



9th November 2010

The Hon. Tony Kelly ALGA.MLC
Minister for Planning
NSW Department of Planning
Level 34
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Minister,

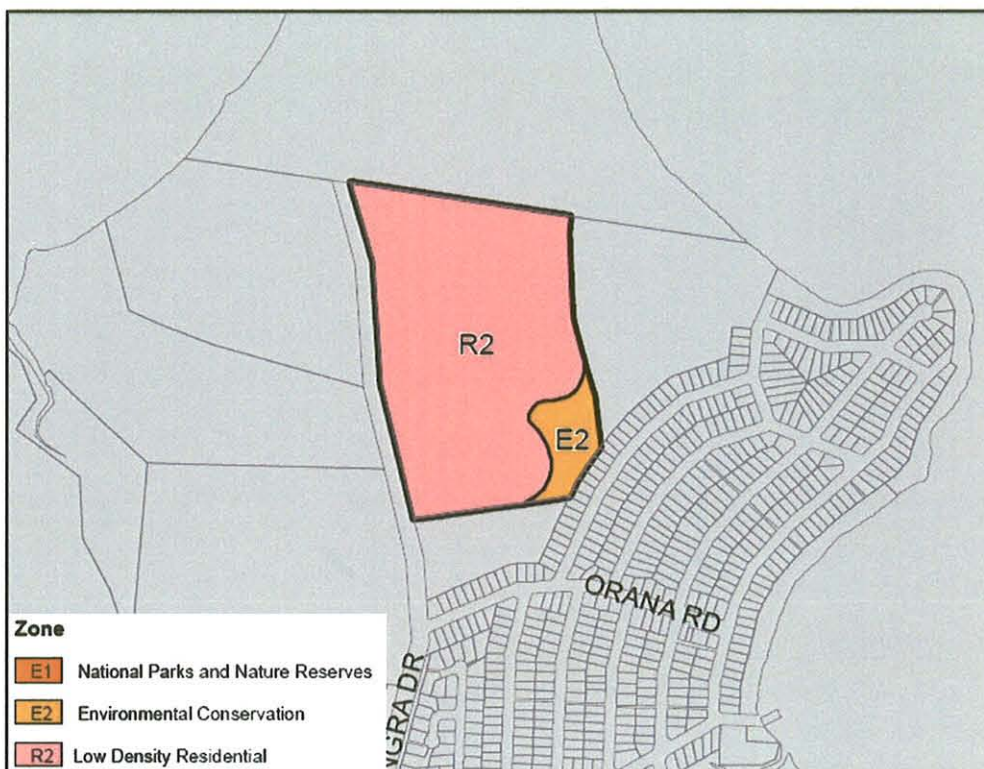
Request for Ministers opinion under Clause 6 SEPP Major Developments and Directors Generals Requirements for subdivision under part 3A of the EPA Act 1979

A residential subdivision of land is proposed at Gwandalan by Lakeside Living Pty Ltd, a Rose Property Group company. A low density residentially zoned area on the site has a development potential of up to 200 dwellings.

The Subject Land

The subject land is Lot 3 DP 558206 Kanangra Drive, Gwandalan (**Land**). The area of the Land is approximately 26 hectares. Some 16 hectares of the Land is zoned R2 Low Density Residential.

Some 293 hectares of land in DP 1129872 and within the State Significant Site was dedicated to public ownership by Rose Property Group in November 2008. That land is not part of the proposed subdivision but does provide the environmental offsets for this proposal and another subdivision proposal by Rose Property Group for land at Catherine Hill Bay.



Extract from SEPP Major Developments Zoning Map

Site Planning History

1988 draft SREP 8 identifies the Land as Development Precinct 1A, potential for 270 lots.

1991 the Land zoned Scenic Protection by Wyong LEP 1991.

2002 Rosecorp (now Rose Property Group) acquires the Land, improvements include 3 dwellings, boat shed, harbour, chapel, orchard, paddocks stables & sheds. The Land has approx 200m lake frontage.

2002 draft Wyong Residential Strategy the Land is identified for "medium term release". "medium term" is defined as 2003 to 2015.

2003 adopted Wyong Residential Development Strategy land identified for "medium term release", no definition of medium term provided.

2003 Council decides to pursue strategic review of the Land and other sites as response to land rezoning enquires.

2003 (September) Wyong Council considers report on Gwandalan/Summerland Point strategic direction and rejects resolution to advise Rosecorp that land will proceed as medium term development, resolves instead to have community consultation.



2004 (March) Council considers further report on Gwandalan/Summerland point residential land demand and defers for further report addressing new aspects such as rural residential.

2004 (June) Rosecorp lodges rezoning application. There is spare local water and sewer capacity.

2005 (January) Council resolves to:

- notify Rosecorp rezoning won't proceed for 4 years
- allow Rosecorp to proceed with flora and fauna studies
- ask Rosecorp to withdraw rezoning application or it will be refused

2005 (February) meeting with Council, "medium term" identified as 2008 to 2012.

2005 (April) rescission motion on January resolution fails but Council resolves to review planning resources for the rezoning.

2005 (May) Wyong Council notifies Rosecorp that it will proceed with rezoning. Rosecorp agrees to Council's rezoning conditions including the meeting of all costs for 3rd party consultant to undertake work. Council to engage consultant.

2006 (January) rescission motion on May 2005 review of strategic planning program, site rezoning removed from work program, rezoning abandoned as Council staff haven't engaged consultant as per agreement.

The Land was declared part of a State Significant Site on 27 June 2007.

A Part 3A Concept Plan was prepared for the Land and approved by the Minister in 2008 (**Concept Plan Approval**). At the same time a Part 3A project application for subdivision of the Land was approved by the Minister (**Project Approval**).

Land dedications in accordance with the Concept Plan Approval were made in November 2008. These dedications provided an offset for the removal of vegetation on the Land.

Approval for residential development of the Land under the Commonwealth EPBC Act was obtained in February 2009. A condition included dedication of land generally in accordance with the Concept Plan.

The Concept Plan Approval and the Project Approval for subdivision were declared invalid by the Land and Environment Court in August 2009.

A revision to State Environmental Planning Policy (Major Development) 2005 (**SEPP Major Development**) was exhibited in July and August 2010. The revision was gazetted on 5th November 2010.

Subdivision of the Land is permitted with consent under Schedule 3, Part 14 South Wallarah Peninsular site, Clause 14 of SEPP Major Development).

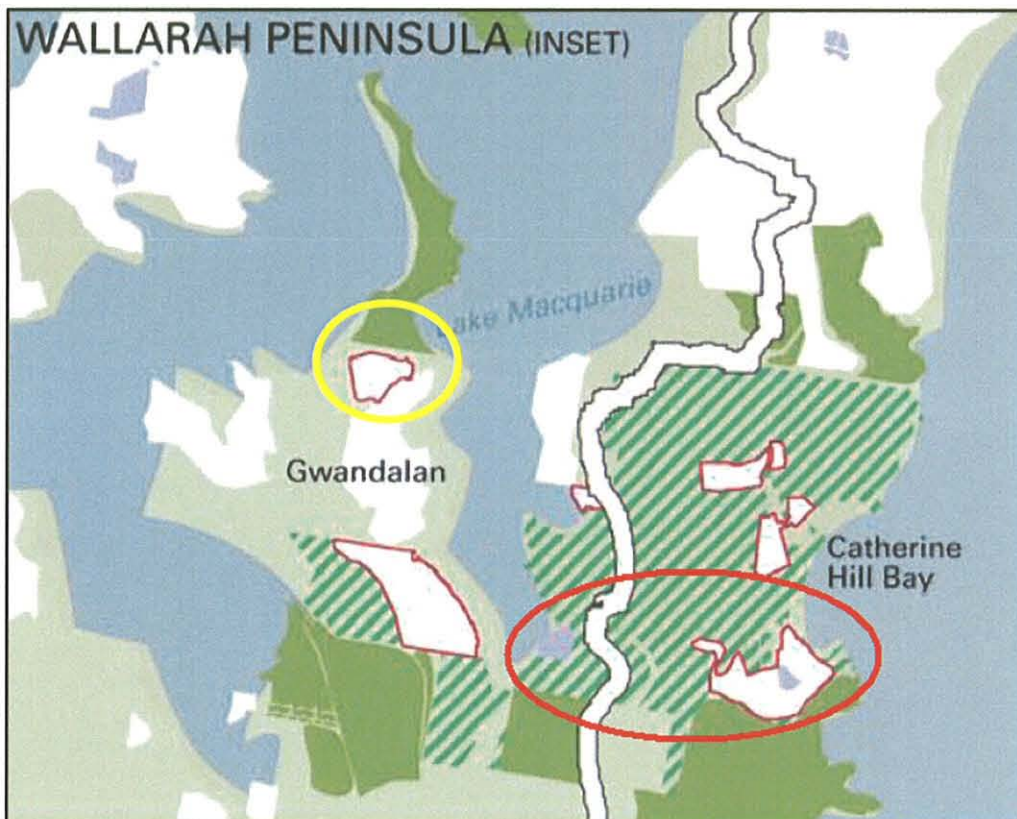
Rose Property Group now seeks to proceed with a Part 3A project application for subdivision of the R2 zoned parts of the Land in accordance with requirements of SEPP Major Development.



Issues relating to development of the Land have been extensively explored via the previous State Significant Site and the Concept Plan Approval processes, previous Project Approval and the accompanying environmental assessments.

Planning Context

The Land is specifically identified in the Central Coast Regional Strategy 2008. The Land is part of the Metropolitan Development Plan.



Extract of Central Coast Regional Strategy mapping showing subject land location (yellow) and the location of offsets land (red).

The Land is part of the South Wallarah Peninsula State Significant Site for which SEPP Major Development is the primary Environmental Planning Instrument. The Land is zoned, E2 Environmental Conservation, and R2 Low Density Residential under SEPP Major Development, Schedule 3 State Significant Sites, Part 14 South Wallarah Peninsular site. The area of the site zoned R2 is proposed for subdivision.

The Land is located in the Wyong Council LGA. However, the local planning instrument (Wyong LEP 1991) does not apply to the Land by virtue of clause 5 of Part 14 of the SEPP Major Development.



The Land shares a boundary with the Lake Macquarie State Conservation Area, which is land reserved under the National Parks and Wildlife Act. Parts of the Land are within 100 metres of a coastal lake (Lake Macquarie).

Significant areas of land zoned R2 on the Land and suitable for subdivision are by definition "sensitive coastal location" under SEPP Major Development (see attached plan).

The SEPP Major Development, Schedule 2 Part 3A Projects -specified sites, identifies projects to which the SEPP applies. Clause 1 reads,

1 Coastal areas

- (1) *Development within the coastal zone for any of the following purposes:*
- (a) *subdivision of land into more than 100 lots, if more than 100 lots will not be connected to an approved sewage treatment work or system,*
 - (b) *subdivision for residential purposes of land that is not in the metropolitan coastal zone (unless it is wholly or partly in a sensitive coastal location) into more than 100 lots,*
 - (c) *subdivision for rural-residential purposes of land that is not in the metropolitan coastal zone (unless it is wholly or partly in a sensitive coastal location) into more than 25 lots.*

As the land is in a sensitive coastal location and a subdivision of more than 100 lots is proposed, the proposal is a major project under clause 1(b). Parts of the development, including residential lots, roads, the coastal walkway and infrastructure will be within the sensitive coastal locations on the Land. Accordingly, the proposal is a coastal major project. A plan showing the extent of the overlap of the sensitive coastal location and the R2 zone is attached.

A Preliminary Environmental Assessment Report accompanies this letter. Issues associated with the development of the site have been extensively assessed under previous Part 3A assessment processes. There is detailed knowledge of potential impacts of the proposed development and a high level of appreciation of the site management requirements.

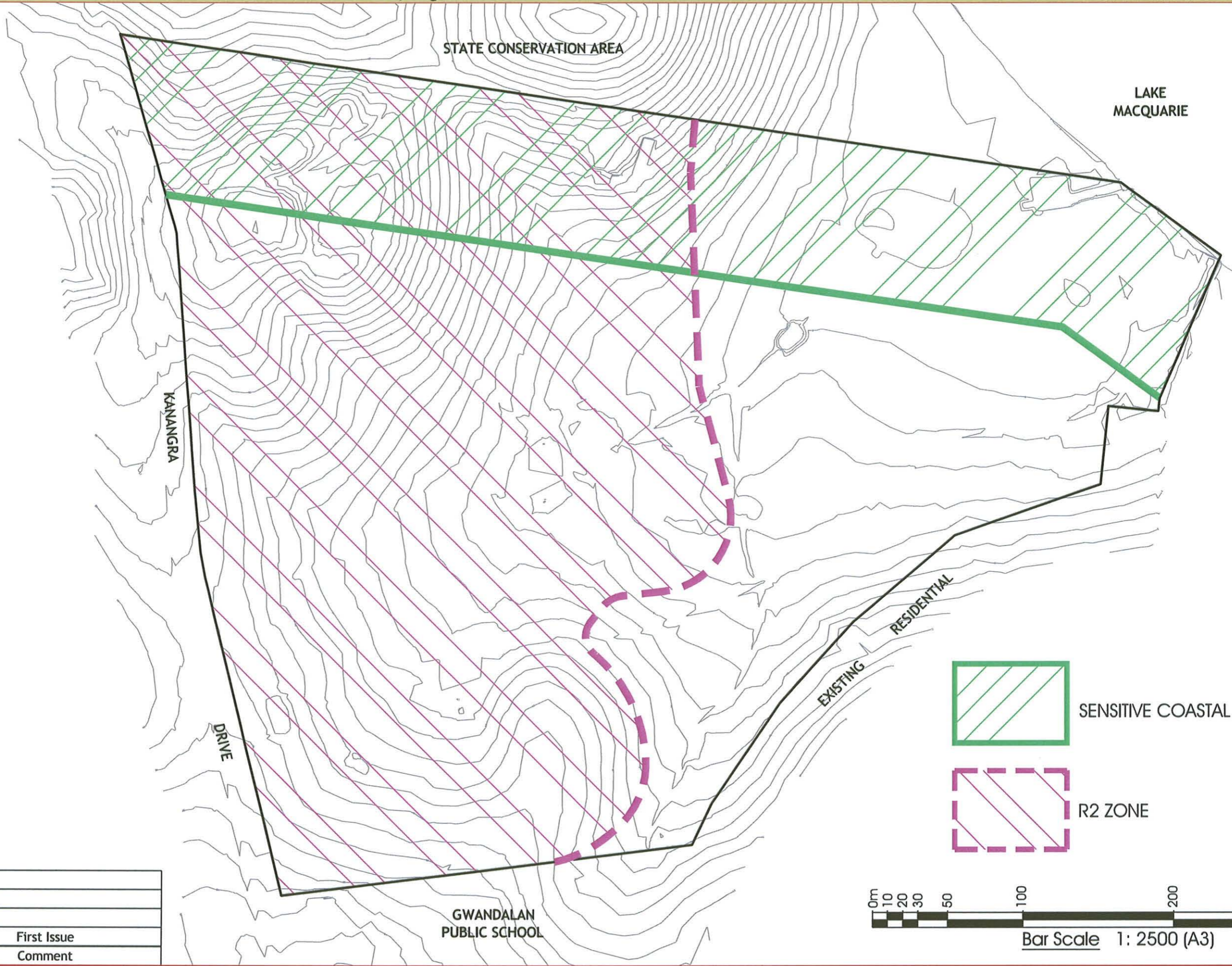
It is requested that the Minister make a determination under Clause 6 of SEPP Major developments in respect of the proposed subdivision.

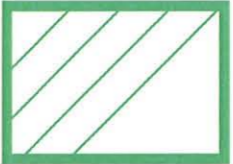
It is further requested that, should the Minister determine the proposal to be a major project, the Director General of Planning issue requirements for assessment of the project under part 3A of the EPA Act.


Yours sincerely,

Bryan Rose
Managing Director

Lakeside Living Pty Ltd ACN 054 400 814



 SENSITIVE COASTAL LOCATION

 R2 ZONE



Ver.	Date	Comment
A	13/09/2010	First Issue

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