

**WALLARAH, 380 Motorway Link - Lot 1, 2 and 3 DP 1156997 (Rezoning for employment lands and environmental conservation)**

Proposal Title : **WALLARAH, 380 Motorway Link - Lot 1, 2 and 3 DP 1156997 (Rezoning for employment lands and environmental conservation)**

Proposal Summary : **CONTEXT:**  
The Darkinjung Local Aboriginal Land Council lodged a multi-site rezoning proposal with the former Wyong Shire Council. The proposal sought to facilitate residential and employment development and conservation outcomes on five sites in northern Wyong. Due to the complexity of the multi-site rezoning proposal, Council separated the project into site specific proposals.

Council resolved to progress Site 1 Lake Munmorah and a Gateway determination was issued in February 2015. Council also resolved to support Site 3 Doyalson but deferred Site 4 Bushells Ridge.

The proponent submitted a pre-Gateway review request for the rezoning proposal at Site 4 Bushells Ridge and the proposal was referred to the JRPP for advice.

The JRPP recommended that the proposal be submitted for a Gateway determination. Given the proximity of Site 4 Bushells Ridge to Site 3 Doyalson, Council were advised to consider combining the sites into one planning proposal. A proposal for the combined lands was issued a Gateway determination in April 2016.

Site 2 is at Halekulani. Central Coast Council refused to prepare a planning proposal to rezone the Halekulani site to R1 Residential on 23 November 2016.

**CURRENT PROPOSAL:**

Lot 1, 2 and 3 DP 1156997, 380 Motorway Link Wallarah is referred to as Site 5. Council resolved to progress site 5 on the 13 May 2015. A proposal to rezone the lands has now been submitted for a Gateway determination.

The objective of the proposal is to rezone land to enable future industrial development and protection of environmentally significant areas. The proposed land use configuration is as follows:

- Rezone RU6 Transition to IN1 General Industrial and E2 Environmental Conservation.
- A portion of the land is currently zoned E2 Environmental Conservation and will remain as E2 zoned land under the proposal.
- Amend the Minimum Lot Size Map to remove minimum lot size requirements from those areas zoned IN1 General Industrial and apply a minimum lot size of 40 hectares to the land where the E2 Environmental Conservation zone applies.

This report proposes that the planning proposal should proceed subject to conditions detailed in the recommendation.

PP Number : **PP\_2016\_CCOAS\_005\_00**      Dop File No : **16/14546**

**Proposal Details**

Date Planning Proposal Received :	<b>10-Nov-2016</b>	LGA covered :	<b>Central Coast</b>
Region :	<b>Hunter</b>	RPA :	<b>Central Coast Council</b>
State Electorate :	<b>WYONG</b>	Section of the Act :	<b>55 - Planning Proposal</b>

**WALLARAH, 380 Motorway Link - Lot 1, 2 and 3 DP 1156997 (Rezoning for employment lands and environmental conservation)**

LEP Type : **Spot Rezoning**

**Location Details**

Street : **380 Motorway Link**

Suburb : **Wallarah**

City :

Postcode : **2259**

Land Parcel : **Lot 1, 2 and 3 DP1156997**

**DoP Planning Officer Contact Details**

Contact Name : **Claire Swan**

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**RPA Contact Details**

Contact Name : **Jenny Mewing**

Contact Number : **0243505742**

Contact Email : **jenny.mewing@centralcoast.nsw.gov.au**

**DoP Project Manager Contact Details**

Contact Name :

Contact Number :

Contact Email :

**Land Release Data**

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Central Coast Regional Plan 2036**

Consistent with Strategy : **No**

MDP Number :

Date of Release :

Area of Release (Ha) **42.00**

Type of Release (eg Residential / Employment land) : **Employment Land**

No. of Lots : **0**

No. of Dwellings (where relevant) : **0**

Gross Floor Area : **0**

No of Jobs Created : **900**

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

**Supporting notes**

Internal Supporting  
Notes :

External Supporting  
Notes :

**Adequacy Assessment**

**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the proposal is to amend existing planning controls and rezone land to enable future industrial development and protection of environmentally significant areas on the land.**

**Council has also identified potential amendments to the Land Reservation Acquisition Map for the purposes of road widening and the Urban Release Area Map to identify the land as an Urban Release Area. This should be stated in the objectives of the proposal.**

**Explanation of provisions provided - s55(2)(b)**

Is an explanation of provisions provided? **Yes**

Comment : **Council proposes to achieve the objective by amending the Wyong Local Environmental Plan (LEP) 2013 as follows:**

- Amend the Land Zoning Map to apply an IN1 General Industrial and E2 Environmental Conservation zone to the land.
- Amend the Minimum Lot Size Map to apply a minimum lot size of 40 hectares to the land where E2 Environmental Conservation applies and remove the minimum lot size requirements from those parts of the land zoned IN1 General Industrial.
- Amend the Land Reservation Acquisition Map (if required) to allow for acquisition of land by public authorities for any road widening requirements.
- Amend the Urban Release Area Map to identify the subject site as an Urban Release Area, so that any future development of the site will be required to satisfy the provisions of Part 6 of the Wyong LEP 2013.

**Council has identified further investigation is required to identify zone boundaries and requirements for land acquisition.**

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**

**WALLARAH, 380 Motorway Link - Lot 1, 2 and 3 DP 1156997 (Rezoning for employment lands and environmental conservation)**

**6.2 Reserving Land for Public Purposes  
5.10 Implementation of Regional Plans**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 44—Koala Habitat Protection  
SEPP No 55—Remediation of Land  
SEPP No 71—Coastal Protection  
SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

e) List any other matters that need to be considered : **The Central Coast Regional Plan 2036 was released on 14 October 2016. Consequently, section 117 Direction 5.10 Implementation of Regional Plans applies to the proposal (in addition to 5.1 Implementation of Regional Strategies).**

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain : **SEPP 44- Koala Habitat Protection  
Council has advised a potential Koala Habitat assessment will be required as part of future ecological assessment to address SEPP 44 matters.**

**SEPP 55 - Remediation of Land  
Clause 6 of the SEPP requires contamination and remediation to be considered in zoning or rezoning proposals. Council has advised a Phase 1 Contaminated Lands Assessment is needed to address the requirements of the SEPP.**

**SEPP (Mining, Petroleum Production and Extractive Industries) 2007  
The lands are in the vicinity of the proposed Wallarah 2 coal mine. Council has proposed to consult with NSW Department of Industry - Resources and Energy and adjoining lease owners to determine the impact of the proposed rezoning and resultant development on coal and mineral resource extraction in the locality.**

**The lands are identified by NSW Department of Industry - Resources and Energy as containing State Significant clay deposits. Council has proposed that further consultation with NSW Department of Industry - Resources and Energy and owner of the lease will be required as the proposal progresses to determine how the proposal will impact on resource extraction in the future.**

**To ensure the proposal will not restrict extractive resource potential of the land, a land use compatibility assessment must be undertaken to determine the most appropriate surface controls to apply to any proposed future development.**

**SEPP 71 - Coastal Protection  
The lands are located on the fringe of the NSW coastal zone. Council consider that the proposal is consistent with the provisions of clause 8 of SEPP 71.**

**A draft Coastal Management SEPP is currently on exhibition and this will repeal SEPP 71 when finalised.**

**Future development of the land will be required to address the matters for consideration under SEPP 71 - Coastal Protection or the Coastal Management SEPP, if finalised.**

**1.1 Business and Industrial Zones  
Council has advised the proposal seeks to provide additional land for industrial purposes and is therefore consistent with this Direction. However, to be consistent, the proposal needs to ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. The lands proposed for IN1 General Industrial are not identified within the North Wyong Shire Structure Plan as proposed employment area. It is identified as strategically located, constrained lands and part of the proposed biodiversity corridor.**

**Consistency with this Direction cannot be determined at this stage. Further**

investigations and consideration of key planning matters to be addressed under the North Wyong Shire Structure Plan is required. Council will need to address the requirements of this Direction following these investigations as the planning proposal progresses.

#### **1.2 Rural Zones**

While within the rural zone grouping, the RU6 Transition zone objectives in Wyong LEP 2013 are not primarily concerned with rural production. In this area the zone has been applied as an interim measure until further planning investigations are undertaken and the appropriate land use configuration is determined. As the land is not used for agricultural purposes and is significantly vegetated it is unlikely the rezoning of this land will represent a loss of agriculturally productive land. The proposal is inconsistent with this Direction, however the inconsistency is determined as minor as the land is not suitable for agricultural uses.

#### **1.3 Mining, Petroleum Production and Extractive Industries**

The lands are in the vicinity of the proposed Wallarah 2 coal mine. The lands are also identified by NSW Department of Industry - Resources and Energy as containing State Significant clay deposits.

Council has proposed to consult with NSW Department of Industry - Resources and Energy and adjoining lease owners to determine the impact of the proposal and resultant development on coal and mineral resource extraction in the locality.

Consistency with this Direction cannot be determined, at this stage and therefore Council should address the requirements of the Direction following consultation with NSW Department of Industry - Resources and Energy.

#### **2.1 Environment Protection Zones**

The land is located within the identified biodiversity corridor within the North Wyong Shire Structure Plan and Central Coast Regional Plan 2036. The existing E2 Environmental Conservation zoned lands incorporate a riparian corridor which is centrally located on the site. The proposal seeks to extend the E2 zone to encompass the riparian corridor and the southern portion of the site.

The land proposed for rezoning for industrial land uses is vegetated and will require clearing to enable future development.

The proposed land use configuration and development footprint will need to be determined subject to the outcomes of additional ecological assessments and further consultation with the Office of Environment and Heritage in relation to biodiversity, threatened species and regional wildlife corridor planning considerations.

Consistency with this Direction cannot be determined at this stage and therefore Council should address the requirements of the Direction following consultation with the Office of Environment and Heritage.

#### **2.2 Coastal Protection**

The lands are located on the fringe of the NSW coastal zone. Any future development on the site will be subject to the requirements of SEPP 71 Coastal - Coastal Protection and the draft Coastal Management SEPP, once published. It is considered the proposal is generally consistent with the NSW Coastal Policy: A Sustainable Future for the NSW South Wales Coast 1997 and the Coastal Design Guidelines 2003 and section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).

Subsequently the proposed rezoning is considered to be consistent with this Direction. Notwithstanding, any future development will be subject to the requirements of SEPP 71 - Coastal Protection and the draft Coastal Management SEPP, once published.

#### **2.3 Heritage Conservation**

Council has advised studies will be conducted to investigate the presence of Aboriginal cultural heritage on the lands. Consistency with this Direction cannot be determined, at this stage, and Council should address the requirements of this Direction once additional information is gathered and agency consultation (OEH) on Aboriginal heritage matters is complete.

#### **3.4 Integrating Land Use and Transport**

Council has advised the proposal is generally consistent with this Direction as it seeks to provide additional industrial development to promote employment self-containment, reducing the need for works to commute outside of the region for work. The proposal is also located on lands on the urban fringe and has optimal accessibility for movement of freight, goods and services with proximity to the M1 Pacific Motorway, Pacific Highway and the Northern rail corridor.

However further investigation is required to establish appropriate zone configuration within the site and further assessment of transport integration is to be undertaken, specifically with Roads and Maritime Services. Council should address the requirements of this Direction following provision of traffic and transport investigations and consultation with relevant agencies including Transport for NSW and Roads and Maritime Services.

#### **4.1 Acid Sulfate Soils**

Council has stated the proponent will be required to undertake an Acid Sulfate Soil assessment. The land being rezoned industrial is not in close proximity to land shown as class 1-4 the Acid Sulfate Soils Planning Maps and further studies at the rezoning stage are considered unnecessary. Clause 7.1 of Wyong LEP 2013 provides sufficient assessment at the development application stage. Council should update its consideration of this Direction prior to exhibition of the planning proposal as there is no inconsistency with the Direction.

#### **4.3 Flood Prone Land**

Council has advised the Wallarah Creek riparian corridor divides the site and is affected by the 1% Annual Exceedence Probability (AEP) event. This portion of the site is proposed to be retained as land use zone E2 Environmental Conservation.

The proposal does not propose to rezone land affected by the 1% AEP for more intensive development purposes. The proposal is therefore considered consistent with this Direction. However the impacts of any future proposed industrial development on the Wallarah Creek will need to be investigated.

#### **4.4 Planning for Bushfire Protection**

Council has identified the land is classified as Bushfire Prone. Council should address the terms of this Direction once additional information regarding bush fire protection has been obtained and consultation with the NSW Rural Fire Service has occurred.

#### **5.1 Implementation of Regional Strategies and**

#### **5.10 Implementation of Regional Plans**

The land is located within the identified biodiversity corridor within the North Wyong Shire Structure Plan and Central Coast Regional Plan 2036 and on land identified as containing significant clay resources. Further consultation with agencies and investigation is required to determine consistency with these Directions. Following consultation and further investigation, Council will need to address the terms of these Directions and seek the Secretary's agreement if there is an inconsistency.

#### **6.2 Reserving Land for Public Purposes**

Council could not confirm if there will be a requirement for land reservation for traffic improvements and wildlife corridors. The terms of the Direction will need to be addressed following the completion of appropriate studies and consultation with appropriate agencies.

### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

**Council has provided:**

- Existing Land Zoning and Minimum Lot Size Maps
- Proposed Land Zoning and Minimum Lot Size Maps
- Proposed Urban Release Area

**Council will also need to provide:**

- Further refined proposed Land Zoning, Minimum Lot Size, Land Reservation Acquisition and Urban Release Area Maps once the land use configuration has been determined.

The planning proposal includes information that may now be out-of-date. For example, Figure 2 shows a proposed subdivision layout which includes a proposed rail stabling yard. Information in the planning proposal should be assessed for currency and updated if required.

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

**Council proposes a 28 day consultation period. This is supported.**

### Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

**Timeline**

**Council anticipates notification of the plan in May 2018 (approximately 17 months). An 18 month time frame is considered sufficient time to make the plan.**

**Delegations**

**Council has requested delegations to make the plan. Consistency with the CCRS, CCRP, NWSSP and certain S117 Directions cannot be determined at this stage and following further investigations and agency consultation Council would need to seek the Secretary's agreement for any inconsistencies prior to the plan being made. Due to the extent of further information required it is recommended delegations be retained by the Department in this case.**

### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

### Proposal Assessment

**Principal LEP:**

Due Date :

Comments in relation to Principal LEP :

**The planning proposal seeks to amend Wyong LEP 2013.**

### Assessment Criteria

Need for planning proposal :

**Council has advised the planning proposal arose from an examination of development issues on Darkinjung Local Aboriginal Land Council (DLALC) lands identified by a working group established by the Department of Premier and Cabinet.**

**WALLARAH, 380 Motorway Link - Lot 1, 2 and 3 DP 1156997 (Rezoning for employment lands and environmental conservation)**

**As a result of this examination, five development sites within the North Wyong Shire Structure Plan area were nominated for further consideration through the rezoning process. The land at Wallarah is one of the five identified development sites.**

**WALLARAH, 380 Motorway Link - Lot 1, 2 and 3 DP 1156997 (Rezoning for employment lands and environmental conservation)**

Consistency with strategic planning framework :

**NORTH WYONG SHIRE STRUCTURE PLAN (NWSSP)**

The proposal is located on land identified as 'strategically located constrained land' and 'Green Corridor and habitat networks' in the NWSSP.

The NWSSP makes provision for flexibility in staging places to allow additional land to be released provided satisfactory arrangements are in place to forward fund the appropriate infrastructure. It also provides a framework for identifying and assessing development opportunities in these areas subject to key issue being addressed including:

- More detailed understanding of the environmental features of the land and opportunities to contribute to the proposed corridor and habitat networks;
- Resource extraction potential related to proposed coal mining and clay extraction (where these localised impacts occur);
- Opportunities to offset vegetation losses within future development and the green corridor; and
- The need for additional residential or employment uses to meet future demand.

Council has advised additional studies will be required to address these matters and this is supported given a development footprint would need to be determined through supporting studies, additional investigation and agency consultation.

The proposal seeks to rezone areas identified as green corridor and habitat networks in the NWSSP. However, as a high-level strategy, the key objective of the NWSSP is to ensure a balance between development and biodiversity conservation within the broader context of the green corridor. In addition, the NWSSP envisaged the boundary of both the development and conservation areas would be determined by Council, through more detailed local planning investigations.

Given the planning proposal seeks to locate development on and in the vicinity of this 'strategically located constrained lands' it is considered the proposal can be supported at the Gateway subject to further investigations and agency consultation to identify the final land use zone boundaries and an appropriate pathway for the green corridor in this area. However, it is not possible to support the scale of development or the development footprint until these further investigations and consultation occurs.

**CENTRAL COAST REGIONAL PLAN 2036**

The Central Coast Regional Plan 2036 was launched on 14 October 2016. It is a high level plan for population growth and change on the Central Coast. Council identified relevant Directions and Actions of the Regional Plan including the focus of increased employment development in the locality of the proposal and the environmental significance of lands within the proposal.

The proposal's consistency with the Regional Plan cannot be determined until further investigations and consultation occurs regarding the biodiversity and mineral and extractive resource matters. Council will be required to address consistency with the Central Coast Regional Plan 2036 following further investigations and agency consultation.

**CENTRAL COAST REGIONAL STRATEGY (CCRS)**

Council has not provided an assessment against the Central Coast Regional Strategy. While this continues to apply, Council will be required to update the planning proposal to address the Central Coast Regional Strategy.

The proposal has been considered against the current strategic planning framework and further work is necessary to determine its consistency.

**COMMUNITY STRATEGIC PLAN 2030**

Council has provided an assessment against the objectives and key actions of the Community Strategic Plan and advised the proposal is consistent with the relevant objectives of its plan.

**SETTLEMENT STRATEGY**

Council's Settlement Strategy was conditionally endorsed by the Department. The strategy identified sites as being strategically constrained to be subject to additional land use investigations to determine the suitability of the site for future development and green corridors. The proposal is consistent with this approach.

Environmental social economic impacts :

Council has identified a number of issues to be resolved regarding flora and fauna and the impacts of development within the conservation corridor identified in the North Wyong Shire Structure Plan and the Central Coast Regional Plan 2036.

A number of EECs and threatened flora and fauna species have been identified in a preliminary ecological inventory. Council has advised the site is proposed to be incorporated as part of a future biodiversity certification application in conjunction with other land holdings within the same ownership (being part of the five site investigations). This will require consultation with OEH to resolve the conservation corridor and bio-certification matters.

In addition, the lands are identified as containing significant extractive resource deposits (clay). Consultation with NSW Department of Industry - Resources and Energy will be required to understand the impacts of any proposed development on resource extraction in the future. Council has advised that to ensure the proposal will not restrict potential of the identified transition or resource areas a land use compatibility assessment will be undertaken to determine the most appropriate surface controls to apply to the proposed development.

Council has also identified a number of other issues to be resolved including:

- Bushfire
- Mineral Resource - Extraction and Subsidence
- Aboriginal and Non-Aboriginal Heritage
- Contaminated Lands and Acid Sulfate Soils
- Flooding, drainage and stormwater management
- Noise and vibration impacts in relation to the railway
- Road infrastructure and transport and traffic impacts
- Water supply, sewer and power.

**FURTHER INVESTIGATIONS**

Council has identified the following studies and further investigation requirements to address environmental, social and economic impacts of the proposal:

- detailed water and sewer servicing plan (which will include details on who will design and build infrastructure. Details will also be required on the timing of the provision of funds to provide these services)
- services review and infrastructure plan (gas, telecommunications, electricity provision etc.)
- complete ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy to be done in accordance with approved OEH offset methodologies)
- flooding, drainage and stormwater management studies
- open space and recreation analysis
- land use compatibility assessment to examine clay mining resource issues.
- preliminary contaminated land and acid sulfate risk study
- visual impact and landscape assessment
- noise and vibration assessment for proposed development in proximity of rail corridors and Doyalson Link Road
- aboriginal archaeological assessment
- revised traffic impact assessment report (which will also examine public transport, pedestrian and cycleway planning issues)
- draft Development Control Plan
- draft VPA and possible revision to Section 94 Contribution Plan (dependent on infrastructure and servicing issues).

**WALLARAH, 380 Motorway Link - Lot 1, 2 and 3 DP 1156997 (Rezoning for employment lands and environmental conservation)**

- updated planning proposal/planning controls (rezoning)

Given the site is located within a biodiversity corridor and on State Significant minerals resource and a development footprint is yet to be established, the additional information requirements Council proposes are generally supported. Clarification of the land use zone configuration and boundaries is required to address regional biodiversity corridor planning outcomes and offset requirements including input from OEH on corridor sizing and planning for environmental outcomes in the NWSSP area.

The noise assessment for proposed development in proximity to the rail corridor and Doyalson Link Road is supported and should be broadened to consider the proposed Wallarah 2 coal mine. The level of noise assessment required for the proposal should align with the proposed intensity of development being for industrial and environmental conservation purposes (not residential).

**AGENCY CONSULTATION**

Council provided a list of agencies to be consulted with and included:

- Ausgrid/Transgrid
- Department of Planning and Environment
- Department of Primary Industries - Office of Water
- Department of Industry – Minerals and Petroleum (Geological Survey of NSW)
- Guringai Tribal Link
- Jemena
- NSW Rural Fire Service
- NSW Trade and Investment - Crown Lands
- Office of Environment and Heritage (Conservation Planning and Biocertification)
- Office of Environment and Heritage (Heritage)
- Office of Environment and Heritage (Water, Floodplains and Coasts)
- Roads and Maritime Services
- Transport for NSW
- Railcorp

In addition the Darkinjung Local Aboriginal Land Council should be consulted regarding Aboriginal cultural heritage considerations.

Consultation with the Department of Planning and Environment is considered unnecessary. The Department will be involved through related priority actions identified in the Central Coast Regional Plan.

**INFRASTRUCTURE PROVISION LOCAL AND STATE**

Council proposes to include the site as an Urban Release Area and it would be subject to provisions in Wyong LEP 2013 that relate to satisfactory arrangements to be made for the provision of designated State public infrastructure and adequate arrangements for public utility infrastructure.

**Assessment Process**

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	18 months	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Department of Primary Industries - Minerals and Petroleum Transport for NSW NSW Rural Fire Service Transport for NSW		

**WALLARAH, 380 Motorway Link - Lot 1, 2 and 3 DP 1156997 (Rezoning for employment lands and environmental conservation)**

**Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The site will be mapped as an urban release area and be subject to the 'satisfactory arrangements' provisions in Wyong LEP 2013.**

**Documents**

Document File Name	DocumentType Name	Is Public
00 Planning Proposal#3.pdf	Proposal	No
01 Assessment#3.pdf	Proposal	No
02 Land Use Provisions#3.pdf	Map	No
04 Mapping#4.pdf	Map	No
05 Studies (Part A)#3.pdf	Study	No
05 Studies (Part B)#3.pdf	Study	No
05 Studies (Part C)#3.pdf	Study	No

**Planning Team Recommendation**

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones
  - 1.2 Rural Zones
  - 1.3 Mining, Petroleum Production and Extractive Industries
  - 2.1 Environment Protection Zones
  - 2.2 Coastal Protection
  - 2.3 Heritage Conservation
  - 2.4 Recreation Vehicle Areas
  - 3.2 Caravan Parks and Manufactured Home Estates
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  - 3.4 Integrating Land Use and Transport
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  - 4.3 Flood Prone Land
  - 4.4 Planning for Bushfire Protection
  - 5.1 Implementation of Regional Strategies
  - 6.1 Approval and Referral Requirements
  - 6.2 Reserving Land for Public Purposes
  - 5.10 Implementation of Regional Plans

Additional Information : **The planning proposal should proceed subject to the following conditions:**

**WALLARAH, 380 Motorway Link - Lot 1, 2 and 3 DP 1156997 (Rezoning for employment lands and environmental conservation)**

**1. Council is to be satisfied that sufficient information has been provided to demonstrate that the planning proposal adequately addresses the following issues:**

- water and sewer servicing plan and funding mechanisms
- services provision (gas, telecommunications, electricity)
- ecological investigations (in consultation with OEH)
- flooding, drainage and stormwater management
- bushfire planning requirements
- land use capability assessment including compatibility with mining and extractive industries
- social impacts
- economic impacts
- preliminary contaminated lands assessment
- noise and vibration impacts
- air quality impacts
- Aboriginal cultural heritage considerations
- transport and traffic including road access, issues associated with the adjacent rail line, examination of public transport, pedestrian and cycleway planning issues.

**2. Prior to undertaking public exhibition, Council is required to update the planning proposal to:**

- address relevant matters of the Central Coast Regional Strategy.
- determine consistency with the Central Coast Regional Plan 2036 and North Wyong Shire Structure Plan.
- resolve biodiversity corridor planning and offsetting requirements with Office of Environment and Heritage and Department of Planning and Environment.
- determine proposed planning provisions are supported by studies and agency consultation.
- assess information in the planning proposal for currency, and update as required.

**3. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land and demonstrate the site is suitable for rezoning once information on contamination has been obtained.**

**4. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) (Mining, Petroleum Production and Extractive Industries) 2007.**

**5. Council is required to demonstrate consistency with the following S117 Directions after supporting information has been obtained and/or following agency consultation:**

- 1.1 Business and Industrial Zones
- 1.3 Mining, Petroleum Production and Extractive Industries (NSW Department of Industry - Resources and Energy)
- 2.1 Environment Protection Zones (Office of Environment and Heritage - National Parks and Wildlife Service)
- 2.3 Heritage Conservation (Office of Environment and Heritage - Heritage Branch)
- 3.4 Integrating Land Use and Transport (Transport NSW – RMS)
- 4.4 Planning for Bushfire Protection (NSW Rural Fire Service)
- 5.1 Implementation of Regional Strategies
- 5.10 Implementation of Regional Plans
- 6.2 Reserving Land for Public Purposes

**6. Consultation is required with the following bodies:**

- Ausgrid
- NSW Department of Primary Industries - Water
- Office of Environment and Heritage
- Department of Industry - Resources and Energy
- Department of Industry - Lands

**WALLARAH, 380 Motorway Link - Lot 1, 2 and 3 DP 1156997 (Rezoning for employment lands and environmental conservation)**

- Transport for NSW - Roads and Maritime Services
- Transport for NSW
- Guringai Tribal Link
- Jemena
- Darkinjung Local Aboriginal Land Council
- NSW Rural Fire Service

7 The planning proposal must be made publicly available for 28 days.

8. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

9. No public hearing is required.

10. The Department retains delegation to make the plan.

Supporting Reasons : **Notwithstanding the need for certain issues to be resolved, there is sufficient strategic and site specific merit for the proposal to proceed to the Gateway as:**

- The North Wyong Shire Structure Plan allows for development proposals to progress on strategically constrained lands;
- The proposal has optimal accessibility to major transport routes to facilitate the movement of freight and goods and services.
- The planning proposal process provides for the additional investigations and agency consultation required to justify the rezoning for employment purposes and identify the regional biodiversity corridor to be conducted post a Gateway determination.
- Matters to address biodiversity conservation, bushfire management, flooding and drainage, impacts on State Significant extractive resources, land contamination, traffic, water and sewer, and noise and vibration mitigation appear capable of resolution and can be further reviewed in conjunction with the other five sites proposed for redevelopment by the Darkinjung LALC and as part of the post Gateway determination requirements.

Signature:



Printed Name:

G P HOPKINS Date: 8/12/2016