

ASSESSMENT REPORT

Gwandalan Residential Subdivision, Gwandalan 10_0205 MOD 3

1. INTRODUCTION

This report is an assessment of an application seeking to modify an approved residential subdivision at Gwandalan within the Central Coast local government area. The application has been lodged by Lakeside Living Pty Ltd (the applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The application seeks approval for an updated subdivision staging plan and to reconfigure part of the approved subdivision layout.

2. SUBJECT SITE

The subject site is located approximately 100 kilometres north of Sydney and 26km south of Newcastle. The site has an area of approximately 26 hectares. The site adjoins the eastern side of Kanangra Drive, with the Point Wolstoncroft section of Lake Macquarie State Conservation Area adjoining the northern boundary. The southern boundary adjoins Gwandalan Public School and the rear of residential properties in the existing township of Gwandalan. The eastern-most boundary adjoins Lake Macquarie (see **Figures 1 and 2**).

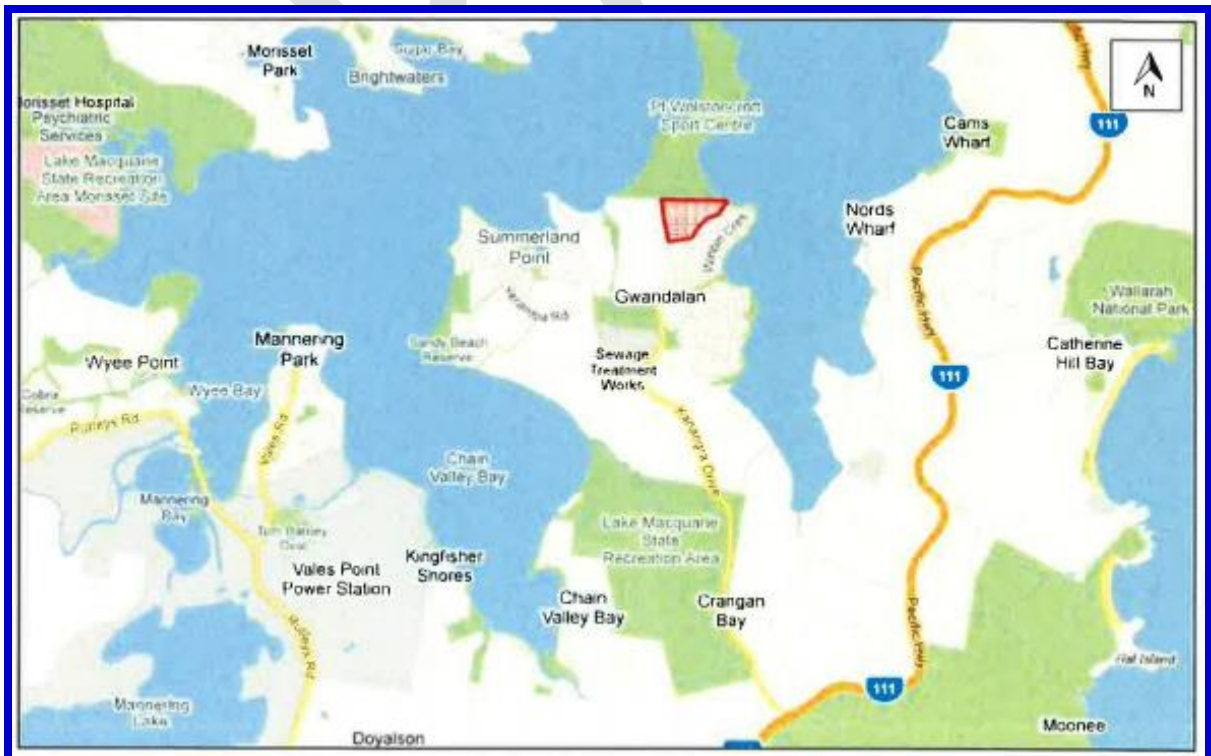


Figure 1: Site Location.



Figure 2: Subject Site.

3. APPROVAL HISTORY

On 3 May 2011 the then Planning Assessment Commission (the Commission) granted Project Approval 10_0205 for a residential subdivision at Gwandalan. The approval included:

- 187 new residential lots,
- 1 residential lot to retain an existing dwelling,
- 2 public open space lots,
- associated bulk earthworks,
- infrastructure including drainage and utility services, and
- landscaping.

The proposal has been modified on two occasions:

- 10_0205 MOD 1 approved by the Planning Assessment Commission on 5 March 2012. This modification varied the approved subdivision staging, deleted two conditions relating to road upgrades and varied a commitment relating to community consultation.
- 10_0205 MOD 2 approved by the Acting Executive Director, Infrastructure and Industry Assessments on 22 September 2015. This modification reconfigured the approved subdivision layout, modified a condition relating to a T intersection, removed a requirement for a raised pedestrian crossing and expanded options for a wildlife management strategy.

4. PROPOSED MODIFICATION

On 28 May 2018, the applicant lodged an application (10_0205 MOD 3) seeking approval for an updated subdivision staging plan and to reconfigure part of the approved subdivision layout.

The modification is requested on the basis that the updated subdivision staging will reflect minor staging boundary changes approved by Central Coast Council as part of the construction certificate process. In addition, the modification will add lot size variety within subdivision stage

7 which will assist in accommodating a broad range of housing types within the overall subdivision.

The Department referred the application to Central Coast Council (Council) and the NSW Rural Fire Service (RFS) and made the application publicly available on the Department's website.

The original subdivision staging plan for the site, provided by the Gwandalan Development Control Plan (Gwandalan DCP) as part of 10_0205, can be seen in **Figure 3**. The approved and proposed staging plan can be seen in **Figures 4** and **5**. The revised subdivision layout can be seen in **Figure 6**.

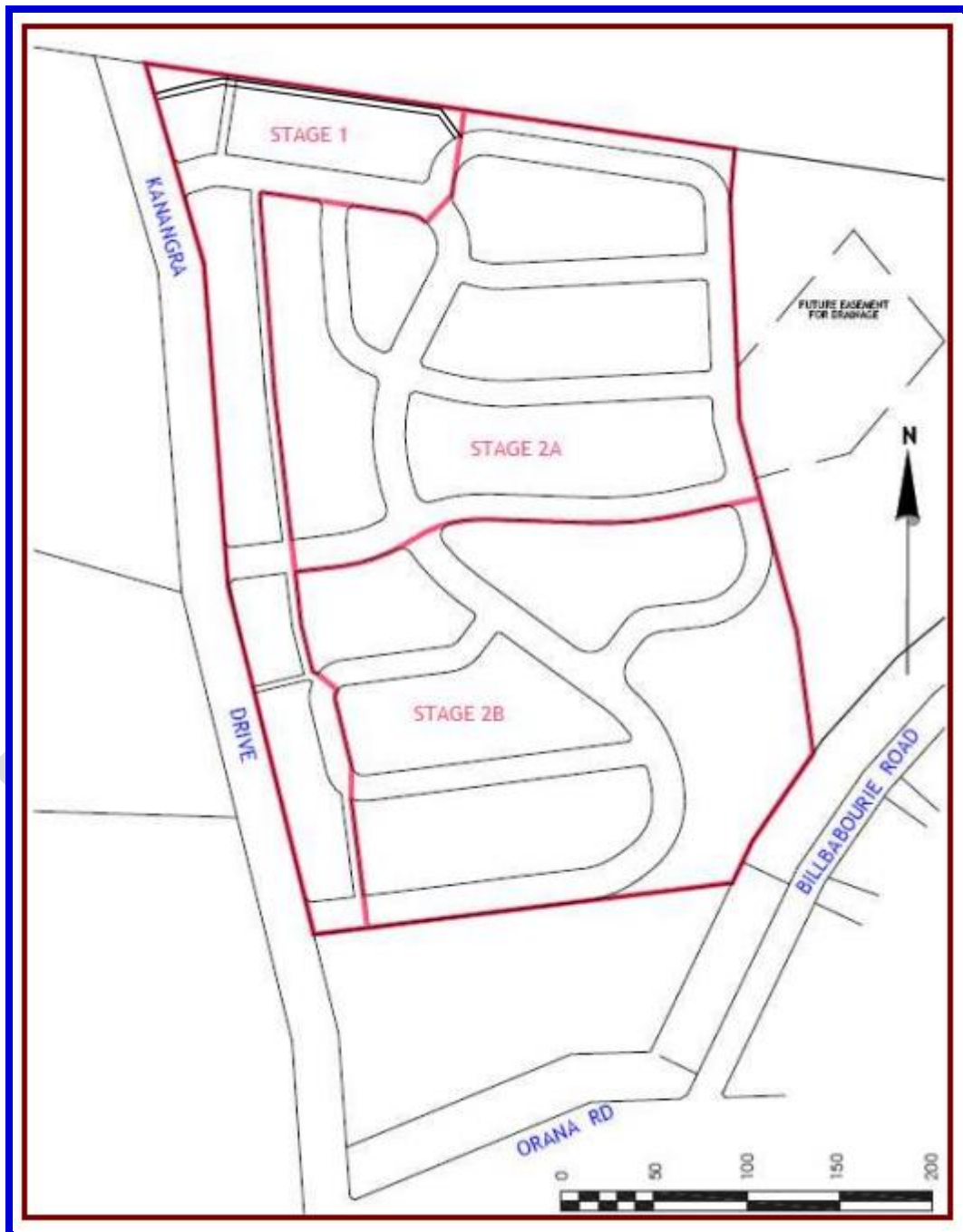


Figure 3: Gwandalan Development Control Plan Subdivision Staging Plan.

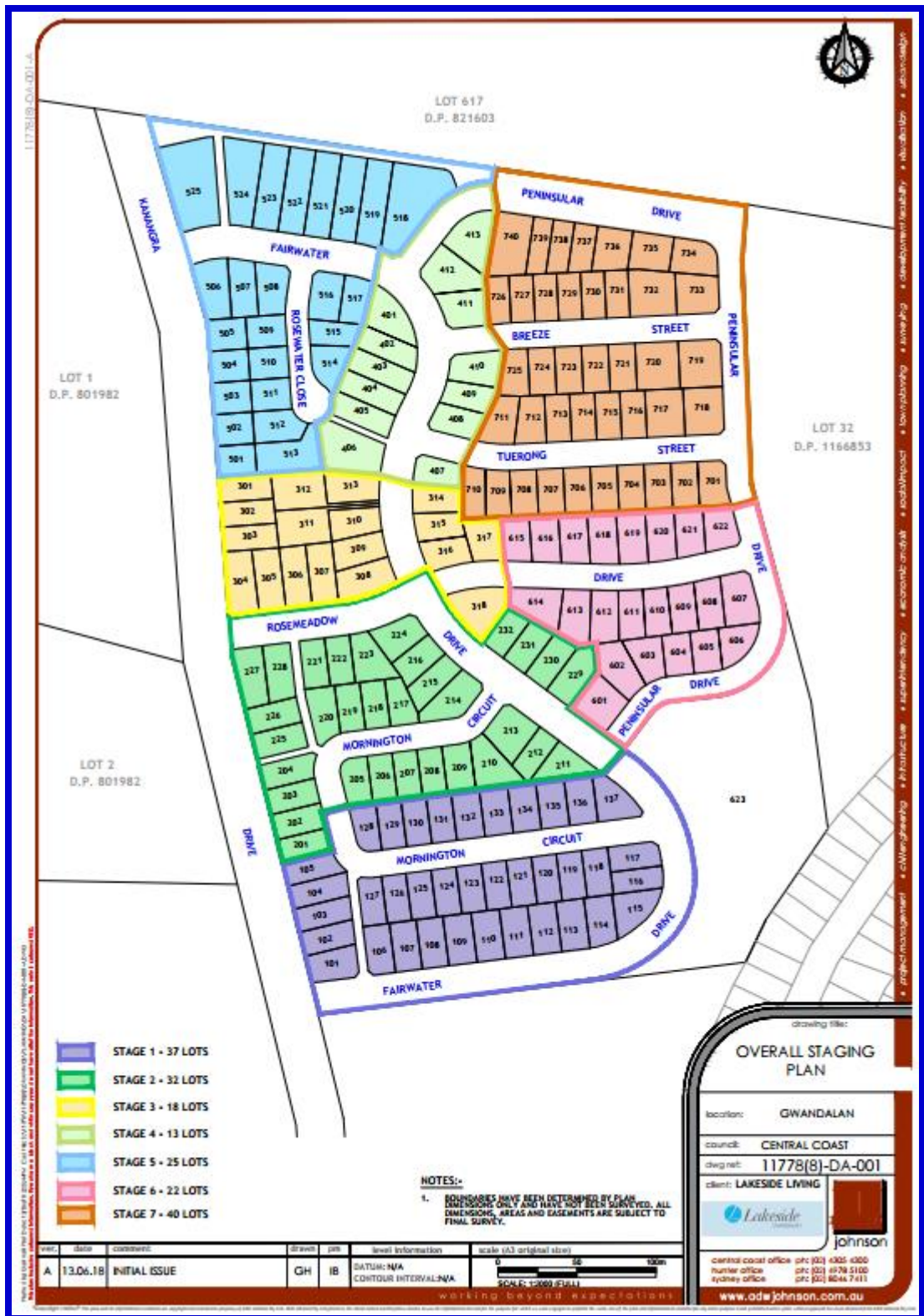


Figure 5: Proposed Subdivision Staging Plan.

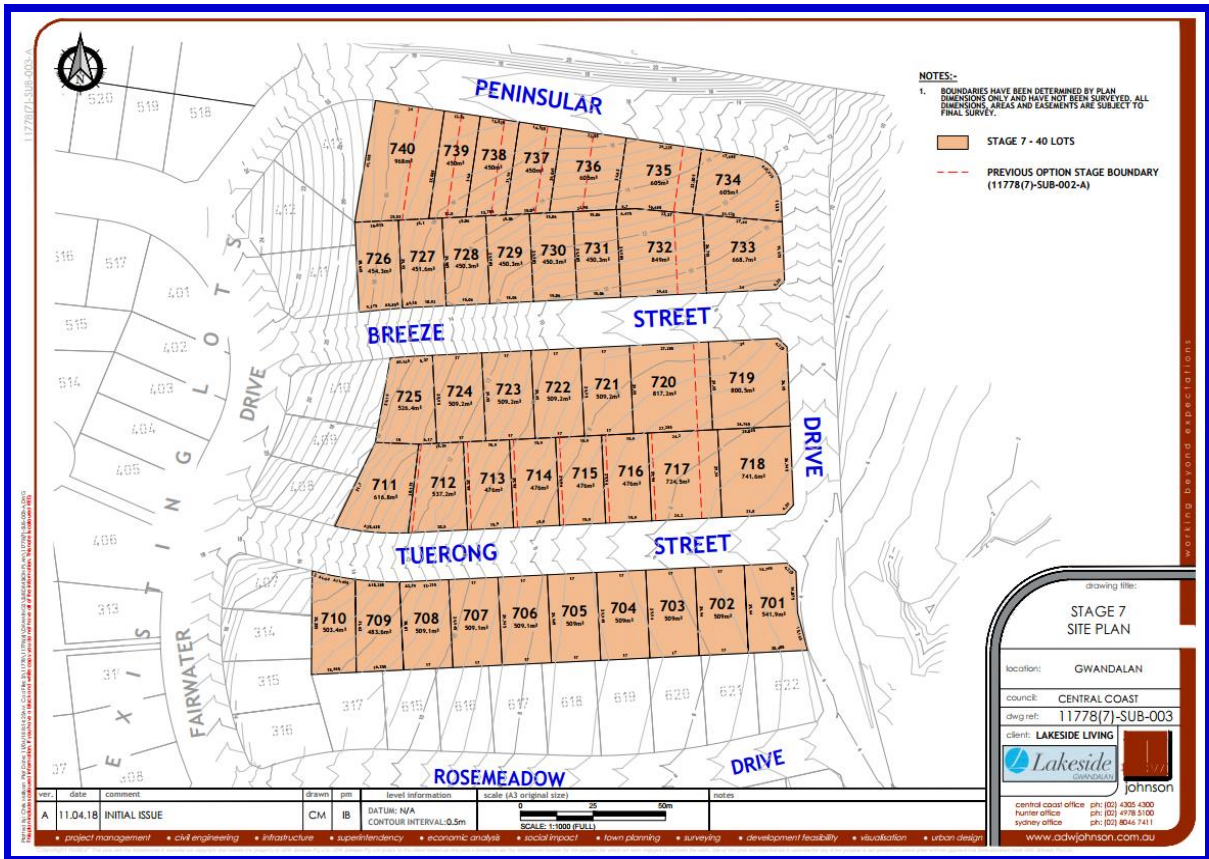


Figure 6: Reconfigured Subdivision Lot Layout.

5. STATUTORY CONSIDERATION

5.1 Part 3A Transition to State Significant Development

The project was approved under section 75J of Part 3A of the EP&A Act. Any modifications would have been subject to section 75W of the EP&A Act 1979.

Following amendments to the EP&A Act that commenced on 1 March 2018, the power to modify Part 3A approvals under former section 75W has been wound up for modification applications submitted after 1 March 2018. In order to modify a transitional Part 3A approval, the Minister for Planning can declare the development to be State Significant Development (SSD) by order under clause 6 of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation* (EP&A (ST&OP) Regulation). If a declaration is made the approval becomes a development consent which can be modified under Part 4 of the EP&A Act if it meets the relevant test.

On 3 July 2018, the Director, Regional Assessments (as delegate of the Minister for Planning), made an order under clause 6 of Schedule 2 of the EP&A (ST&OP) Regulation declaring the development the subject of the project approval to be SSD. This order was published in the NSW Government Gazette on 6 July 2018 and took effect from that date.

The effect of this order is that:

- the project approval is taken to be a development consent under Part 4 of the EP&A Act for the carrying out of the development, and
- modification requests are taken to be an application to modify under section 4.55 of the EP&A Act.

5.2 Modification of Approval

Section 4.55(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Section 4.55(1A) Matters for Consideration	Comment
That the proposed modification is of minimal environmental impact.	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval for minor changes and does not result in any additional adverse impacts on the surrounding area. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations.	The application was not required to be notified by the regulations.
Any submission made concerning the proposed modification has been considered.	The Department received two submissions on the proposal (one from Central Coast Council and one from the NSW Rural Fire Service). Neither submission raised any concerns with the proposal.

5.2 Environmental Planning Instruments

The following environmental planning instruments (EPIs) are relevant to the application:

- State Environmental Planning Policy (Coastal Management) 2018.
- Wyong Local Environmental Plan 2013.

The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Key Sites and Industry Assessments may determine the application under delegation as:

- the relevant local council has not made an objection, and
- there are no public submissions in the nature of an objection.

6. CONSULTATION

The Department referred the application to Central Coast Council (Council) and the NSW Rural Fire Service (RFS) and made the application publicly available on the Department's website.

Council did not raise any concerns with the proposal, including the proposed variations to the Wyong Shire Development Control Plan 2013 (Wyong DCP).

The **RFS** did not raise any concerns with the proposal subject to compliance with advice previously provided for 10_0205 MOD 2 in 2015.

No public submissions were received on the proposal.

7. ASSESSMENT

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents,
- the environmental assessment and conditions of consent for the original approval,
- submissions received on the proposal,
- relevant environmental planning instruments, policies and guidelines, and
- the requirements of the EP&A Act.

The Department considers the key issues with the proposed modification are:

- the updated subdivision staging, and
- the reconfigured subdivision lot layout.

All other issues are considered in **Table 1** below.

7.1 Updated Subdivision Staging

The application seeks approval for an updated subdivision staging plan (see **Figure 5**). The staging plan will maintain seven subdivision stages as currently approved but will reconfigure the sequencing of and boundaries between the stages. The modification is requested on the basis that the updated subdivision staging will reflect minor boundary changes approved by Central Coast Council as part of the construction certificate process.

The updated subdivision staging plan is inconsistent with the original subdivision staging plan for the site provided by the Gwandalan Development Control Plan (Gwandalan DCP) as part of 10_0205 (see **Figure 3**). Notwithstanding this inconsistency, the Department considers the updated subdivision staging plan to be acceptable. The Gwandalan DCP's subdivision staging plan has previously been varied by 10_0205 MOD 1 (see **Figure 4**). Furthermore, the subdivision is at an advanced stage of development with most of the subdivision stages either complete or nearing completion as of July 2018 (see **Figure 7**).



Figure 7: Gwandalan Subdivision (July 2018) Highlighting Stage 7 Yet to be Developed.

The remaining stage to be developed under the updated subdivision staging plan (stage 7) corresponds with the last stage to be developed on the site. On this basis, the Department is satisfied that the changes to the staging plan are minor and acceptable.

7.2 Reconfigured Subdivision Lot Layout

The application seeks approval for a reconfigured subdivision lot layout (see **Figure 6**). The modification is requested on the basis that it will add variety to the lot size to accommodate a broad range of housing types within the subdivision.

The Department supports the reconfigured subdivision layout as all the reconfigured lots will comply with the 450m² minimum lot size development standard that applies to the site under the Wyong Local Environmental Plan 2013.

The Department notes the reconfigured subdivision layout is not fully compliant with the Wyong DCP.

The first variation relates to minimum lot frontages at the building line which the Wyong DCP requires to be 15m. Reconfigured lots 737, 738 and 739 will not comply with this requirement as they will have reduced lot frontages down to a minimum width of 12.56m. The Department is satisfied with this minor variation as it relates to only three lots, will add variety to the subdivision and the lots can easily accommodate detached residential dwellings.

The second variation relates to corner lot areas which the Wyong DCP requires to be 700m². Reconfigured lots 733 and 734 will not comply with this requirement as they will have areas of 668.7m² and 605m² respectively. The Department is satisfied with this minor variation as it relates to only two lots and will provide corner lots with adequate areas to address dual frontage streetscape impacts, privacy issues, setback implications and intersection sight lines

as identified by the Wyong DCP.

The Department referred the application to Council who did not raise any concerns with the proposal, including the proposed variations to the Wyong DCP.

On this basis, the Department is satisfied that the reconfigured subdivision lot layout is acceptable as it will still result in appropriately sized and dimensioned residential lots that will be suitable for future residential housing.

7.3 Other Issues

Table 1: Assessment of Other Issues

Issue	Consideration	Recommendation
<i>Bush Fire Threat</i>	<ul style="list-style-type: none">• The site is affected by bush fire threat from the conservation area to the north.• The application was referred to the RFS who did not raise any concerns with the proposal subject to compliance with advice previously provided for 10_0205 MOD 2 in 2015.• The 2015 RFS advice pertained to a 35m asset protection zone in stage 5 of the subdivision and standards relating to public road design and utility services.• The proposal will not alter the 35m APZ in stage 5, the design of public roads or utility services.• The Department is therefore satisfied that the proposal will not result in any adverse bush fire threat impacts.	No additional conditions or amendments necessary.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the number of lots is not proposed to be modified and therefore the proposal results in no change to demand for services or infrastructure, and
- the reconfigured lot layout is similar to the approved layout in terms of orientation and design.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate for the Minister for Planning:

- **considers** the findings and recommendations of this report,
- **determines** that application 10_0205 MOD 3 falls within the scope of section 4.55(1A) of the EP&A Act,
- **approves** application 10_0205 MOD 3 subject to the modified terms of approval, and
- **signs** the attached approval of the modification (Appendix A).

Recommended by:

Anthony Witherdin
Director
Regional Assessments

DECISION

The recommendation is approved by:

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments
as delegate of the Minister for Planning.

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APPENDIX A: MODIFICATION CONSENT

A copy of the modified consent can be found on the Departments website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9384.

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APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification Application.

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9384.

2. Submissions.

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9384.

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