



12 July 2012

**Gwandalan - Residential Development
Concept Plan MP 10_0084**

BACKGROUND

In February 2007, the Proponent lodged a concept plan to redevelop the site. The concept plan was subject to an Independent Hearing and Assessment Panel (IHAP) review.

Following the IHAP review the Proponent amended the proposal by reducing the footprint of the development from approximately 80ha to 63ha. This subsequently reduced the overall development yield from 800 to 623 dwellings and increased the conservation land area from approximately 192ha to 205ha. On the basis of the modified proposal, the IHAP recommended the then Minister approve the amended concept plan.

The original concept plan was withdrawn following a Land and Environment Court decision which ruled approvals for other residential development at Catherine Hill Bay and Gwandalan (by the Rose Property Group) to be invalid.

The current concept plan (lodged June 2010) incorporates recommendations made by the IHAP in respect of the former concept plan proposal. Recommendations made by the IHAP have also been considered by the Department in its assessment of the current application.

The site has also recently been rezoned through the State Significant site process by way of an amendment to the Lake Macquarie Local Environmental Plan (LEP) 2004 on 13 April 2012. The amendment rezoned the development site R2 Low Density Residential and RE1 General residential. The conservation lands were rezoned E1 National Parks and Nature.

PROPOSAL

This application seeks concept plan approval for a residential development at Gwandalan. The site is part of the Coal & Allied Southern Estates, which comprises land holdings located at Nords Wharf, Gwandalan and Middle Camp. The site lies within the Wyong local government area.

The main activities associated with the proposal include:

- development of 62.24ha for up to 623 residential dwellings;
- dedication of 205.75ha of conservation land from the site to the NSW Government, including subdivision to excise the conservation lands;
- up to 3,000m² of local commercial / retail floor space within the development area;
- indicative local road network;
- indicative staging;
- three public recreation parks and two bushland reserves (including Strangers Gully);
- vegetation buffer corridor along Kanangra Drive; and
- road and intersection upgrades in the vicinity of the site.

Approval is not being sought for a specific lot layout. However the proponent has provided an indicative plan showing how 623 dwellings could be accommodated on the site. The site is proposed to be developed in two stages. The Proponent for this application is Coal and Allied Operations.

DELEGATION TO THE COMMISSION

The project was referred to the Commission for determination under the terms of the Ministerial delegation dated 14 September 2011.

Mr Garry Payne AM, Ms Jan Murrell and Mr Richard Thorp were nominated Commission members for the project. Mr Garry Payne AM chaired the Commission.

DEPARTMENT'S ASSESSMENT REPORT

On 11 May 2012, the Commission received the Director-General's Environmental Assessment Report. The report provided an assessment of key issues including:

- Land use and urban design;
- Infrastructure and services;
- Flora and fauna;
- Mining;
- Soils and water;
- Traffic and transport;
- Aboriginal heritage; and
- Bushfire management

The proposal was exhibited concurrently with Coal and Allied's other proposals for Middle Camp and Nords Wharf. For the Gwandalan proposal, the Department received 49 submissions from the public and 11 submissions from Government agencies.

The Department's assessment report concluded that the proposal is in the public interest and should be approved. The Department concluded that the proposal is of an appropriate scale, is in an area with limited environmental impacts, dedicates large areas of conservation land to public ownership and is consistent with the regional strategy.

The Department did not recommend approval for the proposed commercial/retail floorspace as it is inconsistent with the *draft North Wyong Shire Structure Plan*. Commercial/retail uses are also prohibited in the LEP.

Meetings with Key Stakeholders

Proponent

On 10 June 2012, the Commission met with the Proponent to discuss the proposal. The discussion focused on the background of the proposal, subsidence impacts, ownership and management of open space and traffic issues.

Wyong Council

On 15 June 2012, the Commission met with Council officers to discuss the application. The key issues raised by Council included adequacy of the design guidelines, need for an entrance at the southern end of the development, staging, infrastructure timing, adequacy of the WSUD strategy, future management and maintenance of open space, vegetation clearing, bushfire management, aged housing, subdivision design and subsidence impacts.

Public Meeting

The Commission held a public meeting on 14 June 2012 to hear the public's views on the Department's assessment report and recommendation. Eight people spoke at the Commission meeting (see Appendix 1). The key issues raised at the meeting included:

- Inadequate design guidelines;
- Fauna and Flora impacts;
- Staging;
- Tree Clearing;
- Land Use (strategic justification);
- Lack of demand for residential development;
- Edge effects between urban development and conservation lands;
- Land ownership;
- Traffic impacts and standard of intersection upgrades;
- Standard of local roads;

- Number of access points;
- Stormwater discharge into lake Macquarie;
- Mine Subsidence;
- Future coal extraction; and
- Extent of issues to be dealt with at a later stage.

COMMISSION'S COMMENTS

The Commission considers that the Department's assessment report and recommended modifications adequately address the majority of issues raised at the public meeting. Further, many of the detailed design issues raised at the public meeting will be considered during the assessment of future development applications. The indicative lot layout is not approved as a part of this concept plan.

Notwithstanding, the Commission gave further consideration to the following issues:

- Design Guidelines;
- Environmental impacts;
- Subsidence impacts;
- Traffic;
- Kanangra Road Access;
- Stormwater; and
- Land use.

Design Guidelines

The Wyong LEP 1991 requires a development control plan (DCP) to be prepared before any Part 4 development applications can be determined on the site. In this instance, under the transitional provisions for Part 3A, the concept plan approval would satisfy the obligation to prepare a DCP for the site.

The proposed design guidelines submitted by the Proponent provide preliminary controls for future developments on the site, including controls for building types, site coverage, building height, street setbacks, planting and a public domain strategy.

Council raised concern that the urban design guidelines lack detail regarding access and movement, storm water and public domain controls. Further the community raised concern regarding the lack of staging detail for the proposed development.

The Department has recommended that the proposed Design Guidelines be approved, subject to a number of amendments to ensure that they address the DCP requirements under the Wyong LEP 1991. The amendments include requirements for cut and fill, private open space and landscaping, retention of vegetation within individual lots, site fencing requirements, setbacks for secondary frontages, garages and site cover controls. Further, the Department recommends the final urban design guidelines should be prepared in a form which could be adopted as site specific controls within the Council's DCP at some stage in the future.

In addition to the amendments recommended by the Department, the Commission considers the Design Guidelines should provide greater detail on staging given the scale of the development and need for appropriate support services. The staging plan should indicate the timing of each stage and its relationship with the construction of supporting infrastructure, services and landscaping.

The Commission considers that the revised design guidelines will provide a more detailed and comprehensive set of controls to guide the future development of the site. The revised guidelines will also address many of the concerns raised at the public meeting, particularly in relation to future staging and tree retention. The Commission also emphasizes the importance of the Proponent working closely with the Council to prepare the amended guidelines in a form that can be adopted as site specific controls in Council's DCP.

Environmental Impacts

Concern was raised regarding the impact of the proposal on the natural environment, particularly flora and fauna impacts and managing edge effects between the development and the surrounding conservation lands.

The Commission notes the Department considers that the dedication of the proposed conservation lands will adequately offset potential flora and fauna impacts associated with the proposal and that further adjustment of the development footprint is unnecessary.

The Department's assessment report also notes that the Office of Environment and Heritage (OEH) supports the proposed dedication of offset lands, stating that the lands represent significant conservation outcomes. Furthermore, OEH considers that impacts on threatened species within the development site and adjoining conservation areas have been adequately addressed by the Proponent.

The Commission also notes that the Department has recommended controls to manage the environmental impacts associated with the proposal, and edge effects between the development and conservation areas. Any subdivision application is to provide the following:

- details on strategies to minimise clearing and retain mature and/or hollow bearing trees where possible;
- measures for minimising impacts on fauna during subdivision works including the employment of an appropriate qualified ecologist to advise and supervise any clearing of vegetation;
- management of *Tetratheca juncea*, *Angophora inopina* and *Phytophthora cinnamomi* during subdivision works;
- details of the location of pedestrian pathways through the vegetation buffer along Kanangra Drive with consideration given to locating pathways to minimise impacts on threatened species; and
- details regarding the management of the interface between the development area and conservation lands, including the foreshore area, and appropriate environmental controls to minimise any potential impacts on the conservation lands.

Based on the Department's assessment and advice from OEH, the Commission is satisfied that impacts upon flora and fauna will be adequately offset through the dedication of approximately 205ha of conservation lands. The Commission is also satisfied that recommended future assessment requirements will adequately manage the environmental impacts associated with the proposal.

Subsidence

Concern was raised regarding potential subsidence impacts from past and potential future coal mining activity on the proposed development.

The Commission notes that any development application for subdivision must demonstrate compliance with the requirements of the Mine Subsidence Board including:

- geotechnical investigations to demonstrate that there is no risk of mine subsidence affecting the site and the appropriateness of the strata to support the development;
- the plans for subdivision works including services have taken into account the geotechnical conditions of the site; and
- the measures required to remove the risk of subsidence.

Consistent with advice from the MSB, the Concept Plan has also restricted development to single storey construction over areas of the site where there are higher risks of predicted subsidence and tilt.

The Commission accepts the Department's assessment, together with the MSB advice and considers potential subsidence impacts will be adequately managed by the recommended future assessment requirements. In addition, future applications for subdivision and

residential development will be assessed in accordance with the MSB guidelines and include any special requirements to ensure future development can tolerate subsidence impacts, therefore minimising the risk of damage.

With regard to potential future mining activities, the Commission accepts the Department's assessment that the proposal would not unreasonably restrict opportunities to recover coal resources under the site. Further, subsidence impacts associated with potential underground mining of the area would have to be considered as a part of any future application seeking approval to extract coal.

Traffic

Speakers at the public meeting raised concern regarding the need to upgrade Kanangra Drive to accommodate the forecasted increase in traffic.

The Commission notes the RMS has provided detailed requirements for the upgrade of the Pacific Highway / Kanangra Drive intersection. The requirements have been included in the concept plan approval and the Voluntary Planning Agreement for the site.

In summary, the upgrade works include:

- a Left and Right turn slip lanes on the Pacific Highway with a minimum length of 180m and 190m, respectively;
- a single signalised left turn slip lane with a minimum length of 100 metres on Kanangra Drive to replace the existing left turn arrangement
- retention of the through / right turn lane; and
- a right turn only a minimum length of 100 metres, including taper.

Further, the Department has recommended that the Proponent submit a revised assessment of the predicted traffic impacts on the capacity, efficiency, and safety of the surrounding road network with future applications.

Whilst the Commission acknowledges that the Gwandalan and Summerland Point rely on Kanangra Drive to access the Pacific Highway, the Commission considers that the recommended road capacity improvement works and future assessment requirements will accommodate increased traffic demand associated with the proposal.

Stormwater

Council raised concern that the proposed Water Sensitive Urban Design (WSUD) features are inadequate for the site and their layout within central road median strips could cause future road safety and maintenance problems. Council are also concerned that the on-site stormwater controls for smaller lots may conflict with dwelling sizes, car parking areas, other improvements and utility services. Council also consider that the WSUD strategy should be undertaken prior to the approval of the concept plan stage and not at the subdivision stage.

The Commission agrees with Council's comments that the WSUD strategy should be redesigned in consultation with Council. The Commission notes that the Department has recommended the following requirement;

“Detailed design of all stormwater management devices, is to be submitted with each development application for subdivision in accordance with Council requirements.”

The Commission is satisfied that the above requirement will address Council's concerns. The Commission also considers that the detailed design of the WSUD strategy should be dealt with at the development application stage rather than during the Concept Plan approval.

Land Use

Concern was raised regarding the strategic merit of the proposal. Council and the community raised concern that the proposal is inconsistent with the Central Coast Regional Strategy, the Lower Hunter Regional Strategy and Council's Residential Development Strategy. Further, the timing of the residential release is premature and there is a lack of demand for residential development in the area.

The Commission accepts the Department's assessment, that the proposal is consistent with the Central Coast Regional Strategy and the Lower Hunter Regional Strategy as both documents identify the site as a proposed urban development area. Further, releasing the Gwandalan development earlier than previously identified will ensure the conservation lands are protected and transferred to public ownership, which is a priority of the regional strategies. The Commission also notes that the site has recently been rezoned through the State Significant Site process for residential development.

COMMISSION'S DETERMINATION

The Commission has carefully considered the views expressed at the public meeting, the Department's Assessment Report and agency and public submissions.

On balance, the Commission agrees with the Department's recommendation that the proposal should be approved. The Commission however emphasizes the importance of preparing adequate design guidelines for the proposal.



Garry Payne AM
Commission Member



Richard Thorp
Commission Member



Jan Murrell
Commission Member

Appendix 1 List of Speakers

Planning Assessment Commission Meeting

Time & Date: 21 June 2012

Venue: Gwandalan Community Hall

1. Joy Llewellyn-Smith
2. Kevin Spencer
3. Dennis Connor
4. Bill Simington