue that can be addressed as part of the draft Wyong LEP 2012 or Settlement Strategy.</p> <p>18. Noted – During TEPPS preparation it was assessed that current infrastructure or future planned upgrades will support the level of development recommended by this strategy, which includes the level of development proposed by the Key (Iconic) Development Sites. The Key (Iconic) Development Sites process ensures that certain (and adequate) levels of public benefit are provided by the proponents of each of the Key (Iconic) Development Sites.</p> <p>19. Noted – The Key (Iconic) Development Sites process ensures that certain (and adequate) levels of public benefit are provided by the proponents of each of the Key (Iconic) Development Sites. These will be</p>



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			<p>20. Has Council actively lobbied the RMS and local State Member, as a matter of urgency, for plans for improving the traffic flow on the Central Coast Highway through The Entrance Peninsula?</p> <p>21. Whilst the draft Wyong LEP 2012 includes provisions to control the development of retail liquor outlets, can such developments be restricted through permissible land-use such as that for sex workers premises?</p> <p>22. Can we be assured that Council is not being driven by political and personal agendas?</p> <p>23. What is Council doing to address widespread community perceptions of lack of trust and transparency, poor governance, incompetent financial management and ineffective community engagement and consultation?</p>	<p>delivered/secured via voluntary planning agreements and may or may not include a maintenance component depending on the nature of the public benefit to be provided.</p> <p>20. Noted – However this is not an issue that can be addressed as part of the draft Wyong LEP 2012 or Settlement Strategy.</p> <p>21. Disagree – Retail liquor outlets are not a defined land use.</p> <p>22. Noted – However this is not an issue that can be addressed as part of the draft Wyong LEP 2012 or Settlement Strategy.</p> <p>23. Noted – However this is not an issue that can be addressed as part of the draft Wyong LEP 2012 or Settlement Strategy.</p>
193, D03/29877	20 March 2013	VARIOUS	<p>RE: Biodiversity Considerations</p> <p>1. Council should fully consider biodiversity in the shire. The NSW Government sees the protection of biodiversity as important. On what basis is council not including consideration of biodiversity in the draft Wyong LEP 2012?</p> <p>RE: Reclassification of Community Land to Operational</p> <p>2. The lack of consistent and balanced criteria is apparent. Most reclassifications are based on two considerations:</p> <ul style="list-style-type: none"> - Reclassification provides flexibility,-- - Reclassification will enable council to carry out its functions under LG Act. <p>This is inadequate when there are 15 Plans of Management available to Council for Community Land.</p> <p>3. CEN particularly concerned with land containing threatened species or Endangered Ecological Communities. (EECs) identified under the Threatened Species Conservation Act (1995). CEN has identified over 90% of EEC which should remain as Community Land and be managed by a Plan of Management. CEN objects to the reclassification of any land with Threatened Species or Endangered Ecological Communities. Supplementary submission that provides a further list of objections to land reclassification:</p> <ul style="list-style-type: none"> - 7W Sir Joseph Banks Drive Bateau Bay - 38W Wombat Street Berkeley Vale - 75 Panorama Avenue Charmhaven - 2W Burdiana Road Glenning Valley - 30W and 32 Sandra Street Jilliby - 231 Hue Hue Road Jilliby - Wilfred Barrett Drive Morrah Head - 1W Walseley Drive Tuggerah - 8 Thania Avenue Tuggerah - 375 Pacific Highway Wyong <p>RE: Sea Level rise and Climate Change</p> <p>4. The draft Wyong LEP 2012 disregards the known impacts of climate change and in particular the impacts of sea level rise on flooding and coastal processes. The Council must acknowledge the scientific reality that sea level rise is accelerating and will be driven higher by warming due to the rapidly increasing atmospheric concentrations of CO2 and other greenhouse gases. CEN request that the draft Wyong LEP 2012 recognize the future impacts of climate change and plan for the</p>	<p>1. Agree – Council's Environmental Management Framework provides the framework for zoning natural areas and significant biodiversity areas in the coastal areas which contain all existing and proposed urban settlement areas. It provides increased environmental protection of EECs, threatened populations and species, protection of other native vegetation and wildlife corridors through zoning, LEP clause provisions and draft Wyong DCP 2012.</p> <p>2. Noted – The land reclassification discussion paper identifies a number of reasons in which community land would be proposed to be reclassified to operational including:</p> <ul style="list-style-type: none"> - When properties are maintained in accordance with a Plan of Management, but not their function, and when the public use of the property is relatively low or unimportant, there is a strong management and accountability argument to reclassify these sites and address this argument over servicing so as to be able to better direct resources and spending. - The Community's changing needs now, and in the future will, require Council to be responsive and flexible in how its assets are applied to services and facilities. - Maximising the use of its land holdings economically but in balance with the community's environmental and social priorities. - Incorrect classification of Council land around the time of the introduction of the Community Land classification process. - To correctly classify Council land that has a pure operational focus and function. <p>Disagree – Whilst there may be existence of EECs and other threatened and endangered species on a number of properties proposed for land reclassification, this is not of itself sufficient grounds to remove them from the proposed land reclassification. The classification of land has not been identified as a means for achieving sustainability objectives including protection of EECs, threatened species and native vegetation generally. Compliance with conservation objectives is based on zonings not classification.</p> <p>3. Disagree – In accordance with State Government Policy, climate change considerations for elements such as sea level rise and storm intensity have been considered in the development of Floodplain Risk Management Plans and Coastal Zone Risk Management Plans that inform the relevant draft documents. Council's Floodplain Risk Management Plans for each waterway consider management issues relevant to each catchment, such as assessing the SES to update their Local Flood Plan, taking into account different evacuation responses required for different sized floods, or the operation of sewer pump stations, some of which may need to be shut down</p>



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				<p>need to increase community resilience to:</p> <ul style="list-style-type: none"> - Sea Level Rise / Flooding - Heat waves and Bushfire - Vulnerability of the built environment - Drought - Food Security - Disease - Loss of Biodiversity 	
194.	D03299853	21 March 2013	VARIOUS	<p>RE: Exhibition period</p> <p>1. The community dislikes exhibitions over holiday periods and dislikes relatively short exhibition times of complex documents. Blacktown City Council placed its draft Wyong LEP 2012 on exhibition for 3 months. Ignoring the wishes of ratepayers has consequences as some community members disengage or become cynical.</p> <p>RE: Lack of context</p> <p>2. Planning documents within Wyong ought properly respond to State government strategic documents at higher levels eg. the Central Coast Regional Strategy. No overall strategy document to support the draft Wyong LEP 2012.</p> <p>RE: Lack of partnership</p> <p>3. Having followed regional and local planning matters for some years, one cannot fail to observe the 'go-it-alone' approach taken by Council - to the detriment of its ratepayers, both in quality of planning and service delivery, timeliness and financial cost.</p> <p>RE: Climate change</p> <p>4. Wyong LGA rated among the second or third most affected by climate change impacts in Australia. Despite this, climate change does not appear as either a major constraint nor as an action item in the Community Strategy Plan, nor is it noted for action within draft Wyong LEP 2012 or dDCP 2012. Concern that recent decisions by Council have abandoned the precautionary principle in favour of political expediency and that these decisions may place ratepayers at increased personal risk in the event of severe future flooding or coastal erosion in severe storm events. Council decisions do not appear to be in compliance with Flood Risk Management Guide - incorporating sea level rise into flood risk planning and Coastal Risk Management Guide- incorporating sea level rise benchmarks in coastal risk assessments.</p>	<p>during large flood events. There are many more examples of such issues that are considered. These flood risk management plans do consider the sensitivity to the impacts of climate change, such as sea level rise and increases in rainfall intensity during rain-storms.</p> <p>1. Disagree - The draft Wyong LEP 2012, Settlement Strategy and DCP were publicly exhibited between 9 January - 20 February 2013, with submissions accepted and considered until 12 April 2013. Weekly advertising in local newspapers identified that Council staff were available to call or see in person at Council libraries at certain times or at the Civic Centre during business hours. A number of public meetings were also held.</p> <p>2. Agree - The draft Wyong LEP 2012, in conjunction with the Wyong DCP 2012 and the Settlement Strategy will ensure that the required actions of the Central Coast Regional Strategy and its subsequent plans, i.e. North Wyong Shire Structure Plan (NWSPP), draft Central Coast Regional Conservation Plan (CCRCP) and Regional Economic Development & Employment Lands Strategy (REDES), are considered and implemented through Council's new planning framework.</p> <p>3. Disagree - See response to Item 2.</p> <p>4. Noted - In accordance with State Government Policy, climate change considerations for elements such as sea level rise and storm intensity have been considered in the development of Floodplain Risk Management Plans and Coastal Zone Risk Management Plans that inform the relevant draft documents. Council's Floodplain Risk Management Plans for each waterway consider management issues relevant to each catchment, such as assisting the SES to update their Local Flood Plan, taking into account different evacuation responses required for different sized floods; or the operation of sewer pump stations, some of which may need to be shut down during large flood events. There are many more examples of such issues that are considered. These flood risk management plans do consider the sensitivity to the impacts of climate change, such as sea level rise and increases in rainfall intensity during rain-storms.</p>
195.	D03301443	22 March 2013	VARIOUS	<p>1. No surprise that there has been a poor response to the call for submissions to the draft Wyong LEP 2012.</p> <p>2. Councillor's morally bound to protect landowners from theft of land usage rights.</p>	<p>1. Disagree - 554 submissions were received up to 12 April 2013.</p> <p>2. Noted - The current land usage rights of landowners are not expected to change under the Draft Wyong LEP 2012 except for The Entrance, Wyong-Tuggerah and Toukley where planning strategy outcomes have been implemented. These proposed changes mainly resulted in increased development potential.</p>
196.	D03303186	25 March 2013	VARIOUS	<p>RE: Flooding</p> <p>1. Following recommendations concerning climate change in the draft Wyong LEP 2012 and draft Wyong DCP 2012:</p> <ul style="list-style-type: none"> - All planning and development to consider the impacts of climate change including sea level rise, increased rainfall and bushfire intensity. - All planning and development to comply with the draft Coastal Zone Management Plan; and the appropriate floodplain risk management plan for that area; to appropriately consider potential climate change impacts. <p>These have not been implemented in the draft LEP or draft DCP. Clause 7.2 Flood Planning makes no allowance for increasing flood levels as a result of sea level rise. The draft DCP Chapter 3.3 Floodplain Management includes proposed schedules for each of the sub-catchments in the Wyong Shire. The only sub-catchment specifically referenced is the Tuggerah Lakes Foreshore. However, it is understood that the development controls for the Tuggerah Lakes Catchment only refer to</p>	<p>1. Disagree - Additional sea level rise allowances are not required in the draft Wyong LEP 2012. This would only be required if there were not plans in place that already consider this. Council's exhibited mapping considers climate change. In addition, many actions within the Settlement Strategy relate to future actions and do not directly inform the draft Wyong LEP 2012 and draft Wyong DCP 2012.</p>



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				existing flood levels and do not require consideration of projected rises in sea level. 2. The Department of Planning has recommended a modified flood planning clause for LEPs in areas where flood studies have estimated there will be increased flooding as a result of climate change. Council should adopt this modified flood planning clause in the draft LEP and incorporate in draft DCP Chapter 3.3 schedules which include development controls that require consideration of the projected rise in sea level. 3. Supports zoning of land to R2 Low Density Residential in The North Entrance. RE: Environmental Zones 4. The application of the E3 Environmental Management zone seems to be based on the arbitrary and/or historic zoning of properties, especially in the North Wyong Shire Structure Plan area. If a property was included in a green corridor in the Structure Plan, it would seem logical to include it in the E3 zone. RE: Shops in Industrial and Business Zones 5. In the B7 Business Park zone, office premises are permissible but commercial premises are prohibited. A lay person would have to have read the Planning Notes to know that this means that retail premises and business premises are prohibited in this zone. Did Council intend to prohibit business premises, which include banks and post offices, in a business park? 6. In the B6 Enterprise Corridor zone, retail premises are prohibited and business premises are permissible, but office premises are not nominated in either category. Did Council intend that office premises be permissible in the B6 zone? RE: 35 Blue Wren Lane, Wyong Creek 1. Requests that minimum lot size be reduced from 20ha and 40ha to 2ha or 5ha. 2. Difficult to maintain property in retirement. 3. Removing farmland rates on property has made viability difficult.	2. Noted – Two Flood Risk Management Studies that allow for climate change have been exhibited by Council, Tuggerah Lakes and Porters Creek. Porters Creek has been adopted by Council since the DCP was drafted and if the DCP Chapter is adopted as proposed, will be integrated into the DCP. It should be noted that at the time the DCP was drafted it was thought that the previously exhibited Tuggerah Lakes Foreshore Flood Risk Management Study would be adopted prior to the new LEP. At this stage this has not occurred. 3. Noted. 4. Disagree – Wyong LEP 2012 is primarily a “conversion” LEP, meaning that the primary determinant of environmental zones is the current (historic) extent of environmental zones. WLEP 2012 does propose extension of environmental protection zoning, to comply with current Section 117 direction for the protection of environmentally sensitive areas. This is achieved by application of the E2 Environmental Conservation zone to mapped areas of Endangered Ecological Communities. The Green Corridor in the North Wyong Shire Structure Plan is conceptual at this stage with detailed studies required to accurately define its boundaries before applying protective zoning as part of the investigation of future urban release areas. 5. Agree – It is Council’s intention to prohibit business premises within the B7 zone to encourage these types of uses to be located within Centres. The proposed B7 Business Park zone intention is to cater for large scale offices such as Architects, Surveyors and the like who do not have a large turnover of customers. 6. Disagree – Office premises are permitted with consent within the B6 Enterprise Corridor zone.
197.	D03272214	21 February 2013	MINIMUM LOT SIZE	RE: Precinct 16 and RU6 Transition Zone 1. An objective of Clause 4.2 Rural Subdivision is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development. Council should consider flexibility in lot sizes less than 40ha for the RU6 Transition zone. Lot sizes in the RU6 zone already vary from 0.4ha-3.9ha. 2. Will Council consider inclusions for its new draft Wyong LEP 2012 to allow for the ability to subdivide this land and erect a dwelling? Note that Court of Appeal decision has led Council to prohibit the erection of dwellings on subdivided land that previously may have been allowed as a SEPP 1 objection. 3. Council should consider bringing forward consideration of the Precinct 16 investigation area to service the need for an increase in present and future residential pressures in the area.	1. Disagree – The draft Wyong LEP 2012 has translated the existing minimum lot size provisions found in Wyong LEP 1991. The requested E4 Environmental Living Zone applies to existing 7(c) zone adjoining urban areas including Fountaindale, Glenning Valley and Tumbi Umbi. The subject land is isolated from any existing E4 or rural residential zone and is not identified in any rural residential investigation area. 2. Disagree – Noted, however current personal circumstances of the owner are not a planning justification for the requested rezoning. 3. Noted – The farmland rating was withdrawn in 2001 on the basis that the primary production activity did not satisfy the rating criteria.
198.	D03275120	25 February 2013	MINIMUM LOT SIZE	RE: 9 Bryant Drive Tuggerah 1. Support the proposed B5 Business Development zoning. The existing light industrial zoning has been extremely restrictive, and has resulted in much of the estate being vacant since its construction. The B5 takes into account the strategic and contextual attributes of the Bryant Drive precinct. 2. Request that the flood planning map be reviewed and amended by deletion of reference to the subject site as being subject to flooding, as it appears to be incorrect. In this regard, the ground levels of the subject site were raised above	1. Disagree – Clause 4.2 allows for flexibility for subdivision in rural zones but prohibits the erection of a dwelling on any lot created under this provision. The purpose of the RU6 zone is to act as a holding zone to prevent substantial development or fragmentation of land pending its investigation and subsequent release for urban development. 2. Disagree – Council will not consider subdivision and erection of a dwelling on a new lots as this would be contrary to the purpose of the zone. 3. Disagree – Timing and staging of release of land is subject to Council determination of priorities for investigation and agreement from the Department of Planning & Infrastructure, if there is demand in this location then that may provide justification for bringing forward the investigation, however, funding of studies and the provision of infrastructure will be critical considerations.
199.	D03277017	25 February 2013	FLOOD PLANNING AREA	1. Noted. 2. Noted – Council is currently in the process of updating the Wyong River and Durimban Creek Flood Studies. Early indications show that the property may not be flood affected in the 1% AEP flood. Once these flood studies are completed, then flood encoding on s.149 certificates will be adjusted by way of an LEP amendment.	1. Noted. 2. Noted – Council is currently in the process of updating the Wyong River and Durimban Creek Flood Studies. Early indications show that the property may not be flood affected in the 1% AEP flood. Once these flood studies are completed, then flood encoding on s.149 certificates will be adjusted by way of an LEP amendment.



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				the 1:100 level, as part of the redevelopment of the site. The level of the site is generally constant throughout, yet the maps indicate that the rear is subject to flooding.	It is premature to make these amendments at this stage.
200.	D03:303914	25 March 2013	FLOOD PLANNING AREA	RE: 11 Malvina Parade, Gorokan 1. I wish to register my strong objection & great concern at the assumptions which led to fanciful projections. We were not notified of this in a timely or reasonable manner.	1. The Flood Planning Area proposed as part of draft Wyong LEP 2012 has utilised modelling as part of the Tuggerah Lakes Floodplain Risk Management Study and Plan. As part of the public consultation process for the Tuggerah Lakes Floodplain Risk Management Study and Plan in 2010, resident surveys were posted out to 6500 properties in January 2010, with the closing date for responses being the end of March 2010. 1285 responses were received. Presentations were made to community groups from Feb to May 2010, including Baleau bay / Killarney Vale Precinct Committee, The Entrance Community Precinct Committee, The Entrance North Progress Association, Lake Murrumbidgee / Chain Valley bay Community Precinct Committee, Budgeteoi / Buff Point Precinct Committee, and North Wallarah Precinct Committee. The Draft Study and mapping subsequently went on public exhibition from 10 December 2010 to 10 March 2011, which incorporated several public meetings and presentations to eight community groups in February & March 2011.
201.	D03:303903	25 March 2013	FLOOD PLANNING AREA	RE: 13 Malvina Parade, Gorokan 1. Disappointed that I was not informed earlier. Council should have been more direct and open and consulted the property owners by letter or a simple notice within their rate notice. As a result of this planning some properties will be affected and in some cases lower property value and elevate home insurance by up to 700 to 1000%.	1. The Flood Planning Area proposed as part of draft Wyong LEP 2012 has utilised modelling as part of the Tuggerah Lakes Floodplain Risk Management Study and Plan. As part of the public consultation process for the Tuggerah Lakes Floodplain Risk Management Study and Plan in 2010, resident surveys were posted out to 6500 properties in January 2010, with the closing date for responses being the end of March 2010. 1285 responses were received. Presentations were made to community groups from Feb to May 2010, including Baleau bay / Killarney Vale Precinct Committee, The Entrance Community Precinct Committee, Budgeteoi / Buff Point Precinct Committee, and North Wallarah Precinct Committee. The Draft Study and mapping subsequently went on public exhibition from 10 December 2010 to 10 March 2011, which incorporated several public meetings and presentations to eight community groups in February & March 2011.
202.	D03:303899	25 March 2013	FLOOD PLANNING AREA	RE: Malvina Parade, Gorokan 1. I am pleased to hear that Wyong Council has already undertaken studies to help protect the environment and dwellings to limit flood damage. 2. Council has a clear responsibility as it is the development consent authority and must act not just study.	1. Noted. 2. Noted and agreed.
203.	D03:27350; D03:301728	21 February 2013	DEVELOPMENT CONTROL PLAN	1. Parking and Access: Terminology and References. 2. DCP 61 separated the parking requirements for business premises up to 200 m sq and larger. This is not included in draft DCP 2012 or the current version of DCP 2005. It is considered that the requirement for parking per employee in addition to 1/40 m sq. is onerous for small scale developments. 3. Revision of road categories: Arterial (Classified or State) Roads - 7.5m; Collector Roads - 6.0m; Local Roads - 4.5m.	1. Agree - Update. 2. Agree - Parking requirements for small scale business premises to be reduced as proposed.
204.	D03:272365; D03:276832	21 February 2013	DEVELOPMENT CONTROL PLAN	Recommends the following amendments to draft Wyong DCP 2012: 1. Alignment with Codes SEPP: Requesting a group of significant changes to the provisions of Chapter 2.1 - Dwelling Houses and Ancillary Structures to create better alignment with the Housing Code. 2. Chapter 2.1: Should it say "deemed to satisfy" or similar instead of requirements. A lot of legislation is written in this format now so if you satisfy the objectives the prescriptive requirements are not mandatory? 3. Chapter 1.2 - Need to prove benefit when seeking variation: Why would you need to prove benefits. You should only need to prove compliance with the Objective? 4. Chapter 1.2 - Title of chapter. Should be Notification of Development and "other" applications. These changes should also be made in aims. 5. Chapter 1.2 - Ancillary Structures: 2.4 iv ancillary structures that do not exceed area and height: limitations of any SEPP. Should state "if the works do not comply with the prescriptive requirements of any SEPP". Simply stating height and area not sufficient - there are other criteria. 6. Chapter 1.2 - Building Certificates: 2.4 x. Building Certificates, except for. Poorly worded. Should be under separate heading stating if the unauthorised works could not be approved under the SEPP etc it is to be advertised.	1. Disagree - Proposed changes are too significant to be considered without further consultation and separate public exhibition. A separate project for the review of DCP 100 / draft Chapter 2.1 is to be commenced immediately. 2. Disagree - Retain as is. Achieves the same outcome. 3. Disagree - Retain. Provides further guidance when looking to vary a provision. 4. Disagree - The table of contents indicates chapter name "Development Proposals" which better represents the content of the chapter. Current Aims of this chapter are considered appropriate. 5. Agree - Clearer wording. To be amended. 6. Agree - Revise by removing reference to Complying Development Certificate - i.e. "where a DA would be required".



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205	D03/283110	4 March 2013	VARIOUS - WYONG LEP 2012 - DCP	<p>7. Chapter 2.3 – Home based employment: 5.1 Maximum floor area Note: Under the Building Code of Australia (BCA), a change of building use involving a floor area greater than 10% of the floor area of a building would result in a change to the building class. Under the BCA, a change of building use involving a floor area greater than 10% of the floor area of the storey of the building containing the minor use would result in a change to the building class. Add This may have significant ramifications in relation to compliance with the BCA in terms of fire resistance of building elements, egress, disabled access and facilities required to be provided in the building. Add the comment highlighted as it relates to the requirement of the BCA.</p> <p>8. Chapter 2.8 – Accessible car parking: A reference to providing accessible carparking in accordance with the requirements of the BCA and AS/NZS 2890.6 should be noted in the policy. A child care centre is required to be serviced by accessible carparking. The total number of required accessible carparking spaces is dependent on the total number of carparking spaces that will service the development.</p> <p>9. Chapter 2.8 – Disabled access: 3.8 Access and facilities for disabled persons: Access and facilities for the disabled are to be provided in accordance with Australian Standard AS 1428 Part 1. Reference to these requirements should be made in the early stages of design to ensure the development complies with the relevant standards. To be reworded to the following: Access and facilities for people with a disability shall be provided in accordance with the requirements of the BCA, Disability (Access to Premises – Buildings) Standards 2010 and AS1428.1. Reference to these requirements should be made in the early stages of design to ensure the development complies with the relevant standards.</p> <p>10. Chapter 2.8 – 3.9.2 Design of facilities: A reference to compliance with the BCA and Australian Standards should be referenced in the document as a separate point.</p> <p>11. Chapter 2.11 – Provision of accessible parking: Reference to providing accessible carparking in accordance with the BCA and AS/NZS 2890.6 should be incorporated in the document. Total number of accessible carparking spaces required is based on building classification and the total number of overall carparking spaces provided.</p> <p>12. Chapter 2.12 – Industrial setbacks: Side and Rear: to be provided in accordance with the BCA. What is to be achieved? The BCA permits buildings to be built on the property boundary. Is it the walls that need to comply with the BCA? if so the sentence needs to be re-worded.</p> <p>13. Chapter 2.12 – 2.5 Carparking and Manoeuvring: A reference to provide accessible carparking in accordance with the requirements of the BCA and AS/NZS 2890.6 should be noted in the policy.</p> <p>14. Chapter 2.12 – 2.17 Encouraging energy efficient construction and development. All new commercial and industrial buildings or additions and alterations to such buildings are required to comply with the energy efficiency requirements of Section J of the BCA. It is suggested that this is added to the policy.</p> <p>15. Chapter 2.12 – 2.20 Fire mitigation and control: A comment that the building is required to comply with the aims and objectives of the NSW Planning for Business Protection document produced by the NSW Rural Fire Service should be added to the requirements.</p> <p>16. Chapter 2.12 – Disabled access: Information outdated – all covered under BCA and AS 1428.1. Development is to comply with the relevant provisions of the BCA, AS1428.1 – Design for access and mobility and the Disability (Access to Premises – Buildings) Standards 2010.</p> <p>17. Chapter 2.13 – Disabled Access: 5.2.6 - In the requirement section a reference to the Disability (Access to Premises – Buildings) Standards 2010 should be incorporated into the document.</p>	<p>7. Disagree – No change proposed. There is a comment under "Note" on this in the current draft under notes. BCA is regularly updated (at least annually). Prefer to reference, rather than repeat, BCA provisions, so that document does not 'date' as quickly.</p> <p>8. Noted – Addressed in Ch 2.11 Section 3.7 – recommend inclusion of cross reference.</p> <p>9. Agree – Update requirements.</p> <p>10. Disagree – The BCA is regularly updated (at least Annually). Prefer to reference, rather than repeat. BCA provisions, so that document does not 'date' as quickly.</p> <p>11. Disagree – Already addressed in Section 3.7.</p> <p>12. Agree – Minor rewording to clarify as proposed.</p> <p>13. Disagree – No parking requirements are in this document – refers back to Chapter 2.11 which addresses this issue.</p> <p>14. Disagree – Building issue not a development application issue.</p> <p>15. Disagree – Not a DCP requirement. This issue is also addressed at the subdivision design stage for the industrial precinct.</p> <p>16. Agree – Replace.</p> <p>17. Agree – Update.</p>
				<p>1. Recommends the following amendments to draft Wyong LEP 2012: 1. Delete subclause (2) (a) of Clause 1.9A Suspension of covenants, agreements and</p>	<p>1. Disagree – This is a settled clause that cannot be altered. The deletion of (2)(a) weakens the effect of Council</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
			2012 SETTLEMENT STRATEGY	<p>instruments - to allow Council the flexibility to vary or suspend a covenant during the development assessment process.</p> <p>RU1 Primary Production zone: Home Occupations (Sex Services) and Air transport facilities are considered inappropriate in this zone.</p> <p>RU2 Rural Landscape zone: Home occupations (Sex Services), Air Transport facilities, open cut mining, educational establishments are considered inappropriate in this zone.</p> <p>RUS Village zone: Carpark, office premises, shops and home occupations (sex services) considered inappropriate in this zone. Requests clarification of how the future character of the area is to be determined in the RUS objective 'to ensure development is compatible with the desired future character of the areas covered by the zone'.</p> <p>RU6 Transition zone: Waste or resource management facility is considered inappropriate in this zone.</p> <p>IN1 General Industrial zone: Objective 5 conflicts with objective 4. Particularly as there is no limitation on 'other land uses'. Alternatively provide parameters for these 'other land uses' (eg FSR, GFA etc) under LEP or DCP.</p> <p>R5 Large Lot Residential zone: Educational establishments and place of public worship considered inappropriate in the zone due to significant traffic, parking and noise impacts - also undermines zone objectives.</p> <p>E4 Environmental Living zone: Educational establishments considered inappropriate in the zone due to significant traffic, parking and noise impacts - also undermines zone objectives.</p> <p>Queried if there are applicable LEP controls restricting subdivision of dual occupancies in E4 zones.</p> <p>IN2 Light Industrial zones: Consider adding parameters (e.g. FSR, GFA etc) to permissible supporting uses like food and drink premises, in the LEP or DCP.</p> <p>RE1 Public Recreation: Child care centres considered to contradict the zone objectives. Objective 'to enable ancillary development which complements land zoned for recreational purposes' is problematic and superfluous - not needed.</p> <p>RE2 Private Recreation: Waste and resource management facility not considered compatible with zone objectives.</p> <p>Clause 4.1B Variation to minimum lot sizes for environmental benefits: Requires clarification as to how the formula is used - requests simplification to allow use by the public. Clarification required with regard to dedication of Council land.</p> <p>Clause 4.1C Exceptions to minimum lot sizes for certain residential development: Is an applicant required to apply for a variation to Clause 4.1 to allow creation of an undersized allotment, or does this clause over-ride Clause 4.1. Suggests small lot housing development be limited to strata or community title subdivision. Concerned with the lack of controls related to small lot housing development compared with dual occupancy development. If this clause is adopted the Dual Occupancy DCP controls will only be applicable if a dual occupancy is proposed in an R1 or R3 zone.</p> <p>Clause 4.6 Exceptions to Development Standards: Clauses 4.1, 4.2A, 5.3, 7.12 should be included in subclause 8(d).</p> <p>Clause 5.4 Controls related to miscellaneous permissible uses: Item (7) Amend figure to allow neighbourhood shops of 250sqm (more appropriately size) in RU1, RU2 and RUS zones. If shops are not made permissible.</p> <p>Clause 6.1 Arrangements for State Public Infrastructure: Why is only applicable to 'Gwandalan North' and 'Louisiana Road, Hamlyn Terrace'.</p> <p>Clause 6.2 Public Utility Infrastructure: Questions intent of this clause - Wording unclear and inclusion of urban release area confusing. Why not include these</p>	<p>imposed covenants and is not supported.</p> <p>2. Disagree - Home Occupations (Sex Services) and Air transport facilities are considered appropriate in the RU1 zone</p> <p>3. Disagree - Educational establishments, Home occupations (Sex Services) and Air Transport facilities are considered appropriate in the RU2 zone. Open cut mining is not considered unreasonable in the RU1 and RU2 zones.</p> <p>4. Disagree - Car park, office premises and shops considered appropriate in the RUS zone. Site constraints and unavailability of sewer will restrict intensity of development. Desired future character will need to be determined as part of the Valleys Study.</p> <p>5. Agree - It is agreed that Waste or resource management facilities are not appropriate in this zone. However, it is recommended that waste or resource transfer station is added as a permissible use instead.</p> <p>6. Disagree - It is considered necessary to provide for land uses that provide facilities for workers in the area and the scale of any proposal would be required to reflect only what is required for workers in the area. If large non-industrial uses are proposed in the IN1 zone in the future, the need for the control can be assessed at that time.</p> <p>7. Disagree - Educational establishments and places of public worship are currently permitted in the 7(C) (Scenic Protection - Small Holdings zone) which is the current zone for proposed R5 Large Lot Residential areas west of the Freeway. The uses are considered reasonable as they would provide a local service for residents of the area.</p> <p>8. Disagree - Educational establishments and places of public worship are currently permitted in the 7(C) (Scenic Protection - Small Holdings zone) which is the current zone for proposed E4 Environmental Living areas east of the Freeway. It is considered reasonable for small scale educational establishments to locate within the zone.</p> <p>9. Disagree - If proposals for food and drink premises or other uses arise that are considered out of scale with serving the needs of workers in the area, then the need for these controls could be considered, but is not supported at this stage. 1</p> <p>10. Disagree - Council run child care centres are considered appropriately located in RE1 Public Recreation zones. Agree - It is recommended that the last zone objective be deleted.</p> <p>11. Agree - It is recommended that waste and resource management facility be deleted from permissible uses.</p> <p>12. Agree - Clause 4.1B will need to be supported by a documented policy which is currently being developed. The policy will provide assistance in the application of the clause.</p> <p>13. Disagree - Clause 4.1C is independent of Clause 4.1 - no variation under clause 4.1 is required. DCP provisions may need to be revised to guide this form of development. This can be developed as an amendment to the DCP.</p> <p>14. Disagree - Flexibility required for Clause 4.1, 4.2A and 7.12.</p> <p>Agree - It is recommended that Clause 5.3 be added to Clause 4.6 (8)(d).</p> <p>15. Disagree - The Standard instrument does not allow different sizes for different zones subject to Clause 5.4. However, it is recommended that the limit for Neighbourhood shops be increased to 150m².</p> <p>16. Noted - Gwandalan and Louisiana Road are the only current release areas subject to the State public infrastructure requirement. The clause will need to be amended when new release areas are added.</p> <p>17. Disagree - Clause 6.2 is a settled model clause and amending the wording is unlikely to be supported by DP&I. Clause 7.9 applies to all development applications and requires provision of site specific services. Clause</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
				<p>provisions in Clause 7.9.</p> <p>18. Clause 7.3 Foreshore Building Line Provisions 7.3(2) (a) and (b) are confusing and inconsistent with the clause objective. Also significantly different to current provisions under Wyong LEP 1991 restricts development to that indicated in 2(c). Suggests reference to rebuilding and extensions in 2(b) be deleted and erection of a building under 2(b) be deleted.</p> <p>19. Clause 7.4 Development on foreshore must ensure access: Considered superfluous.</p> <p>20. Clause 7.5 Airspace Operations: The relevant government body (CASA) has advised that since Warnervale Airport is not a registered airport they do not provide comment on developments on or in close proximity. Clarification required from CASA on the status of Warnervale Airport. Clause 7.5 should be added to Clause 4.6 as the Obstacle Limitation Map should not be subject to a variation.</p> <p>21. Clause 7.6 Development in areas subject to aircraft noise: Objectives (a) and (b) seem to contradict objective (c). Is there a map showing flight paths?</p> <p>22. Clause 7.8 Key Sites: Sub-clause (4) not considered appropriate for LEP to stipulate timeframe for lodgement of DA. If clause remains 10 years is considered a more appropriate timeframe.</p> <p>23. Clause 7.9 Essential Services: Clarify intent of this clause having regard for the provisions of Clause 6.2 Utility Infrastructure. Does this deal with all other land in the Shire not classified as 'urban release area'.</p> <p>24. Clause 7.10 Development by Council: Filling and tree maintenance should be deleted from sub-clause 2(d).</p> <p>25. Clause 7.11 Bottle Shops: Only relevant to new development as it can be carried out as Complying Development. Amend definition of bottle shop to say 'premises' instead of 'premise'.</p> <p>26. Clause 7.12 Shop top housing in B5, B6 and B7: Add to Clause 4.6 as a standard that cannot be varied.</p> <p>27. Clause 7.13 Type 3 Airport: What is a type 3 airport? Area not clearly defined. Concerned that adequate consideration has not been given to flight paths, obstacle limitation etc. Should this have the same considerations/ objectives as Warnervale Airport?</p> <p>28. Schedule 1 - Additional Uses: Provide a list of relevant properties with the Lot and DP's.</p> <p>29. Land Use Matrix: Does the matrix have statutory weight? Provide evidence that it forms part of the LEP. Its relationship to the land use table is unclear and creates confusion. All permissible uses should be listed in the zoning tables. Alternatively make reference to the matrix stating that other permitted uses may be listed in this document.</p> <p>30. General Comments: Draft LEP has not considered the s117 direction that development is not permitted in floodway areas. Zones B6 and B7 permits serviced apartments, which is a form of tourist and visitor accommodation. The flood planning maps surrounding Lake Macquarie are inaccurate as they have not considered the 1% AEP maps recently adopted by Lake Macquarie Council.</p> <p>31. Draft Settlement Strategy: Under the TSC Act Biodiversity Certification was conferred on environmental Planning instruments. This scheme has been phased out. The Settlement Strategy should be amended to reflect this (Chapter 3 Part 1 - Biodiversity Conservation Table).</p> <p>Recommends the following amendments to draft Wyong DCP 2012:</p> <p>32. Objecting to proposals to remove minimum lot sizes for industrial lots on B Double Routes - Tuggerah BP, BV West & Warnervale BP.</p>	<p>6.2 only applies to urban release areas and development proposals are likely to be extensive new urban infrastructure requiring upfront public infrastructure costs. The clause requires an applicant to ensure infrastructure is available rather than placing a burden on Council to provide the infrastructure.</p> <p>18. Disagree - This is a settled clause that cannot be altered.</p> <p>19. Disagree - This is not superfluous and will apply to foreshore land not identified on the Foreshore Building Line map.</p> <p>20. Noted - Further advice from CASA identifies the site as an Airport Landing Area rather than an Aerodrome. In this case, the Civil Aviation Advisory Publication 92-1(1) - Guidelines for Aeroplane Landing Areas applies. If the use of the site was to be intensified, the site would need to be registered and/or certified with CASA as an aerodrome, and an Obstacle Limitation Surface map prepared. Disagree that Clause 7.5 should be added to Clause 4.6 Exceptions to Development Standards.</p> <p>21. Disagree - Clause 7.6 is a settled model clause and amending the wording is unlikely to be supported by DP&I. Objectives are considered to be appropriate.</p> <p>22. Disagree - The requirement within 5 years is intended to create an incentive for early development on the key sites.</p> <p>23. Noted - Clause 7.9 applies to all land in Shire, including Urban Release Areas.</p> <p>24. Disagree - Such development will be required to be assessed under Part 5 of the EP&A Act 1979, by way of a Review of Environmental Factors.</p> <p>25. Agree - Wording to be amended.</p> <p>26. Disagree - Flexibility required for Clause 7.12.</p> <p>27. Noted - High level assessment of the Type 3 airport proposal is outlined in the 'Joint Study on Aviation Capacity in the Sydney Region' (March 2012). The site displayed in the draft Wyong LEP 2012 is the area identified in this joint study undertaken by the State and Federal governments. This study identified the area shown as being suitable for a regional airport. If a new airport is built, clause 7.5 and 7.6 would need to be amended to apply to the new airport.</p> <p>28. Disagree - Schedule 1 items are identified on the Additional Permitted Uses map. DP&I requested removal of lot and DP information from Schedule.</p> <p>29. Noted - The land use matrix does not have statutory weight but provides a comprehensive list of land uses and their permissibility in each zone based on the land use table.</p> <p>30. Disagree - Section 117 direction has been considered - see exhibited material. Council cannot simply adopt Lake Macquarie flood levels unless it was a joint flood study. Council could consider a process to incorporate the Lake Macquarie Study into its flood planning policies.</p> <p>31. Disagree - Biodiversity certification has not been phased out.</p> <p>32. Agree - This should not occur, particularly where transport infrastructure is in place to facilitate development of large industrial undertakings, eg. WEZ, BV West, Tuggerah and Bushells Ridge. Already appears to be an oversupply of small industrial lots in the Shire. This position is supported within the Wyong Employment Lands Study, recently endorsed by Council. However, this is an agreed position of Council.</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
154.	D03:298019	19 March 2013	LAND ZONING	<p>RE: 2 Corolla Close, Berkeley Vale</p> <p>1. Estimated that of 40,000m² of land zoned 4(a)(General Industrial Zone), 13,000-15,000m² is proposed to be rezoned E2 Environmental Conservation. If the rezoning was to go ahead, estimated that it would reduce the value of our property by \$1-1.3 million. This would put our LV value out of proportion and would require us to increase the security or reduce the loan accordingly. We do not have the capability to do this and as a result would be forced closure of our company and sale of the land by our bank. Our company purchased the property in 2003 and relocated our business to the central coast. We have created and sustained employment on average for 60 people who reside on the Central Coast. We request that the proposed rezoning of the property be reassessed.</p>	<p>1. Agree – The site was inspected on 3 April 2013 by Council's Ecologist. The vegetation on site contains the Endangered Ecological Community (EEC) as mapped. However, having regard to the immature growth stage of the community and the isolation of the vegetation from other vegetated areas, it is recommended that the E2 Environmental Conservation zone be deleted from the site and the IN1 General Industrial zone applied. Any future development will still require ecological assessment; however, this patch of EEC is considered likely to be able to be at least partly cleared subject to appropriate offset arrangements. Other areas of EEC and proposed E2 zones in the Berkeley Vale Road industrial area were also inspected to assess the appropriateness of the E2 zone having regard to condition and isolation/connectivity issues. A number of other minor areas of exhibited E2 areas are recommended to be zoned IN1, as a result of this ground-truthing.</p>
155.	D03:301871	22 March 2013	LAND ZONING	<p>RE: 10 Lakeside Parade, The Entrance</p> <p>1. Object to rezoning of this land to R3 Medium Density Residential zone. This is a green belt area and quite pleasant. The trees on the land are described as insignificant but I have counted 50 large trees and several clumps of casuarinas. Some of the trees especially at the southern end are very large trees and are the habitat of many birds and several species.</p>	<p>1. Disagree – A planning proposal to rezone the property from 6(a) (Open Space & Recreation Zone) & 2(c) (Medium Density Residential Zone) to R3 Medium Density together with reclassification aligns with Council's State of the Shire Report 2010/11 with the need to facilitate investment in larger playgrounds. The planning proposal aligns with objectives and strategies of the Wyong Shire Strategic Vision 2009 document. The proposal also satisfies the direction of the Regional Economic Development and Employment Scheme whereby adequate housing is to be provided, preferably within town centres, to address the additional 60,000 people expected to settle within the Wyong LGA by 2040. The planning proposal will have positive social and economic outcomes for the community by providing a variety of development opportunities and reducing the costs experienced by open space in maintaining a large under utilised parcel of land. New housing is the primary goal of the regional strategy. The land is on the edge of the area designated as flood planning land under draft Wyong LEP 2012. The location suggests that it would be either low hazard flood fringe or low hazard flood storage. Both these categories of land can be developed with suitable controls. Development floor levels and local drainage would need to be assessed as development application issues for the site. The classification of land has not been identified as a means for achieving sustainability objectives including protection of EECs, threatened species and native vegetation generally. Compliance with conservation objectives is based on zonings not classification. As there appears to be no need to maintain the property as community land, the proposed reclassification to operational and rezoning to R3 Medium Density Residential.</p>
156.	D03:301885	22 March 2013	LAND ZONING	<p>RE: 44 Mona Road, Charmhaven</p> <p>1. Objects to E2 Environmental Conservation zone over part of this site.</p>	<p>1. The site contains an Endangered Ecological Community (EEC) however, there is a fringe of vegetation mapped as EEC that is not EEC. It is recommended that the E2 zone be changed to E3 Environmental Management zone where the vegetation is not EEC.</p>
157.	D03:303164	25 March 2013	LAND ZONING	<p>RE: 164 Woods Road, Jilliby</p> <p>1. This property and its immediate neighbours were historically involved in the subdivision proposals in the Woods Road area and contributed financially to the proposals for land use in the Jilliby Stage 2 area. These lands should be included in the consideration of the Jilliby Stage 2 properties.</p>	<p>1. Noted – Jilliby Stage 2 is subject to a separate Planning Proposal. Properties included within the Planning Proposal area is not an issue that can be addressed as part of this draft Wyong LEP 2012.</p>
158.	D03:303884	25 March 2013	LAND ZONING	<p>RE: Lot 1 DP 413280, Lots 822 & 823 DP1113752, Lot 345 DP 611512 and Lots 1 & 2 DP 31404 – Pacific Highway, Wadalba.</p> <p>1. The land is currently zoned 2(e) (Urban Release Area Zone). Request a zoning of R1 Residential zone. The R1 zoning would allow for medium density / multiple dwellings on sites that are isolated from any surrounding residential zonings. The sites are currently 'land locked' with the Wadalba High School bordering the south and western boundaries and a Public Reserve located along the eastern boundary.</p>	<p>1. Disagree – The 2(e) (Urban Release Area zone) has been converted to the R2 Low Density Residential zone, which permits dual occupancy subdivision (not permissible under Wyong LEP 1991), although does not permit multi-unit housing (currently permitted as residential flat-buildings). This recommendation followed a series of councilor workshops and is on the basis that the areas currently covered by the 2(e) (Urban Release Area zone) are primarily developed for detached single dwelling houses. The change also addresses potential land use conflicts between single dwelling houses and the more intense land use of residential flat buildings.</p>
159.	D03:304049	24 March 2013	LAND ZONING	<p>RE: 313 and 323 Wyeec Road, Doylson</p> <p>1. 313 currently zoned 10(a) (Investigation Precinct Zone) and 323 zoned 5(a) (Special Uses Zone – Power Station). The 5(a) zoning is a long-standing anomaly. 2. 313 proposed to be zoned RU6 Transition and 323 proposed to be zoned SP2 Infrastructure – Electricity Generating Works under draft LEP. Request 5(a) zone be amended to appropriate zone (RU6 Transition zone). 3. Part of 313 and all of 323 constrained from viable mining due to the existence of a geological fault zone. The subject parcels could form a future strategic employment lands precinct catering for the planned expansion of Wyeec.</p>	<p>1. Noted. 2. Agree – The site is not included in a development precinct subject to the North Wyong Shire Structure Plan, however the site can be zoned to the RU6 Transition zone. This will need to be addressed as part of review of all RU6 zone land in the Shire, to inform an amendment to the LEP. 3. Noted – The sites are not included in a development precinct subject to the North Wyong Shire Structure Plan.</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
209	D03271946	21 February 2013	PUBLIC AUTHORITY / AGENCY - LAND ZONING, SETTLEMENT STRATEGY	<p>5. Repeats concerns that reclassification from 'community land' to 'operational land' will effectively lead to a reduction in the protection of biodiversity without the need for a plan of management.</p> <p>6. Requests that riparian zones, wetlands, endangered ecological communities, land within the 'Green Corridor', sewage treatment plants or power station buffer lands, coastal and lake foreshores, land adjacent to National Park reserves and Council bushland reserves be retained as 'community land'.</p> <p>7. Map errors: Lot 165 DP 30813 Lagoona Drive (to be reclassified) and Lot 25 DP 28400 Lake Road have been zoned E1 National Parks and Nature Reserve but are privately owned (OEH records).</p> <p>8. Requests 83 Gorokan Drive, Gorokan be retained as 'community land' and given high level protection, as it is a known breeding site of the square tailed kite (very significant threatened species).</p> <p>9. Considers dairy (pasture based), horticulture, educational establishments, tourist facilities and water recreation structures unsuitable uses for inclusion in the E3 Environmental Management zone - potential to degrade conservation values).</p> <p>10. Repeats advice that the reduction in minimum lot size (bonus provision) in E4 Environmental Living and R5 Large Lot Residential will lead to fragmentation of landscapes.</p> <p>11. Requests that the Environmentally Sensitive Lands map be given greater value by linking to the draft Wyong LEP 2012.</p> <p>12. Reiterates advice regarding the need to protect endangered ecological communities, as well as the need for a strategic assessment of key threatened species of North Wyong (eg <i>Angophora inopina</i> in the Bushells Ridge area).</p> <p>13. Repeats concern that use of RU6 Transition zone for 'strategically located constrained sites' of the Structure Plan area will result in clearing of vegetation without consent, under the Native Vegetation Act 2003, unless controlled by amendments to Clause 59.</p> <p>1. Requests all land in Delta Electricity ownership within both Wyong and Lake Macquarie Council areas be zoned SP2 Infrastructure with an environmental overlay.</p> <p>2. Requests amendment to draft Wyong LEP 2012 to reflect the permissions relating to the proposed Infrastructure SEPP - to be gazetted in the near future.</p> <p>3. Restore SP2 zoning to Lot 1 DP 562635 and Lot 1 DP 1141907 and restrict RE1 zone to Council owned land.</p> <p>4. Requests land relating to Vales Point Outlet canal and associated infrastructure be zoned SP2 Infrastructure in accordance with previous discussions.</p> <p>5. Amend zoning for Lot 1 DP 437280 and Lot 1 DP 518575 from RU6 Transition to SP2 Infrastructure.</p> <p>6. Supports rectification of zoning anomaly for Lot 7077 DP 1056107 and Lot 7497 DP 1165634.</p> <p>7. Requests that the provisions under Clause 7.4 (Development on the foreshore</p>	<p>5. Disagree - An Environmental Management Framework (EMF) for Wyong Shire was placed on concurrent exhibition with the draft Wyong LEP 2012. The EMF provides for the overall ecological sustainability of the Shire. The approach to sustainability adopted by Council is based on land zoning and a future Conservation Strategy for the Shire. The classification of Council owned land is not identified as a means to achieving sustainability objectives including protection of EECs, threatened species and native vegetation generally. Compliance with conservation objectives is based on zonings not classification. In this regard there is no need to rely on community classification for the achievement of broader conservation and environment protection goals.</p> <p>6. See above comment.</p> <p>7. Agree - Lot 165 DP 30813 Lagoona Drive: Current zone 1(c) (Non-Urban Constrained Lands Zone) - Amend zone to E3 Environmental Management zone. Lot 25 DP 28400 Lake Road: Current zone 7(g) (Wetlands Management Zone) - amend zone to E2 Environmental Conservation Zone.</p> <p>8. Agree - 83W Gorokan Drive, Gorokan will be removed from list for reclassification purposes.</p> <p>9. Disagree - There are substantial areas of proposed zone E3. The land may contain substantial vegetation or it may be cleared land. The zone should overly sterilise reasonable potential use of the land. Dairy (pasture based) is considered to be a low impact extensive agriculture land use capable of being undertaken without significant impact on environmental values. Horticulture does have some potential environmental impacts but these impacts are considered capable of being managed through the development assessment process. Educational establishments and tourist facilities are prohibited. Eco-tourist facilities are considered appropriate for the E3 zone. Water recreation structures, such as piers, wharves, jetties or boat launching ramps are considered reasonable land uses where impacts can be assessed and managed through the development assessment process.</p> <p>10. Disagree - The bonus lot provision is designed to encourage clustered rural residential subdivision and the consolidation of the more important ecological areas within the landscape.</p> <p>11. Disagree - Council has decided to delete the environmentally sensitive lands map from the LEP and from the DCP. It is noted that the LEP does zone substantial areas of mapped EECs as E2, which affords a high level of zone protection.</p> <p>12. Agree - Substantial areas of EECs have been protected by E2 zone. Bushells Ridge is already zoned industrial and it would be unreasonable to down zone this land. <i>Angophora inopina</i> is recorded across an extensive area of the industrial zone. Detailed assessment of impacts on <i>Angophora inopina</i> is considered best managed through the development assessment process.</p> <p>13. Agree - It is recommended that the Department of Planning & Infrastructure be requested to allow clause 5.9(9) to add Zone RU6 Transition to the zones where clearing can be controlled by Council's tree preservation provisions despite the allowance under the Native Vegetation Act.</p> <p>1. Disagree - The environmental map overlay has been removed from draft Wyong LEP 2012. However, all land zoned SP2 Infrastructure with the exception of land currently zoned 7(g) (Wetlands Management Zone) which has been converted to the E2 Environmental Conservation zone.</p> <p>2. Disagree - It is not possible to make amendments to the draft Wyong LEP 2012 based on amendments to the SEPP (Infrastructure) 2007 that have not been gazetted as yet.</p> <p>3. Agree - Mapping to be amended accordingly.</p> <p>4. Agree - Mapping to be amended accordingly.</p> <p>5. Agree - It is recommended that the rear portion of Lot 1 DP 437280 and Lot 1 DP 518575 be zoned SP2 Infrastructure, as these sites are not included in the North Wyong Shire Structure Plan precinct.</p> <p>6. Noted - No further action required.</p> <p>7. Disagree - This is a model local clause and cannot be altered.</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
210.	D03272115	21 February 2013	PUBLIC AUTHORITY AGENCY DEVELOPMENT STANDARDS, DUAL OCCUPANCY DEVELOPMENT, RURAL RESIDENTIAL DEVELOPMENT	<p>must ensure access) do not apply to land zoned SP2 – due to concerns regarding safety and security of critical infrastructure assets.</p> <p>8. Requests removal of statement in Settlement Strategy related to transfer of lands owned by Delta Electricity.</p> <p>9. Notes that residential or shop top housing development in close proximity of power stations would be inconsistent with pre-existing industrial land use.</p> <p>1. The draft Wyong LEP 2012 will affect Swansea / North Entrance, Hue Hue and Wyong Mine Subsidence Districts and may have an adverse effect on resource recovery.</p> <p>2. Minimum lot sizes less than 1 Ha for Hue Hue MSD and 20 Ha for Wyong MSD would not be acceptable.</p>	<p>8. Disagree – This is based on a resolution of Council.</p> <p>9. Noted – There are no business zones located in close proximity to the power stations. However, existing residential development adjoins power stations at several locations (eg Wannering Park, Buff Point, Hialekiani etc) – and these have been converted to equivalent residential zones under draft Wyong LEP 2012.</p> <p>1. Noted – No further action required.</p> <p>2. Agree – It is recommended that Clause 4.1B Variation to minimum lot sizes for environmental benefits be amended to require that land in zone RS Large Lot Residential zone cannot be subdivided below 1Ha. The RS Large Lot Residential zone applies to land within the Hue Hue MSD. The reason for this recommendation are based on:</p> <ul style="list-style-type: none"> The Jillyby area is nearly fully developed under a locally specific DCP chapter with the majority of land identified for conservation already acquired by Council. There are currently 318 existing lots zoned or part zoned 7(c) having an area of less than 2ha, with only 36 of these less than 9,000m2. There are only 3 parcels with current subdivision potential, that is, having an area of more than 2ha A 0.5ha minimum lot size would potentially allow 261 lots to be subdivided from 1 lot into 2 which may change the character of the area. <p>3. Noted – No further action required.</p> <p>4. Disagree – This is an endorsed Council position. In addition, the Mine Subsidence Board has not provided a firm position on this issue previously. Such development in mine subsidence districts will be categorised as Integrated Development and as such will be referred to the Mine Subsidence Board for concurrence.</p> <p>5. Noted – No further information provided in relation to specific areas of concern. All major development and rezonings will be subject to detailed investigation and endorsement by Agencies (including DARZI).</p>
211.	D03273088	22 February 2013	PUBLIC AUTHORITY AGENCY - LAND RESERVATION ACQUISITION MAP ERROR	<p>1. Does not support being listed as the acquisition authority for Lot 1 DP 34871 Jillyby Road, Jillyby, which has been incorrectly identified as "Regional Open Space" on the Land Reservation Acquisition Map.</p> <p>2. Confirms that all other proposed land zonings for land owned by the Minister are correct.</p>	<p>1. Agree – This site is currently zoned 6(b) (Regional Open Space & Recreation Zone). As a result, the site is listed for acquisition and zoned RE1 Public Recreation. However, it is acknowledged that this is likely an anomaly. It is therefore recommended that the zoning of site be amended to the appropriate adjoining zone – RU1 Primary Production. It is also recommended that the land reservation acquisition mapping be amended to remove this site.</p> <p>2. Noted – No further action required.</p>
212.	D03273694	22 February 2013	PUBLIC AUTHORITY AGENCY - LAND USE PERMISSIBILITY, RURAL RESIDENTIAL DEVELOPMENT	<p>1. Supports the restriction of rural residential development in areas suitable for agriculture and consolidating existing urban and other residential zones (SS p.200).</p> <p>2. Supports no changes to the subdivision requirements on rural lands (SS p 200).</p> <p>3. Supports consolidation of residential development within / adjoining existing rural villages (SS p 202).</p> <p>4. Objects to 'camping grounds, cemeteries and crematorium' being permissible with consent in RU1 Primary Production zone, due to possible land use conflicts and alienation of agricultural resources.</p> <p>5. Supports 'agriculture' being permitted with consent in the E3 Environmental Management zone.</p> <p>6. RU6 Transition zoning provides no certainty for investment in agriculture and could lead to land speculation.</p> <p>7. Supports removal of rural residential zones west of the Freeway, consistent with Central Coast Regional Strategy.</p> <p>8. Non agricultural land uses in RU1 Primary Production and RU2 Rural Landscapes zones need to minimize conflicts between land uses.</p>	<p>1. Noted – No further action required.</p> <p>2. Noted – No further action required.</p> <p>3. Noted – No further action required.</p> <p>4. Disagree – Due to the need for separation of crematoria from residential uses and the large land area required for cemeteries, and the usual practice for these uses to co-locate, RU1 Primary Production and RU2 Rural Landscapes appear to be the most appropriate zones. Camping grounds provides for low key tourism uses that could support primary production purposes.</p> <p>5. Noted – No further action required.</p> <p>6. Disagree – Land currently zoned 10(a) (Investigation Precinct Zone) is proposed to be zoned RU6 Transition. The RU6 zone should not affect land zoned for agriculture.</p> <p>7. Noted – No further action required.</p> <p>8. Disagree – A review of current permissible land uses under Wyong LEP 1991 and those proposed under draft Wyong LEP 2012 reveals that a number of non-agricultural land uses have been removed, and some added to the RU1 Primary Production zone:</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
213.	D03274799	25 February 2013	PUBLIC AUTHORITY / AGENCY - ZONE OBJECTIVES, DCP	<p>9. Suggests 'rural industries' be made permissible with consent in the IN1 General Industrial zone and 'intensive animals' be permitted with consent in the RU2 zone.</p> <p>1. Supports the prevention of chronic disease by creating healthy, livable environments.</p> <p>2. Recommends additional objective for RU5, R1, R2, R3, B6, B7, RE1 and RE2 zones - "To maximize public transport patronage and encourage walking and cycling".</p> <p>3. Recommends additional objective for RU6 zone - "To support land for food production in areas immediately adjoining an urban area situated on the periphery or borders of towns".</p> <p>4. Supports objective for R1 zone - "To promote walkable neighbourhoods and a sense of community". Recommends this additional objective for R2 and R3 zones.</p> <p>5. Supports B4 Mixed Use zone objective. Recommends food and drink premises be made permissible in the B4 zone.</p> <p>6. Requests inclusion of NSW Premier's Council for Active Living (PCAL) resource <i>Development and Active Living: A Development Assessment Resource and Navigation Tool</i> in the draft Wyong DCP 2012.</p> <p>7. Recommends that Chapter 2.11 Parking and Access of the draft DCP address end of trip facilities such as secure bicycle parking / storage, change rooms, showers and lockers.</p>	<p>- Now permissible: Detached dual occupancies; home occupations; farm stay accommodation; camping grounds; cellar door premises; rural supplies; helipads; airports.</p> <p>- No longer permissible: group homes; plant nurseries; wholesale supplies; depots; transport depots; truck depots; hospitals.</p> <p>9. Agree / Disagree - Rural industries are currently permissible in the IN1 General Industrial zone. The RU2 Rural Landscapes zone has been used as the translation zone for the current 7(b) (Scenic Protection Zone) west of the freeway. Intensive livestock agriculture such as feedlots, piggeries and poultry farms are not considered suited to these landscape sensitive lands.</p> <p>1. Noted - No further action required.</p> <p>2. Disagree - This objective was included as one of the aims of the plan (refer Clause 1.2) and thus is applicable to all zones.</p> <p>3. Disagree - The RU6 Transition zone has not been utilised for this purpose in Wyong LGA. The zone has been used to identify land that may be investigated for future urban development purposes.</p> <p>4. Agree - It is recommended that this objective is added to the R2 Low Density Residential and R3 Medium Density Residential zone given the higher density residential environment close to urban centres.</p> <p>5. Agree - Food and drink premises are permitted with consent in this zone.</p> <p>6. Agree - PCAL Principles have been integrated into existing DCP Chapters and will continue to be adopted into new and revised chapters as appropriate.</p> <p>7. Agree - PCAL Principles have been integrated into existing DCP Chapters and will continue to be adopted into new and revised chapters as appropriate.</p>
214.	D03275450	25 February 2013	PUBLIC AUTHORITY / AGENCY - NATIONAL PLANNING STANDARDS	<p>1. Comments Council for undertaking a comprehensive review of planning requirements for the Wyong region.</p> <p>2. NSW Government through the Council of Australian Governments has entered a process for the long term planning of our capital cities to be consistent with nationally agreed criteria.</p>	<p>1. Noted - No further action required.</p> <p>2. Noted - No further action required.</p>
215.	D03276047	25 February 2013	PUBLIC AUTHORITY / AGENCY	<p>1. Consider that conversion of 7(b) Scenic Protection to proposed E3 Environmental Management without listing caravan parks as a use permitted with consent, to be inconsistent with 5.117 Direction 3.2- Caravan Parks and Manufactured Home Estates.</p> <p>2. General concern with conversion of Darkinjung LALC's portfolio of 7(b) lands to proposed E3 zone.</p> <p>3. Request deferral of conversion of 7(b) lands until the Department of Infrastructure and Planning resolves similar issue within Standard Instrument LEP's on the North Coast.</p> <p>4. Request "recreation facility (major)" be included as "permitted with consent" within the IN1 General Industrial zone.</p> <p>5. Request zone objectives be extended to include reference permitting employment generating developments similar to zone 4(e) (Regional Industrial and Employment Development Zone).</p> <p>6. Generally supports the identification of a Type 3 regional airport.</p>	<p>1. Disagree - Draft Wyong LEP 2012 is consistent with the Direction as the plan retains provisions that permit development for the purposes of a caravan park to be carried out on land and zones the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan parks.</p> <p>- Caravan parks are permitted with consent in SP3 Tourist, R1 General Residential, R3 Medium Density Residential, RE1 Public Recreation and RE2 Private Recreation in draft Wyong LEP 2012.</p> <p>The majority of existing caravan sites within the LGA are located on land currently zoned 7(b) (Scenic Protection Zone). These sites have been converted to appropriate zones under draft Wyong LEP 2012, either SP3, R1, R3, RE1 and RE2 depending on the ownership of the site and the predominant adjoining land uses.</p> <p>- Manufactured Home Estates (MHE) are not a defined use in the Standard LEP dictionary. However, using SEPP 36 provisions MHE's would be permitted in SP3, R1, R3 and RE2 zones.</p> <p>2. Disagree - This is a standard zone conversion as set out in the Environmental Management Framework.</p> <p>3. Disagree - Deferral of this matter is not recommended, as this is a direct conversion and not a matter that will be resolved based on decisions made for LGAs in the North Coast region.</p> <p>4. Disagree - Additional land use to allow recreational facilities (major) in IN1 General Industrial zone is not supported as this is considered to be incompatible with the IN1 zone due to the low employment generating use which would be better suited in public or private recreation zones. The current mix of land uses is considered to be appropriate for the IN1 zone.</p> <p>5. Disagree - The objectives listed under Wyong LEP 1991, 4(c) (Regional Industrial and Employment Development Zone) are not appropriate for all IN1 General Industrial zone land with Wyong LGA.</p> <p>6. Noted.</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
216.	D03:280827	1 March 2013	PUBLIC AUTHORITY AGENCY	<p>7. Request clause 5.10 Heritage conservation be amended to include additional clause:</p> <p>8A-Sensitive Aboriginal landscape areas: The consent authority may require an Aboriginal Heritage Impact Statement to be prepared prior to granting consent to the carrying out of development on land shown on the Sensitive Aboriginal Landscape Map as being within a sensitive Aboriginal landscape.</p> <p>8. Object to Darkinjung LALC's strategic development opportunities being excluded from Council's exhibited Draft Settlement Strategy. Darkinjung LALC seeks the following sites to be included in Council's Settlement Strategy (sites outlined in Attachment 1 to submission):</p> <ul style="list-style-type: none"> - Bushells Ridge: Request that Council retain that land currently zoned 4(e) Regional Industrial & Employment Development and proposed IN1 General Industrial as future employment land within the Settlement Strategy. - Bushells Ridge East: Request that Council identify the subject land as a future Greenfield residential precinct. - Link Road Employment Estate: Request that Council identify the subject land as a future employment land. - Lake Munmorah: Request that Council identify the subject land as a future Greenfield residential precinct. - Halekulani: Request that Council identify the subject land as a future infill residential precinct, to reflect the nature of existing (and proposed) development in the locality. <p>9. The submission also includes a table outlining suggested changes to text with the draft Settlement Strategy:</p> <ul style="list-style-type: none"> - P114: There are some 270 Aboriginal Heritage sites listed on the National Parks and Wildlife Service database. The Aboriginal Heritage Information Management System (AHIMS) currently record 315 sites across Wyong Shire (not 270). - P160: A large portion of Wyong LGA's employment land supply is highly constrained by environmental sensitivities. As a result, this constrained land is an under-utilised resource. For example, the large area of 4(e) (Regional Industrial and Employment Development zone) land in the north of Wyong LGA is environmentally constrained and has not been developed as a result, in spite of it being appropriately zoned since 1997. DIALC disagrees with this statement. Findings by DIALC appointed ecologist has not revealed any significant ecological constraint to development that cannot be managed through careful site planning and provided for offsite conservation measures (as Wyong Council is proposing for the WEZ and Warnervale Town Centre). 	<p>7. Disagree – It would be premature for Council to include a clause in the LEP concerning 'Sensitive Aboriginal landscape areas' given that, to our knowledge, no study has been undertaken by or for Council to establish mapping for such areas.</p> <p>8. Comments as follows:</p> <ul style="list-style-type: none"> - Disagree – The Settlement Strategy has implemented the outcomes of the North Wyong Shire Structure Plan (NWSSP). The majority of this site is identified as Strategically Located Constrained Sites. Note that Council has not sought to amend the zoning of this land, with a general conversion to IN1 General Industrial zone. - Disagree – The Settlement Strategy has implemented the outcomes of the NWSSP. The Settlement Strategy has identified additional land outside the NWSSP area, however this site is located within the NWSSP area. - Disagree – The Settlement Strategy has implemented the outcomes of the NWSSP. - Disagree – The Settlement Strategy has implemented the outcomes of the NWSSP. The Settlement Strategy has identified additional land outside the NWSSP area, however this site is located within the NWSSP area. - Disagree – The Settlement Strategy has implemented the outcomes of the NWSSP. The Settlement Strategy has identified additional land outside the NWSSP area, however this site is located within the NWSSP area. <p>9. Comments provided as follows:</p> <ul style="list-style-type: none"> - Agree – Council will amend the Settlement Strategy accordingly. <p>Noted – Council will review and amend the Settlement Strategy accordingly, where relevant.</p>
				<p>1. Supports the inclusion of conservation agreements under the Fisheries Management Act 1994 into Clause 1.9A (2)(c).</p> <p>2. Supports environmental protection zoning proposed for riparian areas, W2 Recreational Waterways zone for lakes and W1 Natural Waterways zone for major tributaries as this provides a significant level of protection to aquatic and riparian habitats.</p> <p>3. Recommends waterways in the north-western part of the LGA (proposed zone RU1) be zoned W1 or W2 to strengthen protection of fish habitat.</p> <p>4. Enhance this protection by including Key Fish Habitat Maps (prepared by Fisheries NSW) and adjacent riparian buffers as "environmentally sensitive areas" in Clause 3.3.</p> <p>5. Recommends an additional provision that prohibits subdivision of waterfront land or establish a minimum lot size over waterfront land to achieve this outcome.</p> <p>6. Recommends retaining Clause 7.9 Biodiversity and related maps - omitted in the current version.</p> <p>7. Recommends removal of 'aquaculture' from 'permitted with consent' list in the</p>	<p>1. Noted – No further action required.</p> <p>2. Agree – No further action required.</p> <p>3. Disagree – The W1 Natural Waterways zone has been limited to the estimated tidal limit. Beyond this limit, there is potential for the "migration" of stream banks over time and that cadastral boundaries of watercourses were not sufficiently reliable for defining zone boundaries.</p> <p>4. Develop appropriate controls for sensitive creeks/lines, tributaries, aquatic vegetation and marine shoreline habitat, to minimise impacts of development. This will include investigation of inclusion of a sensitive waterways clause and a review of DCP provisions relating to erosion and sediment control.</p> <p>5. Agree – This will be included in the Settlement Strategy and a review of Draft Wyong DCP 2012 undertaken to incorporate controls for subdivision of waterfront land.</p> <p>6. Disagree – Council did not support inclusion of the 'Biodiversity' maps within draft Wyong LEP 2012. It was not possible to include the draft local clause without the relevant maps.</p> <p>7. Agree – Amend draft Wyong LEP 2012 to delete 'aquaculture' from the list of permissible uses in the RU2</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
217.	D03282133	1 March 2013	PUBLIC AUTHORITY / LAND ZONING	<p>RU2 Rural Landscape zone, as their permissibility (land based aquaculture) is governed by SEPP 62 Sustainable Aquaculture.</p> <p>8. Recommends 'aquaculture' be made permissible with consent in suitable waterways zone until SEPP 62 is further amended to include water based aquaculture.</p> <p>1. Does not support the application of RE2 Private Recreation zone over Crown land, including land held under Lease, Licence, Permissive Occupancy and under Trust. Crown Reserves should be zoned to accommodate highest use envisaged by the reservation / dedication. E1 National Parks and Nature Reserves zone only applies to land reserved under the <i>National Parks and Wildlife Act 1974</i>, and not Crown land.</p> <p>3. Draft Wyong LEP 2012 to indicate that Crown land, including Crown roads should not be utilised to comply with bushfire requirements (APZ).</p> <p>4. Several site specific zoning change requests, relates to:</p> <ul style="list-style-type: none"> - Tuggerah Lake Reserve (Pioneer Dairy). Request zoning from E2 Environmental Conservation and E3 Environmental Management to SP3 Tourist and E3 zone. - Norah Head Lighthouse Reserve. Request zoning from RE1 Public Recreation zone to SP3 Tourist zone and RE1. - Reserve at Kulnura (Lot 147 DP 755261, Lot 7002 DP 94101). Request zoning from RE1 Public Recreation zone to E3 Environmental Management zone. - Reserve at Kulnura (Lot 7003 DP 1021255, Lot 152 DP 723255). Request zoning from RE1 Public Recreation zone to RU1 Primary Production zone. - 173 Lake Road Tuggerah (Foreshore reserve - Lot 7018 DP 1030592). Request zoning from E2 Environmental Conservation to RE1 Public Recreation zone. - 50 Church rd Tuggerah (Reserve - Lot 27 DP 755263). Request zoning from E3 Environmental Management zone to R2 Low Density Residential and RU2 Rural Landscapes zone. - 14 Rutherford Drive Glenning Valley (Reserve - Lot 95 DP 755263). Request zoning from RE1 Public Recreation zone and E2 Environmental Conservation to RE1 Public Recreation zone. - 1CR Adelaide Street Killarney Vale (Oval and Tumbi Creek - Lot 7028 DP 1032259). Request zoning from RE1 Public Recreation zone and E2 Environmental Conservation to RE1 Public Recreation and W1 Natural Waterways zone. - 925 Macleay Drive, Halekiani (Reserve - Lot 588 DP 728958). Request zoning from RE1 Public Recreation zone to RU1 Primary Production zone. - 2CR Park Street Norah Head (Norah Head Recreation Reserve - Lot 1 Section 13 DP 758779, Lot 7345 DP 1167795). Request zoning from E2 Environmental Conservation to RE1 Public Recreation zone. - 1 Evans Road, Norahville (Vietnam Veteran Hospital - Lot 583 DP 728973). Request zoning from R1 General Residential and E2 Environmental Conservation to R1 General Residential zone. - 22 Victoria Street Norah Head (Norah Head Tourist Park - Lot 527 DP 755266). Request zoning from RE2 Private Recreation to RE1 Public Recreation zone. 	<p>zone.</p> <p>8. Agree – Amend draft Wyong LEP 2012 to add 'Aquaculture' to the list of uses permitted with consent in the W2 Recreational Waterways zone. However, 'aquaculture' infrastructure not suitable in the W1 Natural Waterways zone due to potential obstruction to flow and associated hazards, including liability for Council.</p> <p>1. Agree – Amend zoning where necessary to reflect ownership. 'Registered club' to be permitted with consent in the RE1 Public Recreation zone to allow existing clubs to continue to operate.</p> <p>2. Noted.</p> <p>3. Agree – However, this is not an issue that can be addressed in the draft Wyong LEP 2012. This requirement is included in 'Planning for Bushfire Protection' and related legislation.</p> <p>4. Disagree: Translation of zones 7(c) (Wetlands Management Zone) to E2 Environmental Conservation, 1(c) (Non Urban Constrained Lands) to E3 Environmental Management. Plan of Management to be implemented by way of Planning Proposal</p> <p>Disagree: Translation of 6(a) (Open Space and Recreation Zone) to RE1 Public Recreation. Any proposal for tourist and visitor accommodation to be subject to Planning Proposal. Tours and wedding ceremonies generally do not require consent, although a wedding reception would require consent. Clause 5.10 Heritage Conservation provides for heritage items to be used for any purpose Clause 2.8 Temporary use of land provides for any temporary use up to 28 days a year</p> <p>Agree: Translation of zone 6(a) to RE1. Request for E3 is supported.</p> <p>Agree: Translation of 6(a) to RE1. Request for RU1 Primary Production supported to reflect current use.</p> <p>The EEC mapping is considered to be accurate for the site and is of high conservation significance. The E2 zone should be retained.</p> <p>Disagree – Translation of 1(c) to E3. Alcohol and drug rehabilitation centre Flood prone, environmental issues, therefore a Planning Proposal is required for any substantial increase in development</p> <p>Disagree – The site contains mapped EEC. The whole site is also subject to a Property Vegetation Plan and is managed by Council for conservation. It is recommended the whole site be zoned E2. It is recommended that the Lot Size Map be amended to match the zone boundary change.</p> <p>Agree – Waterway should be zoned W1 Natural Waterways.</p> <p>Agree – The EEC is appropriately mapped to the west of the creek. On the east of the creek, the EEC is increasingly modified the further it is from the creek. It is recommended that the E2 east of the creek be reduced to a narrow riparian area and the RE1 zone apply to the remainder. The Lot Size Map is recommended to be amended to match the zone boundary change.</p> <p>Disagree – Currently 7(b) (Scenic Protection Zone). Existing quarry prohibited by current zone. Requested RU2 zone considered inappropriate in context of surrounding zones. Recommend continue with rezoning to RE1 Public Recreation to match land to south intended as a future recreational area.</p> <p>Agree – The boundary between EEC and other vegetation is blurred due to a mixture of vegetation types. Also, the mapped EEC in the park reserve section is a monoculture paperbark stand and would not qualify as EEC. It is recommended that the E2 zone be reduced in area and the RE1 zone be applied. The Lot Size Map is also to be amended to match the zone boundary change.</p> <p>Agree – The area mapped as EEC contains only a small area of EEC. Recent additions have been approved that allows clearing and management of the vegetation. It is recommended that the E2 zone be amended to match the zone of the remainder of the site. Being R1, and the Lot Size Map be amended accordingly.</p> <p>Agree – Standard translation 1(c) (Non-Urban Constrained Lands Zone) to E3 Environmental Management (Residential Zone) to R2 Low Density Residential zone. Existing caravan park located on the site, therefore it is recommended that the site be zoned to RE1 Public Recreation to reflect ownership of the site.</p> <p>1. Noted.</p> <p>2. Agree / Disagree – The majority of school sites do not have a proposed building height or FSR. However, for</p>
218.	D03295285	15 March 2013	PUBLIC AUTHORITY / LAND ZONING	<p>1. Department requests that Council ensure the use of education establishments and schools be a permissible use of all education sites.</p> <p>2. No FSR or Height of Building restriction should apply to school sites.</p>	<p>1. Noted.</p> <p>2. Agree / Disagree – The majority of school sites do not have a proposed building height or FSR. However, for</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
			ZONING	<p>9 sites have been identified which display land use zoning anomalies which have the effect of prohibiting educational establishments and school uses on the Departments land:</p> <ul style="list-style-type: none"> Chitraway Bay PS: Part of the site is proposed to be zoned E2 Environmental Conservation. Glenvale School: Part of the site is proposed to be zoned RE1 Public Recreation. Hopetown School: Part of the site is proposed to be zoned E2 Environmental Conservation. Jilliby PS: Part of the site is proposed to be zoned RU1 Primary Production. Lake Munmorah HS: Part of the site is proposed to be zoned E3 Environmental Management. Norah Head future school site: Site is proposed to be zoned E2 Environmental Conservation. Former Warnervale PS: Part of the site is proposed to be zoned E3 Environmental Management. Woongarah future school site: Part of the site is proposed to be zoned RU6 Transition and part E2 Environmental Conservation. Wyong Creek PS: Part of the site is proposed to be zoned RU1 Primary Production. No objection to heritage listing of individual buildings. Council should advise the Department of any opportunities to upscale density of housing in existing residential areas. The Department would like to maintain a close working relationship with Council, to adequately deal with anticipated population growth and the delivery of education services. 	<p>School sites that are located within Council's key strategy areas (The Entrance, Toukley), some schools have had building heights and FSRs applied, in accordance with the approve strategy. For school sites zoned R2 Low Density Residential zone, the standard 450m² minimum lot size applies.</p> <p>Agree / Disagree - Comments as follows:</p> <ul style="list-style-type: none"> Agree - The site was inspected on 4 April 2013 and revealed that the majority of the proposed E2 zone had been fenced off from the school grounds. In effect, site management recognises the value of the vegetation and there appears no conflict with proposed future school development on the site. The zone map is recommended to be amended to only apply the E2 to the fenced area. The Lot Size map is also recommended to be amended to reflect the zone change. Disagree - Current site is part 6(a) (Open Space & Recreation zone). Due to coastal recession issues, it is not appropriate to amend this part of the site to a residential zone. Agree - The site was inspected on 4 April 2013 and revealed that the proposed E2 zone had been fenced off from the school grounds. Site management recognises the value of the vegetation and there appears no conflict with proposed future school development on the site. The zone map is recommended to be amended to apply to the EEC area within the fenced area. The Lot Size map is also recommended to be amended to reflect the zone change. Agree - This is a mapping error. Recommend whole site be zoned SP2 Infrastructure. The Lot Size map is also recommended to be amended to reflect the zone change. Agree - The site was inspected on 4 April 2013. The site is currently zoned 7(b) and the translation to E3 has been applied to the undeveloped area of the site. The balance of the site, containing the school buildings and grounds, are proposed to be SP2. Site inspection revealed that some of the proposed E3 contains stormwater drainage treatment ponds for the school. It is recommended to amend the zone map to extend the SP2 zone over the ponds. The Lot Size map is also recommended to be amended to reflect the zone change. Disagree - The site was inspected on 4 April 2013. There is no school on this site. The site contains an EEC that is only known in this location. The current zone prohibits educational establishments. The proposed E2 zone is considered appropriate having regard to the EEC and the location of the site within the landscape. Disagree - The site is currently part zoned 5(a) and part 1(c). The school buildings are located within the 5(a) zone. The 5(a) zone has been translated to R2 to match the adjoining residential zone to the north. The current 1(c) zone has been translated to E3. This section of the site is subject to flooding and the E3 zone is considered to be appropriate at this stage. This site is currently being considered as part of a separate Planning Proposal for the Precinct 7A investigation area. Disagree - The site was inspected on 4 April 2013. There is no school on this site. There is a watercourse flowing through the centre of the site with vegetation mapped as EEC generally following the watercourse. The mapped EEC is proposed as E2 with the balance proposed as RU6. The vegetation varies from the mapping but is regarded as potentially significant. Detailed investigation of the site will be required as part of future urban investigations for the RU6 zone. This future process will provide opportunity for more detailed assessment of ecological values. The E2 zone provides interim protection from clearing activities permitted under the Native Vegetation Act. It is recommended that there be no change to the zone map. This site is currently being considered as part of a separate Planning Proposal for the Precinct 7A investigation area. Agree - Current zone applies to wrong properties. Amend to match ownership. The Lot Size map is also recommended to be amended to reflect the zone change. Noted - No further action required. Noted - No further action required. Agree.
219	D03301563	22 March 2013	PUBLIC AUTHORITY / AGENCY - LAND ZONING	<p>RE: 2 Corolla Close, Berkeley Vale</p> <p>1. Land previously zoned 4(a) (Industrial Zone) has been converted to IN1 General Industrial however part of the site is zoned to E2 Environmental Conservation zone. Land will be devalued by this rezoning. Request land zoned entirely to IN1.</p>	<p>1. Agree - The site was inspected on 3 April 2013 by Council's Ecologist. The vegetation on site contains the Endangered Ecological Community (EEC) as mapped. However, having regard to the immature growth stage of the community and the isolation of the vegetation from other vegetated areas, it is recommended that the E2</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
220	D0320179	12 April 2013	PUBLIC AUTHORITY / AGENCY - LAND ZONING	<p>General Industrial zone.</p> <p>RE: Transgrid land</p> <ol style="list-style-type: none"> Request that Transgrid land at Doyalson (Lot 1 & 3 DP 259306 and Lot 202 DP 1126914) be zoned from SP2 Special Purpose to the appropriate adjoining zone, in accordance with Practice Note 10-001 – Zoning for Infrastructure. Ensure all Transgrid easements are zoned in accordance with appropriate adjoining zone. 	<p>Environmental Conservation zone be deleted from the site and the IN1 General Industrial zone applied. Any future development will still require ecological assessment, however, this patch of EEC is considered likely to be able to be at least partly cleared subject to appropriate offset arrangements. Other areas of EEC and proposed E2 zones in the Berkeley Vale Road industrial area were also inspected to assess the appropriateness of the E2 zone having regard to condition and isolation/connectivity issues. A number of other minor areas of exhibited E2 areas are recommended to be zoned IN1.</p> <ol style="list-style-type: none"> Disagree – These properties have been considered in the context of the Practice Note 10-001, however it is considered that there is no appropriate adjoining zone in this case. Rezoning of these sites will need to be implemented by way of a separate Planning Proposal. <ul style="list-style-type: none"> Lot 100 DP 1065718 – No appropriate adjoining zone. Lot 101 DP 1065718 – No appropriate adjoining zone. Lot 60 DP 1065038 – No appropriate adjoining zone. Lot 1 DP 1122887 – No appropriate adjoining zone. Lot 202 DP 1126914 – No appropriate adjoining zone. Lot 1 DP 259306 – No appropriate adjoining zone. Lot 3 DP 259306 – No appropriate adjoining zone. Lot 1 DP 627921 – Zoned E3 Environmental Management zone (straight conversion) Lot 1 DP 627921 – Zoned E3 Environmental Management zone (straight conversion). Lot 101 DP 999132 – Zoned E3 Environmental Management zone and E2 Environmental Conservation zone (straight conversion). Lot 111 DP 615529 – Zoned IN1 General Industrial and E2 Environmental Conservation (straight conversion from 4(a) (General Industrial) and 7(g) (Wetlands Management Zone). Agree – This is not a defined land use, therefore this is not permitted or prohibited in any land use zone.



TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
160.	D03338265	LAND ZONING	4. It is not appropriate to include this site in the future green corridor subject to the North Wyong Shire Structure Plan. RE: 221 Sparks Road, Warnervale 1. Object to land being included within the green wildlife corridor. All vegetation is regrowth.	4. Noted – Council has not implemented the proposed green corridor subject to the North Wyong Shire Structure Plan, as part of draft Wyong LEP 2012. 1. Disagree – Detailed mapping was used as part of the development of the Wyong Employment Zone (WEZ) State Significant Site Study that led to the establishment of industrial and conservation zones in the WEZ in 2008. Draft Wyong LEP 2012 has simply incorporated these outcomes from the SEPP (Major Developments) 2005.
161.	D03338267	LAND ZONING	RE: 189 Sparks Road, Warnervale 1. Object to land being zoned E2 Environmental Conservation.	1. Disagree – Detailed mapping was used as part of the development of the Wyong Employment Zone (WEZ) State Significant Site Study that led to the establishment of industrial and conservation zones in the WEZ in 2008. Draft Wyong LEP 2012 has simply incorporated these outcomes from the SEPP (Major Developments) 2005.
162.	D03338268	LAND ZONING	RE: 187 Sparks Road, Warnervale 1. Object to land being zoned E2 Environmental Conservation.	1. Disagree – Detailed mapping was used as part of the development of the Wyong Employment Zone (WEZ) State Significant Site Study that led to the establishment of industrial and conservation zones in the WEZ in 2008. Draft Wyong LEP 2012 has simply incorporated these outcomes from the SEPP (Major Developments) 2005.
163.	D03271838	AIRPORT	1. Object to airport. 2. This site previously investigated in 2012 and rejected. 3. Key land uses like town centre and schools in flight path. 4. Alleged misinformation from Mayor – suggested all three levels of government wouldn't build it. Alleged cover for second Sydney airport.	1. Noted. 2. Disagree – The "Joint Study on Aviation Capacity in the Sydney Region" (March 2012) rejected the site for a location for a second Sydney airport but was identified as a site capable of supporting a regional airport. 3. Disagree – The final runway location has not been determined but it will not be located to impact upon the Warnervale Town Centre. 4. Disagree – Council has consistently informed the community that this is not a second Sydney airport, it is a regional airport.
164.	D03271842	AIRPORT	1. Support regional Airport. 2. Benefit for residents, tourism, industry and employment and would be a catalyst for further regional infrastructure.	1. Noted. 2. Agree – The establishment of a regional airport will create employment opportunities, attract business and investment and create wealth for our community.
165.	D03271877	AIRPORT	1. Support for airport. 2. Good for business and have a positive impact on the region. Good for tourism and travel convenience and this will feed down to business.	1. Noted. 2. Agree – The establishment of a regional airport will create employment opportunities, attract business and investment and create wealth for our community.
166.	D03271878	AIRPORT	1. Support for Type 3 Airport. 2. Airport would stimulate local tourism through increased visitor numbers and also support local businesses as a catalyst for new investment. 3. Would increase Central Coast's competitiveness as a tourist destination.	1. Noted. 2. Agree – The establishment of a regional airport will create employment opportunities, attract business and investment and create wealth for our community. 3. Agree – Would increase the competitiveness of local tourist providers to compete in the National and international sectors.
167.	D03271883	AIRPORT	1. Support Type 3 regional airport. 2. Airport will be essential transport facility and have a major economic significance for the Shire and Central Coast and an important role in satisfying aviation requirements in the greater Sydney region in long term. 3. The draft Wyong LEP 2012 should be amended to also include the existing Warnervale Airport as a potential Type 3 Airport under Clause 7.13. It would be necessary that the Warnervale Airport (Restrictions) Act 1995 be repealed. Having both sites mapped as options for a Type 3 would enable both sites to be investigated as options.	1. Noted. 2. Agree – The establishment of a regional airport will create employment opportunities, attract business and investment and create wealth for our community. 3. Noted – Should the airport proceed past gazetteal stage of the draft Wyong LEP 2012, detailed site specific studies will be undertaken. Flight paths and other logistical issues will be determined should the project proceed further. Consideration on including the existing Warnervale airport under the umbrella of clause 7.13 of draft Wyong LEP 2012 can be considered at this time. If supported, Council would need to pursue the repeal of the Warnervale Airport (Restrictions) Act 1995.
168.	D03271980	AIRPORT	1. The airport is identified as Council's second airport throughout Council's files. 2. The Department of Infrastructure and Transport is not giving any consideration to an airport on the Central Coast, including Wallarah. It is apparent that the so called Type 3 airport proposed at Wallarah has no support from either Federal or State Governments. The airport should be removed from the draft Wyong LEP 2012 before any further money is squandered.	1. Disagree – It has been made quite clear by Council that this is not a second Sydney airport, it is a proposal for a regional airport. It is acknowledged that in a few instances it has been inadvertently called second Sydney airport, but these are errors. 2. Noted – Council had an oral opportunity to seek the views of the community through the exhibition of draft Wyong LEP 2012, which is a generational occurrence.
169.	D03272130	AIRPORT	1. Object to regional airport. 2. Noise and property devaluation issues.	1. Noted. 2. Noted – Whilst amenity issues were canvassed in the "Joint Study on Aviation Capacity in the Sydney Region" (March 2012), detailed acoustic, traffic and environmental studies will be undertaken should the project be included in the draft Wyong LEP 2012. It is uncertain as to what impact an airport would have on land values within the vicinity of the proposed airport. It is possible that land value will increase as aligned industries



TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
178, D03278606	28 February 2013	AIRPORT	<p>Health issues surrounding airports. Fumes and toxins can cause health issues. People living in close proximity to airports can develop illnesses such as asthma, cancer, depression and emphysema, just to name a few. These fumes and toxins will also create a large build up of CO² in our area.</p> <p>Noise pollution is another major concern and can also affect the health of the people of Wainmervale.</p> <p>Newcastle airport is being under promoted and is a capable and large facility that should be endorsed and further funded by the State Government. The airport in Bankstown, Sydney should also be further promoted, funded and possibly expanded.</p>	<p>airport.</p> <ol style="list-style-type: none"> Noted – Whilst animal issues were canvassed in the "Joint Study on Aviation Capacity in the Sydney Region" (March 2012), detailed acoustic, traffic and environmental studies will be undertaken should the project be included in the draft Wyong LEP 2012. Issues relating to public health will also be investigated. Noted – See above comment. Disagree – Newcastle airport is restricted by the ROAF activities and future expansion to any degree is likely to face many challenges.
179, D03282641	4 March 2013	AIRPORT	<ol style="list-style-type: none"> The Type 3 Airport should be removed from the draft Wyong LEP 2012. The site for the proposed airport is directly over Wyee to the north (Lake Macquarie), the F3 Doyalson interchange in the middle and extends to Bruce Cres Wainmervale to the south. Infrastructure costs to tax payers to relocate the F3 under ground or shift this infrastructure around such an airport. Council has not shown what other sites were considered or why this site is the best option. Land values will plummet. Homeowners will have increased house repair costs due to structural damage and probably an increase in insurance premiums. 	<ol style="list-style-type: none"> Noted. Noted – The final location of the runway has not yet been determined and it is unlikely that it would be located in a position that impact on the issues raised. Council has considered this issue and the portion of the Type 3 Airport that is located within Lake Macquarie City Council LGA will be removed from the draft Wyong LEP 2012 mapping. Disagree – The runway will not be positioned over or in a location to impact the F3 Freeway. Noted – High level assessment of the Type 3 airport proposal is outlined in the "Joint Study on Aviation Capacity in the Sydney Region" (March 2012). The site displayed in the draft Wyong LEP 2012 is the area identified in this joint study undertaken by the State and Federal Governments. This study identified the area shown as being suitable for a regional airport. Noted – It is uncertain as to what impact an airport would have on land values within the vicinity of the proposed airport. It is possible that land value will increase as aligned industries develop in the vicinity of the airport. Noted – Should the project proceed, noise and vibration studies will be undertaken to determine the level of impact anticipated for nearby properties.
180, D03282920	4 March 2013	AIRPORT	<ol style="list-style-type: none"> The site identified for the airport includes the right of carriageway access to the property. If airport went ahead, another access road would need to be constructed. Will Council acquire airport land? What will IDQs (Investigation Precinct Zones) be converted to under the new draft Wyong LEP 2012? 	<ol style="list-style-type: none"> Noted – Land is located on eastern extremity and is unlikely to be utilised by proposal as Council is pursuing a Type 3 Regional airport which will not require the entire strategic area indicated in the draft Wyong LEP 2012. Noted – No decision has been made as to whether Council will acquire this land. Noted – Bruce Crescent precinct is identified in North Wyong Structure plan but is not proposed to be rezoned in draft Wyong LEP 2012. Therefore, the site will be converted to the equivalent zone, the R06 Transition zone.
181, D03286484	7 March 2013	AIRPORT / LAND RECLASSIFICATION	<ol style="list-style-type: none"> Airport would be of great economic and social benefit to the Central Coast. The Central Coast region's potential for growth will only be realised if critical infrastructure is planned and developed to serve this community. Supports reclassifying a number of parcels of land from community to operational land. This will unlock the value in this land, leading to employment opportunities and that potential savings and returns will allow Council to deliver better services to the community. 	<ol style="list-style-type: none"> Agree – The establishment of a regional airport will create employment opportunities, attract business and investment and create wealth for our community. Agree – Critical infrastructure such as an airport will assist with addressing the needs of the planned growth. Noted.
182, D03295112	15 March 2013	AIRPORT	<ol style="list-style-type: none"> A well structured case, showing the process of how this site was determined has not been presented, for example the planning criteria this site met before drawing the outline on a map. The community would like to know the pros and cons of the investigated sites and how a particular site is determined to be the most appropriate. Public consultation meeting highlighted the lack of time the community to make submissions and the Mayor indicated they would accept late submissions for one month after the closing date. No purpose drawing a line on a map for a site that is flawed and will cost ratepayers and taxpayers millions of wasted dollars in the future with numerous feasibility and EIS studies needed to prove the viability of this site. 	<ol style="list-style-type: none"> Noted – High level assessment of the Type 3 airport proposal is outlined in the "Joint Study on Aviation Capacity in the Sydney Region" (March 2012). The site displayed in the draft Wyong LEP 2012 is the area identified in this joint study undertaken by the State and Federal governments. This study identified the area shown as being suitable for a regional airport. Disagree – The draft Wyong LEP 2012, Settlement Strategy and DCP were publicly exhibited between 9 January – 20 February 2013, with submissions accepted and considered until 12 April 2013. Weekly advertising in local newspapers identified that Council staff were available to call or see in person at Council libraries at certain times or at the Civic Centre during business hours. A number of public meetings were also held. In addition the issue of the airport has received significant media attention both in print and visual sections. Should the project proceed detailed studies will be undertaken and community consultation will continue as the project proceeds. Disagree – The review of the draft Wyong LEP 2012 is a generational occurrence and the opportunity to place a significant infrastructure project such as an airport was a great opportunity to seek the views of the community first, rather than have a project debated from a state level down.



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				<p>4. Site covers 2 local government areas, is directly over the F3 Doyalson interchange, and is situated next to the new Warrernvale Town Centre and surrounding suburbs with growing population.</p> <p>5. Newcastle airport is 40 minutes away and state government could provide a rail link to the Newcastle rail line for Central Coast residents.</p> <p>6. A site needs to be proposed with lower impacts and made aware to the community so they can have the CHOICE to live near a proposed airport site.</p> <p>1. The concept of a regional airport is misguided.</p> <p>2. There is a regional airport at Newcastle which serves our needs. There are far more important things to be done infrastructure wise in our shire to handle the increase in population that is predicted.</p> <p>1. Against the proposed Airport. Nothing has been mentioned as to what areas would be affected.</p> <p>1. The Department of Infrastructure and Transport is not giving any consideration to an airport on the Central Coast, including Wallarah. It is apparent that the 'Type 3' airport proposed at Wallarah, has no support from either Federal or State Government. The airport should be removed from the draft Wyong LEP 2012 before any further borrowed money is squandered.</p>	<p>4. Agree – It is Council's intention to remove the portion of the airport from Lake Macquarie local government area. This decision has been made as a result of submissions made and the difficulty that a local government initiated project would encounter when proposed over two separate local government areas.</p> <p>5. Disagree – The airport at Williamtown has restrictions imposed on its capacity by the RAAF and is not serviced by either rail or a major freeway. An airport on the Central Coast will service not only service the local community but also the Newcastle and North Shore, creating employment and investment.</p> <p>6. Noted.</p>
183.	D03297901	19 March 2013	AIRPORT		<p>1. Noted.</p> <p>2. Disagree – The airport at Williamtown has restrictions imposed on its capacity by the RAAF and is not serviced by either rail or a major freeway. An airport on the Central Coast will service not only service the local community but also the Newcastle and North Shore, creating employment and investment.</p>
184.	D03307688	28 March 2013	AIRPORT		<p>1. Noted.</p>
185.	D03309751	1 April 2013	AIRPORT		<p>1. Noted – Council had an ideal opportunity to seek the views of the community through the exhibition of draft Wyong LEP 2012, which is a generational occurrence.</p>
186.	D03271906	21 February 2013	LOT AMALGAMATION REQUIREMENT	<p>RE Orchard Road, Kangy Angy</p> <p>1. Objects to continuation of lot amalgamation provisions as:</p> <ul style="list-style-type: none"> Noise buffer no longer required to industrial area. Flooding issues are not significant and/or can be managed 	<p>1. The lot amalgamation requirement has been carried over from Wyong LEP 1991. The intention is to prevent fragmentation of ownership and additional development in the 1(c) (Non Urban Constrained Land zone). The lot amalgamation provisions commenced under Wyong Planning Scheme Ordinance (PSO) which set a minimum lot size of 25 acres (10ha) for the erection of dwelling houses in non-urban (rural) zones. Under the Wyong PSO, there was an allowance for erection of a dwelling house on an existing lot less than 10ha if the lot was not held in common ownership with an adjoining lot on 24 January 1962 (the commencement of planning controls on subdivision and dwelling houses in rural areas). The intent of these restrictions was to prevent fragmentation of ownership and increased dwellings in non-urban locations. Land holdings were fragmented and sold to individual purchasers who were either speculating about a future ability to build on the land or were not fully informed of the limitations when they purchased the land. Any review of the lot amalgamation requirements in the Orchard Rd locality should consider the broad range of implications of additional dwellings in this location. Council may support lifting this lot amalgamation provision, provided that the flooding and flood ingress be improved in the area. It is premature to remove the restrictions prior to the flood issues being resolved, however this can be revisited as part of an amendment to the LEP once gazetted.</p>
187.	D03285170	6 March 2013	LOT AMALGAMATION REQUIREMENT	<p>RE Orchard Road, Kangy Angy</p> <p>1. Objects to continuation of lot amalgamation provisions as the noise buffer is no longer required to industrial area.</p>	<p>1. The lot amalgamation requirement has been carried over from Wyong LEP 1991. The intention is to prevent fragmentation of ownership and additional development in the 1(c) (Non Urban Constrained Land zone). The lot amalgamation provisions commenced under Wyong Planning Scheme Ordinance (PSO) which set a minimum lot size of 25 acres (10ha) for the erection of dwelling houses in non-urban (rural) zones. Under the Wyong PSO, there was an allowance for erection of a dwelling house on an existing lot less than 10ha if the lot was not held in common ownership with an adjoining lot on 24 January 1962 (the commencement of planning controls on subdivision and dwelling houses in rural areas). The intent of these restrictions was to prevent fragmentation of ownership and increased dwellings in non-urban locations. Land holdings were fragmented and sold to individual purchasers who were either speculating about a future ability to build on the land or were not fully informed of the limitations when they purchased the land. Any review of the lot amalgamation requirements in the Orchard Rd locality should consider the broad range of implications of additional dwellings in this location. Council may support lifting this lot amalgamation provision, provided that the flooding and flood ingress be improved in the area. It is premature to remove the restrictions prior to the flood issues being resolved, however this can be revisited as part of an amendment to the LEP once gazetted.</p>
188.	D03272279	21 February 2013	VARIOUS	<p>1. Inadequate time allowed for public review of documents.</p> <p>2. Review the proposed reclassification of small pockets of undeveloped land.</p>	<p>1. Disagree – The draft Wyong LEP 2012, Settlement Strategy and DCP were publicly exhibited between 9 January - 20 February 2013, with submissions accepted and considered until 12 April 2013. Weekly advertising in local newspapers identified that Council staff were available to call or see in person at Council libraries at certain times or at the Civic Centre during business hours. A number of public meetings were also held.</p> <p>Noted – Council has undertaken a review of all its land holdings (including small parcels of undeveloped land) and reclassification proposed for two main purposes:</p> <ul style="list-style-type: none"> to correct anomalies of classification for infrastructure purposes (accounting for 75% of proposed



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				<p>3. Zone changes may lead to increased rating of properties.</p> <p>4. Recommends waiting for the Central Coast Regional Conservation Plan before application of environmental zoning (to the NWSSP buffer zones).</p> <p>5. Consider maintaining natural corridors and wetlands for future generations.</p> <p>6. Anomalies exist between the proposed changes in draft Wyong LEP 2012, dDCP and 'key drivers' in the State of Environment reports.</p> <p>7. Impacts on the fragile ocean front /lake system due to proposed changes.</p>	<p>reclassifications) and</p> <ul style="list-style-type: none"> - to provide Council with flexibility to explore additional options as part of management of its landholdings including potential lease, development or sale of the property. <p>Noted – It is important to understand that property values only affect the general (ordinary) rate component of your total rate bill. The Domestic Waste Service charge is not determined by land values. There are a number of variables that can impact the general rates payable for an individual property, some are within Council's control but others are not:</p> <ul style="list-style-type: none"> - There is a statutory limit on the total amount of general rates Council can levy each year. This limit is determined under "rate pegging legislation" and/or any special variation approval that may be granted to Council by the relevant independent authority, the Independent Pricing and Regulatory Tribunal (IPART). - The rating category that applies to each property is generally determined according to the dominant use. The rating category of vacant land is generally determined according to permitted use under the relevant LEP. - Changes to the individual property value as it relates to the values of all other properties in the same rating category or sub category. Land valuations that Council must lawfully use for rating purposes are not determined by Council. These values are determined by the Valuer General of NSW. <p>4. Disagree – Timeframe for release of this document is uncertain. Council's Environmental Management Framework provides the framework for zoning natural areas and significant biodiversity areas in the coastal areas which contain all existing and proposed urban settlement areas. It provides increased environmental protection of EECs, threatened populations and species, protection of other native vegetation and wildlife corridors through zoning, LEP clause provisions and draft Wyong DCP 2012.</p> <p>5. Agree – Existing 7(g) (Wetlands Management Zone) land and SEPP 14 Coastal Wetlands are proposed to be zoned E2 Environmental Conservation, which provides the highest level of environmental protection available for privately owned land. Council has mapped Endangered Ecological Communities (EECs) and for the areas of EECs located east of the freeway proposes to apply zone E2 Environmental Conservation, providing a high level of protection. Overall approximately 4,700 ha of land is proposed to be zoned E2.</p> <p>6. The Shaping Our Environment Report 2011/2012 (SOE Report) makes three recommendations for actions to be undertaken through LEP 2012 and DCP 2012:</p> <ul style="list-style-type: none"> - LEP: List North Head Light Station Precinct as a heritage item of state significance. - DCP: include planning and development controls to protect waterways and waterbodies such as wetlands within the Shire, and - DCP: Water Sensitive Urban Design provisions to be prepared in consultation with appropriate departments within Council. <p>All three of these actions have been included in the exhibited documents.</p> <p>7. Disagree – The draft LEP is essentially a translation of existing zones and development controls. Consequently, it is considered that there are no significant changes proposed by the LEP that would have an impact on ocean front land or the lake system.</p> <p>1. Noted – However, property details are required to provide this information.</p> <p>2. Disagree – The draft Wyong LEP 2012, Settlement Strategy and DCP were publicly exhibited between 9 January – 20 February 2013, with submissions accepted and considered until 12 April 2013. Weekly advertising in local newspapers identified that Council staff were available to call or see in person at Council libraries at certain times or at the Civic Centre during business hours. A number of public meetings were also held.</p> <p>3. Disagree – The draft Wyong LEP 2012, Settlement Strategy and DCP were publicly exhibited between 9 January – 20 February 2013, with submissions accepted and considered until 12 April 2013. Weekly advertising in local newspapers identified that Council staff were available to call or see in person at Council libraries at certain times or at the Civic Centre during business hours. A number of public meetings were also held.</p> <p>4. Noted</p> <p>5. Noted – Zoning of educational establishments (schools) has been undertaken in accordance with Practice Note PN 10-001 Zoning For Infrastructure in LEPS.</p> <p>6. Disagree – Timeframe for release of this document is uncertain. Council's Environmental Management Framework provides the framework for zoning natural areas and significant biodiversity areas in the coastal areas which contain all existing and proposed urban settlement areas. It provides increased environmental protection of EECs, threatened populations and species, protection of other native vegetation and wildlife</p>
189.	D03272436	21 February 2013	VARIOUS	<p>1. Still unclear how the changes are going to affect me, my property and the immediate area around my property. If the changes are going to have a negative impact on my lifestyle/ property values and / or the environment, I would strongly disagree to the proposals.</p> <p>2. More public consultation should be considered at this point in time.</p>	
190.	D03273251	22 February 2013	VARIOUS	<p>1. Inadequate time allowed for public submissions.</p> <p>2. Concerned that 399 properties are to be reclassified.</p> <p>3. Potential loss of open space / recreational land within schools due to proposed zoning.</p> <p>4. Recommends waiting for the Central Coast Regional Conservation Plan prior to rezoning buffers between semi-rural and urban areas.</p>	



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				<p>need to increase community resilience to:</p> <ul style="list-style-type: none"> - Sea Level Rise / Flooding - Heat waves and Bushfire - Vulnerability of the built environment - Drought - Food Security - Disease - Loss of Biodiversity 	
194.	D03299853	21 March 2013	VARIOUS	<p>RE: Exhibition period</p> <ol style="list-style-type: none"> The community dislikes exhibitions over holiday periods and dislikes relatively short exhibition times of complex documents. Blacktown City Council placed its draft Wyong LEP 2012 on exhibition for 3 months. Ignoring the wishes of ratepayers has consequences as some community members disengage or become cynical. <p>RE: Lack of context</p> <ol style="list-style-type: none"> Planning documents within Wyong ought properly respond to State government strategic documents at higher levels eg. the Central Coast Regional Strategy. No overall strategy document to support the draft Wyong LEP 2012. <p>RE: Lack of partnership</p> <ol style="list-style-type: none"> Having followed regional and local planning matters for some years, one cannot fail to observe the 'go-it-alone' approach taken by Council - to the detriment of its ratepayers, both in quality of planning and service delivery, timeliness and financial cost. <p>RE: Climate change</p> <ol style="list-style-type: none"> Wyong LGA rated among the second or third most affected by climate change impacts in Australia. Despite this, climate change does not appear as either a major constraint nor as an action item in the Community Strategy Plan, nor is it noted for action within draft Wyong LEP 2012 or dDCP 2012. Concern that recent decisions by Council have abandoned the precautionary principle in favour of political expediency and that these decisions may place ratepayers at increased personal risk in the event of severe future flooding or coastal erosion in severe storm events. Council decisions do not appear to be in compliance with Flood Risk Management Guide - incorporating sea level rise into flood risk planning and Coastal Risk Management Guide- incorporating sea level rise benchmarks in coastal risk assessments. 	<p>during large flood events. There are many more examples of such issues that are considered. These flood risk management plans do consider the sensitivity to the impacts of climate change, such as sea level rise and increases in rainfall intensity during rain-storms.</p> <ol style="list-style-type: none"> Disagree - The draft Wyong LEP 2012, Settlement Strategy and DCP were publicly exhibited between 9 January - 20 February 2013, with submissions accepted and considered until 12 April 2013. Weekly advertising in local newspapers identified that Council staff were available to call or see in person at Council libraries at certain times or at the Civic Centre during business hours. A number of public meetings were also held. Agree - The draft Wyong LEP 2012, in conjunction with the Wyong DCP 2012 and the Settlement Strategy will ensure that the required actions of the Central Coast Regional Strategy and its subsequent plans, i.e. North Wyong Shire Structure Plan (NWSPP), draft Central Coast Regional Conservation Plan (CCRCP) and Regional Economic Development & Employment Lands Strategy (REDES), are considered and implemented through Council's new planning framework. Disagree - See response to Item 2. Noted - In accordance with State Government Policy, climate change considerations for elements such as sea level rise and storm intensity have been considered in the development of Floodplain Risk Management Plans and Coastal Zone Risk Management Plans that inform the relevant draft documents. Council's Floodplain Risk Management Plans for each waterway consider management issues relevant to each catchment, such as assisting the SES to update their Local Flood Plan, taking into account different evacuation responses required for different sized floods; or the operation of sewer pump stations, some of which may need to be shut down during large flood events. There are many more examples of such issues that are considered. These flood risk management plans do consider the sensitivity to the impacts of climate change, such as sea level rise and increases in rainfall intensity during rain-storms.
195.	D03301443	22 March 2013	VARIOUS	<ol style="list-style-type: none"> No surprise that there has been a poor response to the call for submissions to the draft Wyong LEP 2012. Councillor's morally bound to protect landowners from theft of land usage rights. 	<ol style="list-style-type: none"> Disagree - 554 submissions were received up to 12 April 2013. Noted - The current land usage rights of landowners are not expected to change under the Draft Wyong LEP 2012 except for The Entrance, Wyong-Tuggerah and Toukley where planning strategy outcomes have been implemented. These proposed changes mainly resulted in increased development potential.
196.	D03303186	25 March 2013	VARIOUS	<p>RE: Flooding</p> <ol style="list-style-type: none"> Following recommendations concerning climate change in the draft Wyong LEP 2012 and draft Wyong DCP 2012: <ul style="list-style-type: none"> - All planning and development to consider the impacts of climate change including sea level rise, increased rainfall and bushfire intensity. - All planning and development to comply with the draft Coastal Zone Management Plan; and the appropriate floodplain risk management plan for that area; to appropriately consider potential climate change impacts. <p>These have not been implemented in the draft LEP or draft DCP. Clause 7.2 Flood Planning makes no allowance for increasing flood levels as a result of sea level rise. The draft DCP Chapter 3.3 Floodplain Management includes proposed schedules for each of the sub-catchments in the Wyong Shire. The only sub-catchment specifically referenced is the Tuggerah Lakes Foreshore. However, it is understood that the development controls for the Tuggerah Lakes Catchment only refer to</p>	<ol style="list-style-type: none"> Disagree - Additional sea level rise allowances are not required in the draft Wyong LEP 2012. This would only be required if there were not plans in place that already consider this. Council's exhibited mapping considers climate change. In addition, many actions within the Settlement Strategy relate to future actions and do not directly inform the draft Wyong LEP 2012 and draft Wyong DCP 2012.



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				existing flood levels and do not require consideration of projected rises in sea level. 2. The Department of Planning has recommended a modified flood planning clause for LEPs in areas where flood studies have estimated there will be increased flooding as a result of climate change. Council should adopt this modified flood planning clause in the draft LEP and incorporate in draft DCP Chapter 3.3 schedules which include development controls that require consideration of the projected rise in sea level. 3. Supports zoning of land to R2 Low Density Residential in The North Entrance. RE: Environmental Zones 4. The application of the E3 Environmental Management zone seems to be based on the arbitrary and/or historic zoning of properties, especially in the North Wyong Shire Structure Plan area. If a property was included in a green corridor in the Structure Plan, it would seem logical to include it in the E3 zone. RE: Shops in Industrial and Business Zones 5. In the B7 Business Park zone, office premises are permissible but commercial premises are prohibited. A lay person would have to have read the Planning Notes to know that this means that retail premises and business premises are prohibited in this zone. Did Council intend to prohibit business premises, which include banks and post offices, in a business park? 6. In the B6 Enterprise Corridor zone, retail premises are prohibited and business premises are permissible, but office premises are not nominated in either category. Did Council intend that office premises be permissible in the B6 zone? RE: 35 Blue Wren Lane, Wyong Creek 1. Requests that minimum lot size be reduced from 20ha and 40ha to 2ha or 5ha. 2. Difficult to maintain property in retirement. 3. Removing farmland rates on property has made viability difficult.	2. Noted – Two Flood Risk Management Studies that allow for climate change have been exhibited by Council, Tuggerah Lakes and Porters Creek. Porters Creek has been adopted by Council since the DCP was drafted and if the DCP Chapter is adopted as proposed, will be integrated into the DCP. It should be noted that at the time the DCP was drafted it was thought that the previously exhibited Tuggerah Lakes Foreshore Flood Risk Management Study would be adopted prior to the new LEP. At this stage this has not occurred. 3. Noted. 4. Disagree – Wyong LEP 2012 is primarily a “conversion” LEP, meaning that the primary determinant of environmental zones is the current (historic) extent of environmental zones. WLEP 2012 does propose extension of environmental protection zoning, to comply with current Section 117 direction for the protection of environmentally sensitive areas. This is achieved by application of the E2 Environmental Conservation zone to mapped areas of Endangered Ecological Communities. The Green Corridor in the North Wyong Shire Structure Plan is conceptual at this stage with detailed studies required to accurately define its boundaries before applying protective zoning as part of the investigation of future urban release areas. 5. Agree – It is Council’s intention to prohibit business premises within the B7 zone to encourage these types of uses to be located within Centres. The proposed B7 Business Park zone intention is to cater for large scale offices such as Architects, Surveyors and the like who do not have a large turnover of customers. 6. Disagree – Office premises are permitted with consent within the B6 Enterprise Corridor zone.
197.	D03272214	21 February 2013	MINIMUM LOT SIZE	RE: Precinct 16 and RU6 Transition Zone 1. An objective of Clause 4.2 Rural Subdivision is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development. Council should consider flexibility in lot sizes less than 40ha for the RU6 Transition zone. Lot sizes in the RU6 zone already vary from 0.4ha-3.9ha. 2. Will Council consider inclusions for its new draft Wyong LEP 2012 to allow for the ability to subdivide this land and erect a dwelling? Note that Court of Appeal decision has led Council to prohibit the erection of dwellings on subdivided land that previously may have been allowed as a SEPP 1 objection. 3. Council should consider bringing forward consideration of the Precinct 16 investigation area to service the need for an increase in present and future residential pressures in the area.	1. Disagree – The draft Wyong LEP 2012 has translated the existing minimum lot size provisions found in Wyong LEP 1991. The requested E4 Environmental Living Zone applies to existing 7(c) zone adjoining urban areas including Fountaindale, Glenning Valley and Tumbi Umbi. The subject land is isolated from any existing E4 or rural residential zone and is not identified in any rural residential investigation area. 2. Disagree – Noted, however current personal circumstances of the owner are not a planning justification for the requested rezoning. 3. Noted – The farmland rating was withdrawn in 2001 on the basis that the primary production activity did not satisfy the rating criteria.
198.	D03275120	25 February 2013	MINIMUM LOT SIZE	RE: 9 Bryant Drive Tuggerah 1. Support the proposed B5 Business Development zoning. The existing light industrial zoning has been extremely restrictive, and has resulted in much of the estate being vacant since its construction. The B5 takes into account the strategic and contextual attributes of the Bryant Drive precinct. 2. Request that the flood planning map be reviewed and amended by deletion of reference to the subject site as being subject to flooding, as it appears to be incorrect. In this regard, the ground levels of the subject site were raised above	1. Disagree – Clause 4.2 allows for flexibility for subdivision in rural zones but prohibits the erection of a dwelling on any lot created under this provision. The purpose of the RU6 zone is to act as a holding zone to prevent substantial development or fragmentation of land pending its investigation and subsequent release for urban development. 2. Disagree – Council will not consider subdivision and erection of a dwelling on a new lots as this would be contrary to the purpose of the zone. 3. Disagree – Timing and staging of release of land is subject to Council determination of priorities for investigation and agreement from the Department of Planning & Infrastructure, if there is demand in this location then that may provide justification for bringing forward the investigation, however, funding of studies and the provision of infrastructure will be critical considerations.
199.	D03277017	25 February 2013	FLOOD PLANNING AREA	1. Noted. 2. Noted – Council is currently in the process of updating the Wyong River and Durimban Creek Flood Studies. Early indications show that the property may not be flood affected in the 1% AEP flood. Once these flood studies are completed, then flood encoding on s.149 certificates will be adjusted by way of an LEP amendment.	1. Noted. 2. Noted – Council is currently in the process of updating the Wyong River and Durimban Creek Flood Studies. Early indications show that the property may not be flood affected in the 1% AEP flood. Once these flood studies are completed, then flood encoding on s.149 certificates will be adjusted by way of an LEP amendment.



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				the 1:100 level, as part of the redevelopment of the site. The level of the site is generally constant throughout, yet the maps indicate that the rear is subject to flooding.	It is premature to make these amendments at this stage.
200.	D03:303914	25 March 2013	FLOOD PLANNING AREA	RE: 11 Malvina Parade, Gorokan 1. I wish to register my strong objection & great concern at the assumptions which led to fanciful projections. We were not notified of this in a timely or reasonable manner.	1. The Flood Planning Area proposed as part of draft Wyong LEP 2012 has utilised modelling as part of the Tuggerah Lakes Floodplain Risk Management Study and Plan. As part of the public consultation process for the Tuggerah Lakes Floodplain Risk Management Study and Plan in 2010, resident surveys were posted out to 6500 properties in January 2010, with the closing date for responses being the end of March 2010. 1285 responses were received. Presentations were made to community groups from Feb to May 2010, including Baleau bay / Killarney Vale Precinct Committee, The Entrance Community Precinct Committee, The Entrance North Progress Association, Lake Murrumbidgee / Chain Valley bay Community Precinct Committee, Budgetwoi / Buff Point Precinct Committee, and North Wallarah Precinct Committee. The Draft Study and mapping subsequently went on public exhibition from 10 December 2010 to 10 March 2011, which incorporated several public meetings and presentations to eight community groups in February & March 2011.
201.	D03:303903	25 March 2013	FLOOD PLANNING AREA	RE: 13 Malvina Parade, Gorokan 1. Disappointed that I was not informed earlier. Council should have been more direct and open and consulted the property owners by letter or a simple notice within their rate notice. As a result of this planning some properties will be affected and in some cases lower property value and elevate home insurance by up to 700 to 1000%.	1. The Flood Planning Area proposed as part of draft Wyong LEP 2012 has utilised modelling as part of the Tuggerah Lakes Floodplain Risk Management Study and Plan. As part of the public consultation process for the Tuggerah Lakes Floodplain Risk Management Study and Plan in 2010, resident surveys were posted out to 6500 properties in January 2010, with the closing date for responses being the end of March 2010. 1285 responses were received. Presentations were made to community groups from Feb to May 2010, including Baleau bay / Killarney Vale Precinct Committee, The Entrance Community Precinct Committee, Budgetwoi / Buff Point Precinct Committee, and North Wallarah Precinct Committee. The Draft Study and mapping subsequently went on public exhibition from 10 December 2010 to 10 March 2011, which incorporated several public meetings and presentations to eight community groups in February & March 2011.
202.	D03:303899	25 March 2013	FLOOD PLANNING AREA	RE: Malvina Parade, Gorokan 1. I am pleased to hear that Wyong Council has already undertaken studies to help protect the environment and dwellings to limit flood damage. 2. Council has a clear responsibility as it is the development consent authority and must act not just study.	1. Noted. 2. Noted and agreed.
203.	D03:27350; D03:301728	21 February 2013	DEVELOPMENT CONTROL PLAN	1. Parking and Access: Terminology and References. 2. DCP 61 separated the parking requirements for business premises up to 200 m sq and larger. This is not included in draft DCP 2012 or the current version of DCP 2005. It is considered that the requirement for parking per employee in addition to 1/40 m sq. is onerous for small scale developments. 3. Revision of road categories: Arterial (Classified or State) Roads - 7.5m; Collector Roads - 6.0m; Local Roads - 4.5m.	1. Agree - Update. 2. Agree - Parking requirements for small scale business premises to be reduced as proposed.
204.	D03:272365; D03:276832	21 February 2013	DEVELOPMENT CONTROL PLAN	Recommends the following amendments to draft Wyong DCP 2012: 1. Alignment with Codes SEPP: Requesting a group of significant changes to the provisions of Chapter 2.1 - Dwelling Houses and Ancillary Structures to create better alignment with the Housing Code. 2. Chapter 2.1: Should it say "deemed to satisfy" or similar instead of requirements. A lot of legislation is written in this format now so if you satisfy the objectives the prescriptive requirements are not mandatory? 3. Chapter 1.2 - Need to prove benefit when seeking variation: Why would you need to prove benefits. You should only need to prove compliance with the Objective? 4. Chapter 1.2 - Title of chapter: Should be Notification of Development and "other" applications. These changes should also be made in aims. 5. Chapter 1.2 - Ancillary Structures: 2.4 iv ancillary structures that do not exceed area and height: limitations of any SEPP. Should state "if the works do not comply with the prescriptive requirements of any SEPP". Simply stating height and area not sufficient - there are other criteria. 6. Chapter 1.2 - Building Certificates: 2.4 x. Building Certificates, except for. Poorly worded. Should be under separate heading stating if the unauthorised works could not be approved under the SEPP etc it is to be advertised.	1. Disagree - Proposed changes are too significant to be considered without further consultation and separate public exhibition. A separate project for the review of DCP 100 / draft Chapter 2.1 is to be commenced immediately. 2. Disagree - Retain as is. Achieves the same outcome. 3. Disagree - Retain. Provides further guidance when looking to vary a provision. 4. Disagree - The table of contents indicates chapter name "Development Proposals" which better represents the content of the chapter. Current Aims of this chapter are considered appropriate. 5. Agree - Clearer wording. To be amended. 6. Agree - Revise by removing reference to Complying Development Certificate - i.e. "where a DA would be required".



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205	D03/283110	4 March 2013	VARIOUS - WYONG LEP 2012 - DCP	<p>7. Chapter 2.3 – Home based employment: 5.1 Maximum floor area Note: Under the Building Code of Australia (BCA), a change of building use involving a floor area greater than 10% of the floor area of a building would result in a change to the building class. Under the BCA, a change of building use involving a floor area greater than 10% of the floor area of the storey of the building containing the minor use would result in a change to the building class. Add This may have significant ramifications in relation to compliance with the BCA in terms of fire resistance of building elements, egress, disabled access and facilities required to be provided in the building. Add the comment highlighted as it relates to the requirement of the BCA.</p> <p>8. Chapter 2.8 – Accessible car parking: A reference to providing accessible carparking in accordance with the requirements of the BCA and AS/NZS 2890.6 should be noted in the policy. A child care centre is required to be serviced by accessible carparking. The total number of required accessible carparking spaces is dependant on the total number of carparking spaces that will service the development.</p> <p>9. Chapter 2.8 – Disabled access: 3.8 Access and facilities for disabled persons: Access and facilities for the disabled are to be provided in accordance with Australian Standard AS 1428 Part 1. Reference to these requirements should be made in the early stages of design to ensure the development complies with the relevant standards. To be reworded to the following: Access and facilities for people with a disability shall be provided in accordance with the requirements of the BCA, Disability (Access to Premises – Buildings) Standards 2010 and AS1428.1. Reference to these requirements should be made in the early stages of design to ensure the development complies with the relevant standards.</p> <p>10. Chapter 2.8 – 3.9.2 Design of facilities: A reference to compliance with the BCA and Australian Standards should be referenced in the document as a separate point.</p> <p>11. Chapter 2.11 – Provision of accessible parking: Reference to providing accessible carparking in accordance with the BCA and AS/NZS 2890.6 should be incorporated in the document. Total number of accessible carparking spaces required is based on building classification and the total number of overall carparking spaces provided.</p> <p>12. Chapter 2.12 – Industrial setbacks: Side and Rear: to be provided in accordance with the BCA. What is to be achieved? The BCA permits buildings to be built on the property boundary. Is it the walls that need to comply with the BCA? if so the sentence needs to be re-worded.</p> <p>13. Chapter 2.12 – 2.5 Carparking and Manoeuvring: A reference to provide accessible carparking in accordance with the requirements of the BCA and AS/NZS 2890.6 should be noted in the policy.</p> <p>14. Chapter 2.12 – 2.17 Encouraging energy efficient construction and development. All new commercial and industrial buildings or additions and alterations to such buildings are required to comply with the energy efficiency requirements of Section J of the BCA. It is suggested that this is added to the policy.</p> <p>15. Chapter 2.12 – 2.20 Fire mitigation and control: A comment that the building is required to comply with the aims and objectives of the NSW Planning for Business Protection document produced by the NSW Rural Fire Service should be added to the requirements.</p> <p>16. Chapter 2.12 – Disabled access: Information outdated – all covered under BCA and AS 1428.1. Development is to comply with the relevant provisions of the BCA, AS1428.1 – Design for access and mobility and the Disability (Access to Premises – Buildings) Standards 2010.</p> <p>17. Chapter 2.13 – Disabled Access: 5.2.6 - In the requirement section a reference to the Disability (Access to Premises – Buildings) Standards 2010 should be incorporated into the document.</p>	<p>7. Disagree – No change proposed. There is a comment under "Note" on this in the current draft under notes. BCA is regularly updated (at least annually). Prefer to reference, rather than repeat, BCA provisions, so that document does not 'date' as quickly.</p> <p>8. Noted – Addressed in Ch 2.11 Section 3.7 – recommend inclusion of cross reference.</p> <p>9. Agree – Update requirements.</p> <p>10. Disagree – The BCA is regularly updated (at least Annually). Prefer to reference, rather than repeat. BCA provisions, so that document does not 'date' as quickly.</p> <p>11. Disagree – Already addressed in Section 3.7.</p> <p>12. Agree – Minor rewording to clarify as proposed.</p> <p>13. Disagree – No parking requirements are in this document – refers back to Chapter 2.11 which addresses this issue.</p> <p>14. Disagree – Building issue not a development application issue.</p> <p>15. Disagree – Not a DCP requirement. This issue is also addressed at the subdivision design stage for the industrial precinct.</p> <p>16. Agree – Replace.</p> <p>17. Agree – Update.</p>
				<p>1. Recommends the following amendments to draft Wyong LEP 2012: 1. Delete subclause (2) (a) of Clause 1.9A Suspension of covenants, agreements and</p>	<p>1. Disagree – This is a settled clause that cannot be altered. The deletion of (2)(a) weakens the effect of Council</p>



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			2012 SETTLEMENT STRATEGY	<p>instruments - to allow Council the flexibility to vary or suspend a covenant during the development assessment process.</p> <p>RU1 Primary Production zone: Home Occupations (Sex Services) and Air transport facilities are considered inappropriate in this zone.</p> <p>RU2 Rural Landscape zone: Home occupations (Sex Services), Air Transport facilities, open cut mining, educational establishments are considered inappropriate in this zone.</p> <p>RUS Village zone: Carpark, office premises, shops and home occupations (sex services) considered inappropriate in this zone. Requests clarification of how the future character of the area is to be determined in the RUS objective 'to ensure development is compatible with the desired future character of the areas covered by the zone'.</p> <p>RU6 Transition zone: Waste or resource management facility is considered inappropriate in this zone.</p> <p>IN1 General Industrial zone: Objective 5 conflicts with objective 4. Particularly as there is no limitation on 'other land uses'. Alternatively provide parameters for these 'other land uses' (eg FSR, GFA etc) under LEP or DCP.</p> <p>R5 Large Lot Residential zone: Educational establishments and place of public worship considered inappropriate in the zone due to significant traffic, parking and noise impacts - also undermines zone objectives.</p> <p>E4 Environmental Living zone: Educational establishments considered inappropriate in the zone due to significant traffic, parking and noise impacts - also undermines zone objectives.</p> <p>Queried if there are applicable LEP controls restricting subdivision of dual occupancies in E4 zones.</p> <p>IN2 Light Industrial zones: Consider adding parameters (eg FSR, GFA etc) to permissible supporting uses like food and drink premises, in the LEP or DCP.</p> <p>RE1 Public Recreation: Child care centres considered to contradict the zone objectives. Objective 'to enable ancillary development which complements land zoned for recreational purposes' is problematic and superfluous - not needed.</p> <p>RE2 Private Recreation: Waste and resource management facility not considered compatible with zone objectives.</p> <p>Clause 4.1B Variation to minimum lot sizes for environmental benefits: Requires clarification as to how the formula is used - requests simplification to allow use by the public. Clarification required with regard to dedication of Council land.</p> <p>Clause 4.1C Exceptions to minimum lot sizes for certain residential development: Is an applicant required to apply for a variation to Clause 4.1 to allow creation of an undersized allotment, or does this clause over-ride Clause 4.1. Suggests small lot housing development be limited to strata or community title subdivision. Concerned with the lack of controls related to small lot housing development compared with dual occupancy development. If this clause is adopted the Dual Occupancy DCP controls will only be applicable if a dual occupancy is proposed in an R1 or R3 zone.</p> <p>Clause 4.6 Exceptions to Development Standards: Clauses 4.1, 4.2A, 5.3, 7.12 should be included in subclause 8(d).</p> <p>Clause 5.4 Controls related to miscellaneous permissible uses: Item (7) Amend figure to allow neighbourhood shops of 250sqm (more appropriately size) in RU1, RU2 and RUS zones. If shops are not made permissible.</p> <p>Clause 6.1 Arrangements for State Public Infrastructure: Why is only applicable to 'Gwandalan North' and 'Louisiana Road, Hamlyn Terrace'.</p> <p>Clause 6.2 Public Utility Infrastructure: Questions intent of this clause - Worried unclear and inclusion of urban release area confusing. Why not include these</p>	<p>imposed covenants and is not supported.</p> <p>2. Disagree - Home Occupations (Sex Services) and Air transport facilities are considered appropriate in the RU1 zone</p> <p>3. Disagree - Educational establishments, Home occupations (Sex Services) and Air Transport facilities are considered appropriate in the RU2 zone. Open cut mining is not considered unreasonable in the RU1 and RU2 zones.</p> <p>4. Disagree - Car park, office premises and shops considered appropriate in the RUS zone. Site constraints and unavailability of sewer will restrict intensity of development. Desired future character will need to be determined as part of the Valleys Study.</p> <p>5. Agree - It is agreed that Waste or resource management facilities are not appropriate in this zone. However, it is recommended that waste or resource transfer station is added as a permissible use instead.</p> <p>6. Disagree - It is considered necessary to provide for land uses that provide facilities for workers in the area and the scale of any proposal would be required to reflect only what is required for workers in the area. If large non-industrial uses are proposed in the IN1 zone in the future, the need for the control can be assessed at that time.</p> <p>7. Disagree - Educational establishments and places of public worship are currently permitted in the 7(C) (Scenic Protection - Small Holdings zone) which is the current zone for proposed R5 Large Lot Residential areas west of the Freeway. The uses are considered reasonable as they would provide a local service for residents of the area.</p> <p>8. Disagree - Educational establishments and places of public worship are currently permitted in the 7(C) (Scenic Protection - Small Holdings zone) which is the current zone for proposed E4 Environmental Living areas east of the Freeway. It is considered reasonable for small scale educational establishments to locate within the zone.</p> <p>9. Disagree - If proposals for food and drink premises or other uses arise that are considered out of scale with serving the needs of workers in the area, then the need for these controls could be considered, but is not supported at this stage. 1</p> <p>10. Disagree - Council run child care centres are considered appropriately located in RE1 Public Recreation zones. Agree - It is recommended that the last zone objective be deleted.</p> <p>11. Agree - It is recommended that waste and resource management facility be deleted from permissible uses.</p> <p>12. Agree - Clause 4.1B will need to be supported by a documented policy which is currently being developed. The policy will provide assistance in the application of the clause.</p> <p>13. Disagree - Clause 4.1C is independent of Clause 4.1 - no variation under clause 4.1 is required. DCP provisions may need to be revised to guide this form of development. This can be developed as an amendment to the DCP.</p> <p>14. Disagree - Flexibility required for Clause 4.1, 4.2A and 7.12.</p> <p>Agree - It is recommended that Clause 5.3 be added to Clause 4.6 (8)(d).</p> <p>15. Disagree - The Standard instrument does not allow different sizes for different zones subject to Clause 5.4. However, it is recommended that the limit for Neighbourhood shops be increased to 150m².</p> <p>16. Noted - Gwandalan and Louisiana Road are the only current release areas subject to the State public infrastructure requirement. The clause will need to be amended when new release areas are added.</p> <p>17. Disagree - Clause 6.2 is a settled model clause and amending the wording is unlikely to be supported by DP&I. Clause 7.9 applies to all development applications and requires provision of site specific services. Clause</p>



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				<p>provisions in Clause 7.9.</p> <p>18. Clause 7.3 Foreshore Building Line Provisions 7.3(2) (a) and (b) are confusing and inconsistent with the clause objective. Also significantly different to current provisions under Wyong LEP 1991 restricts development to that indicated in 2(c). Suggests reference to rebuilding and extensions in 2(b) be deleted and erection of a building under 2(b) be deleted.</p> <p>19. Clause 7.4 Development on foreshore must ensure access: Considered superfluous.</p> <p>20. Clause 7.5 Airspace Operations: The relevant government body (CASA) has advised that since Warnervale Airport is not a registered airport they do not provide comment on developments on or in close proximity. Clarification required from CASA on the status of Warnervale Airport. Clause 7.5 should be added to Clause 4.6 as the Obstacle Limitation Map should not be subject to a variation.</p> <p>21. Clause 7.6 Development in areas subject to aircraft noise: Objectives (a) and (b) seem to contradict objective (c). Is there a map showing flight paths?</p> <p>22. Clause 7.8 Key Sites: Sub-clause (4) not considered appropriate for LEP to stipulate timeframe for lodgement of DA. If clause remains 10 years is considered a more appropriate timeframe.</p> <p>23. Clause 7.9 Essential Services: Clarify intent of this clause having regard for the provisions of Clause 6.2 Utility Infrastructure. Does this deal with all other land in the Shire not classified as 'urban release area'.</p> <p>24. Clause 7.10 Development by Council: Filling and tree maintenance should be deleted from sub-clause 2(d).</p> <p>25. Clause 7.11 Bottle Shops: Only relevant to new development as it can be carried out as Complying Development. Amend definition of bottle shop to say 'premises' instead of 'premise'.</p> <p>26. Clause 7.12 Shop top housing in B5, B6 and B7: Add to Clause 4.6 as a standard that cannot be varied.</p> <p>27. Clause 7.13 Type 3 Airport: What is a type 3 airport? Area not clearly defined. Concerned that adequate consideration has not been given to flight paths, obstacle limitation etc. Should this have the same considerations/ objectives as Warnervale Airport?</p> <p>28. Schedule 1 - Additional Uses: Provide a list of relevant properties with the Lot and DP's.</p> <p>29. Land Use Matrix: Does the matrix have statutory weight? Provide evidence that it forms part of the LEP. Its relationship to the land use table is unclear and creates confusion. All permissible uses should be listed in the zoning tables. Alternatively make reference to the matrix stating that other permitted uses may be listed in this document.</p> <p>30. General Comments: Draft LEP has not considered the s117 direction that development is not permitted in floodway areas. Zones B6 and B7 permits serviced apartments, which is a form of tourist and visitor accommodation. The flood planning maps surrounding Lake Macquarie are inaccurate as they have not considered the 1% AEP maps recently adopted by Lake Macquarie Council.</p> <p>31. Draft Settlement Strategy: Under the TSC Act Biodiversity Certification was conferred on environmental Planning instruments. This scheme has been phased out. The Settlement Strategy should be amended to reflect this (Chapter 3 Part 1 - Biodiversity Conservation Table).</p> <p>Recommends the following amendments to draft Wyong DCP 2012:</p> <p>32. Objecting to proposals to remove minimum lot sizes for industrial lots on B Double Routes - Tuggerah BP, BV West & Warnervale BP.</p>	<p>6.2 only applies to urban release areas and development proposals are likely to be extensive new urban infrastructure requiring upfront public infrastructure costs. The clause requires an applicant to ensure infrastructure is available rather than placing a burden on Council to provide the infrastructure.</p> <p>18. Disagree - This is a settled clause that cannot be altered.</p> <p>19. Disagree - This is not superfluous and will apply to foreshore land not identified on the Foreshore Building Line map.</p> <p>20. Noted - Further advice from CASA identifies the site as an Airport Landing Area rather than an Aerodrome. In this case, the Civil Aviation Advisory Publication 92-1(1) - Guidelines for Aeroplane Landing Areas applies. If the use of the site was to be intensified, the site would need to be registered and/or certified with CASA as an aerodrome, and an Obstacle Limitation Surface map prepared. Disagree that Clause 7.5 should be added to Clause 4.6 Exceptions to Development Standards.</p> <p>21. Disagree - Clause 7.6 is a settled model clause and amending the wording is unlikely to be supported by DP&I. Objectives are considered to be appropriate.</p> <p>22. Disagree - The requirement within 5 years is intended to create an incentive for early development on the key sites.</p> <p>23. Noted - Clause 7.9 applies to all land in Shire, including Urban Release Areas.</p> <p>24. Disagree - Such development will be required to be assessed under Part 5 of the EP&A Act 1979, by way of a Review of Environmental Factors.</p> <p>25. Agree - Wording to be amended.</p> <p>26. Disagree - Flexibility required for Clause 7.12.</p> <p>27. Noted - High level assessment of the Type 3 airport proposal is outlined in the 'Joint Study on Aviation Capacity in the Sydney Region' (March 2012). The site displayed in the draft Wyong LEP 2012 is the area identified in this joint study undertaken by the State and Federal governments. This study identified the area shown as being suitable for a regional airport. If a new airport is built, clause 7.5 and 7.6 would need to be amended to apply to the new airport.</p> <p>28. Disagree - Schedule 1 items are identified on the Additional Permitted Uses map. DP&I requested removal of lot and DP information from Schedule.</p> <p>29. Noted - The land use matrix does not have statutory weight but provides a comprehensive list of land uses and their permissibility in each zone based on the land use table.</p> <p>30. Disagree - Section 117 direction has been considered - see exhibited material. Council cannot simply adopt Lake Macquarie flood levels unless it was a joint flood study. Council could consider a process to incorporate the Lake Macquarie Study into its flood planning policies.</p> <p>31. Disagree - Biodiversity certification has not been phased out.</p> <p>32. Agree - This should not occur, particularly where transport infrastructure is in place to facilitate development of large industrial undertakings, eg. WEZ, BV West, Tuggerah and Bushells Ridge. Already appears to be an oversupply of small industrial lots in the Shire. This position is supported within the Wyong Employment Lands Study, recently endorsed by Council. However, this is an agreed position of Council.</p>



TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
206	21 February 2013	VARIOUS	<p>33. Chapters 3.4, 3.5 and 3.10 – Clarification.</p> <p>1. E2 Environmental Conservation Zone: Recommends inclusion of 'Eco Tourist' as a permissible use. Notes that this land use has not been prohibited in the SI template for the zone. Queries the EAP (Pg 32, Cl 7.3 (b) (i)) rationale for the E2 zoning – as there is no supporting evidence per lot as required by PN 09-002. Suggests that land that has been zoned E2 without adequate studies/ justification be zoned E4 Environmental Living pending investigations.</p> <p>2. R06 Transition zone: Land uses 'garden centres', 'plant nurseries' and 'cemetery' are considered consistent with the zone as a transition between rural and urban environments.</p> <p>3. Clause 7.1.2 Shop top housing: Suggests that the upper limit for shop top housing component be assessed on a merit based approach. Suggests 50 – 70 % permissibility land use in B5 Business Development, B6 Enterprise Corridor and B7 Business Park zones.</p> <p>4. R2 Low Density Residential zone: Deleter objective 4 as it repeats objective 1 and 3.</p> <p>5. RUS Large Lot Residential zone: Suggests 'Seniors Housing' be made permissible with consent as it is not considered inconsistent with the zone objectives.</p> <p>6. B1 Neighbourhood Centre zone: Suggests 'Business Premises' and 'Restricted premises' be permitted with consent in the zone.</p> <p>7. RE1 Public Recreation zone: Suggests 'Food and drink premises' be permitted with consent in the zone and controlled by a merit based assessment approach.</p> <p>8. Clause 4.1B Variation to minimum lot sizes for environmental benefits: Cl 4.1B(i) is considered contrary to the objectives of the E2 zone.</p> <p>9. Clause 4.3(2A) Height of Buildings: Cause reference text is incorrect by a thick blue line on the Height Map is not to exceed the following height: The correct map title is 'Height of Buildings'.</p> <p>10. Clause 4.3(2A): Application of height exceedances difficult to interpret. HCB 007B – all of Pacific Highway has a maximum building height of 16 metres but this clause suggests it is 30 metres, without providing justification.</p> <p>11. Clause 4.4 (2A): This text should be in red for exhibition.</p> <p>12. Clause 5.4 (2): Increase minimum area of 30m² for carrying out a home business to 50m² – to ensure viability.</p> <p>13. Clause 5.4 (4): Maximum size of industrial retail outlets are considered not conducive to providing permanent employment positions.</p> <p>14. Clause 5.4 (7): Maximum floor area of neighbourhood shop (125m²) considered</p>	<p>33. Agree – Generally "housekeeping" only. To be amended.</p> <p>1. Disagree – The E2 Environmental Conservation zone objectives are to protect, manage and restore areas of high ecological, cultural or aesthetic values. The E2 zone provides the highest level of protection of environmental limits (other than E1 for National Parks and Reserves) and has almost exclusively only been applied to the actual extent of land containing significant values. This includes:</p> <ul style="list-style-type: none"> - SEPP 14 Wetland, - Mapped EECs west of the freeway. - Land acquired by council for conservation purposes. - Crown and with sensitive environmental values eg adjoining beaches and headlands. <p>The purpose of the E2 zone is to retain the vegetation within the zone. Clearing of vegetation to enable tourist accommodation is considered to be contrary to the purpose and objectives of the zone.</p> <p>If there are specific areas proposed to be zoned E2 that are considered not to contain significant vegetation or not contain sensitive environmental values requiring the exclusion of development then it may be appropriate to review the zoning.</p> <p>An eco-tourist facility on land containing E3 and E2 zone may incorporate environmental facilities within the part of the site that is zoned E2. Environmental facilities, environmental protection works and recreation areas are all permissible within the E2 zone.</p> <p>Disagree – Garden centres and plant nurseries are retail activities that have the potential to generate significant traffic impacts and access requirements for large vehicles as well as other urban infrastructure. Wholesale plant nurseries are an appropriate use in the R06 zone. These are defined as horticulture and are permissible in the R06 zone. The purpose of the R06 Transition zone is to allow land uses that will not prevent the future development of land for urban purposes. Cemeteries are a long term land use and are considered appropriate for the R06 zone.</p> <p>Agree – Cl 7.1.2 restricts shop top housing in B5, B6 and B7 zones to 25% of the total GFA in order to limit the scale of residential development in these zones. These zones mainly occur at Tuggerah, Long Jetty and Lake Haven. However, it is recommended that an amendment to the restriction on shop-top housing be implemented, to restrict shop-top housing to 30% of the total GFA rather than 25%. It is considered that this is a more workable solution.</p> <p>Disagree – Objective 4.1(a) provide a residential minor commercial with a low density residential environment does not reset Objective 1 (To provide for the housing needs of the community within a low density residential environment).</p> <p>Disagree – Not considered appropriate due to flood or bushfire issues.</p> <p>Agree – Business Premises are Permitted with Consent (Mandated).</p> <p>Disagree – Restricted premises. The B1 Neighbourhood Centre Zone is generally located within existing residential areas and close to schools, due to the nature of use for Restricted Premises the prohibition of them within the B1 zone would be in keeping the amenity of the surrounding area.</p> <p>Agree – Take away food and drink premises are proposed to be permissible. It is considered appropriate to extend this permissibility to food and drink premises.</p> <p>Agree – Clause 4.1B(i) is intended to specify that the resulting lot containing E2 or E3 zone will be a conservation lot. The clause was originally written without reference to E2. The subsequent addition of Zone E2 throughout the clause was unnecessary in clause 4.1B(i) because the listed uses are prohibited in E2 in any case. The reference to Zone E2 can be deleted from clause 4.1B(i).</p> <p>Agree – Amend clause.</p> <p>Disagree – This Clause identifies land notated with a blue line on the height of building map that is required to be limited to 10 metres building height, to establish a stepped building form.</p> <p>Agree – This was an error. Text to be amended.</p> <p>Agree – It is considered that the 30m² restriction for home business is inappropriate. It is recommended that this be increased to 50m².</p> <p>Disagree – It is considered that 20% of the gross floor area of the industry devoted to industrial retail floor space (or 200m²) is appropriate, to ensure the focus remains on industrial business not retailing in these areas.</p> <p>Disagree – A neighbourhood shop is permissible within the Residential Zones will provide for the day to day</p>



TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
			<p>too small to be viable against current supermarket sector.</p> <p>15. Clause 6.3 (d): Provide definition of 'significant development sites'.</p> <p>16. Clause 7.1 (3): Insert wording "No construction works are to be undertaken until fulfilment of condition xxx". As development consent must be conditioned to protect the public interest.</p> <p>17. Clause 7.2 (3): Insert wording "Deferred consent may be granted upon the satisfactory completion of works addressing Condition xxx".</p> <p>18. Clause 7.8(4) & (5): Time limited clause. Requests reasoning for inclusion of the clause.</p> <p>19. URA 007A: WEZ has been indicated as an Urban Release Area. This is not considered suitable as it is a SEPP approved site.</p> <p>20. IN1 General Industrial zone: FSR 007A applies an FSR of 0.5:1 over lot 3 zoned IN1 and E2 – contrary to Section 117 directions CL1.</p> <p>21. Lot 8 DP 825848: Zoned E2. Recommend an E4 zone, together with a minimum lot size of 2 Ha (similar to lot opposite) as it does not include any mapped EEC's.</p> <p>22. Alfred Green Tree Reserve: Zoning to be consistent with similar lots in the vicinity to RL.</p> <p>23. Lot 11 Lakehaven Drive: Proposed R2 zoning is restrictive. Requests an R3 zoning to achieve better use of the site.</p> <p>24. Draft DCP Clause 3.4.2 Cut and Fill Maximum: Proposed maximum cut and fill not considered appropriate due to typical Wyong topography. Suggests 3m will provide better design outcomes.</p>	<p>needs of people living and working in the area. They are not expected to compete with centres which house supermarkets, therefore a floor area restrictions allow the type of uses that would normally be within a neighbourhood shop in a residential zone. However, it is recommended that the limit for Neighbourhood shops be increased to 150m².</p> <p>15. Disagree – There is no definition within the Dictionary. Standard Instrument template issue.</p> <p>16. Disagree – This is a settled model clause. More appropriate for Development Application. Conditions of Consent.</p> <p>17. Disagree – This is a settled model clause.</p> <p>18. Disagree – The concept of introducing a Sunset Clause into the Key Site provisions was first agreed by Council and the Department of Planning and Infrastructure when the Jorric Development Process was initially endorsed back in 2010. Since that time, this provision has continually been communicated to both the owners of the Key Sites and the community. The reasoning behind the inclusion of the Sunset Clause is to ensure that these sites proceed with development or redevelopment in the short term. The Key Sites were selected based on their ability to provide a trigger further development in the surrounding areas as well as providing economic growth and employment opportunities. It is not proposed to amend this Clause.</p> <p>19. Disagree – All appropriate urban release areas have been included.</p> <p>20. Agree – FSR of 0.5:1 appears to have been applied to this site in error. It is recommended that no FSR apply to this site.</p> <p>21. Disagree – The land is currently zoned 7(a) (Conservation Zone) and was acquired by Council in 1993 for \$1. The land was effectively dedicated to Council for conservation purposes as part of the bonus lot provisions under clause 14 of Wyong LEP 1991. The E2 zone reflects the conservation intent for the land.</p> <p>22. Agree – 11W Lake Haven Drive is proposed to be zoned R2 Low Density Residential zone, consistent with the surrounding area.</p> <p>23. Disagree – 11 Lake Haven Drive is zoned R2 Low Density Residential zone, a direct conversion from the current 2(a) (Residential Zone).</p> <p>24. Disagree – It is Council's intention to change the control to align with the requirements detailed within the Codes SEPP (approx. 1 metre).</p>
207, D03271850	21 February 2013	PUBLIC AUTHORITY / AGENCY - LAND USE PERMISSIBILITY, SETTLEMENT STRATEGY	<p>1. Delete 'Tourist and Visitor Accommodation' from 'Prohibited' section of the B1 Neighbourhood Centre, B5 Business Development, B6 Enterprise Corridor, B7 Business Park zones as it negates the permissibility of Bed and Breakfast and Hotel or Motel Accommodation, listed in those zones.</p> <p>2. Update Settlement Strategy – Tourism NSW is now Destination NSW and the latest strategy is the DNSW 2020 Vision. Include description of DNSW 2020.</p>	<p>1. Disagree – Listing 'Tourist and Visitor Accommodation' as 'prohibited' in B1, B6 and B7 zones prohibits only certain types of tourist and visitor accommodation that are not listed as 'permissible with consent'. For example, farm stay accommodation is not listed as permissible with consent and is therefore prohibited.</p> <p>2. Agree – Settlement Strategy to be amended accordingly.</p>
208, D03271926	21 February 2013	PUBLIC AUTHORITY / AGENCY - ENVIRONMENTAL ZONING, SETTLEMENT STRATEGY, RECLASSIFICATION LAND USE PERMISSIBILITY	<p>1. The intent and objectives of the North Wyong Shire Structure Plan Green Corridor are not reflected in the draft Wyong LEP 2012.</p> <p>2. Without an environmentally sensitive lands layer, an environmental protection zone remains the primary mechanism for ensuring conservation outcomes in the 'Green Corridor'.</p> <p>3. Apart from the strategically located 'contained sites', disagrees (with Settlement Strategy) that more ecological investigation is required prior to assigning land use zones. Disagrees (with S5) that the Central Coast Regional Conservation Plan is the appropriate document for assigning the 'exact' locations and widths of the Green Corridor.</p> <p>4. Repeats recommendation to improve the connectivity/ensure conservation values of the 'Green Corridor' by zoning some of the SP2 Infrastructure land for conservation, in particular 'Transgrid' land. Discrepancy found in NWSSP between 'Green Corridor' GIS shape files and printed map – to be investigated by OEH.</p>	<p>1. Agree – The North Wyong Shire Structure Plan (NWSSP) does not provide sufficient detail for the final delineation of the green corridors with environmental zones in the draft Wyong LEP 2012 (LEP). The LEP recognises development precincts in the NWSSP through the use of the RUG Transition zone and applies the E2 Environmental Conservation zone to mapped areas of Endangered Ecological Communities (EEC). The future investigation of the RUG zones will provide the detail for zoning of the green corridors.</p> <p>2. Agree – The removal of the biodiversity lands layer from the LEP and subsequently from the draft Wyong DCP 2012 may expose sensitive environmental lands to potential legal clearing under the Native Vegetation Act, including clearing of regrowth and routine agriculture management activities. However, zoning of land will not prevent illegal clearing. OEH has prime responsibility for prosecuting illegal land clearing in non-urban zones.</p> <p>3. In the absence of the Central Coast Regional Conservation Plan (CCRCP), Council is unable to determine priorities for protection of vegetation communities. It is expected that the CCRCP would provide guidance, at the very least, on vegetation types, communities or areas that are able to be offset or unable to be offset. Experience with recent release areas demonstrates that the delineation of urban zones and environmental areas is a complex process requiring integration of a range of detailed studies and analysis.</p> <p>4. Disagree – Council has agreed to maintain the SP2 Infrastructure zone over the current extent of 5(a) zones that apply to electricity supply infrastructure.</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
209	D03271946	21 February 2013	PUBLIC AUTHORITY / AGENCY - LAND ZONING, SETTLEMENT STRATEGY	<p>5. Repeats concerns that reclassification from 'community land' to 'operational land' will effectively lead to a reduction in the protection of biodiversity without the need for a plan of management.</p> <p>6. Requests that riparian zones, wetlands, endangered ecological communities, land within the 'Green Corridor', sewage treatment plants or power station buffer lands, coastal and lake foreshores, land adjacent to National Park reserves and Council bushland reserves be retained as 'community land'.</p> <p>7. Map errors: Lot 165 DP 30813 Lagoona Drive (to be reclassified) and Lot 25 DP 28400 Lake Road have been zoned E1 National Parks and Nature Reserve but are privately owned (OEH records).</p> <p>8. Requests 83 Gorokan Drive, Gorokan be retained as 'community land' and given high level protection, as it is a known breeding site of the square tailed kite (very significant threatened species).</p> <p>9. Considers dairy (pasture based), horticulture, educational establishments, tourist facilities and water recreation structures unsuitable uses for inclusion in the E3 Environmental Management zone - potential to degrade conservation values).</p> <p>10. Repeats advice that the reduction in minimum lot size (bonus provision) in E4 Environmental Living and R5 Large Lot Residential will lead to fragmentation of landscapes.</p> <p>11. Requests that the Environmentally Sensitive Lands map be given greater value by linking to the draft Wyong LEP 2012.</p> <p>12. Reiterates advice regarding the need to protect endangered ecological communities, as well as the need for a strategic assessment of key threatened species of North Wyong (eg <i>Angophora inopina</i> in the Bushells Ridge area).</p> <p>13. Repeats concern that use of RUG Transition zone for 'strategically located constrained sites' of the Structure Plan area will result in clearing of vegetation without consent, under the Native Vegetation Act 2003, unless controlled by amendments to Clause 59.</p>	<p>5. Disagree - An Environmental Management Framework (EMF) for Wyong Shire was placed on concurrent exhibition with the draft Wyong LEP 2012. The EMF provides for the overall ecological sustainability of the Shire. The approach to sustainability adopted by Council is based on land zoning and a future Conservation Strategy for the Shire. The classification of Council owned land is not identified as a means to achieving sustainability objectives including protection of EECs, threatened species and native vegetation generally. Compliance with conservation objectives is based on zonings not classification. In this regard there is no need to rely on community classification for the achievement of broader conservation and environment protection goals.</p> <p>6. See above comment.</p> <p>7. Agree - Lot 165 DP 30813 Lagoona Drive: Current zone 1(c) (Non-Urban Constrained Lands Zone) - Amend zone to E3 Environmental Management zone. Lot 25 DP 28400 Lake Road: Current zone 7(g) (Wetlands Management Zone) - amend zone to E2 Environmental Conservation Zone.</p> <p>8. Agree - 83W Gorokan Drive, Gorokan will be removed from list for reclassification purposes.</p> <p>9. Disagree - There are substantial areas of proposed zone E3. The land may contain substantial vegetation or it may be cleared land. The zone should overly sterilise reasonable potential use of the land. Dairy (pasture based) is considered to be a low impact extensive agriculture land use capable of being undertaken without significant impact on environmental values. Horticulture does have some potential environmental impacts but these impacts are considered capable of being managed through the development assessment process. Educational establishments and tourist facilities are prohibited. Eco-tourist facilities are considered appropriate for the E3 zone. Water recreation structures, such as piers, wharves, jetties or boat launching ramps are considered reasonable land uses where impacts can be assessed and managed through the development assessment process.</p> <p>10. Disagree - The bonus lot provision is designed to encourage clustered rural residential subdivision and the consolidation of the more important ecological areas within the landscape.</p> <p>11. Disagree - Council has decided to delete the environmentally sensitive lands map from the LEP and from the DCP. It is noted that the LEP does zone substantial areas of mapped EECs as E2, which affords a high level of zone protection.</p> <p>12. Agree - Substantial areas of EECs have been protected by E2 zone. Bushells Ridge is already zoned industrial, and it would be unreasonable to down zone this land. <i>Angophora inopina</i> is recorded across an extensive area of the industrial zone. Detailed assessment of impacts on <i>Angophora inopina</i> is considered best managed through the development assessment process.</p> <p>13. Agree - It is recommended that the Department of Planning & Infrastructure be requested to allow clause 5.9(9) to add Zone RUG Transition to the zones where clearing can be controlled by Council's tree preservation provisions despite the allowance under the Native Vegetation Act.</p>
				<p>1. Requests all land in Delta Electricity ownership within both Wyong and Lake Macquarie Council areas be zoned SP2 Infrastructure with an environmental overlay.</p> <p>2. Requests amendment to draft Wyong LEP 2012 to reflect the permissions relating to the proposed Infrastructure SEPP - to be gazetted in the near future.</p> <p>3. Restore SP2 zoning to Lot 1 DP 562635 and Lot 1 DP 1141907 and restrict RE1 zone to Council owned land.</p> <p>4. Requests land relating to Vales Point Outlet canal and associated infrastructure be zoned SP2 Infrastructure in accordance with previous discussions.</p> <p>5. Amend zoning for Lot 1 DP 437280 and Lot 1 DP 518575 from RUG Transition to SP2 Infrastructure.</p> <p>6. Supports rectification of zoning anomaly for Lot 7077 DP 1056107 and Lot 7497 DP 1165634.</p> <p>7. Requests that the provisions under Clause 7.4 (Development on the foreshore</p>	<p>1. Disagree - The environmental map overlay has been removed from draft Wyong LEP 2012. However, all land zoned SP2 Infrastructure with the exception of land currently zoned 7(g) (Wetlands Management Zone) which has been converted to the E2 Environmental Conservation zone.</p> <p>2. Disagree - It is not possible to make amendments to the draft Wyong LEP 2012 based on amendments to the SEPP (Infrastructure) 2007 that have not been gazetted as yet.</p> <p>3. Agree - Mapping to be amended accordingly.</p> <p>4. Agree - Mapping to be amended accordingly.</p> <p>5. Agree - It is recommended that the rear portion of Lot 1 DP 437280 and Lot 1 DP 518575 be zoned SP2 Infrastructure, as these sites are not included in the North Wyong Shire Structure Plan precinct.</p> <p>6. Noted - No further action required.</p> <p>7. Disagree - This is a model local clause and cannot be altered.</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
				<p>must ensure access) do not apply to land zoned SP2 – due to concerns regarding safety and security of critical infrastructure assets.</p> <p>8. Requests removal of statement in Settlement Strategy related to transfer of lands owned by Delta Electricity.</p> <p>9. Notes that residential or shop top housing development in close proximity of power stations would be inconsistent with pre-existing industrial land use.</p>	<p>8. Disagree – This is based on a resolution of Council.</p> <p>9. Noted – There are no business zones located in close proximity to the power stations. However, existing residential development adjoins power stations at several locations (eg Wannering Park, Buff Point, Halekulani etc) – and these have been converted to equivalent residential zones under draft Wyong LEP 2012.</p>
210.	D03272115	21 February 2013	PUBLIC AUTHORITY / AGENCY DEVELOPMENT STANDARDS, DUAL OCCUPANCY DEVELOPMENT, RURAL RESIDENTIAL DEVELOPMENT	<p>1. The draft Wyong LEP 2012 will affect Swansea / North Entrance, Hue Hue and Wyong Mine Subsidence Districts and may have an adverse effect on resource recovery.</p> <p>2. Minimum lot sizes less than 1 Ha for Hue Hue MSD and 20 Ha for Wyong MSD would not be acceptable.</p> <p>3. Supports the short, medium and long term development precincts identified in the NWSSP which coincide with future resource recovery – with no precincts identified west of the Freeway.</p> <p>4. Additional separate (detached) dual occupancy dwellings will not be permitted in the Wyong and Hue Hue districts and will require further consideration in other districts – being inconsistent with MSB's surface development guidelines.</p> <p>5. Other areas of concern are the introduction of rural hamlets / potential rural residential sites, RU6 Transition zones, tourist development under: RU1 Primary Production and RU2 Rural Landscape zones, key/iconic development sites, urban release areas.</p>	<p>1. Noted – No further action required.</p> <p>2. Agree – It is recommended that Clause 4.1B Variation to minimum lot sizes for environmental benefits be amended to require that land in zone RS Large Lot Residential zone cannot be subdivided below 1Ha. The RS Large Lot Residential zone applies to land within the Hue Hue MSD. The reason for this recommendation are based on:</p> <ul style="list-style-type: none"> The Jillyby area is nearly fully developed under a locally specific DCP chapter with the majority of land identified for conservation already acquired by Council. There are currently 318 existing lots zoned or part zoned 7(c) having an area of less than 2ha, with only 36 of these less than 9,000m2. There are only 3 parcels with current subdivision potential, that is, having an area of more than 2ha A 0.5ha minimum lot size would potentially allow 261 lots to be subdivided from 1 lot into 2 which may change the character of the area. <p>3. Noted – No further action required.</p> <p>4. Disagree – This is an endorsed Council position. In addition, the Mine Subsidence Board has not provided a firm position on this issue previously. Such development in mine subsidence districts will be categorised as Integrated Development and as such will be referred to the Mine Subsidence Board for concurrence.</p> <p>5. Noted – No further information provided in relation to specific areas of concern. All major development and rezonings will be subject to detailed investigation and endorsement by Agencies (including DARZI).</p>
211.	D03273088	22 February 2013	PUBLIC AUTHORITY / AGENCY - LAND RESERVATION ACQUISITION MAP ERROR	<p>1. Does not support being listed as the acquisition authority for Lot 1 DP 34871 Jillyby Road, Jillyby, which has been incorrectly identified as "Regional Open Space" on the Land Reservation Acquisition Map.</p> <p>2. Confirms that all other proposed land zonings for land owned by the Minister are correct.</p>	<p>1. Agree – This site is currently zoned 6(b) (Regional Open Space & Recreation Zone). As a result, the site is listed for acquisition and zoned RE1 Public Recreation. However, it is acknowledged that this is likely an anomaly. It is therefore recommended that the zoning of site be amended to the appropriate adjoining zone – RU1 Primary Production. It is also recommended that the land reservation acquisition mapping be amended to remove this site.</p> <p>2. Noted – No further action required.</p>
212.	D03273694	22 February 2013	PUBLIC AUTHORITY / AGENCY - LAND USE PERMISSIBILITY, RURAL RESIDENTIAL DEVELOPMENT	<p>1. Supports the restriction of rural residential development in areas suitable for agriculture and consolidating existing urban and other residential zones (SS p.200).</p> <p>2. Supports no changes to the subdivision requirements on rural lands (SS p 200).</p> <p>3. Supports consolidation of residential development within / adjoining existing rural villages (SS p 202).</p> <p>4. Objects to 'camping grounds, cemeteries and crematorium' being permissible with consent in RU1 Primary Production zone, due to possible land use conflicts and alienation of agricultural resources.</p> <p>5. Supports 'agriculture' being permitted with consent in the E3 Environmental Management zone.</p> <p>6. RU6 Transition zoning provides no certainty for investment in agriculture and could lead to land speculation.</p> <p>7. Supports removal of rural residential zones west of the Freeway, consistent with Central Coast Regional Strategy.</p> <p>8. Non agricultural land uses in RU1 Primary Production and RU2 Rural Landscapes zones need to minimize conflicts between land uses.</p>	<p>1. Noted – No further action required.</p> <p>2. Noted – No further action required.</p> <p>3. Noted – No further action required.</p> <p>4. Disagree – Due to the need for separation of crematoria from residential uses and the large land area required for cemeteries, and the usual practice for these uses to co-locate, RU1 Primary Production and RU2 Rural Landscapes appear to be the most appropriate zones. Camping grounds provides for low key tourism uses that could support primary production purposes.</p> <p>5. Noted – No further action required.</p> <p>6. Disagree – Land currently zoned 10(a) (Investigation Precinct Zone) is proposed to be zoned RU6 Transition. The RU6 zone should not affect land zoned for agriculture.</p> <p>7. Noted – No further action required.</p> <p>8. Disagree – A review of current permissible land uses under Wyong LEP 1991 and those proposed under draft Wyong LEP 2012 reveals that a number of non-agricultural land uses have been removed, and some added to the RU1 Primary Production zone:</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
213.	D03274799	25 February 2013	PUBLIC AUTHORITY / AGENCY - ZONE OBJECTIVES, DCP	<p>9. Suggests 'rural industries' be made permissible with consent in the IN1 General Industrial zone and 'intensive animals' be permitted with consent in the RU2 zone.</p> <p>1. Supports the prevention of chronic disease by creating healthy, livable environments.</p> <p>2. Recommends additional objective for RU5, R1, R2, R3, B6, B7, RE1 and RE2 zones - "To maximize public transport patronage and encourage walking and cycling".</p> <p>3. Recommends additional objective for RU6 zone - "To support land for food production in areas immediately adjoining an urban area situated on the periphery or borders of towns".</p> <p>4. Supports objective for R1 zone - "To promote walkable neighbourhoods and a sense of community". Recommends this additional objective for R2 and R3 zones.</p> <p>5. Supports B4 Mixed Use zone objective. Recommends food and drink premises be made permissible in the B4 zone.</p> <p>6. Requests inclusion of NSW Premier's Council for Active Living (PCAL) resource <i>Development and Active Living: A Development Assessment Resource and Navigation Tool</i> in the draft Wyong DCP 2012.</p> <p>7. Recommends that Chapter 2.11 Parking and Access of the draft DCP address end of trip facilities such as secure bicycle parking / storage, change rooms, showers and lockers.</p>	<p>- Now permissible: Detached dual occupancies; home occupations; farm stay accommodation; camping grounds; cellar door premises; rural supplies; helipads; airports.</p> <p>- No longer permissible: group homes; plant nurseries; wholesale supplies; depots; transport depots; truck depots; hospitals.</p> <p>9. Agree / Disagree - Rural industries are currently permissible in the IN1 General Industrial zone. The RU2 Rural Landscapes zone has been used as the translation zone for the current 7(b) (Scenic Protection Zone) west of the freeway. Intensive livestock agriculture such as feedlots, piggeries and poultry farms are not considered suited to these landscape sensitive lands.</p> <p>1. Noted - No further action required.</p> <p>2. Disagree - This objective was included as one of the aims of the plan (refer Clause 1.2) and thus is applicable to all zones.</p> <p>3. Disagree - The RU6 Transition zone has not been utilised for this purpose in Wyong LGA. The zone has been used to identify land that may be investigated for future urban development purposes.</p> <p>4. Agree - It is recommended that this objective is added to the R2 Low Density Residential and R3 Medium Density Residential zone given the higher density residential environment close to urban centres.</p> <p>5. Agree - Food and drink premises are permitted with consent in this zone.</p> <p>6. Agree - PCAL Principles have been integrated into existing DCP Chapters and will continue to be adopted into new and revised chapters as appropriate.</p> <p>7. Agree - PCAL Principles have been integrated into existing DCP Chapters and will continue to be adopted into new and revised chapters as appropriate.</p>
214.	D03275450	25 February 2013	PUBLIC AUTHORITY / AGENCY - NATIONAL PLANNING STANDARDS	<p>1. Comments Council for undertaking a comprehensive review of planning requirements for the Wyong region.</p> <p>2. NSW Government through the Council of Australian Governments has entered a process for the long term planning of our capital cities to be consistent with nationally agreed criteria.</p>	<p>1. Noted - No further action required.</p> <p>2. Noted - No further action required.</p>
215.	D03276047	25 February 2013	PUBLIC AUTHORITY / AGENCY	<p>1. Consider that conversion of 7(b) Scenic Protection to proposed E3 Environmental Management without listing caravan parks as a use permitted with consent, to be inconsistent with 5.117 Direction 3.2- Caravan Parks and Manufactured Home Estates.</p> <p>2. General concern with conversion of Darkinjung LALC's portfolio of 7(b) lands to proposed E3 zone.</p> <p>3. Request deferral of conversion of 7(b) lands until the Department of Infrastructure and Planning resolves similar issue within Standard Instrument LEP's on the North Coast.</p> <p>4. Request "recreation facility (major)" be included as "permitted with consent" within the IN1 General Industrial zone.</p> <p>5. Request zone objectives be extended to include reference permitting employment generating developments similar to zone 4(e) (Regional Industrial and Employment Development Zone).</p> <p>6. Generally supports the identification of a Type 3 regional airport.</p>	<p>1. Disagree - Draft Wyong LEP 2012 is consistent with the Direction as the plan retains provisions that permit development for the purposes of a caravan park to be carried out on land and zones the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan parks.</p> <p>- Caravan parks are permitted with consent in SP3 Tourist, R1 General Residential, R3 Medium Density Residential, RE1 Public Recreation and RE2 Private Recreation in draft Wyong LEP 2012.</p> <p>The majority of existing caravan sites within the LGA are located on land currently zoned 7(b) (Scenic Protection Zone). These sites have been converted to appropriate zones under draft Wyong LEP 2012, either SP3, R1, R3, RE1 and RE2 depending on the ownership of the site and the predominant adjoining land uses.</p> <p>- Manufactured Home Estates (MHE) are not a defined use in the Standard LEP dictionary. However, using SEPP 36 provisions MHE's would be permitted in SP3, R1, R3 and RE2 zones.</p> <p>2. Disagree - This is a standard zone conversion as set out in the Environmental Management Framework.</p> <p>3. Disagree - Deferral of this matter is not recommended, as this is a direct conversion and not a matter that will be resolved based on decisions made for LGAs in the North Coast region.</p> <p>4. Disagree - Additional land use to allow recreational facilities (major) in IN1 General Industrial zone is not supported as this is considered to be incompatible with the IN1 zone due to the low employment generating use which would be better suited in public or private recreation zones. The current mix of land uses is considered to be appropriate for the IN1 zone.</p> <p>5. Disagree - The objectives listed under Wyong LEP 1991, 4(c) (Regional Industrial and Employment Development Zone) are not appropriate for all IN1 General Industrial zone land with Wyong LGA.</p> <p>6. Noted.</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
216.	D03:280827	1 March 2013	PUBLIC AUTHORITY AGENCY	<p>7. Request clause 5.10 Heritage conservation be amended to include additional clause:</p> <p>8A-Sensitive Aboriginal landscape areas: The consent authority may require an Aboriginal Heritage Impact Statement to be prepared prior to granting consent to the carrying out of development on land shown on the Sensitive Aboriginal Landscape Map as being within a sensitive Aboriginal landscape.</p> <p>8. Object to Darkinjung LALC's strategic development opportunities being excluded from Council's exhibited Draft Settlement Strategy. Darkinjung LALC seeks the following sites to be included in Council's Settlement Strategy (sites outlined in Attachment 1 to submission):</p> <ul style="list-style-type: none"> - Bushells Ridge: Request that Council retain that land currently zoned 4(e) Regional Industrial & Employment Development and proposed IN1 General Industrial as future employment land within the Settlement Strategy. - Bushells Ridge East: Request that Council identify the subject land as a future Greenfield residential precinct. - Link Road Employment Estate: Request that Council identify the subject land as a future employment land. - Lake Munmorrah: Request that Council identify the subject land as a future Greenfield residential precinct. - Halekulani: Request that Council identify the subject land as a future infill residential precinct, to reflect the nature of existing (and proposed) development in the locality. <p>9. The submission also includes a table outlining suggested changes to text with the draft Settlement Strategy:</p> <ul style="list-style-type: none"> - P114: There are some 270 Aboriginal Heritage sites listed on the National Parks and Wildlife Service database. The Aboriginal Heritage Information Management System (AHIMS) currently record 315 sites across Wyong Shire (not 270). - P160: A large portion of Wyong LGA's employment land supply is highly constrained by environmental sensitivities. As a result, this constrained land is an under-utilised resource. For example, the large area of 4(e) (Regional Industrial and Employment Development zone) land in the north of Wyong LGA is environmentally constrained and has not been developed as a result, in spite of it being appropriately zoned since 1997. DIALC disagrees with this statement. Findings by DIALC appointed ecologist has not revealed any significant ecological constraint to development that cannot be managed through careful site planning and provided for offsite conservation measures (as Wyong Council is proposing for the WEZ and Warnervale Town Centre). 	<p>7. Disagree – It would be premature for Council to include a clause in the LEP concerning 'Sensitive Aboriginal landscape areas' given that, to our knowledge, no study has been undertaken by or for Council to establish mapping for such areas.</p> <p>8. Comments as follows:</p> <ul style="list-style-type: none"> - Disagree – The Settlement Strategy has implemented the outcomes of the North Wyong Shire Structure Plan (NWSSP). The majority of this site is identified as Strategically Located Constrained Sites. Note that Council has not sought to amend the zoning of this land, with a general conversion to IN1 General Industrial zone. - Disagree – The Settlement Strategy has implemented the outcomes of the NWSSP. The Settlement Strategy has identified additional land outside the NWSSP area, however this site is located within the NWSSP area. - Disagree – The Settlement Strategy has implemented the outcomes of the NWSSP. - Disagree – The Settlement Strategy has implemented the outcomes of the NWSSP. The Settlement Strategy has identified additional land outside the NWSSP area, however this site is located within the NWSSP area. - Disagree – The Settlement Strategy has implemented the outcomes of the NWSSP. The Settlement Strategy has identified additional land outside the NWSSP area, however this site is located within the NWSSP area. <p>9. Comments provided as follows:</p> <ul style="list-style-type: none"> - Agree – Council will amend the Settlement Strategy accordingly. <p>Noted – Council will review and amend the Settlement Strategy accordingly, where relevant.</p>
				<p>1. Supports the inclusion of conservation agreements under the Fisheries Management Act 1994 into Clause 1.9A (2)(c).</p> <p>2. Supports environmental protection zoning proposed for riparian areas, W2 Recreational Waterways zone for lakes and W1 Natural Waterways zone for major tributaries as this provides a significant level of protection to aquatic and riparian habitats.</p> <p>3. Recommends waterways in the north-western part of the LGA (proposed zone RU1) be zoned W1 or W2 to strengthen protection of fish habitat.</p> <p>4. Enhance this protection by including Key Fish Habitat Maps (prepared by Fisheries NSW) and adjacent riparian buffers as "environmentally sensitive areas" in Clause 3.3.</p> <p>5. Recommends an additional provision that prohibits subdivision of waterfront land or establish a minimum lot size over waterfront land to achieve this outcome.</p> <p>6. Recommends retaining Clause 7.9 Biodiversity and related maps - omitted in the current version.</p> <p>7. Recommends removal of 'aquaculture' from 'permitted with consent' list in the</p>	<p>1. Noted – No further action required.</p> <p>2. Agree – No further action required.</p> <p>3. Disagree – The W1 Natural Waterways zone has been limited to the estimated tidal limit. Beyond this limit, there is potential for the "migration" of stream banks over time and that cadastral boundaries of watercourses were not sufficiently reliable for defining zone boundaries.</p> <p>4. Develop appropriate controls for sensitive creeks/lines, tributaries, aquatic vegetation and marine shoreline habitat, to minimise impacts of development. This will include investigation of inclusion of a sensitive waterways clause and a review of DCP provisions relating to erosion and sediment control.</p> <p>5. Agree – This will be included in the Settlement Strategy and a review of Draft Wyong DCP 2012 undertaken to incorporate controls for subdivision of waterfront land.</p> <p>6. Disagree – Council did not support inclusion of the 'Biodiversity' maps within draft Wyong LEP 2012. It was not possible to include the draft local clause without the relevant maps.</p> <p>7. Agree – Amend draft Wyong LEP 2012 to delete 'aquaculture' from the list of permissible uses in the RU2</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
217.	D03282133	1 March 2013	PUBLIC AUTHORITY AGENCY - LAND ZONING	<p>RU2 Rural Landscape zone, as their permissibility (land based aquaculture) is governed by SEPP 62 Sustainable Aquaculture.</p> <p>8. Recommends 'aquaculture' be made permissible with consent in suitable waterways zone until SEPP 62 is further amended to include water based aquaculture.</p> <p>1. Does not support the application of RE2 Private Recreation zone over Crown land, including land held under Lease, Licence, Permissive Occupancy and under Trust. Crown Reserves should be zoned to accommodate highest use envisaged by the reservation / dedication. E1 National Parks and Nature Reserves zone only applies to land reserved under the <i>National Parks and Wildlife Act 1974</i>, and not Crown land.</p> <p>3. Draft Wyong LEP 2012 to indicate that Crown land, including Crown roads should not be utilised to comply with bushfire requirements (APZ).</p> <p>4. Several site specific zoning change requests, relates to:</p> <ul style="list-style-type: none"> - Tuggerah Lake Reserve (Pioneer Dairy). Request zoning from E2 Environmental Conservation and E3 Environmental Management to SP3 Tourist and E3 zone. - Norah Head Lighthouse Reserve. Request zoning from RE1 Public Recreation zone to SP3 Tourist zone and RE1. - Reserve at Kulnura (Lot 147 DP 755261, Lot 7002 DP 94101). Request zoning from RE1 Public Recreation zone to E3 Environmental Management zone. - Reserve at Kulnura (Lot 7003 DP 1021255, Lot 152 DP 723255). Request zoning from RE1 Public Recreation zone to RU1 Primary Production zone. - 173 Lake Road Tuggerah (Foreshore reserve - Lot 7018 DP 1030592). Request zoning from E2 Environmental Conservation to RE1 Public Recreation zone. - 50 Church rd Tuggerah (Reserve - Lot 27 DP 755263). Request zoning from E3 Environmental Management zone to R2 Low Density Residential and RU2 Rural Landscapes zone. - 14 Rutherford Drive Glenning Valley (Reserve - Lot 95 DP 755263). Request zoning from RE1 Public Recreation zone and E2 Environmental Conservation to RE1 Public Recreation zone. - 1CR Adelaide Street Killarney Vale (Oval and Tumbi Creek - Lot 7028 DP 1032259). Request zoning from RE1 Public Recreation zone and E2 Environmental Conservation to RE1 Public Recreation and W1 Natural Waterways zone. - 925 Macleay Drive, Halekiani (Reserve - Lot 588 DP 728958). Request zoning from RE1 Public Recreation zone to RU1 Primary Production zone. - 2CR Park Street Norah Head (Norah Head Recreation Reserve - Lot 1 Section 13 DP 758779, Lot 7345 DP 1167795). Request zoning from E2 Environmental Conservation to RE1 Public Recreation zone. - 1 Evans Road, Norahville (Vietnam Veteran Hospital - Lot 583 DP 728973). Request zoning from R1 General Residential and E2 Environmental Conservation to R1 General Residential zone. - 22 Victoria Street Norah Head (Norah Head Tourist Park - Lot 527 DP 755266). Request zoning from RE2 Private Recreation to RE1 Public Recreation zone. 	<p>zone.</p> <p>8. Agree - Amend draft Wyong LEP 2012 to add 'Aquaculture' to the list of uses permitted with consent in the W2 Recreational Waterways zone. However, 'aquaculture' infrastructure not suitable in the W1 Natural Waterways zone due to potential obstruction to flow and associated hazards, including liability for Council.</p> <p>1. Agree - Amend zoning where necessary to reflect ownership. 'Registered club' to be permitted with consent in the RE1 Public Recreation zone to allow existing clubs to continue to operate.</p> <p>2. Noted.</p> <p>3. Agree - However, this is not an issue that can be addressed in the draft Wyong LEP 2012. This requirement is included in 'Planning for Bushfire Protection' and related legislation.</p> <p>4. Disagree: Translation of zones 7(c) (Wetlands Management Zone) to E2 Environmental Conservation, 1(c) (Non Urban Constrained Lands) to E3 Environmental Management. Plan of Management to be implemented by way of Planning Proposal</p> <p>Disagree: Translation of 6(a) (Open Space and Recreation Zone) to RE1 Public Recreation. Any proposal for tourist and visitor accommodation to be subject to Planning Proposal. Tours and wedding ceremonies generally do not require consent, although a wedding reception would require consent. Clause 5.10 Heritage Conservation provides for heritage items to be used for any purpose Clause 2.8 Temporary use of land provides for any temporary use up to 28 days a year</p> <p>Agree: Translation of zone 6(a) to RE1. Request for E3 is supported.</p> <p>Agree: Translation of 6(a) to RE1. Request for RU1 Primary Production supported to reflect current use.</p> <p>The EEC mapping is considered to be accurate for the site and is of high conservation significance. The E2 zone should be retained.</p> <p>Disagree - Translation of 1(c) to E3. Alcohol and drug rehabilitation centre Flood prone, environmental issues, therefore a Planning Proposal is required for any substantial increase in development</p> <p>Disagree - The site contains mapped EEC. The whole site is also subject to a Property Vegetation Plan and is managed by Council for conservation. It is recommended the whole site be zoned E2. It is recommended that the Lot Size Map be amended to match the zone boundary change.</p> <p>Agree - Waterway should be zoned W1 Natural Waterways.</p> <p>Agree - The EEC is appropriately mapped to the west of the creek. On the east of the creek, the EEC is increasingly modified the further it is from the creek. It is recommended that the E2 east of the creek be reduced to a narrow riparian area and the RE1 zone apply to the remainder. The Lot Size Map is recommended to be amended to match the zone boundary change.</p> <p>Disagree - Currently 7(b) (Scenic Protection Zone). Existing quarry prohibited by current zone. Requested RU2 zone considered inappropriate in context of surrounding zones. Recommend continue with rezoning to RE1 Public Recreation to match land to south intended as a future recreational area.</p> <p>Agree - The boundary between EEC and other vegetation is blurred due to a mixture of vegetation types. Also, the mapped EEC in the park reserve section is a monoculture paperbark stand and would not qualify as EEC. It is recommended that the E2 zone be reduced in area and the RE1 zone be applied. The Lot Size Map is also to be amended to match the zone boundary change.</p> <p>Agree - The area mapped as EEC contains only a small area of EEC. Recent additions have been approved that allows clearing and management of the vegetation. It is recommended that the E2 zone be amended to match the zone of the remainder of the site. Being R1, and the Lot Size Map be amended accordingly.</p> <p>Agree - Standard translation 1(c) (Non-Urban Constrained Lands Zone) to E3 Environmental Management (Residential Zone) to R2 Low Density Residential zone. Existing caravan park located on the site, therefore it is recommended that the site be zoned to RE1 Public Recreation to reflect ownership of the site.</p> <p>1. Noted.</p> <p>2. Agree / Disagree - The majority of school sites do not have a proposed building height or FSR. However, for</p>
218.	D03295285	15 March 2013	PUBLIC AUTHORITY AGENCY - LAND ZONING	<p>1. Department requests that Council ensure the use of education establishments and schools be a permissible use of all education sites.</p> <p>2. No FSR or Height of Building restriction should apply to school sites.</p>	<p>1. Noted.</p> <p>2. Agree / Disagree - The majority of school sites do not have a proposed building height or FSR. However, for</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
			ZONING	<p>9 sites have been identified which display land use zoning anomalies which have the effect of prohibiting educational establishments and school uses on the Departments land:</p> <ul style="list-style-type: none"> Chitraway Bay PS: Part of the site is proposed to be zoned E2 Environmental Conservation. Glenvale School: Part of the site is proposed to be zoned RE1 Public Recreation. Hopetown School: Part of the site is proposed to be zoned E2 Environmental Conservation. Jilliby PS: Part of the site is proposed to be zoned RU1 Primary Production. Lake Munmorah HS: Part of the site is proposed to be zoned E3 Environmental Management. Norah Head future school site: Site is proposed to be zoned E2 Environmental Conservation. Former Warnervale PS: Part of the site is proposed to be zoned E3 Environmental Management. Woongarah future school site: Part of the site is proposed to be zoned RU6 Transition and part E2 Environmental Conservation. Wyong Creek PS: Part of the site is proposed to be zoned RU1 Primary Production. No objection to heritage listing of individual buildings. Council should advise the Department of any opportunities to upscale density of housing in existing residential areas. The Department would like to maintain a close working relationship with Council, to adequately deal with anticipated population growth and the delivery of education services. 	<p>School sites that are located within Council's key strategy areas (The Entrance, Toukley), some schools have had building heights and FSRs applied, in accordance with the approve strategy. For school sites zoned R2 Low Density Residential zone, the standard 450m² minimum lot size applies.</p> <p>Agree / Disagree - Comments as follows:</p> <ul style="list-style-type: none"> Agree - The site was inspected on 4 April 2013 and revealed that the majority of the proposed E2 zone had been fenced off from the school grounds. In effect, site management recognises the value of the vegetation and there appears no conflict with proposed future school development on the site. The zone map is recommended to be amended to only apply the E2 to the fenced area. The Lot Size map is also recommended to be amended to reflect the zone change. Disagree - Current site is part 6(a) (Open Space & Recreation zone). Due to coastal recession issues, it is not appropriate to amend this part of the site to a residential zone. Agree - The site was inspected on 4 April 2013 and revealed that the proposed E2 zone had been fenced off from the school grounds. Site management recognises the value of the vegetation and there appears no conflict with proposed future school development on the site. The zone map is recommended to be amended to apply to the EEC area within the fenced area. The Lot Size map is also recommended to be amended to reflect the zone change. Agree - This is a mapping error. Recommend whole site be zoned SP2 Infrastructure. The Lot Size map is also recommended to be amended to reflect the zone change. Agree - The site was inspected on 4 April 2013. The site is currently zoned 7(b) and the translation to E3 has been applied to the undeveloped area of the site. The balance of the site, containing the school buildings and grounds, are proposed to be SP2. Site inspection revealed that some of the proposed E3 contains stormwater drainage treatment ponds for the school. It is recommended to amend the zone map to extend the SP2 zone over the ponds. The Lot Size map is also recommended to be amended to reflect the zone change. Disagree - The site was inspected on 4 April 2013. There is no school on this site. The site contains an EEC that is only known in this location. The current zone prohibits educational establishments. The proposed E2 zone is considered appropriate having regard to the EEC and the location of the site within the landscape. Disagree - The site is currently part zoned 5(a) and part 1(c). The school buildings are located within the 5(a) zone. The 5(a) zone has been translated to R2 to match the adjoining residential zone to the north. The current 1(c) zone has been translated to E3. This section of the site is subject to flooding and the E3 zone is considered to be appropriate at this stage. This site is currently being considered as part of a separate Planning Proposal for the Precinct 7A investigation area. Disagree - The site was inspected on 4 April 2013. There is no school on this site. There is a watercourse flowing through the centre of the site with vegetation mapped as EEC generally following the watercourse. The mapped EEC is proposed as E2 with the balance proposed as RU6. The vegetation varies from the mapping but is regarded as potentially significant. Detailed investigation of the site will be required as part of future urban investigations for the RU6 zone. This future process will provide opportunity for more detailed assessment of ecological values. The E2 zone provides interim protection from clearing activities permitted under the Native Vegetation Act. It is recommended that there be no change to the zone map. This site is currently being considered as part of a separate Planning Proposal for the Precinct 7A investigation area. Agree - Current zone applies to wrong properties. Amend to match ownership. The Lot Size map is also recommended to be amended to reflect the zone change. Noted - No further action required. Noted - No further action required. Agree.
219	D03301563	22 March 2013	PUBLIC AUTHORITY / AGENCY - LAND ZONING	<p>RE: 2 Corolla Close, Berkeley Vale</p> <p>1. Land previously zoned 4(a) (Industrial Zone) has been converted to IN1 General Industrial however part of the site is zoned to E2 Environmental Conservation zone. Land will be devalued by this rezoning. Request land zoned entirely to IN1.</p>	<p>1. Agree - The site was inspected on 3 April 2013 by Council's Ecologist. The vegetation on site contains the Endangered Ecological Community (EEC) as mapped. However, having regard to the immature growth stage of the community and the isolation of the vegetation from other vegetated areas, it is recommended that the E2</p>



#	TRIM NO.	DATE REGISTERED	KEY ISSUE	SUBMISSION SUMMARY	COUNCIL RESPONSE
220	D0320179	12 April 2013	PUBLIC AUTHORITY AGENCY - LAND ZONING	<p>General Industrial zone.</p> <p>RE: Transgrid land</p> <ol style="list-style-type: none"> Request that Transgrid land at Doyalson (Lot 1 & 3 DP 259306 and Lot 202 DP 1126914) be zoned from SP2 Special Purpose to the appropriate adjoining zone, in accordance with Practice Note 10-001 – Zoning for Infrastructure. Ensure all Transgrid easements are zoned in accordance with appropriate adjoining zone. 	<p>Environmental Conservation zone be deleted from the site and the IN1 General Industrial zone applied. Any future development will still require ecological assessment, however, this patch of EEC is considered likely to be able to be at least partly cleared subject to appropriate offset arrangements. Other areas of EEC and proposed E2 zones in the Berkeley Vale Road industrial area were also inspected to assess the appropriateness of the E2 zone having regard to condition and isolation/connectivity issues. A number of other minor areas of exhibited E2 areas are recommended to be zoned IN1.</p> <ol style="list-style-type: none"> Disagree – These properties have been considered in the context of the Practice Note 10-001, however it is considered that there is no appropriate adjoining zone in this case. Rezoning of these sites will need to be implemented by way of a separate Planning Proposal. <ul style="list-style-type: none"> Lot 100 DP 1065718 – No appropriate adjoining zone. Lot 101 DP 1065718 – No appropriate adjoining zone. Lot 60 DP 1065038 – No appropriate adjoining zone. Lot 1 DP 1122887 – No appropriate adjoining zone. Lot 202 DP 1126914 – No appropriate adjoining zone. Lot 1 DP 259306 – No appropriate adjoining zone. Lot 3 DP 259306 – No appropriate adjoining zone. Lot 1 DP 627921 – Zoned E3 Environmental Management zone (straight conversion) Lot 1 DP 627921 – Zoned E3 Environmental Management zone (straight conversion). Lot 101 DP 999132 – Zoned E3 Environmental Management zone and E2 Environmental Conservation zone (straight conversion). Lot 111 DP 615529 – Zoned IN1 General Industrial and E2 Environmental Conservation (straight conversion from 4(a) (General Industrial) and 7(g) (Wetlands Management Zone). Agree – This is not a defined land use, therefore this is not permitted or prohibited in any land use zone.

Report to Wyong Shire Council

**Proposed Land Reclassification of Certain Public Lands
and Other Matters Relating to Draft Wyong LEP 2012**

Report on a Public Hearing

Prepared by:

Peter Walsh
(Fellow of the Planning Institute of Australia)
Chairperson of Public Hearing

April 2013

LIST OF ABBREVIATIONS

CCBF	Central Coast Business Review
CCRPC	Central Coast Regional Conservation Plan
CCRS	Central Coast Regional Strategy
CEN	Community Environment Network Inc
CSP	Community Strategic Plan
DoP	Department of Planning
DPI	Department of Planning and Infrastructure
EEC	Endangered Ecological Community
EPA Act	Environment Planning and Assessment Act, 1979
LATM	Local Area Traffic Management
LEP	Local Environmental Plan
LG Act	Local Government Act, 1993
LGA	Local Government Area
LGSA	Local Government and Shires Associations
NV	Native Vegetation
NWSSF	North Wyong Shire Structure Plan
PN	Practice Note
RPT	Regular Public Transport
s	Section
TCorp	NSW Treasury Corporation
WSSS	Wyong Shire Settlement Strategy

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1. INTRODUCTION

1.1 Context

This is a report on a public hearing arranged by Wyong Shire Council under the provisions of section (s) 57 of the Environment Planning and Assessment Act, 1979 (EPA Act). The hearing considered both proposals before Wyong Shire Council (Council) to reclassify certain "public land" under the Local Government Act 1993, as well as other matters involving Wyong Draft Local Environmental Plan (LEP) 2012.

Under the regime for the classification of public land introduced with the Local Government Act 1993 (LG Act), all public land must be classified as either "community" or "operational" land. Public land comprises all land "vested in or under the control of the council"¹. As such, both land which a council may have under its control for use by the community, and land which a council may hold, say, for investment purposes, for storage of plant and equipment or for a strategic redevelopment purposes, are all designated as public land. The principal effect of the classification of public land is to "restrict the alienation and use of the land"².

1.2 Public Hearing

Where there is a proposal to reclassify community land to operational land, s29 of the LG Act provides that Council must arrange a public hearing under s57 of the Environmental Planning and Assessment Act 1979 (EPA Act).

The EPA Act also includes provisions for the calling of public hearings by a planning authority (ie council) on more general matters raised in submissions to the public exhibition of a draft LEP, and provides at s57(5) that:

- If:*
- (a) a person making a submission so requests, and*
 - (b) the relevant planning authority considers that the issues raised in a submission are of such significance that they should be the subject of a hearing,*
- the relevant planning authority is to arrange a public hearing on the issues raised in the submission.*

So while, under the LG Act, a hearing is a statutory requirement for proposals to reclassify land from community land to operational land, the calling of hearings otherwise on draft LEPs are at the discretion of councils. In this case Council determined that the public hearing should be open to hear submissions in regard to wider matters in the Draft LEP 2012.

In accordance with relevant statutory provisions the writer was appointed to preside over the hearing and prepare a report. This document is intended to comprise the report of the public hearing.

The general administration of the public hearing was undertaken by Council officers. The hearing was conducted throughout the day on 2 April 2013 at Council's Administration Centre at Wyong.

The proceedings followed the schedule outlined below:

1. Welcome and introduction to hearing process including Local Government Act land classification regime - chairperson
2. Overview of the proposed Draft LEP - Council officers
3. Hearing of submissions from individual parties

-
4. Concluding remarks and comments on next steps from chairperson.

1.3 Report Structure

The report structure is as follows:

- Introduction – sets the context for the hearing
- Outline of submissions and approach to their assessment
 - Overview of concerns
 - Strategic background
 - Setting a framework of principles to consider issues raised
- Consideration of issues raised in light of suggested framework
- Conclusions and recommendations.

- Annexure A – More details on individual submissions and responses.

1.4 Comments on Report Timing and Implications

Council has advised the writer of the timing for its deliberations on the draft LEP and that this timing is, in particular, responsive to the requirements of the NSW Department of Planning and Infrastructure (DPI), to receive Council's post-exhibition LEP documentation by 30/6/2013. Council has of course a need to move through a set of meetings before it finalises its position in regard to the draft LEP, with this hearing just one aspect of many. Completion of this report by the suggested target date optimises the potential for the relevant people having the chance to consider its findings. However, the issues raised at the hearing and the quantum of material which would have needed to be examined to have a capacity for full appreciation of these issues, would require considerably more time and resources. This is not a criticism of any party, but just a reflection on the reality of the situation at hand. It does mean that the recommendations made have a caution attached to them, and that there may be matters of fact missed or points to the analysis which could have been undertaken more completely if time was available. In their own review of the report, Council officers may wish to draw such matters to the attention of Council.

2. OUTLINE OF SUBMISSIONS AND APPROACH TO THEIR ANALYSIS

2.1 Introduction

While a larger group attended throughout the day, some 37 individuals made submissions to the public hearing. The table below provides a quick snapshot of the points raised and is not at all intended to capture the particulars of individual submissions.

List of Submissions

Name	Matters of Interest – Outline Only
Andrew Neil	Subdivision changes, 5 Anderson Road, Glenning Valley
John Asquith and Tony Sweeney	Range of LEP issues, including potential adverse effect on EEC of land reclassification proposals.
Kevin Armstrong	Range of LEP issues including consultation process
Fred Wratten	Land reclassification, especially objecting to 32 & 43W Christopher Cr, 83W Gorokan Drive, 6 Kylie Cr, Lake Haven
Mrs Gigg	Reclassification 32 Christopher Cr and 83W Gorokan Dr Lake Haven
Mr Gigg	Reclassification 32 Christopher Cr and 83W Gorokan Dr Lake Haven

Name	Matters of Interest – Outline Only
Mr Greentree	Reclassification Alfred Greentree Reserve Gorokan
Gary Greentree	Reclassification Alfred Greentree Reserve Gorokan
Margaret Bevege	Reclassification 106 Phyllis Ave Gorokan and other issues
Paul Kelly	Further subdivision 35 Blue Wren Lne Wyong Creek
Stuart Durie	Range of concerns. Constraints on future development.
Michael Campbell	Range of concerns. Settlement Strategy objectives not delivered.
Neville Maxwell	139 Boyce Ave Wyong. Further development rights.
Howard Friend	180 Pacific Hwy Ourimbah. Concerned about E2 zone
DW Smyth	70 Manns Rd Fountaindale. Seeks increased development.
Tony Solana	285 Pacific Hwy Lake Munmorah. Increased development opportunities.
Rbbert Todd	14 Chittaway Rd Ourimbah. Further subdivision.
Gesuarda Hopkins	385 and 19 Brush Rd Ourimbah. Further subdivision.
Nicholas Pyko	6 Sinclair Cr Wyong. Rezone from R2 to R1 in new LEP.
Edgar Adams	Support Type 3 Airport.
Dennis Hunt	Support Type 3 Airport.
Rbbyn Abernathy	Support Type 3 Airport.
Jacob Kociuba	91 Tumbi Rd, Tumbi Umbi. Effect on existing agricultural activities.
Sandra Kay	475 Pacific Hwy Orangan Bay. Various concerns about unfair changes.
Tony Peppercorn	15 Teralba Ourimbah. Fights to develop granny flat.
Jbe Olivieri and consultant Gary O'Dell.,	Lake Munmorah Flower Farm. Various planning concerns and requesting reconsideration of development opportunities.
Lisa Feine and Jeanne Hearne	Reclassification of 30W Glen Rd Ourimbah and implications for a proposed telecommunications tower.
Gary Blaschke	Range of concerns about process and community interests.
Ralf Chapman	Objects to Alfred Greentree Reserve reclassification.
Stuart Hayward	84 Hue Hue Rd Alison. Reconsider development potential in the area.
Kim McKeachie	31 Daley St Doyalson North. Requesting reduced minimum lot size.
Caroline Wickham	Objection to proposed airport.
Peter Doull	44 Mona Rd Woongarra. Varous concerns about communication process and effects of changes on this land.
Youseff Chmait	11 Pacific St Long Jetty. Concerns about lost access rights with B2 zone.

2.2 Overview of Concerns Raised in Submissions

Many of those making submissions made considerable effort in preparation. **Annexure A** provides a more detailed summary on individual submissions. Many submissions raised common viewpoints and it is the substance of the arguments made which is the main focus of the body of the report. Overall the submissions paint a rich picture of the concerns relating to the Settlement Strategy and the draft LEP, including the land reclassification aspects. It is clear that there were a number of quite distinct discourses presented, and the purpose of this initial overview is to briefly introduce them.

Land Reclassification

A major area of interest at the hearing was Draft LEP 2012's proposals for reclassification of community land to public land under the classification system of the Local Government Act (LG Act). Submissions ranged from the site specific (eg concerns about local neighbourhood and next door effects), to the management questions which arise with classification change (eg reclassification of land containing Endangered Ecological Communities (EEC) under the Threatened Species Act), to the implications of the community's loss of public land and custodianship responsibilities of Council.

Among the many concerns raised about land reclassification was what was seen to be insufficient time available for public review of the large extent of lands proposed for reclassification.

Perceived Missed Opportunity and/or Lost Land Value as a Consequence of Draft LEP

There was a considerable variety of concerns raised under this general theme, including:

- Dissatisfaction with the implications of the Settlement Strategy (especially the location and staging/sequencing of future urban development and the provisioning of "Green Corridors" on private lands). A distinct concern was perceived neglect of the northernmost area of the Shire in the land release strategy. Some land owners had a sense of having waited a long time already for development opportunities, and this area was ready for appropriate investment and growth.
- Reduced or lost opportunity for current land use activity as a consequence of Draft LEP provisions, ranging from reduced rights to low key agricultural pursuits to limitations to resource extraction activity of significant public interest.
- Questioning of zone boundaries especially for environmental zones which can constrain future development.
- What might be seen as minor, technical or low key changes to zones. A distinct topic was that of increased opportunity for housing on rural lands, including for family members. Another was the progressing of Planning Proposals already moving through the "gateway system" of the NSW government.
- A number of submissions on land reclassification also raised the issue of the effects of changed classification nearby on their amenity and property values.

Inclusion of Airport in Draft LEP

Draft LEP 2012's proposal at clause 7.13 to show certain land as "Airport Type 3" with "potential for a Type 3 Airport (limited service airport with single runway of length up to 2600m)" received highly polarised submissions. A number saw it as a potential major boost for the local economy. Others were concerned about the basis of the decision, the direct effects of the LEP provisions, and then if it were to occur, the direct effects of the airport itself.

Wider Strategic Considerations

A number of submissions raised concerns about the wider strategic implications about both the draft policy provisions in the LEP and related documents, and the larger public engagement process around it. There was a level of recognition of the financial pressures facing Council and the timing requirements of the DPI. The current work was seen to be an important next step in the future directions which need to be taken in the Shire. However a number expressed disenchantment and saw a situation of lost community trust in regard to the process which had been followed over the past few months. The process was seen to set an unrealistic requirement for analysis of an impractical amount of important information in the time available. There were also questions about how serious the Council would consider the submissions made.

2.3 Strategic Background

There are a number of strategic planning documents which provide the contextual background to the matters considered at the hearing. While there are many more than this, four of the particularly pertinent documents, and their inter-relationships with other key policies, are outlined below with some contextual remarks.

North Wyong Shire Structure Plan (October 2012)

The NWSSP is a creation of the NSW government and builds on the Central Coast Regional Strategy (2008) (CCRS). The NWSSP is intended to guide very substantial new greenfield development which is proposed for the Shire. It maps out of plan for almost 17,000 new homes and up to 17,000 new jobs (p3). It is particularly relevant to a number of submissions in that it sets out a staging and sequencing plan to inform planning and infrastructure investment. New development is intended to be concentrated "in areas that allow for efficient infrastructure servicing" (p3). Consistent with the State's wider environmental management responsibilities and again relevant to submissions, the NWSSP identifies the importance of biodiversity outcomes and the need to develop a systematic and spatially responsive management strategy. The somewhat broadly defined "corridor and habitat network" raised in submissions comes from the NWSSP. A missing link in this documentation is the proposed Central Coast Regional Conservation Plan (CCRCP). It is reasonable and responsible for a structure plan such as this to define important natural resource management responses, however we have not seen the supporting studies which define the bounds of the network. So it remains an assumption of this work that the location of the corridor and habitat network is based on appropriately rigorous analysis.

Wyong Shire Settlement Strategy (Exhibition Material 2013)³

The WSSS is a more comprehensive document. As the title implies it is particularly focused on managing future urban growth. Like the NWSSP it seeks to "cover the period up to 2031". Notwithstanding, the need for periodic review is noted (p3). The WSSS highlights the issues faced by Council and the community in planning for this growth and how they inter-relate. Nine separate areas are covered all of considerable complexity: planning for community, utilities infrastructure, transport, environment, natural hazards, economy and employment, settlements and housing, the overall land use strategy and governance and implementation concerns. Relevant to submissions, the WSSS (in accordance with higher order plans) and subsequently draft LEP 2012 itself adopt an orthodox planning approach to protection of higher quality agricultural land, flooding and other risk management. A particular and important area of focus in the WSSS is the demographic characteristics of the Shire and the evidence of considerable disadvantage faced by the population⁴. Various strategies are suggested to work with the community and other authorities to redress this situation.

One of the submissions pointed to what were seen as ambiguous or conflicting (or as it was suggested "motherhood-like") statements of objectives, or matters not followed through in the draft LEP itself. Strategies like this do need to capture many content items and can be unclear as to what specific direction is to be taken. It is important in strategic decision making at this level that there be a good appreciation of the choices available and the consequences of individual choices. This is commented on further below.

Community Strategic Plan (2011)

Each of the NWSSP, the WSSS and the Land Reclassification Discussion Paper (see below) nominate Wyong's Community Strategic Plan (CSP) as an important document, noting its role as setting strategic direction. The CSP's eight priority objectives are:

- Communities will be vibrant, caring and connected;
- There will be ease of travel;
- Communities will have a range of facilities and services;
- Areas of natural value will be enhanced and maintained;
- There will be a sense of community ownership of the natural environment;
- There will be a strong sustainable business sector;
- Information and communication technology will be world's best; and
- The community will be educated, innovative and creative.

Discussion Paper on Land Reclassification (2013)

This document was prepared to outline the background to the intended changes to land reclassification, which as far as I could see from my overview reading, are not otherwise raised in the policy documents listed above. A particular point of nominated intent is to balance overall community interests and Council's corporate management responsibilities, a reasonable intent given the importance of this inter-relationship (p1). The Discussion Paper focuses on the requirement for Plans of Management (PoMs) for community land which provides for a community role in decision-making. The Discussion Paper suggests a decision framework for land reclassification as follows:

Where there is a clear benefit, or need, for direct community involvement in public land management, land will retain a Community classification. Where there is no clear benefit of direct community involvement the land is proposed to be reclassified to Operational to allow Council's asset management priorities to be achieved. (p1)

2.4 Decision Framework to Help Bring a Coherence to Report Recommendations

The particulars of the proposed reclassifications are considered below but the notion of setting a practical decision framework or guiding principles to assist in making difficult and contested policy choices, is a sound one. Below, a set of four guiding principles are outlined which have been adopted to help in coming to recommendations on the matters before the hearing. The principles attempt to synthesise the underpinnings of the strategic policy provisions referenced above, as well as the legislated "charter" for councils under the LG Act (see below).

A council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible
- to engage in long-term strategic planning on behalf of the local community
- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

Figure: Council's Charter under Chapter 3 of the Local Government Act

The suggested principles have been constructed to help, directly, with the policy choices before the hearing, and the consequences either way. In the writer's view they help with the call for a "common

sense approach" which was quite common in the hearing. Their open documentation in this report allows them to be readily contested by Council as further decisions are made on these matters.

The four principles are as follows:

1. Best possible local outcomes but still considering regional and wider context
2. Ensure the benefits of plans/ changes outweigh their costs
3. Careful use and management of natural and cultural resources
4. New problem-solving initiatives are needed, but they require critical reflection about consequences, mindful of the above three principles.

3. CONSIDERATION OF SUBMISSIONS

This section sets the criteria or principles for assessment from Section 2.4 in context and then uses these principles to assess the submissions. **Annexure A** includes an outline of each individual submission and response.

Principle 1 – Best Possible Local Outcomes While Fitting into a Regional Context

This major and in a sense overriding principle suggests that the planning decisions should be seeking the best possible outcomes for the Wyong community and its interests, while noting the wider planning framework which we need to work within in the form of the NWSSP and COFS. State government is a key infrastructure provider, responsible for public policy interests which extend across individual local government boundaries, and of course responsible for the gazettal of new planning instruments in NSW. So there is a public interest and practical constraint involved in departures from State policy provisions. Councils will, reasonably, challenge State policy provisions for important local initiatives, especially where creative approaches can work to a win-win situation. For the writer, the eight priority objectives of the Community Strategic Plan give a good picture of what the community is hoping for into the future. At a baseline level a council with its gaze fixed on such issues, and taking decisions in their interest would have good cause in pressing State government about local initiatives.

But many site or project specific submissions were made at the hearing. These submissions, although often with a private or personal interest in mind (eg seeking to capitalise on a land asset or offset costs from holding the land for long periods of time) could well be reasonable and themselves line up with optimisation of local outcomes. Such matters would be worth supporting in such circumstances, as matters for direct requests to DPI for inclusion in the final LEP. In these circumstances the second principle provides some guidance.

Principle 2 – Ensuring the Benefits of Plans and Consequent Changes Outweigh Their Costs

When councils work on changes to zoning and development rights they face many pressures from landowners and other parties who have expectations or fears about their own land. Certainly many parties making submission at the hearing are facing hardships and changes in the value of their land assets could be a pathway out of difficult circumstances. The public interest here is to give weight to the (sometimes less strong) voices of the larger community, and their long term interests, over what might be important potential benefits of improved development rights to a smaller group. The point does not mean ignore the calls for improvements to private development rights, but it does suggest a reflective approach and a mind to social justice principles as raised in the Council Charter.

Considering the Staging of Future Development and its Infrastructure

A number of people made submissions requesting their land be brought forward on the development program. It was particularly frustrating for many that the development potential of their land was

still many years away. This after long periods of holding the lands (with concomitant holding costs) and with higher expectations. On at least one occasion the frustration was related to the lost vision of a new home on a large block and a kind of limbo status as signals for earlier residential settlement seemed apparent and the decision to build on the land was not taken.

In terms of urban land release, a key argument against a more *laissez faire* approach is that of the efficiency and effectiveness of infrastructure and services rollout. A committed land conversion sequencing strategy builds on existing committed infrastructure/services investment, and reduces investment risk for developers and the local council. The alternative, ie a more dispersed and reactive land conversion strategy can encourage land speculation and discourage actual investors due to lack of predictability or certainty. More dispersed development patterns can also be a particular drain on a council's own resources as they seek to respond to the sometimes vocal needs of new and existing residents. This is more so the case since April 2009 and the State government's limiting of developer contributions for new infrastructure requirements, which placed a significantly heavier burden on local councils to fund baseline community and engineering infrastructure, than had been the case previously. This problem is exacerbated further with increased relative costs of building and land acquisition (Settlement Strategy, p17).

The Settlement Strategy's commentary on community facilities was mindful of the Community Strategic Plan's key objectives (as nominated above) and noted existing problems with backlog in community facilities provisioning. Such facilities can be very important to helping with the delivery of the "vibrant, caring and connected" communities sought after by the CSP. The Settlement Strategy (p11) also referenced the Quality of Life Survey (2007) which endorsed this view on backlog with 56% of residents suggesting *inadequate public infrastructure* as the single most negative impact of population growth. I have looked at this reference and note that the survey of residents of Wyong Shire found an overall negative perception of growth when asked "whether the positive impacts of growth outweigh the negative" (58% to 32.3%). In this survey *public infrastructure* was suggested to include "hospitals, roads, schools, sports grounds and recreational facilities and parks". An important principle is that increasing population of itself is unlikely to address the problem of under provision of services. One of the tough tasks of councils in settings like Wyong is to ensure the planning for future residential accommodation helps increase service provision to meet the needs of this community, and does not merely increase what can be a setting of relative disadvantage for residents^{5 6}.

Commitment to staging strategies is seen to be a friend to councils seeking to plan for equitable service provision, especially those experiencing fiscal stress. This is of course a perennial problem in local government in NSW under current funding arrangements, where important challenges of infrastructure provision and renewal are often unable to be accommodated due to what is evidenced to be a systemic financial problem which is manifested in deficits in operating budgets (TCorp, 2013 and LGSA, 2006 "the Allen Report"). Wyong, of course, is not immune to the fiscal problems facing local government⁷. The evidence of a financial system problem would be an argument against the idea that there is a benefit in increasing housing due to the extra rates revenue it might bring alone (ie this would assume it is clever to keep on following a model that has placed local government in the current unsustainable fiscal position).

The evidence supporting the staging strategy contained in NWSSP and Settlement Strategy has not been specifically critiqued in this report. However, without any compelling evidence to the contrary from submissions, it is reasonable for this report to rely on the staging strategy as a reasoned analysis of relational aspects of housing, employment growth and sustainability pressures, undertaken as it is by professional government planners with no particular interest but efficient and effective policy. A suggestion made in some submissions that it is now time to invest more in the land to the "far north" of the Shire, cannot be supported here without some evidence to suggest a benefit for the local

community. Such a community benefit is not obvious from the submissions to the hearing. On the face of it, the opposite is more likely in that opening up new development fronts out of a planned sequence can be a high cost items for councils, mean more "fronts" for service provisioning and thus dispersed capacities which can just mean increased instances of settings of disadvantage.

In terms of the question of whether changes to the release strategy to bring forward further residential zonings might add to economic growth, investment, job creation and prosperity, again support cannot be given. An important focus of decisions of government is the creation of conditions for investment in wealth creation, or at least not unreasonably preventing it. However the zoning process is not seen of itself to create community wealth. Sufficient flexibility to allow for competition and innovation in land development *is* important. However, with the large quantum of land on the release program this opportunity seems to be available. Opening up new development fronts which are at odds with planned infrastructure sequencing can be a high cost items for councils while also decreasing the willingness of specialist development interests to invest locally⁸. Professional development interests do have a role in adding community value through their competence in procurement, product development and marketing, founded on the commercial driver to deliver competitively successful neighbourhood projects, or successful commercial or employment precincts, which can require very large capital investment upfront (eg to procure and develop the 5ha+ industrial lots to accommodate large scale industry to the Shire suggested in the Employment Lands Study (Settlement Strategy, p159)). The holding of land of itself and then being a participant in its zoning change has a more limited role in adding to growth, economic prosperity and the like.

Considering Land Where Increased Development Fights Were Sought But Not Provided in the Exhibited Plans

Two categories can be considered here:

Aspirations to be included in the urban development program and land was not included

Some submissions sought inclusion of their land in an urban land release strategy which was not included now, even on the longer term program. Others were moving through a gateway process for rezoning under the NSW gateway system and see this new LEP as an opportunity to reduce administration and time before zoning changes are secured. The Settlement Strategy outlines recent work on dealing with rezoning requests strategically (p221), and the NSW gateway system is available for those seeking changes to planning instruments⁹. It would be reasonable for the hearing report to make recommendations on apparent anomalies, mindful of the report's nominated Principles 1 and 2. However, none of the submissions demonstrated a particular public benefit to the writer which would suggest the Council should elevate the status of such proposals beyond the processes currently being undertaken by Council and the State government.

Aspirations for further subdivision or housing potential on non-urban land

A number of submissions requested zoning changes to allow for a smaller number of new "rural-residential" style home sites on *non-urban* land, commonly with minimum lot sizes of 20 or 40ha. Most of these submissions were open in noting the core intent here was to benefit the individuals personally, often under particular pressing circumstances. However, again commonly, the submissions were mindful of the public interest as well and noted that the creation of additional allotments would increase Council's rates revenue, but could also encourage tourism, improve land care and bring an increased enthusiasm for new endeavours of benefit to the area. It is reasonable to think that many people have difficulty in seeing a downside to such a change, especially when some or all services are readily available.

However, when assessed against Principles 1 and 2 above, a number of concerns arise. First it is not a secret in the community that changes to subdivision potential, to allow one or more new rural-

residential blocks adds considerable value to a block of land. It is reasonable to think that if some are favoured with this right (eg via what is commonly termed a "spot rezoning"), then many others would see it as a precedent. The important question then becomes what is the cumulative effect of a decision to favour rural residential in various local settings. Increasing housing in non-urban setting brings a build-up of demand for increased infrastructure, with cost and maintenance difficulties for a council. It is for reasons such as long term and incidental servicing demands, and effects on operating costs, that government can be unsupportive of spot rezonings on rural lands (Craythorn 1994) and look for more strategic ways to meet demands for "lifestyle blocks" as these holdings are sometimes called.

Lands in FU1 Primary Produce are a special case here. A number of submissions described lucidly what is a complex problem of industry structural change and associated demographic changes in the farming community. People who have run productive farms for long periods are getting older and/or facing the problems of industry restructuring, often relying for long periods on off-farm income. They may wish to stay on the land but rates are high and it would seem reasonable for some extra development rights after the farmlands may becoming less productive. An interesting point was what happens if larger and now well-managed farmlands become unsustainable and thus the local value of current good management would be lost, with problems of invasive weeds, and the like, and their effects on other properties becoming more prominent.

The point of ongoing sustainable farm management is well made. However there are perhaps no guarantees on good farm management with or without extra subdivision rights. In general the problems with increased housing rights on primary production land are related to fragmentation of productive agricultural land, land use compatibility (ie complaints about overspray/ noise and the like), and rural residential land value increases which again discourage investment in agricultural production. This an area of increasing interest, as concerns about food security come more into the public domain, including interests in food production close to population centres. Fragmentation of both agricultural and other non-urban land also makes more difficult and expensive any conversion of land for urban purposes into the future.

The argument to suggest increased rates revenue from new housing should, as a simple matter of fact, be considered as a community benefit is addressed above, where it is suggested to have little weight (ie: 1) empirical advice (TCorp, 2013) suggests current local govt funding models unsustainable, and 2) risks of opening up new fronts with new costs). Given the problems of cumulative effects and relatively high costs of servicing rural residential land (Settlement Strategy, p199), submissions by individuals for further subdivision potential need to be assessed mindful of long term community benefits. The submissions for these matters did not raise compelling evidence of community benefit for subdivision. The Settlement Strategy (p199 et seq) examines the question of increased subdivision of non-urban land holdings and refers to previous work identifying priority areas for further investigation. If not done so already, **It seems reasonable** that Council consider these individual submissions under the framework referenced in the Settlement Strategy to ascertain whether any of these sites should also be included (ie Wyong Valleys Planning Report and Strategy (Wyong Shire Council, 1998)).

Dual occupancy and Secondary Dwellings

There are some rights or potential at least for more than one dwelling on non-urban blocks under current and prospective provisions. So there are already and would continue to be opportunities for more than one family to cohabit a parcel of land. It is of course the subdivision potential which can add significantly to the capital value of the land. One submission was relevant to this distinction and raised the question of building a granny flat on a non-urban block. In this submission the distinction was drawn between the E4 Environmental Living zone, and the E3 Environmental Management zone, with *secondary dwellings* permissible in zone E3 and *dual occupancy* prohibited and vice versa with

the E4 zone. The submission sought a change from E4 to the E3 zone to allow for building of a secondary dwelling which is somewhat different from dual occupancy under the LEP definition. I have difficulty seeing a situation where the *secondary dwelling* use would be appropriate in the E3 zone and not the more permissive E4 zone. This report recommends that Council re-examine the permissibility of *secondary dwellings* and *dual occupancies* in the E3 and E4 zone, with a view to making the uses permissible in the zones. In my understanding, and with a particular mind to the zone objectives, appropriate siting controls could be included in the Development Control Plan

Flood Constrained Lands

One submission was concerned with land relatively close to the services at Wyong town centre and according to the submission had municipal services already. The problem with this site was flooding and in this case it was a considerable one. A specialist report referenced in the submission predicts that floodwater depths on site during a 100 year occurrence flood event would be between 1.1m and 1.8m. The report also indicates that flood hazard would be relatively low due to relatively low velocity of flow. Despite what might be potential public benefits (via more concentrated housing in areas already well serviced and thus increased sharing of the costs of these existing services), permitting large areas of development within the flood plain can have a significant effect on flood levels and thus have direct adverse impact on existing property owners. This would be especially the case if additional areas are made available for development which might be the case if, like the subject land, other areas subject to 1.5m + of floodwater inundation in major flood events were allowed for housing. This review does not see sufficient reason to suggest housing development opportunities be increased on the subject land. Were Council to have a different view then there are compliance requirements with the NSW Government's Flood Prone Land Policy and Floodplain Development Manual. See Ministerial (Section 117) Direction 4.3.

Adverse Effects on Existing Activities or Possible Future Activities

A number of points from submissions can be considered here.

Increased minimum lot size for certain lands

A concern was raised in a number of submissions that land currently zoned 7(b) *Scenic Protection* and changed to *E3 Environmental Protection* under draft LEP 2012, resulted in changes to minimum lot size from 20ha to 40ha.

The hearing has not heard any arguments in support of this change, nor has the overview of documents which has been undertaken shed light on the justification for this change. Reducing the prior subdivision potential of land can have a major effect on landowners and would only be expected where there was a substantive reason. In light of the lack of any such reason becoming apparent here it is recommended that the pre-existing subdivision minimum lot size be retained for affected lands.

Constraints on current use of land for agricultural purposes

One submission sought to retain pre-existing rights to use a property at Tumbi Umbi for agricultural activities. Rights have been lost with an incremental increase in environmental zones within the site.

The request to be allowed to continue limited agricultural activities on the site seems modest. For a planning authority to reduce such rights would require considerable evidence of quite high value environmental assets which would be jeopardised by continued agricultural use. Like a number of sites documented in the Annexure, it is recommended that proof-testing of the E2 zone for the site be undertaken. If the zone is confirmed for the area of interest, then it be examined whether an E3 zone is appropriate in an alternative suitable location within the site. The specialists who undertake the testing should have the documentation available in this submission made available to them along with this recommendation.

Zone conversion process reduced potential future development

A number of submissions saw the zone conversion process as reducing permissible development. In particular it was suggested that the 7(b) zone had lost out considerably with the number of permissible uses under the standard conversion and local variation was reasonable under DoP guidelines.

In my view the comparative tallying up of "permissible uses", before and after, using the different definitions has limits as a way of establishing this argument. This especially given the standard LEP's use of "group terms" and "subset" terms, which are intended to capture groups of individual land use definitions rather than require their repeated use in land use tables¹⁰. The subdivision issue is discussed above.

There was a particular concern about caravan parks as a permissible use. Section 117 Direction 3.2 *Caravan Parks and Manufactured Home Estates* provides that:

In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must: (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land ..

The provision for mobile home estates (MHEs) are less prescriptive¹¹. There is some discretion around compliance with s117 directions and grounds for justifiable inconsistency are nominated in the direction itself. Also of relevance here is a specific reference in the North Wyong Shire Structure Plan, p21, which in my interpretation would itself be (justifiably) inconsistent with a prescriptive interpretation of the direction:

Scenic protection land developed as manufactured home estates – should be zoned to allow that use to continue on the site. Council will also need to determine whether manufactured home estates should continue to be permitted to occur in areas where they are currently permitted, but not yet developed. Council will need to consider the proximity to future development areas, infrastructure and services in making this decision;

Of interest here is less about caravan parks for camping and temporary caravan useage and the like, and more the use of land for permanent and semi-permanent mobile home estates. There is certainly a place for such accommodation, but in terms of ensuring satisfactory community outcomes such estates can have similar needs to other residential housing (indeed sometimes greater). The writer supports the view that it is important that future caravan parks and MHEs which are used for permanent and semi-permanent residency in a setting like Wyong Shire be located in close proximity to existing and future infrastructure and services, including transport. This would mean other than a blanket approach to making the use permissible in the E3 zone. The inconsistency with Direction 3.2 in regard to caravan parks is noted and Council and/or the DPI would need consider whether or not the housing strategies and provisions to allow caravan parks and MHEs otherwise in the Shire make non-compliance justifiable in some instances.

Future development of land within urban release program (R1 or R2 zoning)

One submission referenced a particular future land release site near Wyong, seeking zoning change from R2 (low density residential) to R1 (general residential). This would allow higher density/mixed housing typology, seen to better meet the market but also allow more sensitive design. This site was seen to have similar capacities to the Landcom development precinct to the north, which was the more recent project. A point was also made about visual appearance and capacity for more sensitive design and tree retention with mixed development and an R1 zone.

The writer concurs with the view expressed that the development of the Landcom estate north of the

site, with some mixing of lot sizes, is more in keeping with modern housing demographics, occupancy rates and demands. R1 zone could allow for increased tree retention and an improved landscape setting for the site. There is also the question of new housing "fitting in" with the existing local residential character (whether and how this should occur). Development controls plans (DCPs) have played a role in cushioning effects of higher density housing on adjoining land and in managing the housing mix in the past. However they appear likely to have a lesser role under recent legislative changes¹². In the writer's view it would be a worthwhile initiative to allow for a mix of housing density in this new residential area, and generally a minimum lot size may not be appropriate here (proposed 450m²). However, before this received Council support, there may be a need for more detailed planning and commitments from the proponent, and/or the preparation of site specific clauses or zone overlays to allow for some "fine tuning" of future development within the site¹³. I am not aware, but the approach adopted in the Landcom project to the north may provide a useful model in this regard.

Principle 3 - Careful Use and Management of Natural and Cultural Resources

This principle is concerned with reflective approaches to decisions on management of resources. It is a requirement of all Australian governments to be mindful of intergenerational fairness and ensuring that things we do now don't unreasonably prejudice opportunities and choices for the next and ongoing generations to deal with their own problems¹⁴. The two main items raised in the hearing which are considered under this principle are 1) the green corridor and habitat network, and 2) the management of extractive resources, both generally and with regard to one site in particular. The principle is also relevant to many of the submissions raised on the question of reclassification of community land. However, for simplicity this matter is bundled with the examination of land reclassification submissions below.

Green corridor and habitat network

There was a difference of view on the issue of natural resource management in the proposed planning policy with the question of "green corridors and habitat network" a particular point of note. A number of submissions saw the network as having the effect of "casting a shadow" over development opportunities on land, that was "not fair". Other submissions referred to an unreasonable overemphasis on conservation of natural resources in the planning documents. These submissions also sought support for what was indicated as an existing Council policy of "green corridor" areas being limited to public lands.

Other submissions raised concern about perceptions of a relatively low quality analysis involved in the identification of important natural resource land especially endangered ecological communities (EEC). It was suggested that there was some expert empirical analysis available on EEC but it had not been satisfactorily used in the work to date¹⁵. This was compared with the Sydney Growth Centres where ecological analysis and EEC was identified before rezoning such that structure planning was constructed to suit this evidence. The establishment of the promised¹⁶ Central Coast Regional Conservation Plan was seen as a missing link in this work.

It seems from a review of the documents that the "green corridors" have two purposes. One is concerned with habitat protection and propagation. The second is to provide a break from uninterrupted development "in order to retain our settlement character" (Settlement Strategy, p190). Property owners may see this as a loss of development potential, but it does not follow that the owning of non-urban land necessarily means there will one day be major changes to development rights. Decisions such as this are common in planning strategies, where efforts are made to avoid what can be the characterless sprawl of residential land development. This report concurs with this significant strategic goal, acknowledging the importance of local character (in this case building on existing local townships) and how it can help in the development of local areas with a sense of

identity and connection, rather than anonymity, isolation and what for some settings can mean a sense of a locality as not worth caring about.

The Settlement Strategy indicates that the identification of the corridors is a work in progress (p95). The specific boundaries of the corridor are not able to be reasonably considered in this report, but they will be locally important. The point of principle which can be raised is the importance of the communicating of reasons for such planning provisions. That is the hard work of making clear and easily understood the reasons for the taking of positions. Of note here is the lack of specificity on biodiversity and habitat management. This is not to cast blame (decisions in practice usually do have to be taken without the luxury of full information) but merely to point to the difficulty in coordination of decisions and connecting with the public. One submission made reference to the Settlement Strategy's statement of purpose (p3), which raised a number of points but included "future urban growth needs to occur without significant impact on biodiversity and conservation values". The finalisation and release of the Central Coast Regional Conservation Plan would be expected to assist in framing these aspects of the green corridor and habitat network, but it would be a frustration for all parties that certain decisions are being made prior to its release. In parallel to the finalisation of this work it is noteworthy and positive that the Settlement Strategy (p95) is suggesting further work on the preparation of a "Green Corridors Plan" to identify further details of the corridor.

Resource Extraction

Wyong Shire accommodates a considerable coal resources of export significance and also significant clay and gravel resources. A number of submissions suggested that the reason for the delays in the release of their land was that priority was being given unreasonably to mining activities. Coal production is the State's largest export industry¹⁷ and of course of considerable significance to the State and national economy. The Settlement Strategy is open in its explanation of the issues associated with extractive industry and that while there are some positive local economic benefits, there are also many uncertainties, including in regard to the timing of extraction. There has been considerable local objection to proposed increased coal mining in the Shire, including from Council as I understand. This will remain a contention issue for the future, although its significance on development programming has not been able to be examined in detail here.

One submission raised the question of lost or reduced rights to clay extraction on an existing holding. The particulars of this submission are outlined in the Annexure. However the question of the effects of the draft LEP on clay resources warrants consideration under this principle. The relevant site (at Crangan Bay) is currently zoned 7(b) *Scenic Protection* zone. It is acknowledged that extractive industries are a prohibited use in this zone. The site has an existing consent for quarrying which will continue to modify the site into the future (it is suggested for up 70 years at current extraction rates)¹⁸. The submission suggests that the proposed zoning of the land to *E3 Environmental Management* is inappropriate due to ongoing quarrying and also inconsistent with *Ministerial Direction 1.3* which is concerned with mining, petroleum production and extractive industries. The objective of this direction is to "ensure that future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development". The background papers to this submission include copies of letters from the NSW government line agency responsible for extractive industry (Department of Trade and Investment, Regional Infrastructure and Services and its predecessor Industry and Investment NSW). One letter (dated 21/10/2010) indicates that the site accommodates "a regionally significant resource" and notes it as "the only site extracting this type of material in the Wyong Shire". This letter indicates that (at the time) the "current consent allows a further 480,000 tonnes to be extracted" and that a study carried out in 1985 indicated that "total conglomerate resource was estimated to be approximately 15.12 million tonnes". A second (dated 14/9/12) seeks an RU1 zone for the land, and notes the alternative of including a specific "overlay for extractive resource lands"

over the site, seeing the new LEP as a chance to ensure the site's extractive resources "are appropriately recognised".

On the face of it there are competing natural resource considerations for this site (ie extractive resources vs environmental management). The hearing has had the opportunity to review a statement of the resource value from the relevant line agency of government. While the documentation may be available, it is not clear to the writer why the value of the land for environmental management should override the public interest in the land as an extractive resource, important for ongoing development within the Shire and elsewhere. Of relevance here is the decision chain which led to the site being zoned 7(b) Scenic Protection initially, first allowing extractive industry, and so it seems from the letter of 14/9/2012, the change in 1991 which removed the direct permissibility of extractive industry. This letter suggests the quarry continued to be "intermittently operated" at that time. It is not unusual for line agencies of government to disagree on matters such as this, but on the evidence which the hearing has had the opportunity to review, support would be recommended for the retention of the capacity for this resource to be extracted into the future (for want of strong contesting evidence). This is noted as a significant change to the current status of permissible uses on the land. Whether the land is zoned RU1, or whether the use is added as a permissible use within the zone under Schedule 1, or permitted through an overlay map, would all be options for this occurring. The future role of this land in a green corridor (potential significance and its justification) would be important in directing this choice, as could relevant background involved in the current consent such as rehabilitation requirements.

Principle 4: Critical reflection required for new problem solving initiatives

Financial management is just one of many systemic problems we face in planning for long term community and sustainability in the local government sector. The CSP sets out a vision for a better place in the future for Wyong, but it is the question of how change might be delivered which is the more difficult one. Practical new ideas and approaches need to be explored, especially those which might link inter-related problems capitalise on interdependencies and bring multiple benefits. There are a few new and controversial approaches suggested in the policies before the hearing. It is reasonable to see planning strategy work as providing a platform for exploration of such matters. Two major new ideas proposed by Council in exhibited material were considered at the hearing. One was related to the reclassification of community land, the second the designation of a possible airport site in the draft LEP. New problem-solving initiatives are needed, but they require critical reflection about consequences.

Proposed Reclassification of Community Land Parcels to Operational Land

Draft LEP 2012 proposes to reclassify some 399 parcels of public land from *community land* to *operational land* classification, under the Local Government Act 1993. This was a most highly contested matter at the hearing. Council prepared a *Land Classification Discussion Paper* as one of the exhibition documents. This discussion paper outlined the background to the proposal. The paper suggested that the "underlying driver" for the change was to "deliver more and better services to the community", mindful of "the need to balance overall community interests and Council's corporate management responsibilities". The paper suggested that the "practical difference between ... classifications of Community and Operational land is the need for a Plan of Management which provides for a community role in decision making". It was suggested that since 1993 for many parcels originally classified as community land "the longer term impact, the associated processes, cost and encumbrances were not evident or realised." It was suggested that for many parcels set aside for "functions such as drainage uses, a pump station or access way where at the time and subsequently often considered suitable for Community classification. In reality their purpose, which resulted in a public benefit such as ground water runoff management or sewerage services, does not require community input via a Plan of Management (as required for Community land)".

The discussion paper indicates this proposal seeks to "rectify anomalies" and "ensure the most appropriate contemporary classification and clearly identify land in which the community has no direct interest or involvement clearing the way for more effective and efficient property management".

The paper then refers to the 2011 Community Strategic Plan, indicating it as "the underpinning platform for Council decision making". It suggests that if the CSP targets are to be met there will be a need for "improved operational and financial management" and a review of property assets should be a factor here if best outcomes for the community are to be achieved. Five core reasons for reclassification are detailed at p4 of the paper and summarised here as:

- 1) No or minimal actual public use, and costs of maintaining land outweigh benefits, including the costs of preparing Plans of Management which are suggested to often lead to higher maintenance costs than would be the case for operational land. Reclassification is seen to be a way to "redress this apparent over servicing".
- 2) Council will need to be "responsive and flexible" in how asset management to meet service requirements mindful of changing community needs. "Conversions" to allow other uses and shared uses of public land can help here.
- 3) Need to grow recurrent revenue in a way that assists keeping rates and charges as low as possible. " (In) a small number of cases" reclassification will enable land assets to help resource projects and services prioritised in the Strategic Integrated Plan 2011-16.
- 4) Incorrect original classification with the 1993 legislative changes (the 1993 legislation included a default position, after a nominal period, deeming all public land not already classified operational land as community land).
- 5) To correctly classify land that has a "pure operational focus and function".

For the writer, the reasons listed as 1-3 above are in the domain of what is described above as *Principle 4*, that is, a creative approach to solving what is a problem to do with funding the needs of the local community to have appropriate levels of services. Like many new approaches, significant questions arise. Whether it can be an effective idea will be considered below in light of the submissions received. While there are points of detail to be considered, reasons 4-5 would be seen as routine decisions reflecting more obvious drivers for land reclassification.

The exhibition material included what was a very hefty compendium of information about the reclassification proposals in accordance with the requirements of the then Department of Planning's Practice Note 09-003, including a "specific reason" for the reclassification of each of the parcels.

The submissions opposing this proposal ranged from the site specific concerns, and in particular the potential for these changes to bring on a serious and entirely unexpected effect on the everyday lives of local people, to a questioning of the points of principle raised in the discussion paper. An overriding concern was that the reclassification to operational land meant that the special status of the land was changed and that this Council or a future council was in a position to sell the land or lease it, with the result a new development on what was seen as a *community asset*. A common and strong distinction was drawn between these parcels as being *owned* by the community rather than the Council say as an institution, for example designating existing parks as "surplus to the needs of council" or "correcting an anomaly" was seen as entirely misconceived. These submissions saw the proposals as examples of "greed taking over common sense", a "quick grab", providing a financial benefit to Council to the detriment of local people.

What appears to the writer to be very valuable and time consuming analysis of the overlay of land proposed for reclassification and areas previously identified as EEC land was provided.

A number of submissions raised the issue of the large quantum of land proposed to be reclassified compared to time available for the community to review. The important point was made that, while those making submissions had become aware of the proposed reclassification, many others who could be affected were not at all aware. The questions of public trust were raised, and how "rushed" processes like this would further disenfranchise a diminishing group of community members willing to spend time in community building exercises such as those required of the Community Strategic Plan.

Comment

According to a Department of Local Government Practice Note, the principal effect of the classification of public land is to "restrict the alienation and use of the land"¹⁹.

Operational land has no special restrictions other than those that may apply to any piece of land.

Community land is different. Classification as community land reflects the importance of the land to the community because of its use or special features. Generally it is land intended for public access and use... This gives rise to the restrictions in (the LG Act), intended to preserve the qualities of the land. Community land:

- *Cannot be sold*
- *Cannot be leased, licensed or any other estate granted over the land for more than (30 years)²⁰*
- *Must have a plan of management prepared for it.*

(Department of Local Government)²¹

So the ready potential for sale, or long term lease, of operational land is a critical point which distinguishes it from community land. In the reclassification discussion paper Council draws a related, albeit more explicit distinction, in suggesting community land classification is appropriate where there is a "clear benefit, or need, for direct community involvement in decisions about public land management" (p1). On the point of costs associated with preparation of plans of management (PoM), like many submissions, the writer is not convinced that the preparation of PoMs, or otherwise, should be so powerful an influence on the decision here. Clearly there are opportunities for generic plans of management which can cover hundreds of parcels of public land. It also seems reasonable that the particular management and maintenance regime for a parcel of community land can be decided based on the best community value. That is, a PoM need not be overzealous or indeed exceed what might be requirements for operational land management and maintenance should this not be appropriate.

Council's discussion paper makes clear that the goal here is that of public interest, but there are great difficulties and uncertainties in the particulars of the change and how delivery of this public interest might occur. There would be reasonable contestation about which "publics" are to be "benefitted", and for example, how local interests may sit against the wider interest of Shire residents.

The overall approach to reclassification proposed here, whereby large areas of community land including many areas which are obviously community spaces, parks and play areas, would be classified to operational first, then decisions about how this might benefit the community are taken later, is not a reasonable one, and this report does not support it. In the writer's view such community spaces, parks and play areas clearly qualify as places where, in reference to the Land Reclassification criteria, there *is* a "benefit in involvement of the community in land management decisions" (p1), and it would be untrue to say "the community has no direct interest or involvement" (p2). As indicated above an essential purpose of the land classification system is to manage a council's right to sell or otherwise alienate public land from its community. This proposal opens the door to sale of community land into the future, and as one submission suggests, there is no mandat

from the community on this. Even though this Council may indicate it has no intent to sell the land or much of it, it cannot speak for future Councils and the pressures they may face and decisions they may make.

However, it is reasonable to appreciate that many councils, like Wyong, find themselves in a constant struggle as they work to make improvements, with limited resources, as all kinds of concerns are raised by the community and compete with each other for the limited funding opportunities. The extra work on, say, the green corridors is just one small matter. There are a long series of actions in regard to the backlog of community facilities listed in the Settlement Strategy. The question of disconnection between unmet wishes or demands, and how they might be delivered, actually came up briefly in the hearing. A number of residents, in expressing completely supportable objections about a land reclassification proposal, also expressed unhappiness about increasing through-traffic in their area. It seems support from Council has been sought for some local area traffic management to shift this traffic to higher order roads, which would also help reduce fauna losses from car trauma. The question of how such discretionary funding might be found to provide this LATM service, of significant local benefit, would be a difficult one for a council like Wyong to face given its fiscal position. But it is frustrating for local community that their requests cannot be met.

The topic of land classification raises a question of principle: to what extent it is reasonable to employ the value of underutilised areas of existing community land to fund improvements in other local services. Important secondary questions include:

- 1) if this were seen as reasonable, what would be an appropriate process to determine which parcels of community land might be appropriate for this endeavour, and
- 2) what safeguards and conditions would be required to ensure the steps were taken in a fair and equitable manner, and the improved services were in fact delivered.

In the writer's view existing community land is not by definition sacrosanct and these seem to be fair questions for deliberation. However it would be a requirement that there be representative community involvement in such a process. Other councils have used community-based deliberative processes which can mean parties gain trust in the process and, "away from the heat", are able to learn more about the problem setting and reflect more thoughtfully on attitudes and opportunities. Canada Bay Council's recent citizens panel has many lessons here (Thompson 2012)²². There may be opportunities to explore such work at Wyong. Such processes need not replace the role of Council to make decisions and act in a leadership role in the community, rather they are intended to ensure that there is a good appreciation of representative community views, and for a more measured realisation of what it is like to step into the shoes of Councillors on hard decisions like this. In this case, while Council has an idea of the community's view with regard to lack of access to services (ie from the Quality of Life survey), there has been an unreasonable leap to suggest that freeing up community land for potential development/ sale is an acceptable way to meet these needs.

Specific Recommendations on Land Classification

The baseline position taken here is that reclassification of existing parks and community facilities land would not be supported without further background analysis of the qualities offered to the community by these lands, and/or strategic analysis of open space needs in the setting. It is the writer's view that in some time in the future there may be a case to be made for changes to classification in such instances. But there would need to be demonstration of the case that there would be improved community outcomes as a result.

The reclassification proposals do include areas which do not play a significant community role at all, nor can reasonably be seen to do so in the future. Many sites dominated by existing infrastructure would fit this category, which might be called "routine reclassifications". While the work to date has identified and defined classifications based on infrastructure (eg water and sewerage, drainage,

roads/ access/ parking) an overview of the sites suggests that many of the parcels have multiple uses including current uses as local parks and important bushland walkways.

It has not been possible for the hearing to review all of the proposals to differentiate the two categories. The **Table** below provides a review of a number of specific sites mentioned in submissions. A specific recommendation is made on these.

Reclassification Site Raised in Submissions	Hearing Report Recommendation
<p>32 and 43W Christopher Cr, 6 Kylie Q Lake Haven</p> <p><u>"Specific Reason for Reclassification"</u>: <i>Unused vacant land. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i></p>	<p><u>Reclassification not supported.</u> Insufficient background analysis of the qualities offered to the community by these lands, or strategic analysis of open space needs in the setting. On the face of it this land accommodates significant bushland and fauna habitat and is in active use as walking trails. This local community apparently has strong links to the land. There is a clear benefit, or need, for direct community involvement in management decisions for this land.</p>
<p>83W Gorokan Dr Lake Haven</p> <p><u>"Specific Reason for Reclassification"</u>: <i>Vacant land not functional for use as open space. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i></p>	<p><u>Reclassification not supported.</u> Insufficient background analysis of the qualities offered to the community by these lands, or strategic analysis of open space needs in the setting. On the face of it this land accommodates significant bushland and fauna habitat and is in active use as walking trails. This local community apparently has strong links to the land.</p>
<p>11W Lake Haven Dr, Gorokan (Alfred Greentree Reserve)</p> <p><u>"Specific Reason for Reclassification"</u>: <i>Contains and facilitates sewer infrastructure and underutilised open space. Planning proposal to rezone the land to R2 Low Density Residential has been submitted for consideration. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i></p>	<p><u>Reclassification not supported.</u> Insufficient background analysis of the qualities offered to the community by these lands, or strategic analysis of open space needs in the setting. On the face of it this site presents as a medium sized park in the suburban landscape of some amenity value. Any proposal to gain capital value from this site, or a portion of it, for community benefit would need to be better established and require further public engagement. This local community apparently has strong links to the land.</p>
<p>106 Phyllis Avenue, Karwal</p> <p><u>"Specific Reason for Reclassification"</u>: <i>Not a functional area for open space. Planning proposal to rezone the land to R1 General Residential has been submitted for consideration. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic</i></p>	<p><u>Reclassification not supported.</u> Insufficient background analysis of the qualities offered to the community by these lands, or strategic analysis of open space needs in the setting. On the face of it this site presents as a medium sized park in the suburban landscape of some amenity value. Any proposal to gain capital value from this site, or a portion of it, for community</p>

Reclassification Site Raised in Submissions	Hearing Report Recommendation
<i>viability through long term lease, potential sale or development of the site.</i>	benefit would need to be better established and require further public engagement. This local community apparently has strong links to the land.
<p>Long Jetty, 36-38 Kitchener Road – Long Jetty Pre School</p> <p><u>“Specific Reason for Reclassification”:</u> <i>Contains and facilities (sic) existing Council facilities. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i></p>	<p><u>Reclassification not fully supported.</u> Site is now zoned 6(a) Open Space and Recreation and is proposed to remain zoned FE1 Public Recreation. FE1 zone confirms a continuing intent to use the land for public purposes. On the face of it, operational classification extends the flexibility for returns on the existing building via long term lease arrangements. However, the hearing had few details on the site context or the views of Council specialists in community facilities planning and management. Before support it would be appropriate to undertake a strategic analysis of community facilities needs in the locality, and/or obtain views on conditions/requirements for change in classification from Council specialists.</p>
<p>Berkeley Sports Complex Berkeley Road, Glenning Valley 3 Ha.</p> <p><u>“Specific Reason for Reclassification”:</u> <i>(Contains and facilitates sewer main, playing fields, clubhouse) and carpark where access is required at all times. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i></p>	<p><u>Reclassification not supported.</u> These lands were acquired in part for playing fields and associated carparks. No explanation is provided on the proposed safeguards to ensure retention of these important areas of community use. Any proposal to gain capital value from this site, or a portion of it, for community benefit would need to be better established and require further public engagement.</p>
<p>Chittaway Point Hall 72-76 Geoffrey Road</p> <p><u>“Specific Reason for Reclassification”:</u> <i>Lot 31 contains and facilitates existing sewer main and drainage, Lot 32 contains and facilitates existing drainage and Lot 33 contains and facilitates existing drainage and Hall where access is required at all times. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i></p>	<p><u>Reclassification not supported.</u> Insufficient background analysis of the qualities offered to the community by these lands, or strategic analysis of open space/ community needs in the setting. On the face of it, this site presents as a local park and community hall, with strong links, or potential for strong links to the local community. Any proposal to gain capital value from this site, or a portion of it, for community benefit would need to be better established and require further public engagement.</p>
<p>Chittaway Bay Hall and Oval, 2 Ha.</p> <p><u>“Specific Reason for Reclassification”:</u> <i>Contains and facilitates drainage and sewer mains, clubhouse and carpark. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential</i></p>	<p><u>Reclassification not supported.</u> Insufficient background analysis of the qualities offered to the community by these lands, or strategic analysis of open space/ community needs in the setting. On the face of it, this site presents as a local park</p>

Reclassification Site Raised in Submissions	Hearing Report Recommendation
<i>options for the long term economic viability through long term lease, potential sale or development of the site.</i>	and community hall, with strong links, or potential for strong links to the local community. Any proposal to gain capital value from this site, or a portion of it, for community benefit would need to be better established and require further public engagement.
Berkeley Vale, Tom Stone Park & Childcare <u>"Specific Reason for Reclassification":</u> <i>Contains and facilitates existing water and sewage lines and Council's Childcare centre. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i>	<u>Reclassification not supported.</u> This is one of the reclassification sites which have extensive bushland. A submission which went to considerable efforts to analyse this question indicated that there was evidence to suggest this site included EEC. The identification of EEC does not mean the site is unable to be reclassified, but does mean this question should be considered in the decision for reclassification.

Table: Recommendations on Certain Reclassification Proposals Raised in Submissions²³.

Recommended Action on Other Sites (including the Sites Identified as Accommodating EEC)

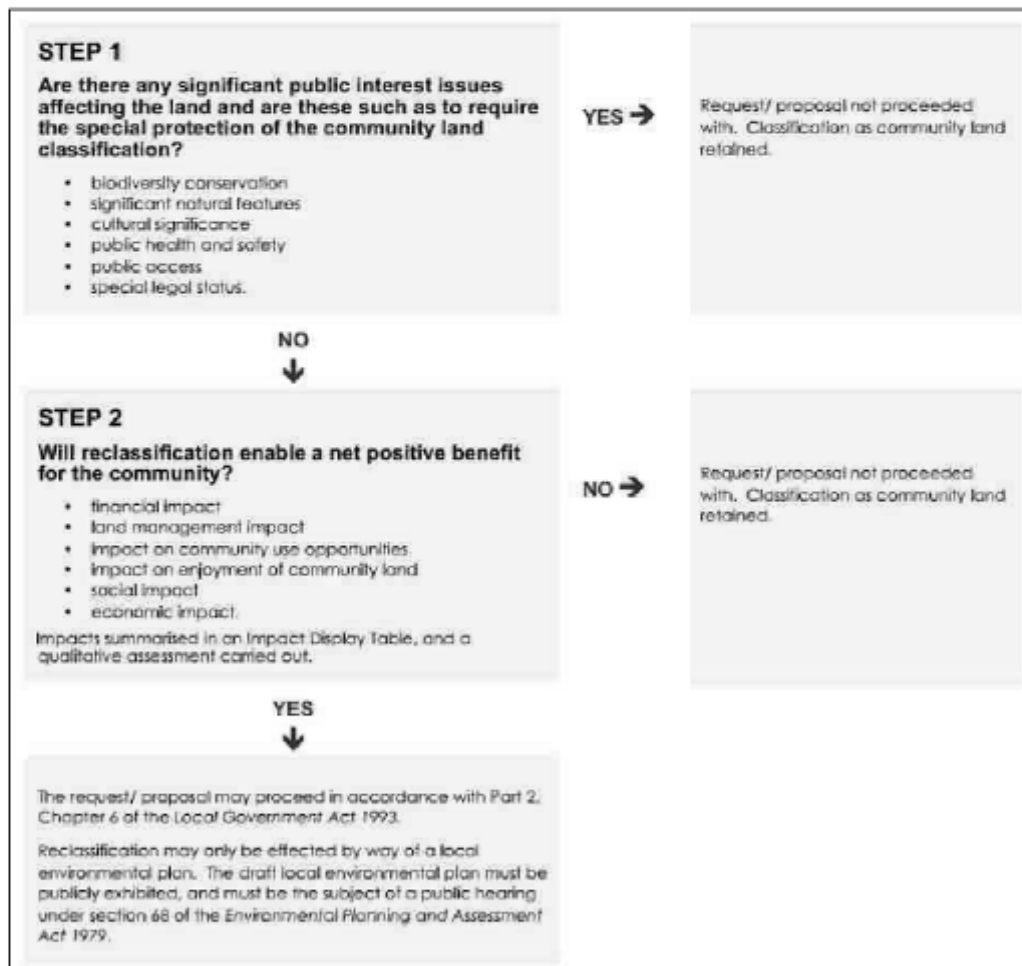
There was an indication from staff at the hearing that Council's planning staff had not been involved in the analysis of land reclassification proposals, and also that there had been no review of the sites for EEC. One of the submissions²⁴ demonstrated an extensive amount of background research aimed at identifying which of the sites proposed for reclassification from operational to community land had been identified as accommodating EEC. This submission claimed that such areas should be retained as community land and *categorise* as *natural areas* under the LG Act requirements. This work referencing expert analysis found that over 100ha of land containing EEC was proposed for reclassification. The following sites were indicated as containing EEC and it was emphasised that this was only after a limited review (ie not a full review of the 399 parcels proposed for reclassification).

- 7W Sir Joseph Banks Drive Bateau Bay
- 19-21 and 29 Keren Ave Berkeley Vale
- 38W Wombat St and 19W Marlborough Pl Berkeley Vale
- 75 Pandora Ave Charmhaven
- 2W Bundeena Rd Glenning Valley
- 30W and 32 Sandra St Jilliby
- 231 Hue Hue Rd Jilliby
- 60W Burns Rd Ourimbah
- 40W Coachwood Dr Ourimbah
- 23 Shirley St Ourimbah
- 1 Teralba St and 1W Pacific Hwy Ourimbah
- Wilfred Barrett Dr Norah Head
- 10 Summerland Rd Summerland Point
- 1W Wolseley Dr Tacoma
- 8 Titania Ave Tuggerah
- 1W Britannia Dr Watanobbi
- 375 Pacific Hwy Wyong

In this writer's view it is not out of the question that some parcels of land containing EEC may be suitable for at least part reclassification. However, it is important that the question of the existence of EEC or other important natural or cultural assets be considered in the analysis of the land reclassification question. The baseline position would be to retain each of the sites identified in this submission to community classification. It would also be appropriate to extend this review of EEC over each of the proposed sites for reclassification. For a properly-based decision on this it will be important that Council's deliberations on the identification of what are termed above as "routine reclassifications" be a rounded one. In turn the recommendation from this hearing is that a multi-disciplined staff panel (comprising property, planning, environmental, community, infrastructure interests) review the reclassification proposals to identify routine matters.

Land Reclassification – A Strategic Approach

For this writer, admittedly after the limited review available here, there are prospects at Wyong for the better use of existing public lands to help address current communities services deficiencies. However there is a need for considerably more analysis and the adoption of a more strategic approach. One submission referred to the land reclassification policy adopted by Newcastle City Council. This policy seems to the writer to provide a good example of a systematic process for first, the decision on whether to reclassify land and second (and importantly) the idea of identification of steps that should be taken before a decision is made to enter into a long term lease or to sell the land, eg what covenants might be carried forward should any sale/ long term lease occur. The Figure below outlines just one aspect of the system employed at Newcastle Council²⁵. The writer would add emphasis to the need to build confidence in the community that the reclassification proposals have a suitable connection with real community benefits and appropriate checks and balances in place. Further comments on this topic are provided in the Conclusions and Recommendations.



Source: Newcastle City Council (2001)²⁵ Public Land Reclassification Policy – “Figure 1: Decision process for considering reclassification of community land”.

Type 3 Airport

A provision at Clause 7.13 of the Draft LEP refers to a "Type 3 Airport". The provisions are very limited and indicate:

The objective of this clause is to identify land that is identified as a potential site of a Type 3 Airport (limited service airport with a single runway of length of up to 2,600 metres).

In addition land is shown as "Airport Type 3" in the draft LEP maps.

There were strong submissions in support and against this provision of the draft LEP in the hearing. Submissions in support saw the airport as having potential to revive the local economy, noting existing low levels of jobs growth and the high proportion of the workforce that commutes very long distances each day. Of concern was that young people ("the lifeblood") were leaving the Shire, and that airports can provide "real jobs". Submissions in support included those with key responsibility for the existing Warnervale Airport indicating this proposal had much increased industry prospects. A Type 3 airport was seen to be able to assist tourism, build the regions identity, provide a base to encourage investment and create local employment opportunities.

Submissions against included concerns about uncertainty and lack of community information about the concept, eg who pays for it. It was suggested that this site was a variation on a site investigated jointly by NSW and Commonwealth govt for airports. It was suggested that the investigated site was the worst of some 17 sites investigated for noise impacts. It was also suggested that a recent study for Council also found "unsuitable ratings for noise impacts due to its proximity to urban areas", including Warnervale township and a school located within 1.5km of the southern boundary. Inclusion of the proposal in the LEP, despite what were seen as fundamental uncertainties, would have very serious and unjust effects on local landholders especially property values.

Comment

The relatively low levels of local employment, and associated long journeys to work experienced by many residents would certainly be one of the more serious of community problems experienced in the area. An airport of this scale would no doubt help address such problems in a major way. However, there is very little in the way of detail about this proposal or the site in the papers before the hearing. An action to designate a Type 3 airport site in an LEP, with a runway length up to 2,600m, is a major land use decision (see below). Given the evidence of community concerns regarding airport noise, it seems to me likely that a formal statutory planning instrument's reference as suggested, would very likely mean a significant adverse effect on land values for nearby property owners. The question of adverse effects on land values in this instance (ie comprising what might be termed passive landholders) is seen to be quite different from land value concerns associated with land speculation (ie about whether and to what extent there may be future increased development opportunities on land).

Limited further research uncovered what was a Joint Study by NSW and Commonwealth governments on aviation capacity for the Sydney region, completed on 2 March 2012²⁷. The source material indicates that this study was established to inform future infrastructure planning and investment by government and industry, and enable the proper integration of future airport operations with surrounding state land use planning and surface transport networks. Apparently the governments are now involved in detailed consideration of the analysis and recommended strategies in the report. The study identified a Type 3 airport as follows (p281)

Type 3: limited service airport serving all FPT segments, accommodating a single shorter runway of up to 2,600 metres.

Supportive submissions denied the notion that this proposal was intended to accommodate a second Sydney airport. A Type 3 Airport is nevertheless substantial, with "FPT" referring to "regular public transport ...including international, domestic and regional" transport (p281), and a development cost estimate of between \$1bn and \$3bn (p324). It would be reasonable to expect a proposal for such an airport to be subject to considerable investigation before the step was taken to reference it in a statutory planning instrument, due among other things to the effects of such a step on affected properties. The joint study in investigating 17 potential sites in the wider metropolitan basin did not investigate the site indicated in the draft LEP. A site a few kms further south was the preferred site in the Central Coast region and was selected in the shortlist of 17 sites. However in the comparative quantitative analysis among these sites for a Type 3 airport this site was ranked 17th and was calculated to have a negative net present value (p315). It is not known how the area identified in draft LEP would compare in such a quantitative analysis. Nonetheless, the joint study was intended to identify the most suitable locations in coming to its shortlists.

A major employment generating development like a Type 3 airport and complementary transport infrastructure, services and industry is the type of development which could result in a structural shift in the region's economy (not just Wyong Shire), and significantly address multiple issues including the substantial existing transport and employment disadvantage. It is admirable for governments to seek such outcomes for communities. However, in the material before the hearing there is no evidence of research to suggest the identified site has any prospects for success, or whether there has been any considered analysis of how the airport might fit into the local setting (ie environmental analysis). Projects of this scale; type and investment requirements are highly limited in number, and this general area seems to be significantly behind other sites based on the joint study's work. Designating a prospective major airport site in an LEP would, reasonably, have significant implications and raise uncertainties for existing property owners. On the material before the hearing, it is not seen that this proposal has at all reached a point where it would be appropriate to designate it in the draft LEP.

4 CONCLUSIONS AND RECOMMENDATION

This report has considered submissions to the recent public hearing into land reclassification and the wider submissions after exhibition of Wyong Draft LEP 2012, and accompanying material. The submissions provided a rich outline of community interests and concerns, and reflected the urban and peri-urban policy challenges facing Wyong Council. The submissions raise many different and often competing arguments. A set of guiding principles have been framed to help give coherence to the analysis of the submissions (**Section 2.4**). The documentation of these principles in the report can help Council appreciate the reasoning for the recommendations and assist in the analysis and critique of this reasoning. The body of the report provides that analysis and individual submissions are considered at Annexure A.

The making of a new LEP is a major step for a council and is one of the big opportunities to reflect on what is important in a local community, and what might happen to help improve the everyday lives of residents. For most residents this is not so much about improved development opportunities. It seems a key area of community interest in Wyong is the backlog in facilities (Quality of Life Survey), and the Community Strategic Plan and Settlement Strategy have useful things to say about what might happen to help here. Like elsewhere, there are difficult questions about how facilities and services are provided, maintained and renewed over time, including who pays and how. The need and appropriateness for Council to look to innovative ways to manage and meet needs is acknowledged.

The recent Treasury Corporation Report on local government financing is not encouraging with its suggestion that financial sustainability of councils, generally, is deteriorating (TCorp (2013), p7). However it is noteworthy that Wyong's rated position is moderate and much better than many other councils, based on the TCorp work. The extent to which relative backlog of existing facilities is

considered in this work is not known. A key element of the hearing, Council's suggested changes to community land reclassification, do seem aimed at assisting with this problem. But selling/leasing of assets is not the most creative way to attend to fiscal issues. From what can only be an overview by this writer, there *do* appear to be areas of community land that would have potential to return capital for dedication to the achievement of CSP objectives – in effect a win-win outcome. But for this to occur effectively would need a different form of public engagement than has been the case in the process to date. It would require creating platforms for reflective deliberation on this question of land reclassification (and not just by immediate neighbours). It would aim to help the community to appreciate better the choices which a council needs to face ("step into its shoes"), and perhaps after reflection change their own attitudes to the choices at hand. This form of public engagement, while certainly not easy or easy on resources, may bring wider benefits, such as a greater conviction on the actual "line of sight" between the everyday and long term problems/opportunities experienced by the community and the LEP/ reclassification and other policy documents. Such initiatives also have capacity to help address some of the more strategic concerns raised in a number of submissions. Among other things such a process has not been possible in the time available given the deadline for submission to DPI.

In turn the general thrust of the land reclassification proposals are not supported with this report. It is reasonable that steps be made to reclassify the routine infrastructure sites, but these are unlikely to promise much in regard to asset realisation.

The request from Council was that the report document any recommendations for changes to the draft LEP, and below such recommendations are made. A number of submissions objected to broader aspects of the draft LEP and accompanying material. In the circumstances it has not been appropriate or practical to examine all of the background documents, including the specifics of each of the 399 parcels proposed for classification from community land to operational land. Given this circumstance, the report also nominates recommendations on processes or system considerations to assist forward steps.

Specific recommendations for changes to Draft LEP 2012

Sites	Recommendation
32 and 43W Christopher Cres, 83W Gorokan Drive, 6 Kylie Close, 106 Phyllis Avenue Lake Haven, and 11W Lakehaven Drive Gorokan. Each of the sites listed in CEN submission which indicated existence of EEC.	Retain community land classification (see recommendation below on land reclassification)
180 Pacific Highway Ourimbah	Replace E2 Environmental Conservation zone area with E3 Environmental Management zone for the small roadside section of the site (proviso is that proof testing does not bring important material to contest evidence at hearing.)
6 Sinclair Crescent Wyong (Lot 100 DP1074707)	Replace R2 Low Density zone with R1 General Residential zone (provisos are listed in the Annexure which may mean re-advertisement of this change). See Annexure for other minor recommendations on alterations to zoning of this site/ environs.
Various sites	Remove Clause 7.13 of the Draft LEP and maps referencing "Airport Type 3".
Sites previously zoned 7(b) which have had	Re-introduce previous minimum lot size.

minimum lot size changed from 20ha to 40ha.	(The analysis behind this recommendation noted that there was no evidence presented in support of this change to minimum lot sizes – Council may have such information available to it).
91 Tumbi Rd, Tumbi Umbi Lot 12 DP 21464	Remove E2 Environmental Conservation zone to correspond with previous 7(a) zone. Subject to proof-testing. See Annexure for more specific suggested actions.
475 Pacific Hwy Orangan Bay	Re-introduce permissibility of extractive industries to the site. (The analysis behind this recommendation noted that there was no evidence presented in support of the re-introduction of this use – Council may have such information available to it.)
Sites zoned E3 Environmental Management and E4 Environmental Living	Both <i>secondary dwellings</i> and <i>dual occupancies</i> be made permissible within these zones.
44 Mona Rd Woongarra	Proof-testing to confirm boundary of E2 Environmental Conservation zone away from the creek line.
11 Pacific St Long Jetty	The decision to zone this land B2 Local Centre be supported but contingent on a commitment that caveats or restrictions are put in place to ensure the continuing rights for access/parking for adjoining properties.

Other Recommendations on Community Land Reclassification

This round of the LEP process be limited to “routine” infrastructure sites (ie sites which could not be reasonably perceived as requiring public access for benefit, and not containing EEC). Council staff experts in planning, community, ecology be involved, relevantly, in this identification.

Council consider adopting a policy to establish criteria and an improved assessment process for reclassification of community land to operational land. The baseline requirement would be establishment of a “line of sight” to demonstrate the connection between reclassification (and future sale/ long term lease) and demonstrable public benefit, and required safeguards (the policy of Newcastle City Council is referenced in the body of the report).

Council consider involvement of representative members of the community in a discourse about the reasons for the above policy and deliberation about its implementation (similar work by Canada Bay Council is referenced in the body of the report).

These recommendations are provided for Council’s consideration.



23 April 2013

Peter Walsh

Appointed Chairperson

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ENDNOTES

¹ There are some exceptions noted in the Dictionary to the LG Act (eg public roads, and lands subject to Crown Lands Act).

² Department of Local Government, *Public Land Management – Practice Note 1 Revised May 2000*, ISSN 1320-6788.

³ The exhibition document is referenced here. It is noted that at times this document is titled the draft Settlement Strategy.

⁴ See ABS, Census of Population and Housing: Socio-Economic Indexes for Areas (SEIFA), Australia, 2011, which notes Wyong as a relatively disadvantaged area in SEIFA measurement terms

⁵ See ABS, Census of Population and Housing: Socio-Economic Indexes for Areas (SEIFA), Australia, 2011, which notes Wyong as a relatively disadvantaged area in SEIFA measurement terms.

⁶ An area of research is that "gap" between the level of service provision in wealthy communities and less wealthy (AHURI, 2012).

⁷ Treasury Corporation's review indicates increasing problems with financial sustainability of councils. It is noted that Wyong's rating of having a "moderate" financial sustainability ratio, and a "neutral" financial outlook, puts it into the mid-range of NSW councils in regard to fiscal outlook generally.

⁸ See UDIA (2013), *The State of the Land*, which refers to the importance of the release of land which is well-connected with infrastructure and the importance of "detailed, costed infrastructure plans ... underpinned by delivery timeframes.

⁹ See Gateway Process at <http://www.planning.nsw.gov.au/gateway-process>

¹⁰ See DoP PN 11-003 which outlines the new system and arrangements for "group terms" and "subset" terms which reduce the need for repetition of individual land use terms in land use tables.
<http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=BbIRfpABjPM%3D&...>

¹¹ In the interpretation of the writer, SEPP 36 – Manufactured Home Estates (cl6) provides that manufactured home estate may be carried out on any land on which development for the purposes