

Department's updated assessment

S117 Directions

1.3 Mining, Petroleum Production and Extractive Industries

Previous - The majority of the site is zoned E3 and permits extensive agriculture. The mining SEPP permits mining where agriculture or industry is permitted and rezoning the land to RE1 will prohibit those uses including mining and is inconsistent with the direction. Council should address the inconsistency with the Direction following consultation with NSW Trade and Investment - Resources and Energy.

Revised - Council consulted with NSW Trade and Investment - Resources and Energy and advised it had no resource issues to raise in regards to the planning proposal. It is considered the proposal is consistent with the Direction.

2.1 Environment Protection Zones

Previous - The proposal is inconsistent with the direction as it reduces the environmental protection standards applying to the land by removing the E3 zoning over large parts of the site and removes the 40Ha minimum lot size applicable to the land. Council advised the existing E2 zoned land will remain unchanged while the remainder will be zoned to RE1. Given the land contains SEPP 14 wetlands and EECs Council should consult with OEH prior to addressing the inconsistency with the direction.

Revised - Council consulted with OEH on the revised proposal which supported the reduction of the RE1 zone to disturbed areas of the site which excludes environmentally sensitive lands from the RE1 zone. Council is proposing to retain the 40Ha minimum lot size on the E2 and E3 lands. Given biodiversity matters have been addressed the Secretary could agree the proposal's inconsistency with the direction is of minor significance.

4.1 Acid Sulfate Soils

Previous - The land is affected by Class 2, 3 and 4 Acid Sulfate Soils. Wyong LEP 2013 contains clause 7.1 Acid Sulfate Soils to regulate development on land and Council consider this is sufficient for future development. However, where a planning proposal proposes an intensification of land uses Council is to consider an Acid Sulfate Soils study assessing the appropriateness of the change of land use given the presence of Acid Sulfate Soils. A copy of the study must be provided to the Secretary prior to community consultation. Council is required to address the requirements of the direction and seek the agreement of the Secretary for any inconsistency.

Revised - Council has advised the proposal is subject to existing provisions in Wyong LEP 2013 clause 7.1 which regulates development on land containing Acid Sulfate Soils. Council considers it unlikely that any excavation for the Regional Sporting Facility will trigger the provision. Given the proposed works would be unlikely to be below 1 metre and there are existing provisions to regulate future development on land containing Acid Sulfate Soils the Secretary could agree the inconsistency is of minor significance.

4.3 Flood Prone Land

Previous - The proposal seeks to permit a significant increase in the development of the land and is inconsistent with the direction. Council should address the inconsistency with the direction by confirming the proposal is in accordance with a floodplain risk management plan or justify the provisions are of minor significance by seeking agreement of the Secretary.

Revised - Council's consideration of the direction focuses on the proposed RE1 zone on the southern part of the site for the Regional Sporting Facility and considers the inconsistency is of minor significance. OEH provided comment that the sporting fields were an appropriate use of the floodplain on this part of the site. OEH had concerns regarding the RE1 zoning on the northern part of the site which still includes areas of high hazard flooding and suggests excluding these areas. Council has not provided sufficient justification to address the inconsistencies with the S117 Direction and it is appropriate Council reconsider the requirements of the direction as it applies to the northern part of the site and seek the Secretary's agreement for any inconsistency prior to the plan being made.

4.4 Planning for Bushfire Protection

Previous - The lot is identified as being bushfire prone and consultation with NSW Rural Fire Service is required before consistency with the direction can be determined.

Revised - Council consulted with NSW RFS and it raised no objection to the progression of the planning proposal. Given a number of matters are to be addressed under the terms of the direction and NSW Rural Fire Service does not object to the proposal progressing the Secretary could agree any inconsistency with the direction is considered to be of minor significance.

6.2 Reserving Land for Public Purposes

Previous - The planning proposal alters the zoning for land reserved for public purposes. Council has advised the land is owned by the Crown and forms part of Reserve 1003002 for the purpose of Public Recreation and Coastal Protection. The approval of Trade and Investment - Crown Lands is required before the Secretary can approve the alteration under the terms of the direction.

Revised - Council consulted with Trade and Investment - Crown Lands which supported the amended planning proposal proceeding to public exhibition. Given Crown Lands now support the proposal and it will provide cultural and recreational facilities to residents of Wyong Shire the Secretary should approve the alteration of land for public purposes.

SEPPs

Council has now included consideration of SEPP 55 -Remediation of Land and SEPP 71 - Coastal Protection in the planning proposal and these are considered adequate.