



## Appendix A: Preliminary ESA Search Results



## Search results

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Your search for: LGA: Wyong Shire Council

Matched 11 notices relating to 5 sites.

Suburb	Address	Site Name	Notices related to this site
Bateau Bay	The Entrance Road	Former Bateau Bay Landfill and Pat Morley Oval	1 current
Crangan Bay	555 Pacific Highway West	Big T Roadhouse	2 current
Warnervale	Railway and Aldenham Roads	Timber Treatment Plant	3 former
Wyong	Lot 4 Warner Avenue	Drum Dump - Wyong	2 former
Wyong	16 Lucca Road	Kemcon (MFG) Pty Ltd	1 current and 2 former

Page 1 of 1

28 August 2007



## WYONG SHIRE COUNCIL

ABN: 47 054 613 735  
DX 7306, PO Box 20, Wyong NSW 2259  
Phone: (02) 4350 5555  
Fax: (02) 4351 2098  
Email: [wsc@wyong.nsw.gov.au](mailto:wsc@wyong.nsw.gov.au)  
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10161/2007  
Reference No: N4080801

Hla Envirosiences Pty Ltd  
PO Box 76  
HRMC NSW 2310

## SECTION 149(2) AND (5) PLANNING CERTIFICATE

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, AS AMENDED THE  
INFORMATION BELOW IS PROVIDED AND IS ACCURATE AS AT 30 August 2007**

**Fee paid:** \$100.00  
**Receipt No:** 5377951  
**Receipt Date:** 30 August 2007

### **DESCRIPTION OF LAND** COUNTY OF NORTHUMBERLAND

**Property Address:** 165 Kanangra Drive, GWANDALAN NSW 2259  
**Property Description:** LOT 3 DP588206  
**Property Owner:** Lakeside Living Pty Ltd

The information contained within this certificate relates to the land.

### **1 ZONING (LOCAL ENVIRONMENTAL PLANS AND DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS)**

Lot 3 DP 588206

7B Scenic Protection

Wyong Local Environmental Plan 1991, dated 15 February 1991 (as amended).

The Land Use Table attached to this certificate provides details of the type of development that may be permitted on this land and on adjoining land that is similarly zoned.

Intending purchasers are advised to familiarise themselves with the nature and scope of development which could be approved within this zone in accordance with that land use table.

## **2 DRAFT LOCAL ENVIRONMENTAL PLANS**

The land is not subject to any Draft Local Environmental Plans.

## **3 OTHER ENVIRONMENTAL PLANNING INSTRUMENT CONTROLS**

Nil

## **4 STATE ENVIRONMENTAL PLANNING POLICIES**

SEPP – (BUILDING & SUSTAINABILITY INDEX: BASIX) 2004 – (25.06.04) applies to all forms of residential dwellings (excepting hotels, motels and moveable dwellings). It requires the use of a computer based rating system for dwelling designs to ensure compliance with sustainability targets relating to water efficiency, energy efficiency and thermal comfort and the reduction of greenhouse gas emissions.

SEPP 71 – COASTAL PROTECTION (01.11.02) – the aim of the policy is to ensure that development in the NSW coastal zone is appropriate and suitably located, to ensure that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.

SEPP – (MAJOR PROJECTS) 2005 – (01.08.05) aims to define certain developments that are major projects under Part 3A of the Environmental Planning and Assessment Act 1979 and are to be determined by the Minister for Planning. The SEPP also lists State Significant Sites.

SEPP 11 - 9.8.85 (TRAFFIC GENERATING DEVELOPMENTS) provides that applications for development listed in Schedules 1 and 2 of the Policy shall be referred to the Traffic Authority for its views prior to determination.

SEPP 55 - 28.8.98 (REMEDIATION OF LAND) aims to promote the remediation of land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The policy applies to the whole of the State, to ensure that remediation is permissible development and is always carried out to a high standard. It specifies when consent is required for remediation and lists considerations that are relevant when rezoning land and determining development applications.

SEPP (SENIORS LIVING) 2004 – 31.03.04 - aims to increase availability and to provide a wider choice of residential accommodation for seniors (over the age of 55) and people with a disability, on lands within and adjacent to urban zones. The Policy establishes matters for consideration, development standards, design requirements and access and useability standards for development proposed under the Policy. Reference should be made to the relevant clauses and schedules within the Policy to determine if the subject land is excluded from the Policy.

SEPP 9 - 7.10.1983 (GROUP HOMES) controls the development of group homes on all land where dwellings are allowed.

SEPP 45 - 4.8.95 (PERMISSIBILITY OF MINING) provides that where planning controls only allow mining subject to meeting provisions affecting permissibility in environmental planning instruments, then mining will be permitted without being dependent first on the consent authority having to be satisfied that the proposed development meets those provisions.

SEPP 50 - 30.10.97 (CANAL ESTATE DEVELOPMENT) provides that where the Policy applies a person shall not carry out canal estate development as defined in the Policy.

## **5 DRAFT STATE ENVIRONMENTAL PLANNING POLICIES**

Draft State Environmental Planning Policy No 66 (Integrated Landuse and Transport) - aims to achieve the better integration of land uses and the provision of transport at the local level. The policy applies to the whole of the Shire, to developments specifically listed in the policy, to the preparation of local environmental plans, development control plans, master plans or precinct plans. Reference should be made to the policy to determine if the subject land is excluded from its provisions.

## **6 REGIONAL ENVIRONMENTAL PLANS**

Nil

## **7 DRAFT REGIONAL ENVIRONMENTAL PLANS**

Wyong Development Areas and Coal Mining. For further information Council's Strategic Planning Department may be contacted.

## **8 MINIMUM AREA STANDARDS FOR DWELLINGS**

A dwelling on this property is not prohibited by a development standard relating to a minimum area. Enquiries should be made as to other potential restrictions.

## **9 DEMOLITION APPROVAL**

Wyong Local Environmental Plan 1991 (as amended) requires development consent for the demolition of a building unless the provisions of Development Control Plan No.85 - Exempt Development apply.

## **10 DEVELOPMENT CONTROL PLAN 2005**

Development Control Plan 2005 applies to the subject land, particularly the following chapters:

Chapter 14: Development Control Plan No 14 - addresses Tree Management within the Wyong Shire, including tree removal and land clearing.

Chapter 50: Development Control Plan No 50 - Guidelines for Advertising Signs.

Chapter 65: Development Control Plan No 65 – On site Effluent Disposal in Non Sewered Areas - Guidelines for domestic wastewater disposal in non-sewered areas.

Chapter 62: Development Control Plan No 62 - Home and Centre Based Child Care Services - provides design guidelines to persons wishing to establish child care facilities and ensures that such facilities meet with the needs of children, whilst maintaining the amenity of any area.

Chapter 72: Development Control Plan No 72 – Farm Dams and Rural Landfill.

Chapter 67: Development Control Plan No 67 - Engineering Requirements for Development.

Chapter 69: Development Control Plan No 69 - Controls for Site Waste Management. The purpose of this plan is to provide Council's requirements for the management of waste including storage, handling and disposal of waste and recyclable materials on individual sites in Wyong Shire.

Chapter 101: Development Control Plan No 101 - Building over and adjacent to Sewer Mains - To identify Council's requirements in relation to building over and adjacent to sewer mains.

Chapter 11: Development Control Plan No 11 - Guidelines for Bed and Breakfast Establishments. To provide guidelines to persons wishing to use their existing home, or extend their home in order to provide Bed and Breakfast accommodation.

Chapter 13: Development Control Plan No 13 - Interim Conservation Areas - The land is subject to this plan for Interim Conservation Areas within Wyong Shire. The aim of the plan is to ensure a greater level of consideration is given to the potential impacts of most forms of development on locations of potential conservation value. The DCP does not necessarily prohibit development but rather requires that proper consideration be given in the design and location of a proposal to the environmental sensitivity of the land.

Chapter 86: Development Control Plan No 86 - Complying Development - identifies those uses which Wyong Shire Council has determined as Complying Development under the Environmental Planning and Assessment Act, 1979. This plan also provides a framework for Council or an accredited certifier to issue a Complying Development Certificate for complying development. This plan applies to the whole of Wyong Shire. However, certain land may be excluded from the operation of provisions of the plan due to environmental or other physical characteristics.

Chapter 85: Development Control Plan No 85 – Exempt Development – identifies those uses which Wyong Shire Council has determined are of such a minor nature so as to not require Council's consent under the Environmental Planning and Assessment Act, 1979. This plan applies to the whole of Wyong Shire. However, certain land may be excluded from the operation of provisions of the plan due to environmental or physical characteristics.

Chapter 18: Development Control Plan No 18 - Gwandalan and Summerland Point - Identify Section 94 Contributions applicable for the provision and upgrading of bushfire brigade facilities, roads and intersections and the method of apportionment of costs when development of land occurs.

Chapter 63: Development Control Plan No 63 - Home Based Employment.

Chapter 58: Development Control Plan No 58 – Dual Occupancy - guidelines to address the development standards for dual occupancy housing in the Wyong Shire.

Chapter 23: Development Control Plan No 23 - Caravan Parks - To identify where long term caravan parks will be permitted and to clarify the requirements for development applications and developer contributions.

Chapter 70: Development Control Plan No 70 - Notification of Development Proposals.

Chapter 99: Development Control Plan No 99 - Building Lines - identifies Council's requirements in relation to building line setbacks for development.

Chapter 100: Development Control Plan No 100 - Quality Housing - This plan addresses requirements and guidelines for new dwellings and substantial additions and demonstrates Council's commitment to improving the quality of housing within the Shire and to minimising the impacts of housing construction on our environment.

Chapter 30: Development Control Plan No 30 – Wyong Shire Wetlands Areas - to provide controls for the management and protection of significant wetlands within the Shire.

## **11 DRAFT AMENDMENTS TO DEVELOPMENT CONTROL PLAN 2005**

Draft Amendment to Chapter 23: Development Control Plan No 23 – Caravan Parks

Draft Amendment to Chapter 66: Development Control Plan 66 – Subdivision. The purpose of the revision of the plan is primarily to improve the format and the structure of the current chapter and revise definitions; replace and incorporate new drawings to illustrate examples for requirements; introduce the “policy” matters from Chapter 67; improve the General Design Principles; and incorporate all types of subdivision including residential, industrial, business, rural and scenic protection zonings.

Draft Amendment to Chapter 61: Development Control Plan No 61 - Parking. Aims to ensure that off-street parking provisions are satisfactory to service the associated developments, that the parking facilitates safe, ready access for all users, that parking does not have detrimental impacts on the amenity of the locality, and that satisfactory provision is made for service vehicles and other vehicles associated with the development.

## **12 SECTION 94 CONTRIBUTIONS PLANS**

This land is subject to the Shire-wide Contribution Plan for the development of public facilities. Where applicable, contributions will be levied at the time of granting of approval under the Environmental Planning and Assessment Act 1979.

The land is subject to Section 94 Contributions Plan No 12 for the Gwandalan District. Where applicable, contributions will be levied at the time of granting of approval under the Environmental Planning and Assessment Act 1979.

## **13 DRAFT SECTION 94 CONTRIBUTIONS PLANS**

The land is subject to a draft Section 94 contribution plan for Northern Districts. This plan intends to consolidate the existing contribution plans for the Gwandalan, Mannering Park and Lake Munmorah districts.

#### **14 SECTION 76A DIRECTIONS**

Applications for State Significant development are subject to the determination of the Minister for Planning.

#### **15 UNHEALTHY BUILDING LAND POLICY**

The land is not subject to the Unhealthy Building Land Policy under the provisions of the Environmental Planning and Assessment Act 1979.

#### **16 COASTAL PROTECTION ACT 1979**

This land is within the coastal zone as defined by the Coastal Protection Act however there are no notices under Sections 38 or 39 of this Act.

#### **17 MINE SUBSIDENCE**

The land is within a proclaimed Mine Subsidence District under the Mine Subsidence Compensation Act 1961. The approval of the Mine Subsidence Board is required for all subdivision and building, except for certain minor structures. Surface development controls are in place to prevent damage from old, current or future mining. It is strongly recommended prospective purchasers consult with the Mine Subsidence Board regarding mine subsidence and any surface development guidelines. The Board can assist with information about mine subsidence and advise whether existing structures comply with the requirements of the Act.

#### **18 PROPERTY VEGETATION PLAN**

This land is not subject to a property vegetation plan under the Native Vegetation Act 2003.

NOTE: The advice provided in this section is based on notification by the Hunter Central Rivers Catchment Management Authority of the approval of a plan. Further information about property vegetation plans should be obtained from that Authority

#### **19 TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

Council has not been notified of an Order issued under the Trees (Disputes between Neighbours) Act 2006.

NOTE: This advice is based on information provided by the Land and Environment Court.

#### **20 ROAD WIDENING OR ROAD ALIGNMENT**

1. DIVISION 2 SECTION 25 OF THE ROADS ACT 1993



The land is not affected by road realignment or road widening under the above.

2. **ENVIRONMENTAL PLANNING INSTRUMENT**

The land is not affected by road realignment or road widening under the above.

3. **COUNCIL RESOLUTIONS**

The land is not affected by road widening or road re-alignment under the above.

**21 COUNCIL POLICIES TO RESTRICT DEVELOPMENT DUE TO RISK**

1. Policies have been adopted by Council to restrict development on this property due to the following risks:

**FLOOD PRONE LAND POLICY**

Council has no information that would indicate the land is subject to flooding or tidal inundation.

Interested persons should make their own enquiries and obtain expert advice as to the likelihood, frequency and depth of any flooding which may occur.

Should any proposal for the land include seniors living or group homes (where such is permissible within the land use zone), reference should be made to Council's Customer Service Centre as flood related development controls may apply.

**POTENTIALLY CONTAMINATED LAND POLICY**

Council has adopted a Policy for Potentially Contaminated Land which may restrict the development of the land. This Policy applies when zoning or land use changes are proposed on lands which have previously been used for certain purposes which could have involved the use of contaminants. The land is considered to be potentially contaminated land by reason of its past/present use as a site where **fuel tanks** were/are located. Any application to develop the land or carry out an activity which would result in soil disturbance from the land will require the submission of a preliminary site investigation report and/or a detailed site investigation report by a qualified environmental consultant. Consideration of the Policy and the application of any relevant State legislation is warranted. Further information is available on enquiry to Council's Health Services Division and a copy of the relevant guidelines is available free of charge. Interested persons should make their own enquiries and obtain expert advice.

**PROBABILITY OF ACID SULPHATE SOILS**

Information available to Council indicates that the land has a probability of containing acid sulphate soils, as shown on Acid Sulphate Soils Planning Maps produced by the Department of Natural Resources.

2. Policies have not been adopted by Council to restrict development on this property due to the risk of land slip, bush fire, subsidence, or any other risk other than as noted above, however the absence of a specific Council policy as to these risks should not be relied upon as evidence that these risks do not exist.

**BUSHFIRE PRONE LAND**

The land is shown as bush fire prone land in Council's records. Further details of any applicable restrictions on development of the land may be obtained on application to Council.

**PRESCRIBED STREAMS**

Approval of the Department of Natural Resources, in addition to Council's Tree Permit, is required to remove any trees within 20 metres of Ourimbah Creek, Wyong River (Wyong Creek) and tributaries, Cedar Brush (Cedar or Old Brush Creek) or Jilliby Jilliby Creek. Contact the Department of Natural Resources for details.

**OTHER AFFECTATIONS**

The subject property has not been assessed with respect to any bush fire hazard and in this regard Council's Fire Control Officer may be contacted for further information concerning any effect on the subject property.

An Approval to Operate a System of Sewage Management under section 68 of the Local Government Act, 1993 must be obtained from Council by any new owner and/or operator within 1 month of occupation of the premises. It is recommended that prior to any purchase/sale of the property, an inspection of the system be undertaken by a suitably qualified person. Further information may be obtained by contacting Council.

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**THIS CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT (1979) AS AMENDED AND THE ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION (2000) AS AMENDED.**

For any enquiries regarding this Certificate please contact Council's Customer Service Centre on 4350 5555.



Rachel M Davis  
**Signed on Behalf of Council**

## LAND USE TABLE

### Zone No. 7(b) (Scenic Protection Zone)

#### 1 Objectives of zone

The objective is to restrict the type and scale of development which will be carried out on land possessing scenic values to that unlikely to:

- (a) prejudice the present scenic quality of the land within this zone, or
- (b) generate significant additional traffic or create or increase a condition of ribbon development on any road relative to the capacity and safety of the road, or
- (c) prejudice the viability of existing commercial centres, or
- (d) have an adverse impact on the region's water resources.

#### 2 Without development consent

Home occupations

#### 3 Only with development consent

Any purpose other than a purpose included in Item 2 or 4 of the matter relating to this zone.

#### 4 Prohibited

Abattoirs; aerodromes; boarding houses; brothels; building products sales rooms or showroom; bulky goods sales rooms or showrooms; carparking stations; child care centres; commercial premises; depots; detached dual occupancies; entertainment facilities; exhibition homes; extractive industries; general stores; generating works; hazardous industries; hazardous storage establishments; housing for older persons or people with a disability; industries; intensive agriculture; large scale commercial premises; large scale retail premises; light industries; materials recycling depots; medical centres; mining; motor showrooms; offensive industries; offensive storage establishments; passenger transport terminals; plant hire establishments; reception establishments; registered clubs; residential flat buildings; road transport terminals; self storage establishments; service stations; shops; stock and sale yards; toxic waste incinerators; transport depots; vehicle body repair workshops; vehicle repair stations; warehouses.

## MANDATORY CONTROLS

### Subdivision of land within Zone No 1 (a), 1 (c), 7 (a), 7 (b), 7 (c), 7 (d), 7 (e) 7 (f) or 7 (g)

- 14 (1) This clause applies to land within Zone No. 1(a), 1(c), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f) or 7(g).
- (2) Except as provided by subclauses (3) and (4), a person shall not subdivide land to which this clause applies so as to create an allotment having an area of less than -
- (a) in the case of land within Zone No. 1(c), 7(a), 7(d), 7(e), 7(f) or 7(g) 40 hectares;
  - (b) in the case of land within Zone No. 1(a) or 7(b) 20 hectares;
  - (c) in the case of land within Zone No. 7(c) 2 hectares.
- (3) A person may, with the consent of the Council -
- (a) subdivide land to which this clause applies where -
    - (i) the land is partly within one zone and partly within another zone;
    - (ii) the area of the land within one of the zones is not less than the area specified in subclause (2) in respect of that zone;
    - (iii) the area of the land in the other zone is less than the area specified in subclause (2) in respect of that zone; and
    - (iv) one of the allotments to be created by the subdivision comprises the whole of the land referred to in subparagraph (iii); or
  - (b) subdivide land within Zone No. 7(c) so as to create one or more allotments of less than 2 hectares but not less than 1 hectare where the average of the areas of all the allotments in the subdivision is not more than 2 hectares and where -
    - (i) the person dedicates to the Council as a public reserve land within Zone No. 7(a) which is in the same ownership as the land within Zone No. 7(c);
    - (ii) the person contributes to the Council an amount of money to be used by the Council for the purchase of land within Zone No. 7(a) for use as a public reserve or for the improvement or embellishment of any public reserve owned by the Council which is within Zone No. 7(a);

- (iii) the plan of subdivision is a strata plan, within the meaning of the Strata Titles Act 1973, which includes as common property land within Zone No. 7(a) which adjoins land within Zone No. 7(c) and that part of the common property which is within Zone No. 7(a) is accessible from each of the lots in the strata plan;
  - (iv) the person dedicates land within Zone No. 7(a) in accordance with subparagraph (i) and makes a contribution in accordance with subparagraph (ii); or
  - (v) the person makes a contribution in accordance with subparagraph (ii) and land within Zone No. 7(a) is included in common property in accordance with subparagraph (iii).
- (4) Where land within Zone No. 7(a) is to be dedicated in accordance with subclause (3)(b)(i) or included in common property in accordance with subclause (3)(b)(iii), the area of land that, as the case may be, is to be so dedicated or so included shall be that number of hectares that is equal to the number obtained -
  - (a) by subtracting from the number of allotments to be created (as referred to in subclause (3)(b)) the number obtained by dividing the total area of land within Zone No. 7(c), expressed in hectares, by 2; and
  - (b) by multiplying the number calculated pursuant to paragraph (a) by 5,adjusted to the first decimal place.
- (5) Where a contribution is to be made in accordance with subclause (3)(b)(ii), the amount of the contribution to be so made shall be that number of dollars that is equal to the number obtained -
  - (a) by subtracting from the number of allotments to be created (as referred to in subclause (3)(b)) the number obtained by dividing the area of land within Zone No. 7(c), expressed in hectares, by 2; and
  - (b) by multiplying the number calculated pursuant to paragraph (a) by 5 times the value, expressed in dollars, of 1 hectare of land within Zone No. 7(a), as determined from time to time by the Council,adjusted to the nearest whole number.
- (6) Where -
  - (a) land within Zone No. 7(a) is to be dedicated and a contribution is to be made in accordance with subclause (3)(b)(iv); or
  - (b) land within Zone No. 7(a) is included in common property and a contribution is to be made in accordance with subclause (3)(b)(v),

the amount of the contribution to be so made shall be that number of dollars that is equal to the number calculated pursuant to subclause (5) less the number obtained by multiplying the area of land within Zone No. 7(a) to be dedicated or

included in common property by the value, expressed in dollars, of 1 hectare of land within that zone (as determined pursuant to subclause (5)), adjusted to the nearest whole number.

- (7) Where land is subdivided in accordance with subclause (3)(b), the total number of allotments that may be created by one or more subdivisions made at any time before or after the appointed day shall not exceed the number of hectares of the land within Zone No. 7(c) adjusted down to the nearest whole number.
- (8) Land within Zone No. 7(a) included in common property pursuant to subclause (3)(b)(iii) shall not be used for any purpose other than agriculture, parks or gardens and shall not be so used without the consent of the Council.
- (9) The Council shall upon receipt by it of a contribution made pursuant to this clause place that contribution in a trust account for use for the purpose specified in subclause (3)(b)(ii).

### **Dwelling-houses**

- 16 (1) Except as otherwise provided by this plan, one-dwelling house only may be erected, with the consent of the Council, on an allotment of land that was in existence on the appointed day or with an area not less than the applicable minimum area specified in clause 14(2) or (3) (b), within Zone No 1(a), 1(c), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g) or 10(a).
- (2) Notwithstanding subclause (1), the erection of a dwelling-house on an allotment of land created in accordance with clause 14(3)(a), being the allotment referred to in subparagraph (iv) of that paragraph, is prohibited.
- (3) Notwithstanding subclauses (1) and (2), an allotment meeting the minimum area requirements of clause 14(2)(a), (b) or (c), as the case may require, may have two dwelling-houses erected on it, with the consent of the Council, if -
  - (a) the Council is satisfied that both dwelling-houses will be used in conjunction with the use of the allotment for the purposes of agriculture; or
  - (b) the Council is satisfied that the second dwelling-house will replace one which is to be demolished, or the use of which (as a dwelling-house) it is proposed to abandon.
- (3A) Subclause (3) (a) does not apply to land within Zone No 7 (a) or 10(a).
- (4) Subclause (3) does not apply to land within Zone No. 7(d) or 7(e).



2000





NSW4309 (M2029)  
LAKE MACQUARIE CITY COUNCIL

RUN 12  
152.76mm  
99-117

2565m ASL.  
29-5-96

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APPROX. PHOTO  
SCALE 1:6000







31 152.76m 29/05/96 06:04:44 96 60444 96 60444 96 60444





6 3 3

Mag 1026 161.46



6431 M RSL  
151.45MM

RUN 3  
27.4.84



LAKE MACQUARIE  
1:40 000  
NSM 3384

NSM  
3384  
23



