



Wyong Shire Council
Planning Proposal
110 Pacific Highway
Doyalson

RZ/4/2015
March 2016



Planning Proposal
110 Pacific Highway
Doyalson

RZ/4/2015

Date: March 2016
Consultation Version

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Doyalson-Wyee RSL MHE

Lot 7 DP 240685 (110 Pacific Highway), Doyalson

File No. RZ/4/2015

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Introduction & Locality Context

The subject site is located on Lot 7 DP 240685 (the site) with a land area of 14.75 hectares, Lot 49 DP 707586 adjoins the site to the south and will be utilised for emergency egress and access to the Club facilities for residents. The site is located north of the Doyalson-Wyee RSL on the Pacific Highway, Doyalson. Lot 49 contains two buildings one is leased to an independent party and the second building contains amenities facilities it also has cricket nets and remnant vegetation at the front and rear of the site. Lot 7 (the site) contains no buildings and the site of the proposed MHE is generally clear of vegetation and is used for outdoor fitness events such as the RAW Challenge. Figure 1 shows the location of the site and existing land uses. The site is currently zoned RU6 Transition under WLEP 2013. The purpose of the RU6 Zone in Wyong is that of a holding zone which provides for a limited range of uses to ensure land remains fit for the long term intended purpose. Lot 7 DP 240685 has been identified within a development precinct as determined by the North Wyong Shire Structure Plan (NWSSP). The site would be subject of future investigation to verify the uses proposed under in the North Wyong Shire Structure Plan and Wyong Settlement Strategy.



Figure 1 Contextual Locality Plan

Part 1 Objectives or Intended Outcomes

The objective of this proposal is to permit the use of a Manufactured Home Estate on the site. The intended outcome of the proposal is to develop a Manufactured Home Estate (MHE)

Part 2 Explanation of Provisions

The outcome will be facilitated by an amendment to Wyong Local Environmental Plan (LEP) 2013. The following table identifies the proposed amendments:

Existing Provision	Proposed Amendment
Additional Permitted Uses Map (Extract of 8550_COM_APU_018_020_20131219)	Allow an additional Permitted Use of a Manufactured Home Estate
Add an additional Clause to Schedule 1 Additional Permitted Uses	Such a Clause could be worded as follows: 1. This clause applies to land at Doyalson identified as "Item 33" on the Additional Permitted Uses Map being Lot 7 DP 240685. 2. Development for the purposes of a Manufactured Home Estate is permitted with development consent. 3. The number of home sites is restricted to 139 4. No subdivision of the site is permitted 5. For the purposes of this clause the following definitions apply manufactured home means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling: (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and (b) that is not capable of being registered under the Traffic Act 1909, and includes any associated structures that form part of the dwelling. manufactured home estate means land on which manufactured homes are, or are to be, erected.

Table 1 – Explanation of Map and Instrument Amendments

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any Strategic Study or report?

No. The planning proposal will allow Doyalson-Wyee RSL to better utilise its existing lands but reference is made to the Central Coast Regional Strategy as identified below.

One of the key regional challenges identified in the CCRS is population growth and in migration by potential residents relocating from the Greater Metropolitan Region. The proposal will provide additional housing choice for these residents.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The site is not currently zoned in a manner which enables MHE development; therefore the intended objectives cannot be achieved by any other mechanism than a planning proposal.

Section B – Relationship to strategic planning framework

Where a regional or sub-regional strategy is in place:

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Central Coast Regional Strategy (CCRS)

The Central Coast Regional Strategy (CCRS) was released in 2008. The CCRS identifies the population potential of the Central Coast expected over the next 25 years, and expected employment capacity targets. The strategy also identifies actions to ensure ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport.

The CCRS establishes that North Wyong is a critical growth area, to help accommodate the growing population of the Central Coast, 16,000 new dwellings are required over the next 15 years, through a variety of housing forms. The proposal will provide additional housing choice for the increased population expected as a result of the CCRS.

Under the CCRS land to be rezoned for housing during the life of the strategy is to be located within existing urban areas, existing MDP areas, areas identified through the preparation of LEPs and Greenfield areas nominated in the North Wyong Shire Structure Plan. The proposal is located within a proposed employment precinct but due to mining constraints could provide interim housing to the growing population in the northern part of the shire.

Draft Central Coast Regional Plan (DCCRP)

The DCCRP outlines visions, goals and actions geared to growing the regional economy and accelerating housing supply. Direction 1.4 - Accelerate Housing Supply aims to meet the projected demand over the next 20 years with an average of 1,980 new homes per annum required. In addition

Action 1.6.1 states that the NSW Government will work with Wyong Shire Council to review the existing staging of land release within the NWSSP area and update as required. This will enable Council to provide advice to the NSW Government on appropriate land uses for this and other sites in this locality.

North Wyong Shire Structure Plan

The North Wyong Shire Structure Plan (NWSSP) was developed to provide high level land use strategy to guide ongoing development and planning for infrastructure and services in the North Wyong Shire Area. The NWSSP identifies greenfield residential development and the majority of the Central Coast region's greenfield employment land to 2031.

The proponent has advised that Centennial Coal have not finalised their planning for mining beneath the site. In addition the proponent has been in discussion with the Mine Subsidence Board regarding possible future uses of the site and has been advised that the development of a MHE would be more suitable to that of large 'slab' industrial development until mine subsidence issues are resolved.

Lot 7 DP 240685 is within Precinct 15 of the NWSSP which is identified for future employment land. Subsurface coal mining is yet to occur under the site and the land will not be available to be rezoned for urban purposes until subsidence is complete. As such precinct 15 is identified for long term release which means that the land will not be rezoned before 2027 (15 years from the release of the NWSSP). The NWSSP establishes that Precinct 15 consists of 37 hectares of land and is expected to provide an estimated 259 – 518 additional jobs, Lot 7 is the largest parcel of land within Precinct 15 with 14.7 hectares or almost half the land identified for the Precinct. This proposal could potentially sterilise the southern portion of the precinct for future employment land and it would be best to approach the use as an interim land use until such time that the land is available for employment purposes.

The introduction of a MHE on the site is therefore considered inconsistent with this plan and could impair the future employment potential of the land and neighbouring properties, but might be able to be considered as an interim land use and redeveloped at some point in the future when mining has been completed.

Notwithstanding the constraints of the NWSSP it would be beneficial if the DP&E could provide more guidance and clarity on the future land use mix within the development precincts identified in the NWSSP.

The Minimum Lot Size map will retain the 40 hectare minimum area to ensure that the site cannot be further subdivided creating fragmented ownership which could cause problems once subsurface mining has been completed under the site.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

The proposal can be directly related to:

1. Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.

- (g) Providing additional housing in order to implement the CCRS that will guide appropriate development, maintain the lifestyle and environment and include Government intervention to provide more than 45,000 jobs in the next 25 years (Regional Strategy).
 - (k) Providing individuals with access to a variety of housing types to enable residents to buy or rent accommodation locally.
3. Communities will have access to a diverse range of affordable and coordinated facilities, programs and services
- (a) Providing and maintaining local and regional community facilities for recreation, culture, health and education. The Doyalson-Wyee RSL Club has direct access to playing fields, and club facilities via a lit pathway adjoining the proposed MHE and club.
- 5 Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development
- (a) Preserving threatened and endangered species as well as ecological communities and biodiversity. The retention of significant vegetation will ensure the proposal preserves habitat for local fauna occurring in the area.

5. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP) as detailed below.

State Environmental Planning Policy	Comment
SEPP No 36 – Manufactured Home Estates	
1) The aims of this Policy are: (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and (c) to encourage the provision of affordable housing in well designed estates, and (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological	Under Wyong Local Environmental Plan 2013 - Caravan parks are a permissible form of development in zones R1 General Residential, R3 Medium Density Residential, SP3 Tourist, RE1 Public Recreation and RE2 Private Recreation zones under WLEP 2013. The retention of the RU6 zoning on the site means that SEPP 36 – Manufactured Home Estates will not apply which contains subdivision provisions which could lead to fragmentation of land ownership. The proposed use can be facilitated by including an additional permitted use provision into Wyong Local Environmental Plan 2013.

State Environmental Planning Policy	Comment
qualities that should be preserved, and (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and (f) to protect the environment surrounding manufactured home estates, and (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.	
SEPP No. 44 – Koala Habitat	
Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline: (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones	As the area subject to the proposal has a vegetated greater than 1 hectare, the provisions of State Environmental Planning Policy 44 – Koala Habitat are triggered. The proposed MHE will not involve any significant removal of native vegetation. Ecological surveys have been undertaken by the proponent confirming that no Koala were present on the site. The preliminary ecological assessment concludes that the development is expected to have no impact on any likely koala habitat.
SEPP 55 – Remediation of Land	
Aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment (a) by specifying when consent is required, and when it is not required, for a remediation work, and (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and	A phase 1 Environmental Site Assessment was undertaken which concludes that the site can be made suitable for the proposed development provided further analysis of the potential impacts from the hydroponics development to the north of the site is conducted. Two sites located within the proposed development site require additional investigation which will be required should the proposal be supported.

State Environmental Planning Policy	Comment
(c) by requiring that a remediation work meet certain standards and notification requirements.	
Mining, Petroleum & Extractive Industries	
Aims: (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and (b1)to promote the development of significant mineral resources, and (c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and (d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development: (i) to recognise the importance of agricultural resources, and (ii) to ensure protection of strategic agricultural land and water resources, and (iii)to ensure a balanced use of land by potentially competing industries, and (iv)to provide for the sustainable growth of mining, petroleum and agricultural industries.	The site is located within the Swansea/North Entrance Mine Subsidence District. Consultation with the Mine Subsidence Board (MSB) has been undertaken by the proponent. The MSB advised that the proposal should not impact on underground mining operations as the modular housing will be founded on stacked blocks and chained down to concrete pad footings which are easily removed should subsidence occur. The proposed use is therefore compatible with the subsidence risks associated with the property.

Table 2 – SEPP Assessment

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal has been considered against the relevant Ministerial Section 117 Directions as summarised below. The full assessment of these Directions is contained within the Attachments of this proposal.

No.	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	Y	Y
1.2	Rural Zones	Y	Y
1.3	Mining, Petroleum Production and Extractive Industries	Y	Y
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	N	N/A
Environment & Heritage			
2.1	Environmental Protection Zones	Y	Y
2.2	Coastal Protection	N	N/A
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	Y	Y
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Y	Y
3.2	Caravan Parks and Manufactured Home Estates	Y	N
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	N	N/A
3.5	Development Near Licensed Aerodromes	N	N/A
3.6	Shooting Ranges	N	N/A
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	TBD
4.2	Mine Subsidence and Unstable Land	Y	Y
4.3	Flood Prone Land	Y	TBD
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			

No.	Direction	Applicable	Consistent
5.1	Implementation of Regional Strategies	Y	TBD
5.2	Sydney Drinking Water Catchments	N	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A
5.8	Sydney's Second Airport: Badgery's Creek:	N	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	N	N/A
6.3	Site Specific Provisions	Y	Y
Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney	N	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	N	N/A

Table 3 – S117 Ministerial Direction Compliance

Section C – Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Flora and Fauna

The site of the proposed MHE is largely free from native vegetation being a grass paddock and no additional clearing is expected to occur. It is considered that the proposal will have minimal impact on native flora and fauna. Retaining the RU6 Transition zone will mean that any clearing will need to be in accordance with the Native Vegetation Act 2003. It is recommended that a flora and fauna study be carried out should any vegetation removal occur.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Bushfire

The site is bushfire prone land containing vegetation classified as Category 1 and vegetation buffer. An appropriate sized APZ will be required. A second egress should be provided from the site for emergency vehicle access for bushfire purposes. The utilisation of the proposed pedestrian access to Doyalson-Wyee RSL carpark can accommodate this emergency egress should the site require

evacuation. It is therefore recommended that the pedestrian access be constructed to meet fire trail standard for emergency vehicle access. The RFS will be consulted should the proposal receive a positive gateway determination.

Mineral Resources - Extraction & Subsidence

The site is located within the Swansea/North Entrance Mine Subsidence District. Consultation with the Mine Subsidence Board (MSB) has been undertaken by the proponent. The MSB advised that the proposal should not impact on underground mining operations as the modular housing will be founded on stacked blocks and chained down to concrete pad footings which are easily removed should subsidence occur.

Hydrology

A watercourse is located on part of Lot 7 DP 240685 and drains to the adjoining properties to the north triggering the Water Management Act 2000. Consultation with Office of Water will be required should the proposal receive a positive gateway determination.

Council's flood study does not cover the site and thus it is not mapped as flood prone land. A flood study will be required post gateway determination.

Gas Main

A 20 metre gas easement is located adjacent to the southern boundary of Lot 7 DP 240685, safety and hazard risks will be examined should the planning proposal be progressed and the concept can be amended if required. Consultation with the gas service provider can be undertaken during the state agency consultation stage.

Aboriginal and European Cultural Heritage Items

The Additional Permitted Uses Clause will be restricted to the area of the site proposed to contain the MHE. This area is highly disturbed and is generally clear. An Aboriginal Due Diligence Assessment has been conducted and found that the proposal is unlikely to impact on indigenous heritage and there is no requirement for an Aboriginal Heritage Impact Permit.

Contaminated Land and Acid Sulfate Soils

A phase 1 Environmental Site Assessment was undertaken which concludes that the site can be made suitable for the proposed development provided further analysis of the potential impacts from the hydroponics development to the north of the site. Two sites located within the proposed development site require additional investigation which can be conducted should a positive Gateway Determination be provided.

9. [Has the planning proposal adequately addressed any social and economic impacts?](#)

Social Issues

A Social Impact Assessment (SIA) will be required should the proposal be supported by Council and the gateway panel. This assessment shall include consideration of the existing social context of the area, the likely needs of the future residents, the potential impact and benefits of the proposal including:

- population change,
- access,

- resident mobility,
- proximity to social infrastructure such as access to public transport, community, recreation, health and retail facilities,
- employment opportunities,
- public safety,
- community wellbeing,
- residential amenity,
- linkages between the proposal and the existing community.

An assessment of the direct and indirect social impacts will be required which should consider the cumulative impact of an additional MHE in the district. The report will provide an evaluation of the significance of the impacts and any possible measures to mitigate negative impact and enhance the benefits of the proposal.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

Traffic and Transport

The proposal seeks to provide a single access to the Pacific Highway. This will require consultation with Roads and Maritime Services (RMS). The access is proposed to be restricted to single left-in and left-out movements which will minimise conflicts with the through traffic movements along the Pacific Highway. The traffic assessment found that the proposal will have an acceptable impact on the existing road network.

Services (Water, Sewer, Gas & Electricity)

Water services are available to the site and Council's existing system is adequate to provide water supply to the proposed development. The proponent will be required to augment the sewer system by the installation of 225mm gravity main. All other services appear to be adequate for the proposed development.

The Colongra Gas Transmission and Storage Pipeline is located on the southern boundary of Lot 7 DP 240685, the pipeline was constructed to service Snowy Hydro Limited's 667MW gas turbine facility located near the existing Munmorah Power Station. Consultation with Jemena (the pipeline operator) will be conducted should the proposal be supported by the Gateway panel.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the following agencies is proposed, based on the identified triggers and site constraints:

Agency	Trigger/Constraint
Department of Primary Industries - Office of Water	- Possible watercourse located on the land to be determined by a flood study
Office of Environment & Heritage	- Aboriginal Cultural Heritage

Agency	Trigger/Constraint
(Planning)*	
Mine Subsidence Board	- Underground mining is proposed to occur in the area
NSW Rural Fire Service	- The site is bushfire prone
Roads and Maritime Services	- Site is located on a main road
Transport for NSW	- Site is located on a main road
Jemena	- Gas Pipeline located on the southern boundary of Lot 7 DP 240685
Delta Electricity	- Major adjoining landowner

Table 4 – Proposed Agency Consultation List

* NOTE: Section 34A of the EP&A Act requires the RPA to consult with the Director-General (Secretary) of the Department of Environment, Climate Change and Water (OEHS) if, in the opinion of the RPA, critical habitat or threatened species, populations or ecological communities, or their habitats may be adversely affected by the proposed instrument.

- The consultation is to commence after a Gateway Determination is issued unless the Regulations specify otherwise.
- The period for consultation is 21 days unless agreed differently between the RPA & the DG or by the Regulations.

Part 4 Mapping

Map	Map Title
A.	Locality Plan
Existing Provision	
B.	Additional Permitted Uses Map (Extract of 8550_COM_APU_ 018_020_20131220)
Proposed Provisions	
A.	Additional Permitted Uses Map (Extract of 8550_COM_APU_ 018_020_2016XXXX)

Table 5 – Existing and Proposed Provisions

Part 5 Community Consultation

The proposal will be made available for 14 days for community/agency consultation and undertaken in accordance with any determinations made by the Gateway.

It is expected that the proposal will be made available at the following locations:

- Wyong Shire Administration Building, 2 Hely Street, Wyong
- Lake Haven Library and Information Centre, Goobarabah Avenue, Lake Haven; and
- Council's website (On Exhibition page and Consultation Hub page) www.wyong.nsw.gov.au.

Additionally, notification of the exhibition of the proposal will be provided to adjoining landholders prior to its commencement.

Part 6 Project Timeline

Action	Period	Start Date	End Date
Anticipated commencement date (date of Gateway Determination)	4 Weeks	24/03/2016	22/04/2016
Anticipated timeframe for the completion of required technical information	6 months	22/04/2016	21/10/2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	21 days	2/05/2016	23/05/2016
Commencement and completion dates for public exhibition	2/11/2016 to 16/11/2016	2/11/2016	16/11/2016
Dates for public hearing (if required)	10/11/2016	10/11/2016	10/11/2016
Timeframe for consideration of submissions	14 Days	18/11/2016	2/12/2016
Timeframe for consideration of a proposal post exhibition	8 Weeks	14/12/2016	15/02/2017
Date of submission to the Department to finalise LEP	10/03/2017	10/03/2017	10/03/2017
Anticipated date RPA will make the plan (if delegated)	31/03/2017	31/03/2017	31/03/2017
Anticipated date RPA will forward to the Department for notification	31/03/2017	31/03/2017	31/03/2017

Table 6 – Key Project Timeframes

Supporting Documentation

No.	Document
01 Assessment and Endorsement	
A.	Council Report and Minutes – 10 March 2016.
B.	Section 117 Ministerial Direction Assessment
02 Land Use Provisions	
A.	Additional Permitted Use Clause – Schedule 1 Wyong LEP 2013
03 Agency Responses	
04 Mapping	
A.	Locality Plan
Existing Provisions	
B.	Additional Permitted Uses Map (Extract of 8550_COM_APU_ 018_020_20131220)
Proposed Provisions	
C.	Additional Permitted Uses Map (Extract of 8550_COM_APU_ 018_020_2016XXXX)
05 Supporting Studies	
A.	Due Diligence Aboriginal Archaeological Assessment – Insite Heritage 2015
B.	Bushfire Threat Assessment – Firebird Ecoconsultants Pty Ltd 2015
C.	Preliminary Contamination Report – RCA Australia 2015
D.	Mine Subsidence Impact Statement – Northrop 2014
E.	Email from Mine Subsidence Board concurring with the proposal submitted by Northrop – MSB 2015

Table 7 – Supporting Documentation to the Planning Proposal

10 March 2016

Director's Report

To the Ordinary Council Meeting

Development and Building Department

2.1 RZ/4/2015 Rezoning of 100-110 Pacific Highway Doyalson to permit a Manufactured Home Estate

TRIM REFERENCE: RZ/4/2015 - D12100756

MANAGER: Tanya O'Brien, Manager

AUTHOR: Chris Ferry, Strategic Planner

SUMMARY

Council is in receipt of a request to amend Wyong Local Environmental Plan (WLEP) 2013 to rezone land directly north of the Doyalson-Wyee RSL Club from RU6 Transition to RE2 Private Recreation to permit the use of a Manufactured Home Estate (MHE) on the land.

An assessment of the request has been undertaken which supports the proposed use of a MHE on the site. The request is considered to have sufficient strategic justification for Council to support an additional permitted use on the site. It is proposed to prepare a Planning Proposal and refer it to the Department of Planning and Environment (DP&E) for a gateway determination.

Proponent:	Doyalson-Wyee RSL Club Ltd
Owners:	Doyalson-Wyee RSL Club Ltd
Description of Land:	Lot 49 DP 707586 and Lot 7 DP 240685
Address:	100-110 Pacific Highway Doyalson
Site Area:	21.69 ha
Current Zoning:	RU6 Transition
Proposed Amendment:	Add the site to Schedule 1 Additional Permitted uses to permit a MHE
Existing Use:	Cricket Nets, RAW Challenge Course
Employment Generation:	Some construction and use related jobs would be created
Estimated (Future Development) Value:	\$14,000,000

DRAFT

RECOMMENDATION

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act 1979, to amend Schedule 1 Additional Permitted Uses to allow a MHE on part of Lot 7 DP 240685.
- 2 That Council forward the Planning Proposal to the Department of Planning and Environment (DP&E) accompanied by a request for a Gateway Determination, pursuant to Section 56 of the EP&A Act 1979.
- 3 That Council request the Acting Chief Executive Officer to apply to accept plan making delegations for the LEP Amendment.
- 4 That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination.

- 5 That Council consider a further report on results of the community consultation.
- 6 That Council request the Acting Chief Executive Officer negotiate, publically exhibit and sign a Voluntary Planning Agreement which secures contributions toward required facilities, which may include district open space, community facilities, bushfire and access requirements.
- 7 That Council acknowledge its previous resolution of 26 November 2003 and note that the proposed use of a MHE on Lot 7 DP 240685 is supported in principle subject to further assessment.

ORDINARY MEETING HELD ON 10 MARCH 2016

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a social member of the RSL Club and participated in consideration of this matter.

Councillor Vincent stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am not on the executive of the Club and there is no measureable financial benefit."

Mr Mark Maund, Dewitt Consulting, addressed the meeting at 6.13pm, answered questions and retired at 6.26pm.

RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TROY:

- 233/16 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act 1979, to amend Schedule 1 Additional Permitted Uses to allow a MHE on part of Lot 7 DP 240685.
- 234/16 That Council forward the Planning Proposal to the Department of Planning and Environment (DP&E) accompanied by a request for a Gateway Determination, pursuant to Section 56 of the EP&A Act 1979.
- 235/16 That Council request the Acting Chief Executive Officer to apply to accept plan making delegations for the LEP Amendment.
- 236/16 That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination.
- 237/16 That Council consider a further report on results of the community consultation.
- 238/16 That Council request the Acting Chief Executive Officer negotiate, publically exhibit and sign a Voluntary Planning Agreement which secures contributions toward required facilities, which may include district open space, community facilities, bushfire and access requirements.

239/16 *That Council acknowledge its previous resolution of 26 November 2003 and note that the proposed use of a MHE on Lot 7 DP 240685 is supported in principle subject to further assessment.*

FOR: CRS GB BEST, DE EATON, B G GRAHAM, KG GREENWALD, AT TROY AND DV VINCENT

AGAINST: NIL

BACKGROUND

The Doyalson-Wyee RSL own two properties north of the Doyalson-Wyee RSL Club which they are seeking to develop into the future. The Club has applied to rezone the land to RE2 Private Recreation with the intention to develop a MHE which will increase the range of housing options available to the community.

THE SITE

Lot 49 DP 707586 and Lot 7 DP 240685 (the site) comprises 21.69 hectares and is located north of the Doyalson-Wyee RSL on the Pacific Highway at Doyalson. Lot 49 contains two buildings one is leased to an independent party and the second building contains amenities facilities. The lot also has cricket nets and remnant vegetation at the front and rear of the site. Lot 7 contains no buildings, the site of the proposed MHE is generally clear of vegetation and is used for outdoor fitness events such as the RAW Challenge, Figure 1 shows the location of the site and existing land uses. The land is located at the northern extent on the existing residential area of Doyalson and thus is on the urban fringe. The site adjoins Delta land to the east (Munmorah Power Station) and a hydroponics establishment is located to the north of the site.



Figure 1 – Site Location and Land Uses

The sites are currently zoned RU6 Transition under WLEP 2013. The purpose of the RU6 Zone in Wyong is that of a holding zone which provides for a limited range of uses to ensure land remains fit for the long term intended purpose.

Lot 7 DP 240685 has been identified within a development precinct as determined by the North Wyong Shire Structure Plan (NWSSP). The site would be subject of future investigation to verify the uses proposed under in the North Wyong Shire Structure Plan and Wyong Settlement Strategy. Figure 2 provides the current land use zonings for the site.



Figure 2 Current Land Zoning

The landowner has investigated development opportunities for the site however due to future subsurface mining of the area for coal, the Mine Subsidence Board has objected to each proposal. Options considered have been:

- Residential Subdivision,
- Retirement Facility,
- Tourist Accommodation,
- Mixed Tourist and Residential Accommodation,
- Motel.

THE PROPOSAL

The proposal (rezoning application) requests that Council prepare a planning proposal to amend WLEP 2013 to by rezoning the sites to RE2 Private Recreation to permit a MHE. The applicant has provided a concept which shows the MHE wholly within Lot 7 DP 240685 and a lit pathway on Lot 49 DP 707586 linking the MHE to the existing playing fields and club facilities. (see Figure 3). The proposed MHE is to comprise of 139 sites and will include walking / cycling tracks a games room and indoor swimming pool and a manager's residence / site office.

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RZ/4/2015 Rezoning of 100-110 Pacific Highway Doyalson to permit a Manufactured Home Estate (contd)

The proposal will enable Doyalson-Wyee RSL Club to better utilise its existing land holdings, with the development of additional residential housing. The RAW challenge use is proposed to be relocated to the existing playing fields on the neighbouring site (subject to consent). The use of the site as an MHE may be an interim use until mining constraints have been resolved and this use has been given 'in principle' support from the Mine Subsidence Board.

Doyalson-Wyee RSL currently provides food and drink outlets, a café, TAB facility, auditorium, poker machines, sub-branch offices, RSL memorabilia and museum display, kids play area and gymnasium. The auditorium provides many forms of entertainment and is available to community groups for monthly meetings, currently over 20 groups utilise this facility.

Future plans for the club will be centred around health associated uses with the recently constructed gymnasium, the Club intends to expand the function room to accommodate for a variety of function types. The Club also intends to add a 'pop-up' library to its entertainment facilities. Currently the Club provides assistance by way of donations, sponsorship and grants to welfare groups, sporting organisations and community groups.

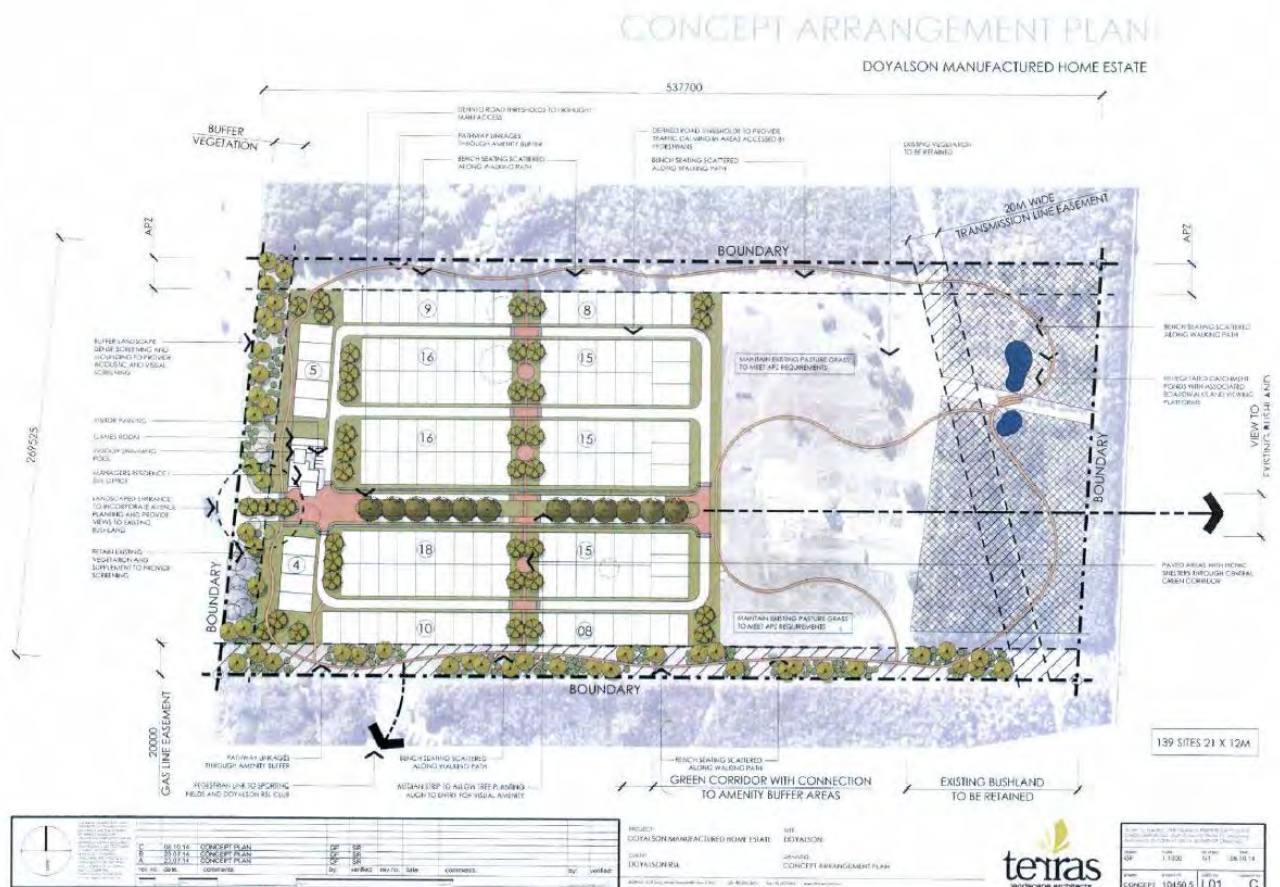


Figure 3 Proposed Concept Plan.

ASSESSMENT

The RE2 Private Recreation zone requested by the proponents, in addition to a wide range of other uses, permits caravan parks and therefore manufactured home estates. Manufactured Home Estates are not defined in the Standard Instrument LEP. State Environmental Planning Policy No 36 – Manufactured Home Estates (SEPP 36) states that, development for the purposes of a MHE may be carried out pursuant to SEPP 36 on any land which development for the purposes of a caravan park may be carried out.

Uses permitted with Council Consent in the RE2 Private Recreation zone

Amusement centres; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Charter and tourism boating facilities; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Sewerage systems; Water recreation structures; Water supply systems

Wyong Shire currently has 2669 short term and 3237 long term caravan/MHE sites. As at the 2011 census 1.2% of the total number of occupied dwellings in the Shire consisted of permanent caravan or MHE dwellings.

These housing forms offer lower cost housing options and increase the mix of housing types and choices available for the area. Council has taken a number of actions to minimise the opportunity for further caravan parks / MHE to become a more dominant part of the local housing offer by limiting the creation of additional non tourist caravan parks and MHEs in Wyong Shire. These parks are permissible in the following zones

- R1 General Residential,
- R3 Medium Density Residential,
- SP3 Tourist,
- RE1 Public Recreation,
- RE2 Private Recreation.

State Environmental Planning Policy 36 – Manufactured Home Estates (SEPP 36) allows for the development of MHEs on all sites where caravan parks are permitted. The SEPP also allows for subdivision of MHEs into smaller community title lots i.e. 139 lots in this case. This SEPP provision would override the minimum lot size map of Wyong LEP 2013 if the SEPP is applied, leading to fragmentation of the site. This limits the capacity of the site to achieve the long strategic vision established by the NWSSP. Therefore it is proposed to switch off the SEPP by retaining the RU6 zone and facilitate the MHE use via an additional permitted use provision and minimum subdivision size. This will have effect of precluding subdivision of the site but facilitates the intended use.

Such a provision could be worded as follows:

- (1) This clause applies to land at Doyalson identified as "Item #" on the Additional Permitted Uses Map being Lot 7 DP 240685.

- (2) Development for the purposes of a Manufactured Home Estate is permitted with development consent.
- (3) The number of home sites is restricted to 139
- (4) No subdivision of the site is permitted
- (5) For the purposes of this clause the following definitions apply

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and
- (b) that is not capable of being registered under the Traffic Act 1909, and includes any associated structures that form part of the dwelling.

manufactured home estate means land on which manufactured homes are, or are to be, erected.

PREVIOUS COUNCIL RESOLUTIONS

The matter of caravan parks and MHEs has been considered in the past with Council seeking to limit the creation of further developments of this type

On 26 November 2003 Council resolved:

“That Council records its opposition as a matter of policy to the creation or expansion of further non-tourist caravan parks or manufactured home estates within the shire and requests staff to report on the implementation of such a policy.”

The purpose of this resolution was to restrict the number of permanent sites that could be approved under the provisions of Council's former Wyong Local Environmental Plan 1991 on land zoned 7(b) Scenic Protection. The resolution also sought to limit conversion of tourist sites to permanent accommodation, which reduced the number of tourist accommodation sites in the Shire.

In December 2012 a report on Planning Controls to Support Housing Affordability & Choice in Wyong Shire was prepared for Council by Judith Stubbs and Associates. This report provided advice on how Wyong Shire can provide more affordable housing and contained 83 recommendations, these recommendations included 9 that directly related to promoting Caravans and Manufactured Homes as affordable housing options.

The report was considered by the Economic Employment Development Committee (EEDC) on 6 November 2013, and none of the recommendations in regard to the promotion of development of Caravan Parks or MHEs as affordable housing were approved. The recommendation of the EEDC was subsequently adopted by Council at its meeting of 27 November 2013.

The resolutions outlined above have been made in the context of low residential growth and in a situation where caravan parks and MHEs were becoming an increasingly prevalent residential housing form. Particularly concerns were raised around the isolation of these sites from key infrastructure and services such as public transport, shopping, medical and social services. These matters have been considered in the assessment of this proposal further below.

KEY ISSUES

An assessment of the rezoning request and relevant studies submitted in its support has been undertaken having regard for the existing features of the land and the potential impacts the proposed future land use may have.

Timing and inconsistency with the North Wyong Shire Structure Plan (NWSSP)

The proposal is inconsistent with the NWSSP as it is proposing residential development on land that has been identified for employment in the long term. The timing of the rezoning of the land for employment purposes will be impacted by future coal extraction. This has an indeterminate timing but is likely to be longer than 15 years.

The assessment concluded that the site could accommodate a MHE in the short term provided that the land has the potential to be used for future employment purposes as identified in the NWSSP once mining has been completed in the area. The proposal does not involve community title subdivision which means that the existing land holding will not be further fragmented. DP&E may also review the mix of residential and employment land requirements in the NWSSP in the future which could mean that the current land use inconsistency can be addressed at that time.

Traffic

The proposal seeks to provide a single access to the Pacific Highway. This will require consultation with Roads and Maritime Services (RMS). The access is proposed to be restricted to single left-in and left-out movements which will minimise conflicts with the through traffic movements along the Pacific Highway. The traffic assessment found that the proposal will have an acceptable impact on the existing road network.

Hydrology

A watercourse is located on part of Lot 7 DP 240685 and drains to the adjoining properties to the north triggering the *Water Management Act 2000*. Consultation with Office of Water will be required should the proposal be supported by Council and receive a positive gateway determination.

Council's flood study does not cover the site and thus it is not mapped as flood prone land. A flood study will be required post gateway determination.

Bushfire

The site is bushfire prone land containing vegetation classified as Category 1 and vegetation buffer. An appropriate sized APZ will be required. A second egress should be provided from the site for emergency vehicle access for bushfire purposes. The utilisation of the proposed pedestrian access to Doyalson-Wyee RSL carpark can accommodate this emergency egress should the site require evacuation. It is therefore recommended that the pedestrian access be constructed to meet fire trail standard for emergency vehicle access. The RFS will be consulted should the proposal be supported by Council and receive a positive gateway determination

Ecology

The site is largely free from native vegetation being a grass paddock and a small amount of native vegetation clearing is required on the land that is designated for the MHE.

Land to the rear of Lot 7 DP 240685 and most of Lot 49 DP 707586 contains native vegetation. As the proposed RE2 Private Recreation zone is proposed to be applied to the entire site, this vegetation could be removed, therefore it is recommended that a flora and fauna study be prepared should the proposal be supported by the gateway.

Social Impact

A Social Impact Assessment (SIA) will be required should the proposal be supported by Council and the gateway panel. This assessment shall include consideration of the existing social context of the area, the likely needs of the future residents, the potential impact and benefits of the proposal including:

- population change,
- access,
- resident mobility,
- proximity to social infrastructure such as access to public transport, community, recreation, health and retail facilities,
- employment opportunities,
- public safety,
- community wellbeing,
- residential amenity,
- linkages between the proposal and the existing community.

An assessment of the direct and indirect social impacts will be required which should consider the cumulative impact of an additional MHE in the district. The report will provide an evaluation of the significance of the impacts and any possible measures to mitigate negative impact and enhance the benefits of the proposal.

Gas Main

A 20 metre gas easement is located adjacent to the southern boundary of Lot 7 DP 240685, safety and hazard risks will be examined should the planning proposal be progressed and the concept can be amended if required. Consultation with the gas service provider can be undertaken during the state agency consultation stage.

Acid Sulphate Soils

A phase 1 Environmental Site Assessment has been prepared to support the planning proposal. This assessment concluded that further investigations should be carried out on certain areas on the site which could be carried out should the proposal be supported by the gateway.

Voluntary Planning Agreement (VPA)

A VPA will be required to be negotiated to ensure the development provides appropriate contribution toward local facilities to support the development. The VPA should include provisions to collect contributions for:

- community facilities,
- district open space,
- emergency vehicle access and
- other matters as necessary.

STRATEGIC CONTEXT AND LINKS**Local Plans, Policies and Strategies**

An assessment of the request and relevant studies submitted in its support has been undertaken having regard for Council's local strategic planning framework.

Wyong LEP 2013

The site was previously zoned 10(a) Investigation Zone under WLEP 1991 and was rezoned to RU6 Transition in 2013 in recognition that the land is identified under the North Wyong Shire Structure Plan (NWSSP) for future industrial use.

The objectives of the RU6 Transition zone are:

- to protect and maintain land that provides a transition between rural and other land uses,
- to minimise conflict between land uses the RU6 zone and land uses within adjoining zones
- to ensure that interim land uses do not have adverse impacts on the conservation or development potential of land identified within the NWSSP.

The RU6 zone was applied to the site to ensure that any development does not potentially sterilise land that has been identified as future employment or residential uses as identified in the NWSSP. The RU6 Transition zone is still the most appropriate zone for the site.

In order to accommodate the development of a MHE on the site the most appropriate mechanism is to use an additional permitted use. This approach remains consistent with the NWSSP.

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Settlement Strategy

The Settlement Strategy recognises that there are approximately 3,000 permanent caravan and manufactured home sites in Wyong Shire, comprising 2.1% of all available housing in Wyong shire. The strategy also noted that the majority of residents within the existing MHEs are aged over 55 and considered that MHEs could be a form of affordable housing. The Settlement Strategy encourages the protection of the existing caravan parks and MHEs to ensure that existing affordable housing stock is not reduced.

State Plans, Policies and Strategies

An assessment of the request and relevant studies submitted in its support has been undertaken having regard for the state government strategic planning framework.

Central Coast Regional Strategy (CCRS)

The CCRS establishes that North Wyong is a critical growth area, to help accommodate the growing population of the Central Coast, 16,000 new dwellings are required over the next 15 years, through a variety of housing forms.

Section 4 Centres and Housing requires that consideration be given to the appropriateness of the locations in which residential parks or caravan parks are permissible during preparation of principal LEPs, including their access to services. This review is to have regard to the protection of existing affordable housing stock. In preparation of Wyong LEP 2013 a review was conducted having regard to the protection of existing affordable housing stock and existing caravan parks and manufactured home estates to ensure that they were zoned appropriately to ensure the ongoing permissibility of the existing sites.

Draft Central Coast Regional Plan (DCCRP)

The DCCRP outlines visions, goals and actions geared to growing the regional economy and accelerating housing supply. Direction 1.4 - Accelerate Housing Supply aims to meet the projected demand over the next 20 years with an average of 1,980 new homes per annum required. In addition Action 1.6.1 states that the NSW Government will work with Wyong Shire Council to review the existing staging of land release within the NWSSP area and update as required. This will enable Council to provide advice to the NSW Government on appropriate land uses for this and other sites in this locality.

North Wyong Shire Structure Plan (NWSSP)

Lot 7 DP 240685 is within Precinct 15 of the NWSSP which is identified for future employment land. Subsurface coal mining is yet to occur under the site and the land will not be available to be rezoned for urban purposes until subsidence is complete. As such precinct 15 is identified for long term release which means that the land will not be rezoned before 2027 (15 years from the release of the NWSSP). The NWSSP establishes that Precinct 15 consists of 37 hectares of land and is expected to provide an estimated 259 – 518 additional jobs, Lot 7 is the largest parcel of land within Precinct 15 with 14.7 hectares or almost half the land identified for the Precinct. This proposal could potentially sterilise the southern portion of the precinct for future employment land and it would be best to approach the use as an interim land use until such time that the land is available for employment purposes.

The introduction of a MHE on the site is therefore considered inconsistent with this plan and could impair the future employment potential of the land and neighbouring properties. The inconsistency will be discussed with the DP&E to determine the best course of action to take to resolve this issue.

The Minimum Lot Size map will retain the 40 hectare minimum area to ensure that the site cannot be further subdivided creating fragmented ownership which could cause problems once subsurface mining has been completed under the site.

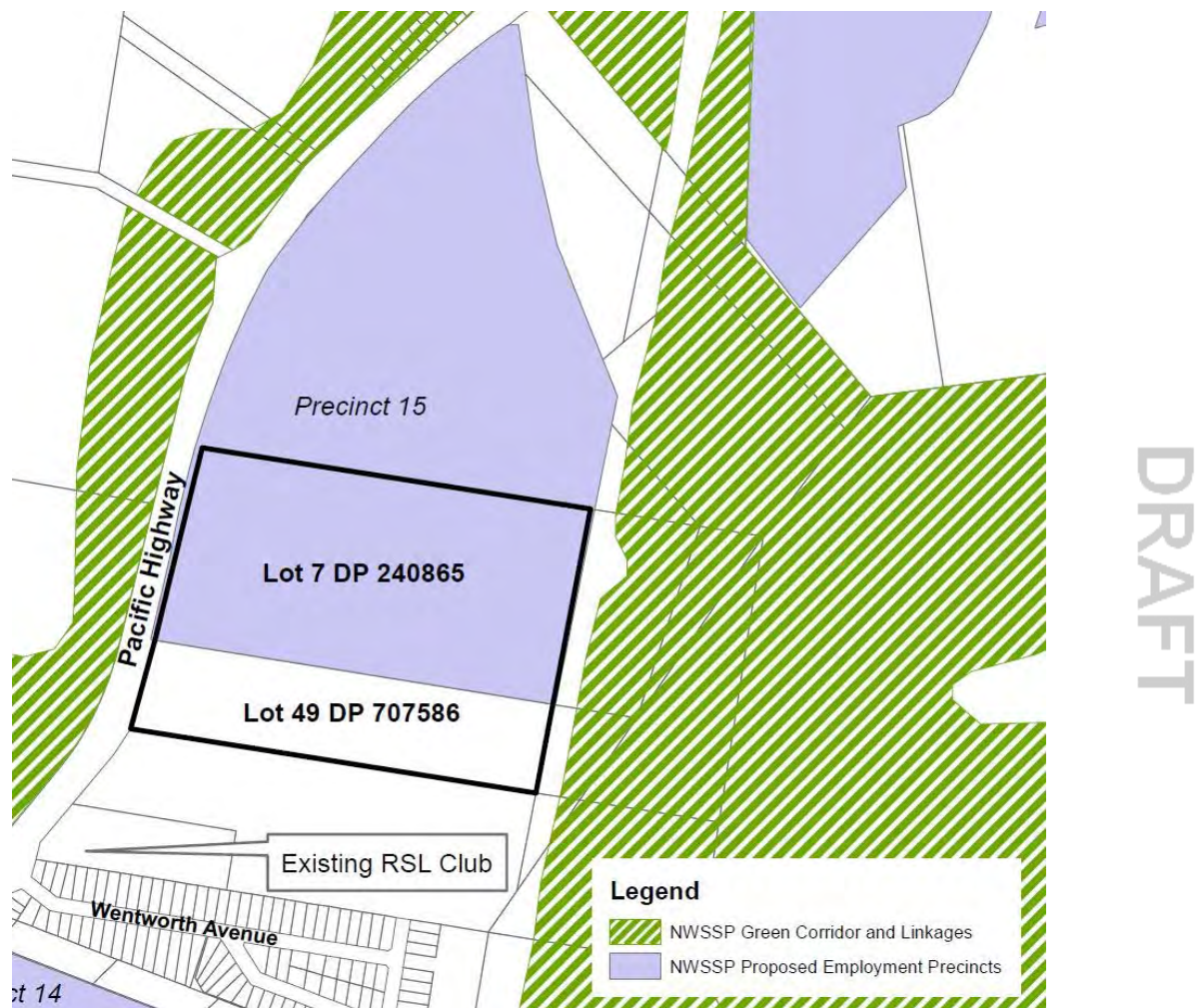


Figure 4 Extract from North Wyong Shire Structure

State Environmental Planning Policies (SEPPs)

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs).

SEPP 44 – Koala Habitat

The proposed MHE will not involve any significant removal of any native vegetation. Ecological surveys have been undertaken confirming that no Koala were present on the site. The preliminary ecological assessment then concludes that the development is expected to have no impact on any likely koala habitat.

SEPP 55 – Contaminated Land

A phase 1 Environmental Site Assessment was undertaken which concludes that the site may be made suitable for the proposed development subject to further analysis of the impacts from the hydroponics development to the north of the site. Two sites located within the proposed development site require additional investigation which will be required should Council and the gateway support the proposal.

SEPP (Mining, Petroleum and Extractive Industries) 2007

The site is located within the Swansea/North Entrance Mine Subsidence District. Consultation with the Mine Subsidence Board (MSB) has been undertaken by the proponent. The MSB advised that the proposal should not impact on underground mining operations as the modular housing will be founded on stacked blocks and chained down to concrete pad footings which are easily removed should subsidence occur.

The proposed use is considered compatible with the subsidence risks associated with the property and has received 'in principle' concurrence from the MSB.

SEPP 36 – Manufactured Home Estates

A MHE is a form of medium density housing development that allows residents to own or rent manufactured homes on sites leased from the estate.

SEPP 36 has requirements to ensure that MHEs can be approved via a development application in zones where caravan parks are permissible and allows subdivision of the MHEs which is inconsistent with the long term intended use of the land.

The retention of the RU6 zoning of the site switches off the SEPP which means the site cannot be fragmented using the SEPP provisions. The proposed use can be facilitated by an additional permitted use provision.

SEPP (Housing for Seniors or People with a Disability) 2004

The SEPP does not apply to MHEs however consideration to the policy is given in response to the likely higher proportion of over 55 residents. The Settlement Strategy has identified a high proportion of persons aged over 55 are living within existing MHEs in Wyong Shire.

This SEPP establishes a number of provisions for consideration which include distance to:

- shops,
- public transport,
- bank services,
- other retail and commercial services,
- community services,
- recreation facilities,
- practice of a general medical practitioner.

The following brief list provides the approximate distances to some services which can be accessed along public roads from this site:

- Bus Stop on Pacific Highway – 500m
- Wyong Hospital – approx. 7.9km
- Medical Centre, shops including a supermarket and auto tellers San Remo – 2.5km
- Bank and recreation facilities Budgewoi – 5.9km
- RSL Club, meals and recreation facilities – adjoining

This SEPP may not apply to this development however some of the planning principles should be applied to this development given the large number of persons aged over 55 who typically reside in MHEs.

Section 117 Directions

The proposal has been assessed on a preliminary basis against the relevant Section 117 Ministerial Directions.

The consistency of the proposal against a number of Section 117 Directions has been undertaken. Consistency with Direction 4.1 Acid Sulphate Soils will require further investigation due to the hydroponics development to the north. The inconsistency with Direction 5.1 – Implementation of Regional Strategies must be resolved as the introduction of an MHE on the site is inconsistent with the NWSSP and could impair future employment potential of the land and neighbouring properties. The assessment of Section 117 Directions is included as Attachment 1 to this report.

CONSULTATION

The proposal was referred to the following internal Council units for comment:

- Property Management – Ecology
- Property Management – Bushfire
- Development Assessment - Design Engineering
- Compliance and Health – Public Health
- Compliance and Health – Compliance
- Water and Sewer Planning
- Strategic Development – Section 94

A variety of issues were raised by specialist Council staff concerning the level of supporting information which would be necessary to further advance the planning proposal if it is supported by Council.

OPTIONS

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Option 1 Proceed with an amendment to Wyong LEP 2013.

Recommended

Reason:

The development would allow better utilisation of Doyalson-Wyee RSL land holdings and a MHE in this location could provide additional housing choice in the area. It is noted that it would be difficult to encourage the redevelopment of the site for employment purposes once a MHE is developed on the site and underground mining has been completed. However the proposed additional permitted use will allow use of the land as a MHE until such time that underground mining has been completed and the land is ready for employment or other purpose identified in the NWSSP.

A number of issues such as social impact, traffic, site contamination, flooding and bushfire would need to be further addressed should the proposal proceed.

Council will need to revise its policy position from its resolution of 26 November 2003 to provide direction for future proposal of MHEs in the Shire.

Option 2 Refuse the request

Not Recommended

Reason:

If the proposal is not supported, the club will not have an opportunity to generate a commercial return on this part of the site or provide for the orderly and economic development of the land. This area is identified for undermining (to extract coal resources) in the long term. In recognition of this, the Mines Subsidence Board has considered a range of interim development options and in each case has denied concurrence. The mining constraint therefore has the effect of substantially reducing the range of active land uses which are acceptable on the site, until after the undermining has occurred.

The draft Central Coast Regional Plan Action 1.6.1 states that the State government will work with Wyong Council to review the land use and staging of land release areas within the NWSSP. This will enable council to provide advice to the government on appropriate land uses on this and other precincts and identify appropriate areas for industrial and residential development in consideration of the land use constraints (including mining).

Denial of this request will mean that the land remains vacant, until an alternate economic use of the land can be identified.

This may also impact on the range of social support services provided by the club to the community in the Shire's north.

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GOVERNANCE**Consideration of s.23A guidelines**

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

CONCLUSION

An assessment of the application to Wyong LEP 2013 to permit a MHE on Lot 49 DP 707586 and Lot 7 DP 240685 has been undertaken having regard for the existing strategic framework and the potential impacts the proposed future land use may have on the of the land. The relevant policy resolutions of Council have also been considered.

This assessment has identified that the request has sufficient strategic justification. It is recommended that Council prepare a planning proposal and submit a request for gateway determination.

ATTACHMENTS

- 1** Attachment 1 Ministerial Section 117 Directions D12173257

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Ministerial Section 117 Directions

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic centres. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	Applicable The proposal will impact on proposed employment land as identified in the NWSSP. In order to ensure potential future of the proposed employment land it is intended to restrict subdivision of the land by way of applying an additional permitted use of Manufactured Home Estate which will maintain the land in single ownership and retain options for development in the future. This will prevent fragmentation of the site through subdivision but facilitate the intended use. It is therefore considered that the proposal is consistent with this direction.
1.2 Rural Zones	
Aims to protect the agricultural production value of rural land. Applies when a planning proposal affects land within an existing or proposed rural zone.	Applicable The proposal will retain the RU6 Transition zone. The proposal will increase densities on the site however, the objectives of the RU6 Transition Zone within Wyong Local Environmental Plan 2013 is to ensure that land uses do not have an adverse impact on the conservation or development potential of land identified for future investigation in the NWSSP. The proposed MHE will not adversely impact on the development potential of the land for future employment purposes. It is considered that the proposal is consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	
Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Applies when a planning proposal would have the effect of prohibiting the mining of coal or other	Applicable The proponent has had extensive discussions with the MSB on possible uses of the land until subsurface mining is completed. The MSB advised that the proposal is unlikely to impact on underground mining operations as the modular housing will be

Direction	Comment
minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	founded on stacked blocks and chained down to concrete pad footings which are easily removed should subsidence occur. It is therefore considered that the proposal is consistent with this direction.
1.4 Oyster Aquaculture	
Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers. Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	Not Applicable There are no Priority Oyster Aquaculture Areas within the Wyong LGA.
1.5 Rural Lands	
Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.	Not Applicable This direction does not apply to the Wyong LGA.
Environment & Heritage	
2.1 Environmental Protection Zones	
Aims to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority prepares a planning proposal.	Applicable The proposed development of the MHE is to be located on land that is cleared of vegetation. The proponent has indicated that the vegetation occurring on Lot 49 DP 707586 is not intended to be removed. Retaining the RU6 Transition zone ensures that any clearing will be in accordance with <i>Native</i>

Direction	Comment
	<i>Vegetation Act 2003.</i> It is therefore considered that the proposal is consistent with this direction.
2.2 Coastal Protection	
Aims to implement the principles in the NSW Coastal Policy. Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.	Not Applicable.
2.3 Heritage Conservation	
Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Applies when the relevant planning authority prepares a planning proposal.	Applicable The Additional Permitted Uses Clause will be restricted to the area of the site proposed to contain the MHE. This area is highly disturbed and is generally clear. An Aboriginal Due Diligence Assessment has been conducted and found that the proposal is unlikely to impact on indigenous heritage. It is considered that the proposal is consistent with this direction.
2.4 Recreational Vehicle Areas	
Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. Applies when the relevant planning authority prepares a planning proposal.	Applicable The proposal does not seek to enable development for recreational vehicle use. It is therefore considered that the proposal is consistent with this direction.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. Applies when a planning proposal affects land within	Applicable The proposal will broaden the choice of housing types in the area and reduce the uptake of land for housing on the urban fringe. It is considered that the proposal is consistent with this direction.

Direction	Comment
an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	
3.2 Caravan Parks and Manufactured Home Estates	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. Applies when the relevant planning authority prepares a planning proposal.	Applicable The provision of an Additional Permitted Use of a MHE provides the opportunity to develop this type of housing on part of the site. Additional studies will be required including a Social Impact Assessment which will include consideration of the cumulative impacts on other MHEs in the locality. The proposal is in conflict with this direction as it prevents subdivision of individual MHE sites. The inconsistency with this direction can be justified as the site is within the NWSSP area (a strategy approved by the Director-General of the Department of Planning) and has been identified for future employment. It is considered that consistency with this direction will require approval of the Director-General.
3.3 Home Occupations	
Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a planning proposal.	Applicable Retention of the RU6 zone ensures that home occupations remain permissible with development consent. It is considered that the proposal is consistent with this direction
3.4 Integrating Land Use & Transport	
Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient	Not Applicable The proposal does not intend to alter or remove a zone or provision relating to urban land.

Direction	Comment
movement of freight. Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	
3.5 Development Near Licensed Aerodromes	
Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.	Not Applicable The proposal does not intend to alter or remove a zone or provision relating to land in the vicinity of a licenced aerodrome.
3.6 Shooting Ranges	
Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	Not Applicable The proposal is not on land adjacent or adjoining an existing shooting range.
Hazard & Risk	
4.1 Acid Sulfate Soils	
Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.	Applicable The site is classified type 5 ASS under Wyong LEP 2013 as it within 500 metres of area known to have 'low probability' of ASS. A phase 1 Environmental Site Assessment has been prepared to support the planning proposal (a copy of the report is provided in the 'supporting documents'

Direction	Comment
	section of the planning proposal). This assessment concluded that further investigations should be carried out on certain areas on the site. The assessment could be conducted should the proposal be supported by the gateway. Consistency with this direction will depend upon the results of further investigations.
4.2 Mine Subsidence & Unstable Land	
Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence. Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.	Applicable The site is located within a proclaimed mine subsidence district. The proponent has had extensive discussions with the MSB on possible uses of the land until subsurface mining is completed. The MSB advised that the proposal should not impact on underground mining operations as the modular housing will be founded on stacked blocks and chained down to concrete pad footings which are easily removed should subsidence occur (a copy of the correspondence with MSB is provided in the 'supporting documents' section of the planning proposal). It is therefore considered that the proposal is consistent with this direction.
4.3 Flood Prone Land	
Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land. Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.	Applicable A watercourse is located on that part of Lot 7 DP 240685 which flows to the adjoining land to the north. Council's flood study does not cover this site and therefore is not mapped as flood prone land. A flood study will be required should the proposal be supported by the gateway. The study will determine the extent of the floodway and flood prone land. Consistency with this direction will be confirmed once the outcomes of the flood study are provided.
4.4 Planning for Bushfire Protection	

Direction	Comment
Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.	Applicable The site contains vegetation buffer and Category 1 Vegetation. A Bushfire Threat Assessment was carried out which concluded that the site is suitable for the development of a MHE on the condition that bushfire protection measures such as appropriate APZ, vehicular access, construction standards and landscaping are provided. The utilisation of the proposed pedestrian access to Doyalson-Wyee RSL Club can accommodate emergency egress should the site require evacuation, this can be formalised through the VPA. It is considered that the proposal is consistent with this direction.

Regional Planning

5.1 Implementation of Regional Strategies

Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies. Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.	Applicable. Section 4 Centres and Housing of the CCRS requires Councils to consider the appropriateness of the locations in which residential parks or caravan parks are permissible during preparation of principal LEPs, including their access to services. This review is to have regard for protection of existing affordable housing stock. In preparation of Wyong LEP 2013 a review was conducted having regard to the protection of existing affordable housing stock and existing caravan parks and manufactured home estates were zoned appropriately to ensure the ongoing permissibility of the existing sites. This use is considered consistent with the objective of providing a range of additional housing options. The introduction of a MHE on the site is however inconsistent with the NWSSP Precinct 15 'industrial purpose' classification and could impair the future employment potential of the land and neighbouring properties. This inconsistency will be discussed with the DP&E to
--	--

Direction	Comment
	determine a solution to allow the proposal to continue until mine subsidence issues on the site are resolved.
5.2 Sydney Drinking Water Catchments	
Aims to protect water quality in the hydrological catchment. Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.	Not Applicable. The proposal is not located within Sydney's hydrological catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas. Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.	Not Applicable. The proposal is not located within the Far North Coast Region.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
Aims to manage commercial and retail development along the Pacific Highway, North Coast. Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.	Not Applicable. The proposal is not located between Port Stephens and Tweed Shire Councils.
5.8 Second Sydney Airport: Badgerys Creek	
Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.	Not Applicable. The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.
Local Plan Making	
6.1 Approval and Referral Requirements	
Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Applicable The planning proposal does not seek to include

Direction	Comment
Applies when the relevant planning authority prepares a planning proposal.	provisions which require concurrence from other agencies.
6.2 Reserving Land for Public Purposes	
Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition. Applies when the relevant planning authority prepares a planning proposal.	Not Applicable The proposal does not seek to alter or create land for public purposes.
6.3 Site Specific Provisions	
Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	Applicable In order prevent the fragmentation of ownership it is intended to apply an Additional Permitted Use to Schedule 1 of WLEP 2013 to permit a MHE with development consent on part of Lot 7 DP 240685. Retention the existing RU6 Transition zone and the minimum lot size of 40 hectares will switch off State Environmental Planning Policy 36 ensuring no subdivision the land can occur which in turn will ensure that the land remains in single ownership and opportunities to develop in accordance with the NWSSP can be facilitated. It is therefore considered the proposal is consistent with this Direction.
Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	
Aims to give legal effect to the planning principles, directions and priorities for sub regions, strategic centres and transport gateways contained in A Plan for Growing Sydney	Not Applicable. This Direction does not apply to Wyong LGA.
7.2 Implementation of Greater Macarthur Land Release Investigations	
Aims to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan.	Not Applicable. This Direction does not apply to Wyong LGA.

02

Land Use Provisions



Wyong
Shire
Council

02 Land Use Provisions (A) Additional Permitted Uses Clause

Add an additional Clause to Schedule 1 Additional Permitted Uses

Such a Clause could be worded as follows:

1. This clause applies to land at Doyalson identified as "Item #" on the Additional Permitted Uses Map being Lot 7 DP 240685.
2. Development for the purposes of a Manufactured Home Estate is permitted with development consent.
3. The number of home sites is restricted to 139
4. No subdivision of the site is permitted
5. For the purposes of this clause the following definitions apply

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and
- (b) that is not capable of being registered under the Traffic Act 1909, and includes any associated structures that form part of the dwelling.

manufactured home estate means land on which manufactured homes are, or are to be, erected.

04

Mapping



Wyong
Shire
Council



Lot 7 DP 240865

Lot 49 DP 707586

Existing RSL Club

Wentworth Avenue

Pacific Highway



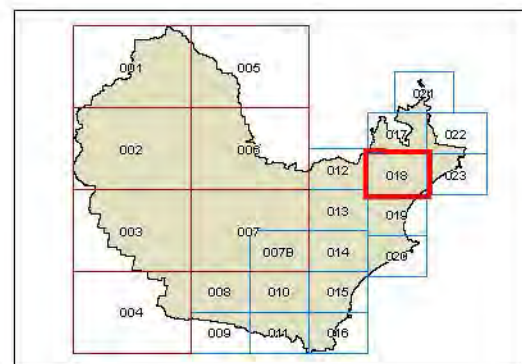
Additional Permitted Uses Map -
Sheet APU_018

Additional Permitted Uses

Additional Permitted Uses
(Refer to Schedule 1)

Cadastre

Cadastre 25/11/13 © Land and Property Information (LPI)



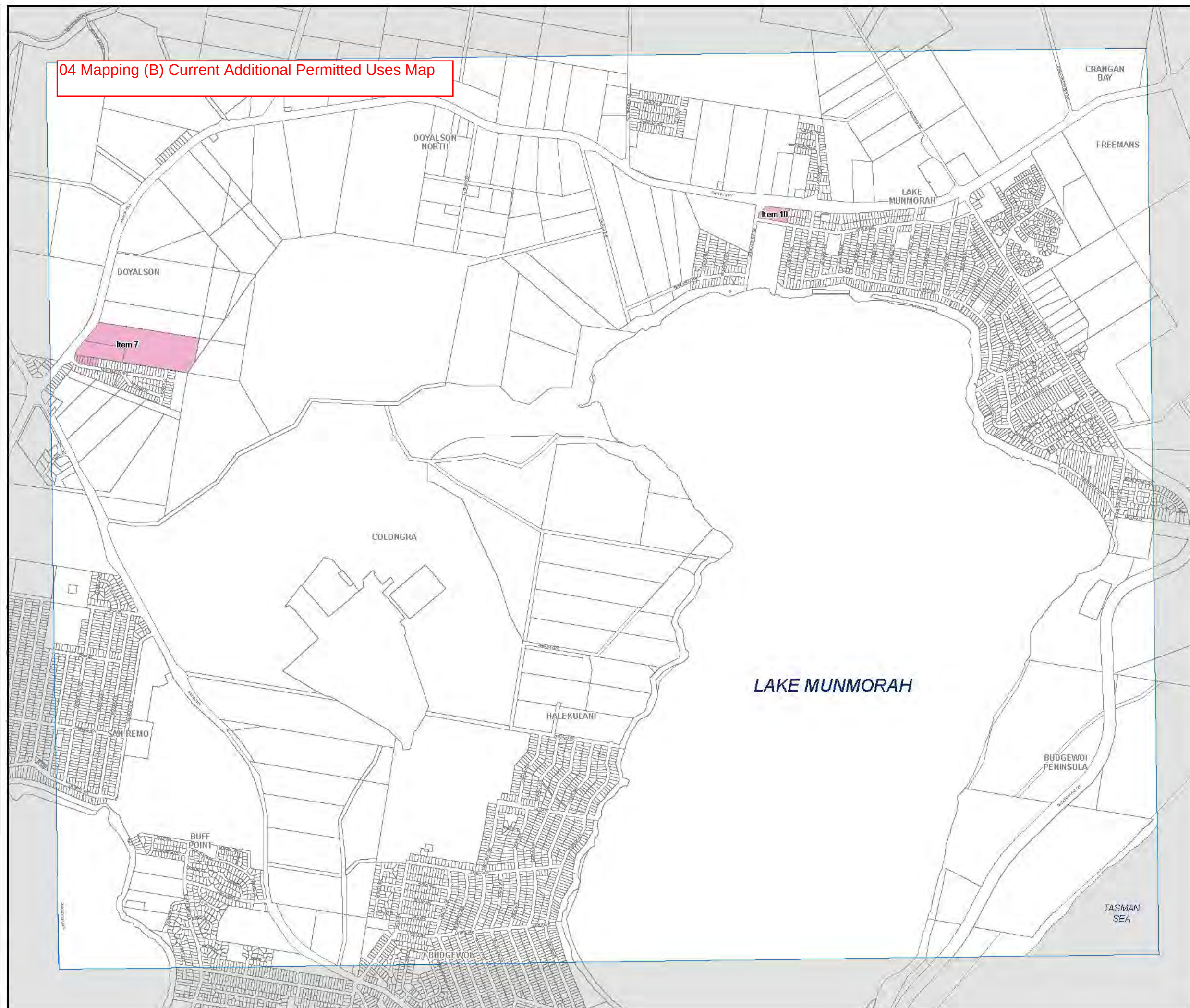
0 0.5 1
Kilometres

Scale: 1:20,000 @ A3

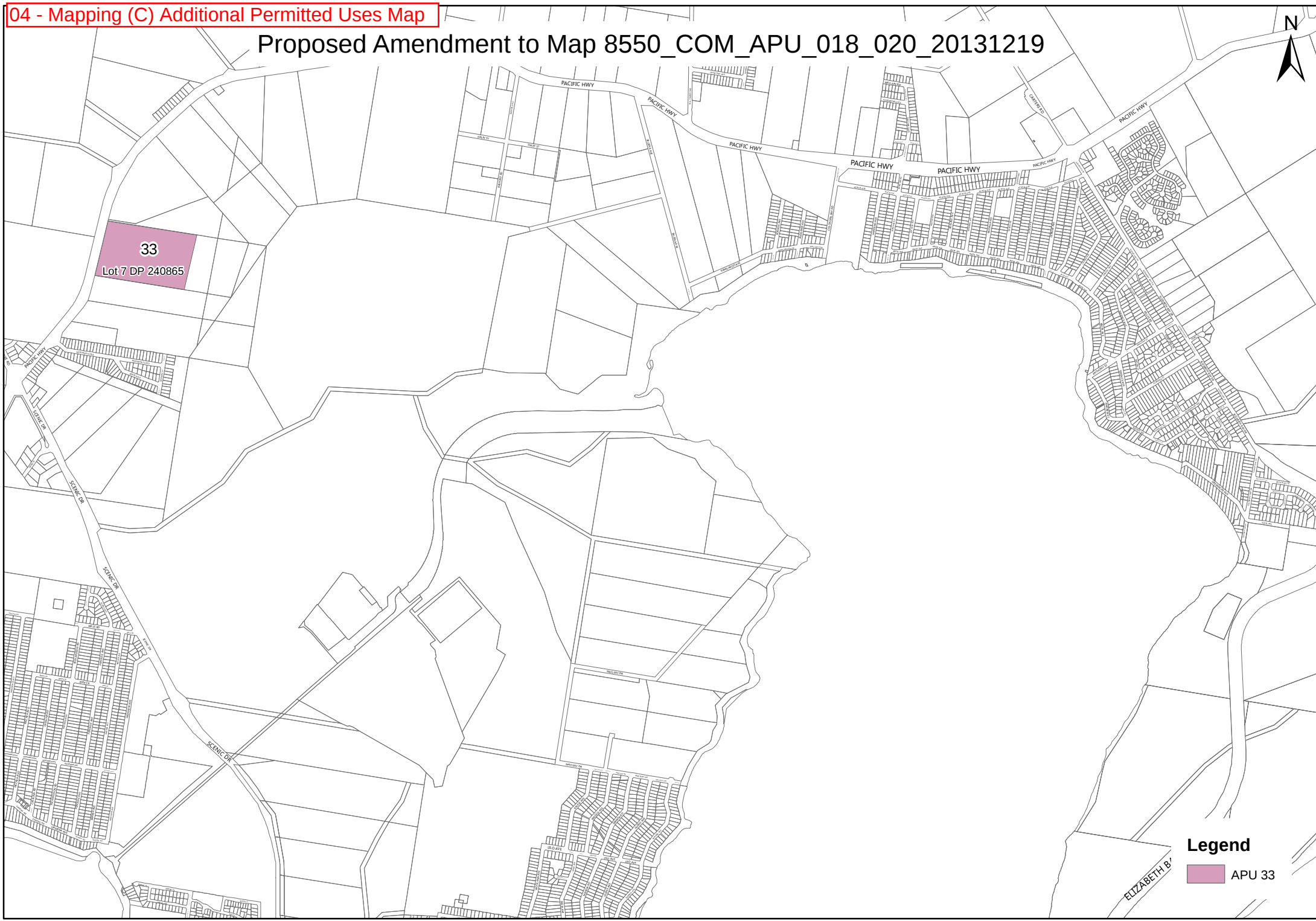
Projection: GDA 1994
Zone 56

Map Identification Number:
8560_CDM_APU_018_020_20131219

04 Mapping (B) Current Additional Permitted Uses Map



Proposed Amendment to Map 8550_COM_APU_018_020_20131219



Legend

 APU 33

05

Studies



Wyong
Shire
Council



INSITE HERITAGE
PTY LTD

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28 July 2015

de Witt Consulting
Att: Mr M Maund
Senior Town Planner
mark.maund@dewittconsulting.com.au

Dear Mr Maund

Re: Due Diligence Aboriginal Archaeological Assessment – Lot 7 DP 240685 & Lot 49 DP707586 Pacific Highway Doyalson, NSW.

Introduction & Proposed Works

Insite Heritage Pty Ltd were commissioned by de Witt Consulting on behalf of Doyalson RSL to conduct a Due Diligence Aboriginal archaeological assessment for the proposed rezoning of Lot 7 DP 240685 and Lot 49 DP707586 Pacific Highway Doyalson, NSW. Lot 49 is approximately 7.5ha in size and Lot 7 approximately 14.5ha. The project is located within the boundaries of Wyong Shire Council Local Government Area.

The purpose of the rezoning is to allow for future development of a seniors living or manufactured home estate on Lot 7 with a path for pedestrian access through the existing cleared land on Lot 49 to the sporting fields and Doyalson RSL club. There are no proposed development works for the vegetated portions of Lot 49 which will be retained as a flora and fauna corridor. The existing bushland at the eastern end of Lot 7 will be retained. Refer to Figures 1 and 2 below for locality map and concept plan of the proposed development.

The following Due Diligence assessment is based on the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (Office of Environment & Heritage 2010).

Please note sections of this report contain information about the location of Aboriginal objects (Figure 1 and Appendix A) and should not be disseminated in the public domain.

Generic Due Diligence Assessment –Office of Environment & Heritage (OEH) Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (2010).

Step 1. Will the activity disturb the ground surface or any culturally modified trees?

Yes. The proposed activity will require ground disturbance works for the construction of the seniors living/manufactured homes estate. The manufactured homes will be light weight structures erected on footings. Ground disturbance works will be required for trenching works for sewer connections. A pedestrian access footpath will also circle the perimeter of the development. The vegetated portion in the southern end of Lot 7 will be retained (refer to Figure 2).

There are no culturally modified trees located within the proposed development.

Step 2 a) Are there any relevant confirmed site records or other associated landscape features on AHIMS?

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the property with a 1km buffer around the subject site to ascertain if there are any previously recorded Aboriginal archaeological sites in proximity to the proposed development (see Attachment A and Figure 1 below). There were no previously recorded Aboriginal archaeological sites recorded within the proposed development (Lot 7 and Lot 49).

The search identified three previously recorded Aboriginal archaeological sites within 1km of the proposed works; AHIMS Sites 45-7-0249, 45-7-0250 and 45-7-0251. All three sites were recorded for the Munmorah Gas Pipeline. Two sites 45-7-0249 and 45-7-0250 are recorded as Potential Archaeological Deposit (PAD) with artefacts, Site 45-7-0251 is recorded as PAD only.

AHIMS site 45-7-0249 is located in proximity to the south eastern boundary of Lot 7. The site is located within the conveyor corridor for Munmorah Power station. The site was subject to two Aboriginal Heritage Impact Permits (No.s 2780, 2781) and has been salvaged to allow for the installation of a gas pipeline. Site 45-7-0250 was also salvaged under the same impact permits.

Step 2 b) Are there any landscape features that are likely to indicate presence of Aboriginal objects? Consequently, if your proposed activity is:

- *within 200m of waters, or*
- *located within a sand dune system, or*
- *located on a ridge top, ridge line or headland, or*
- *located within 200m below or above a cliff face, or*
- *within 20m of or in a cave, rock shelter, or a cave mouth;*
- *and is on land that is not disturbed land (see definitions) then you must go to step 3.*

Land is disturbed if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable.

Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks.

The property is located approximately 760m north of Colongra Lake. The proposed development on Lot 7 is located on land that is considered disturbed as it has been subject to vegetation clearing and earthworks associated with previous land use practices. A portion of Lot 49 is on land that is considered disturbed by previous construction of cricket pitches and car parking. An electricity transmission line easement also bisects the southern portion of the allotment. A gas pipeline easement runs along the southern boundary of Lot 7.

Step 3. Can harm to Aboriginal object listed on AHIMS or identified by other sources of information and /or can the carrying out of the activity at the relevant landscape features be avoided?

This step only applies if your activity is on land that is not disturbed land or contains known Aboriginal objects.

There are no previously recorded Aboriginal archaeological sites within the proposed development. The closest recorded site has been subject to archaeological salvage works under an AHIP.

Step 4. Does a desktop assessment and visual inspection confirm that there are Aboriginal objects? This step only applies if your activity is on land that is not disturbed land or contains known Aboriginal objects.

A site inspection was undertaken by Ms Tracey Howie, Cultural Heritage Filed Officer, Guringai Tribal Link Aboriginal Corporation and Liz Wyatt, Archaeologist, Insite Heritage Pty Ltd on the 16th July 2015. Mr Anthony Pollitt, Project Manager also accompanied the site inspection. A pedestrian survey was undertaken over the area of proposed works in order to identify if an Aboriginal objects are likely to be impacted by the proposed development.

The pedestrian survey focused on Lot 7 and the access way through Lot 49 from the car park area of Doyalson RSL.

The western portion of Lot 7 adjacent to the highway was found to be cleared and disturbed from the demolition of a former farm house. There was evidence of imported fill, possibly beach sand with recent dispersed shell fragments around the access way from the Pacific Highway. Earthworks and demolition / building debris was noted in exposures e.g. plastic fragments, tile fragments, building debris.

The majority of Lot 7 has been previously cleared of vegetation. The property is currently used as an activity/adventure park which has resulted in excavation works for hurdles/splash pits across the site.

Areas of exposure around the obstacle course hurdles and associated track ways were inspected for Aboriginal objects but none were identified. Vegetation increased toward the eastern boundary of Lot 7 and comprised of a small stand of pine plantings in the south east, and possible native revegetation plantings in the north east corner, as golden wattle and casuarinas plantings in regular spacing's of similar maturity were noted. The vegetation was also very dissimilar to the undeveloped lot to the north. The conveyor and gas pipeline corridor was observed on the eastern boundary.

The southern boundary of Lot 7 was found to be disturbed by the gas pipeline corridor, which runs the length of the allotment. The proposed access way through Lot 49 has already been subject to clearing and disturbances from the construction of an existing gravel access way and cricket pitches.

The site inspection did not identify any Aboriginal objects. Due to the high level of disturbance within the footprint of proposed development in Lot 7, it is considered that the potential for subsurface archaeological deposits within the area of proposed development is low.

Selected images from the site inspection are provided below.

Management Recommendations

As the site inspection and due diligence assessment did not identify any Aboriginal objects or areas of potential archaeological deposit within Lot 7 or the proposed access way across Lot 49 it is recommended it is recommended that the proposed development may proceed with caution without the requirement for an Aboriginal Heritage Impact Permit or further investigation works to be sought from OEH.

If any Aboriginal objects are identified during earthworks, work must immediately cease in the area and the Office of Environment and Heritage (OEH) must be notified immediately. It is recommended that contractors undertaking sub surface disturbance works associated with the proposed development review the attached Cultural Heritage Awareness document (Attachment B) prior to commencement of works.

If suspected human remains are identified during the works, works must immediately cease. The area must be secured and the NSW Police and OEH notified immediately.

Should there be any future development proposals within vegetated eastern portion of Lot 49, it is recommended that an Aboriginal archaeological assessment is undertaken.

Regards,

Insite Heritage Pty Ltd

A handwritten signature in black ink, appearing to read 'Liz Wyatt', written in a cursive style.

Liz Wyatt
Archaeologist

References

Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. NSW Office of Environment and Heritage (formerly Dept. of Environment, Climate Change & Water) 2010.

Figure 1 has been removed from this report as it contains information about the location of Aboriginal objects and should not be disseminated in the public domain.

DOYALSON MANUFACTURED HOME ESTATE



Figure 2 Subject site detailing approximate location of proposed dwelling, boundary adjustment and existing cottage to be removed.



Plate 1 Western portion Lot 7 from Lot 49 access, facing north.



Plate 2 Access way Lot 7 from Pacific Hwy, facing west.



Plate 3 Demolition works, Lot 7.



Plate 4 Obstacle/agility course Lot 7



Plate 5 Obstacle/agility course Lot 7.



Plate 6 Access track eastern portion Lot 7.



Plate 7 Access track north eastern portion Lot 7



Plate 8 Cleared gas pipeline corridor, south eastern portion Lot 7.

Attachment A – AHIMS Search Results



AHIMS Web Services (AWS) Extensive search - Site list report

Purchase Order /Reference : Doyalson RSL

Client Service ID : 181696

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-7-0249	PAD 1 - Munmorah	AGD	56	363200	6325900	Open site	Valid	Potential Archaeological Deposit (PAD) :- Artefact : 7		100751.10094 4
	<u>Contact</u> T Russell							<u>Permits</u> 2780,2781		
45-7-0250	PAD 2 - Munmorah	AGD	56	363175	6325350	Open site	Valid	Potential Archaeological Deposit (PAD) :- Artefact : 8		100751.10094 3
	<u>Contact</u>							<u>Permits</u> 2780,2781		
45-7-0251	PAD 3 - Munmorah	AGD	56	361000	6326250	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<u>Contact</u>							<u>Permits</u>		
	<u>Recorders</u> Heritage Concepts,Mr.Jakub Czastka									

Report generated by AHIMS Web Service on 15/07/2015 for Taryn Gooley for the following area at Lat, Long From : -33.2036,151.5207 - Lat, Long To : -33.1898,151.5425 with a Buffer of 1000 meters. Additional Info : assessment Number of Aboriginal sites and Aboriginal objects found is 3

This information is not guaranteed to be free from error omission, Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

Page 1 of 1

Please note the location co-ordinates of the sites above have been included to satisfy the conditions of the assessment and should not be circulated in the public domain.

Aboriginal Cultural Heritage Awareness Document

Aboriginal people have lived in NSW for more than 40,000 years. The Wyong Shire Council Local Government Area is located within the traditional country of the Guringai People and in the southern areas of Lake Macquarie, shared with the Awabakal People. Known sites within the Wyong Shire Council LGA include burials, shell middens, artefact scatters and isolated artefacts, rock shelters, art sites (paintings and engravings), modified trees, hearths, stone arrangements, and grinding grooves. Aboriginal culture however is not just represented by the physical evidence of occupation. It is a living, contemporary phenomenon that is linked to the surrounding landscape and environment.

Aboriginal cultural heritage is legally protected in NSW under *the National Parks and Wildlife Act*.

Example images of some of the types of Aboriginal archaeological sites located within the Wyong Shire Council LGA is provided below.

Shell Middens

Shells were harvested for consumption of their meat and then discarded. Middens may represent a single event as people moved across the landscape or may be the accumulation of seasonal feasting events overtime.



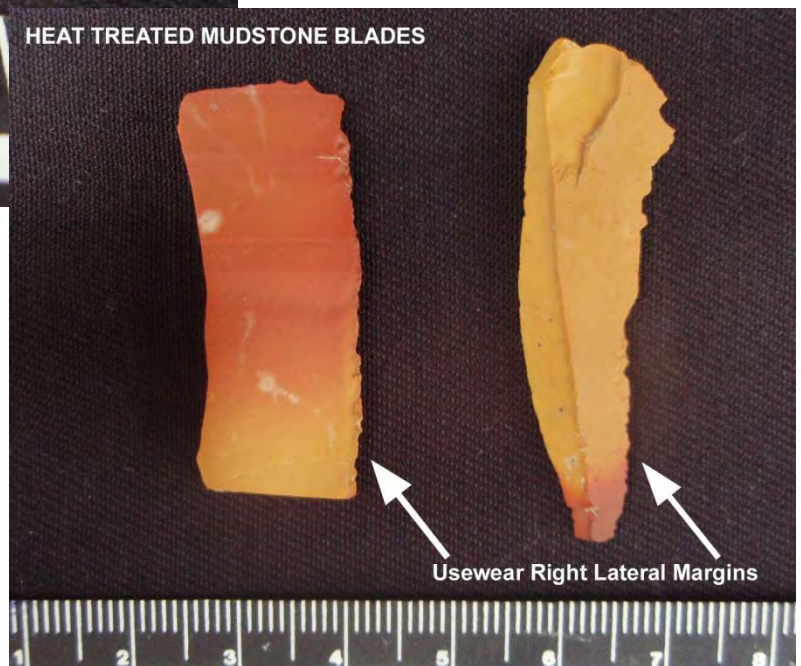
Stone Artefacts:

Stone artefacts were used for many day to day purposes such as butchering and skinning animals, grinding seeds and nuts, manufacturing wooden artefacts and for hafting to make tools (axes, spear points). They may be associated with other types of cultural material such as ochre, charcoal, shell or bone¹.

Types of Stone Artefacts - Cores and Flakes



Types of Stone Artefact - Tools



¹ Burke & Smith 2004:204



Grinding Flat



Muller / Pestle

Axe Grinding Grooves:

Formed in rock outcrops or boulders generally adjacent to a water source, mainly used for sharpening stone tools.



Scarred Trees:

Trees where bark has been removed for manufacture of items such as canoes, containers, shields or medicines, or as fibre for making twine.



Consequences of Impacting on an Aboriginal Object

Under the NPW act (1974) it is an offence to knowingly or unknowingly impact on an Aboriginal object. The following penalties apply to Corporations as well as individuals:

Offence	Maximum penalty: Individual	Maximum penalty: Corporation
A person must not harm or desecrate an Aboriginal object that the person knows is an Aboriginal object.	2,500 penalty units (\$275,000) or imprisonment for 1 year	10,000 penalty units (\$1,100,000)
	5,000 penalty units (\$550,000) or imprisonment for 2 years or both (in circumstances of aggravation)	
A person must not harm or desecrate an Aboriginal object (strict liability offence).	500 penalty units (\$55,000)	2,000 penalty units (\$220,000)
	1,000 penalty units (\$110,000) (in circumstances of aggravation)	
A person must not harm or desecrate an Aboriginal Place (strict liability offence).	5,000 penalty units (\$550,000) or imprisonment for 2 years or both	10,000 penalty units (\$1,100,000)

If you suspect that you have come across Aboriginal object/s in the vicinity of your works area **STOP WORK** immediately, secure the area and contact the Project Supervisor, and the Office of Environment & Heritage (Hunter Central Coast Region Archaeologist Ph: 02 4908 6825)

If you suspect that you have come across **human remains** during your works, **STOP WORK** immediately, secure the area and contact the NSW Police and the Office of Environment & Heritage.



Firebird Ecosultants Pty Ltd

ABN-16 105 985 993

Level 1, 146 Hunter Street, Newcastle NSW 2300

PO Box 354 Newcastle NSW 2300

T: 02 49103939 E: sarah@firebirdeco.com.au

Date: 24 July 2015

Attn: De Witt Consulting Pty Ltd
Mark Maund

**RE: Bushfire Threat Assessment – PLANNING PROPOSAL
SUBMISSION FOR THE REZONING OF LOT 49 DP
707586 AND LOT 7 DP 240685**

Introduction

Firebird ecoSultants Pty Ltd has been engaged by De Witt Consulting Pty Ltd to undertake a bushfire assessment over Lot 49 DP 707586 and Lot 7 DP 240685 Doyalson within the Wyong Local Government Area (referred to as the site).

The objective of the planning proposal is to rezone land to amend the Wyong Local Environmental Plan 2013 (LEP) to rezone the site. The planning proposal seeks to rezone the site from RU6 Transition to RE2 Private Recreation. Zoning Lot 7 RE2 Private Recreation. Lot 49 has been included in the proposal as it is intended to provide a pathway to local recreation from the manufactured home estate for residents.

This bushfire assessment is to support the preparation of a planning proposal to Wyong Shire (WSC) and to provide sufficient Bush Fire Protection Measures (BFPM) in accordance with the relevant bushfire legislation including Planning for Bushfire Protection (RFS, 2006) (PBP) to support an initial gateway determination by the Minister for Planning and Infrastructure.

For the purposes of this assessment the six key Bush Fire Protection Measures (BFPs), have been considered, these being:

1. The provision of clear separation of buildings and bush fire hazards, in the form of fuel reduced APZ (and their subsets, inner and outer protection and defendable spaces);
2. Construction Standards and Design;
3. Appropriate Access standards for residents, fire fighters, emergency service workers and those involved in evacuation;
4. Adequate water supply and pressures;
5. Emergency management arrangements for fire protection and / or evacuation; and
6. Suitable landscaping, to limit fire spreading to a building



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1. Asset Protection Zones

The site lies within the Wyong LGA and therefore is assessed under a FDI rating of 100. Manufactured housing (demountable dwellings/relocatable homes etc.) can be built to achieve all levels of construction required under AS3959. Long term leased dwellings, under certain circumstances, can be assessed as 'residential purposes' and may apply residential APZ's instead of those normally required for SFPP developments. In accordance with Table A2.4 within PBP 2006 the appropriate width setbacks have been calculated based on the topography and the vegetation present in and around the site. Table 1 details the APZs required between any demountable dwelling within the site and vegetation considered to be a bushfire hazard.

Table 1: Required APZ widths

Direction	Where vegetation is	Slope that will affect bushfire behaviour	Required Setback (APZ)
North	Open Forest	Downslope 0 – 5 degrees	25m APZ that incorporates a 15m IPA and a 10m OPA
East	Open Forest	Downslope 0 – 5 degrees	25m APZ that incorporates a 15m IPA and a 10m OPA
South	Open Forest	Downslope 0 – 5 degrees	25m APZ that incorporates a 15m IPA and a 10m OPA
West	Open Forest	Downslope 0 – 5 degrees	25m APZ that incorporates a 15m IPA and a 10m OPA

The proposed concept plans allows for the required APZs in accordance with PBP. Refer to Figure 2-1 APZ for locations of APZs.



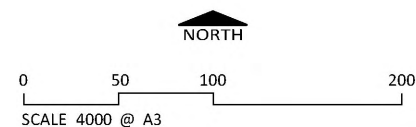
FIGURE 2-1: ASSET PROTECTION ZONES MAP

CLIENT
SITE DETAILS
DATE

Dewitt Consulting
No.100 & 110 Pacific Highway Doyalson
27 July 2015

Legend

- █ Subject Site
- 140m Buffer
- 25m APZ
- █ Open Forest
- █ Scribbly Gum Woodland
- █ Pine Plantation
- █ Shrub/Scrub



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Ref No 1547



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2. Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. Any future construction shall comply with Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas".

3. Appropriate Access Standards

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. Any future internal roads shall comply with section 4.2.7 of "Planning for Bush Fire Protection 2006".

4. Adequate Water Supply and Pressure

Associated with any kind of development upon the land, it is expected that water supplies be available within the development. The proposal will comply with water supply for the site in accordance with PBP 2006.

5. Emergency management arrangements for fire protection and / or evacuation

Any future internal roads shall comply with "Planning for Bush Fire Protection 2006"

6. Landscaping

Landscaping to the site would comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Conclusion

Assessment of the the site (attachment 1), has been undertaken in accordance with PBP 2006, this assessment has shown that the site is able to provide for the BFPMs as outlined above. Further, more detailed information will be provided to accompany any subsequent Rezoning Proposal / Development Application (DA) for the site.

We trust this information is sufficient for your purposes, however, if you require further details or clarification please do not hesitate to contact the writer.



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Yours faithfully

Firebird ecoSultants



Sarah Jones

B.Env.Sc., G.DIP.DBPA (Design for Bushfire Prone Areas)

BPAD-A Certified Practitioner (BPD-PA-26512)

Ecologist / Bushfire Planner

PHASE 1 ENVIRONMENTAL SITE ASSESSMENT

110 Pacific Highway, Doyalson

Prepared for de Witt Consulting

Prepared by RCA Australia

RCA ref 11481-401/0

August 2015



RCA AUSTRALIA

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SUMMARY OF RESULTS



RCA ref 11481-701/0

Client ref 5832

4 August 2015

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Attention: Mark Maund

Geotechnical Engineering

Engineering Geology

Environmental Engineering

Hydrogeology

Construction Materials Testing

Environmental Monitoring

Sound & Vibration

Occupational Hygiene

PHASE 1 ENVIRONMENTAL SITE ASSESSMENT
110 PACIFIC HIGHWAY, DOYALSON

1 INTRODUCTION

This report presents the findings of a Phase 1 environmental site assessment (ESA) of two Lots located along the Pacific Highway at Doyalson, NSW. The Lots inspected as 'the site' for this assessment included:

- Lot 49 DP 707586
- Lot 7 DP240685

The assessment was undertaken at the request of Mark Maund from de Witt Consulting on behalf of the landholder as part of a proposed rezoning and redevelopment of the site. It is understood that Lot 49 DP707586 is proposed to include pedestrian access from the proposed rezoning site on Lot 7 DP240685. The site is currently zoned RU6 (Transition) and that as part of Wyong Council's consideration of the proposal; the site may potentially have been impacted by previous use of the site and adjacent land use activities.

The purpose of the assessment was to undertake a desk top review and site inspection to determine the suitability of the site, in relation to the site's contaminant potential, for the proposed rezoning and redevelopment.

2 SITE IDENTIFICATION AND DESCRIPTION

A summary of site details are shown in Table 1.

Table 1 Site Details

Current zoning (Ref [1])	RU6- Transition
Current use Proposed use	RAW Challenge Obstacle/Assault Course Seniors Living/ Manufactured Home Estate
Size of site	Lot 7 DP 240685 – approx. 14.76ha Lot 49 DP 707586 – approx. 6.9ha
Land use to the:	
North	Plant Nurseries (RU6- Transition)
South	Lot 49 DP 707586 & Doyalson RSL (RE2- Private Recreation)
East	Environmental Management (E3) and Colongra Power Station land (SP2)
West	Pacific Highway & Mannering Lake & Ash Dam (SP2)
Nearest sensitive receptor (human health)	Northlakes Public School (2,300m SSW of Lot 49 DP 707586 boundary)
Nearest sensitive receptor (environmental)	Colongra Lake (550m east)

Drawing 1, Appendix A shows the locality and the layout of the site.

3 SITE HISTORY AND BACKGROUND INFORMATION

3.1 SITE NOTIFICATIONS

Given that Lot 49 DP 707586 is proposed only to give pedestrian access between the proposed development and Doyalson RSL, the Section 149 certificate for only Lot 7 DP240685 has been reviewed. The Section 149 (2) Planning Certificate as specified under the Environmental Planning and Assessment Regulation 2000 (Schedule 4) includes the following information where relevant:

Names of relevant planning controls.

- Wyong Local Environment Plan 2013
- State Environmental Planning Policy No. 64- Advertising and Signage
- State Environmental Planning Policy No. 21- Caravan Parks
- State Environmental Planning Policy No.62- Sustainable Aquaculture
- State Environmental Planning Policy No.44- Koala Habitat Protection
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy No. 50- Canal Estates
- State Environmental Planning Policy No. 55- Remediation of Land

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (State and Regional Development) 2011

Zoning and land uses under the planning control:

- Refer to Wyong Local Environmental Plan 2013 and relevant land zoning map/s for development consent requirements and prohibited development.

Council and other public authority policies to restrict development due to risk:

- The land is classified as being Acid Sulfate Soil Class 5. Refer to Section 3.5 of this document.

Section 94 Contributions Plans:

- The land is subject to Section 94 Contributions Plans for Wyong Shire (No 3, No 11) as well as Section 94A Levy Development Contributions Plan for Wyong Shire.

The Section 149 (5) Planning Certificate provides information on the last approved use.

Information obtained from the 149 certificate and relevant to the site is contained in **Table 2**.

Table 2 *Planning Advice Contained In the 149 Certificate*

Part 2 relevant Information	Land use and development must comply with WLEP 2913 and WDCP 2013 and relevant SEPPs for the relevant zoning- current and/or proposed. Development standards applying to the lands fix a minimum land dimension of 40ha for the erection of a dwelling-house on this land. 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. The land is within a proclaimed mine subsidence district under the Mine Subsidence Compensation Act 1961. The land is not affected by road widening or road re-alignment. However, the Lot fronts/ abuts a road under the control of RMS. Contacting the RMS is required for further details regarding road widening. This land is classed as an Acid Sulfate Soil Class 5. Environment and heritage (flood, biodiversity and conservation , trees, local/state/national heritage) matters: Nil Some of the land is identified as bush fire prone land.
Part 5 relevant Information	Nil relevant to the site

3.2 HISTORICAL AERIAL PHOTOGRAPHS

A review of historical, and more recent, aerial photographs of the site was undertaken to assess past land use(s) at the site. **Table 3** summarises the observations at the site and surrounding environment between 1954 and 2015. Historical aerial photographs are provided in **Appendix C**.

Table 3 *Historical Aerial Photograph review*

1954 (black and white)	The site is delineated. The site is rural and appears to include fields delineated over part of the area. Patchy tree/ shrub woodland exists in the north-eastern corner of Lot 7 DP240685 and western and southern portion of Lot 49 DP 707586. The Pacific Highway (or a form of) exists at the time and there has been development to the south of the site and west (on the other side of the road). No development has occurred north or east of the site.
1965 (black and white)	The site is still rural and evidence of agricultural management. Sheds/ outbuildings exist towards the western portion of the site, close to the highway, whilst a residential dwelling has been built in the south western corner of Lot 7 DP240685. Two dams are present within the central portion of the site, whilst a track runs west to east across Lot 7 DP240685. The pockets of trees have not been substantially changed, however the fields are either fallow or no longer used. An exposed dirt area exists in the eastern portion of the site. Land use surrounding the site has not changed significantly since 1954.
1976 (colour)	The site is still rural; however the site no longer looks to be managed for agricultural purposes. A dwelling exists close to the site entrance in proximity to the former sheds. The dwelling that existed in the south western corner of Lot 7 DP240685 is still present. The mature trees have been removed from the northern sections of Lot 7 DP240685, however sporadic trees/ shrubs are now present across the majority of the site. Vegetation on Lot 49 DP 707586 has not changed significantly. Playing fields are being constructed south of the site and the Doyalson RSL development exists. A single dwelling is situated to the north of the site. West of the site the highway has not changed significantly and the land adjacent is also no longer managed for agricultural uses. North west of the site, the extension of Mannering Lake can be observed. Significant change has occurred to the east of the site, with Colongra Lake enlarged and within relatively close proximity to the site boundary. A conveyor belt/ overground pipeline for the power stations travels north- south along the eastern boundary of the site.
1987 (colour)	Lot 7 DP240685 has not changed significantly since 1976, with the exception of a large dam constructed within the centre of the site. Lot 49 DP 707586 is still predominantly forested, however buildings and structures have been developed in the cleared area. North of the site has become more densely vegetated and there is a clear tree border around the perimeter of the site. To the south the construction of the playing field is complete. The land use to the east of the site has not changed significantly. Mannering Lake has now extended south level with the site and the vegetation on the west of the highway appears to have been adversely impacted.

1998 (colour)	No significant changes have been made to the site since 1987, with the exception of a riding circle, the removal of the black structure that was located within the cleared area of Lot 49 DP 707586 and the dam located within the centre of Lot 49 DP 707586 is not visible. Some removal of trees has occurred across the site. No significant changes have been made the south and east of the site. Plant nursery buildings have been constructed to the north of the site, whilst the dwelling directly north of the site has been extended. Mannering Lake and the Power Station's ash dam has extended slightly further south. The vegetation on the west of the highway looks to have recovered.
2006 (colour)	The dwelling on Lot 7 DP240685 has been removed. Cricket nets have been installed on the cleared area within Lot 49 DP 707586. . The south eastern portion of Lot 7 DP240685 has become forested. There have not been any other significant changes across the site since 1998. South of the site, one of the playing fields has been changed into a car park for the RSL. Mannering Lake and the Power Station's ash dam has extended further south, with the surface ash clearly visible in this aerial. The nurseries in the north have expanded with the addition of another structure.
2012 (colour)	Modifications have been made to the site to include multiple man-made landforms, including several small dams. The construction of potential sheds has started within the central western section of the site. The north eastern corner of the site is sparsely vegetated with trees and shrubs. There have been no other significant changes across the site or on the adjacent areas.
2015 (colour) Drawing 1	The modifications noted in 2012 have been completed and the site has been altered into an obstacle/ assault course. Multiple buildings/ sheds have been erected on the site. The north eastern corner has become more densely vegetated; however there are multiple tracks disturbing the area. A zoomed version of the photograph suggests there is the presence of miscellaneous items within this area. No significant changes have occurred within the surrounding areas adjacent to the site, with the exception of increased vegetation on the western side of the highway.

3.3 CONTAMINATED LAND PUBLIC RECORD

RCA undertook a search of the NSW EPA public lands register (<http://www.epa.nsw.gov.au/publicregister/>) and did not find any record of Environment Protection licences, applications, notices, audits or pollution studies and reduction programs applicable to the site.

RCA undertook a search of sites notified to the EPA as potentially requiring regulation (<http://www.epa.nsw.gov.au/clm/publiclist.htm> as updated 30 June 2015) and confirmed that the site is not notified.

The following surrounding areas have been notified to the NSW EPA as potentially requiring regulation.

- Part Lot 3 DP259306, located off David street, approximately 1.5km south of the site
 - The management status of this site states that regulation under the CLM Act is not required.
 - It is not considered likely that contamination from this site would have greatly impacted the site due to the distance with the possible exception of airborne contaminants.

- Munmorah Colliery, located on Scenic Drive, approximately 1.5km south of the site.
 - The management status of this site is under assessment.
 - It is not considered likely that contamination from this site would have greatly impacted the site due to the distance with the possible exception of airborne contaminants.
- Munmorah Power Station, located off Scenic Drive, approximately 2km south east of the site.
 - The management status of this site states that regulation under the CLM Act is not required.
 - It is not considered likely that contamination from this site would have greatly impacted the site with the possible exception of airborne contaminants.
- Mannering Colliery, located on Rutleys Road, approximately 2km north-north east.
 - The management status of this site is currently under assessment.
 - It is not considered likely that contamination from this site would have greatly impacted the site with the possible exception of airborne contaminants.
- Shell Coles Express Service Station, located at 260-270 Pacific Highway. This is approximately 2km north east of the site.
 - The management status of this site is under assessment.
 - It is not considered likely that any contamination from this site would have migrated this far and therefore is not considered likely to have impacted the site.

It is considered risk to the subject site from these surrounding sites is negligible with the possible exception of airborne contaminants deposited as dust on the site, which would generally be in the form of metal contaminants.

3.4 PREVIOUS INVESTIGATIONS

RCA has not been provided with, or advised of, any previous contamination investigations conducted at the site.

3.5 GEOLOGY AND HYDROGEOLOGY

RCA reviewed published geological maps and groundwater bore search information supplied by the NSW Office of Water (NOW) . The results of this review are summarised in Table 4.

Table 4 *Geology and Hydrogeology*

Soil type	Early Triassic quartz and quartz- lithic sandstone, shale and siltstone of the Narrabeen Group.
Acid sulfate soil (Ref [2] and [3])	The site is within an area with no known occurrence of acid sulfate soils according to the Catherine Hill Bay Acid Sulfate Soils Risk Map (Ref [2]). However, it is less than 500m of areas (north and east) known to have 'low probability' acid sulfate soils within 3m of the surface. The site is located within a 'Class 5' (land below 5m AHD) area for ASS according to the Wyong Local Environmental Plan 2013.
Groundwater use	Groundwater bores in the surrounding area were identified to be used for domestic, stock, horticultural and industrial purposes.

Number of monitoring wells on site	Nil Identified. However, nine (9) groundwater wells exist within 2km of the site.
Depth to groundwater	The closest bore to the site (GW027930 located approximately 500m south west) indicates that groundwater is approximately 3.0m. below ground level (bgl)
Rate of groundwater flow	No groundwater flow information available for the site.

3.6 INTEGRITY ASSESSMENT

Information obtained from the Section 149 certificate is assumed to be accurate but is limited to information of which Council is aware and has documented. Given that Lot 49 is proposed to provide pedestrian access only the decision was made to reduce costs by not reviewing the Section 149 Certificate for Lot 49 DP 707586. Review of Lot 7 DP 240685 is deemed to have yielded sufficient information to determine past, potential contaminating activities for the site as a whole.

Information obtained from historical aerial photography is limited in that it only provides a snapshot of the site in time. However, RCA considers that adequate coverage was achieved for this investigation with aerial photographs available approximately every decade which indicated relatively minor changes between snapshots.

Hydrological information obtained from the NOW is sourced from third parties and has an inherent risk or errors. Data presented in this report is considered representative only.

Overall, RCA considers that the site history reviewed is accurate and adequate given the nature of the land use and that there is sufficient information to determine past and present potentially contaminating activities at the site.

4 GENERAL SITE CONDITIONS AND OBSERVATIONS

RCA undertook a site inspection on 9 July 2015 and recorded the following observations in Table 5.

Table 5 *General Site conditions and observations*

Topography	The site is generally flat south – north. The far eastern portion of the site slopes down (approx. 5.5 %) to the east approximately 400m from the Pacific Highway. Man-made features have been constructed on the site, including a dam near central portion of the site and numerous smaller water stores across the site that are used for the obstacle/ assault course.
Site condition	Site is generally in a good condition, although some areas are less vegetated/ slightly eroded due to the foot traffic from the Obstacle course that has been held previously. Trees border the perimeter of the site with the exception of the southern portion of Lot 7 DP 240685 which is assumed to have remained clear due to the presence of a high pressure gas main. The eastern portion of the site is heavily vegetated with trees and shrubs. Buildings are in a good condition, with all buildings constructed out of colour bond or wood. Materials/ general items stored onsite outside, however most are held within plastic containers. Refer to photographs 1-11 in Appendix E.

Visual Signs of contamination	No visual signs of contamination observed.
Signs of erosion	Some evidence of erosion was observed nearby to the larger obstacles that have been erected on the site. It is noted that often in these areas fill is present. Refer to photographs 11, 14, 15 in Appendix E.
Presence of drums or waste	Empty drums located across the site used as storage or as a bin for the events held on the site. No questionable waste was observed inside the drums. General waste was observed within the eastern section of Lot 7 DP240685, with an array of waste documented from general waste and litter to white goods. Refer to photographs 21 in Appendix E.
Identification of potential asbestos bearing materials	Nil observed, buildings/ structures existing on site were all colour bond/ wood. However, ground disturbance was observed south of the site entrance from the Pacific Highway with broken up concrete mixed in with the soil. Close by the area was heavily overgrown with detritus material observable. Refer to photographs 10, 17 through to 20 in Appendix E.
Visible signs of plant stress	Nil observed.
Odours noticeable on site	Nil observed
Evidence of current or former petroleum facilities	Nil observed
Chemicals stored on site	Nil observed
Evidence of waste burial: (anecdotal or otherwise)	Yes evidence of waste dumping and at least partial burial was observed within the eastern section of Lot 7 DP240685. Refer to photographs 22-25 in Appendix E.

The location of photographs capturing the general site condition are shown on **Drawing 2, Appendix A**, whilst further photographs, including the disturbed and dumping areas are presented in **Appendix E**.

5 FIELDWORK

An environmental scientist experienced in undertaking environmental site assessments and the handling of potentially contaminated soil undertook the fieldwork on 9 July 2015 with the assistance of the Associate Environmental Engineer who was undertaking the odour assessment. The scope of work included:

- A site inspection.
- Photographing the general area and areas/ material of potential contamination. Refer to photographs attached in **Appendix E**.
- Recording of the site conditions encountered as outlined in Section 4.
- The collection of seven (7) soil samples from six (6) locations on the site:
 - Samples were collected from fill and natural materials from between depths of approximately 0.05 and 0.5 metres below the existing ground surface using a

hand trowel and hand auger. Sampling depths were all from surface, with the exception of one location where there was an open excavation, with an exposed wall revealing natural soil below fill. Sample location and depths were determined in the field based on material types encountered and potential for contamination as there was no visual or olfactory signs of contamination.

- Analysis of five (5) soil samples.
- All selected soil samples were laboratory analysed for TRH, benzene, toluene, ethylbenzene, xylenes (BTEX), polycyclic aromatic hydrocarbons (PAH) and a metals suite (consisting of arsenic, cadmium, chromium, copper, nickel, lead, zinc and mercury):
- No samples collected were analysed for the presence of asbestos. Field sheets are attached in **Appendix F**.

Potential contamination sources identified during fieldwork included:

- Fill used across the site. It is assumed that at least one of the types of fill was used in the construction of the assault/obstacle course. It is unknown if the fill has been sourced from the across site, during the construction of the course, whilst excavating areas to create obstacles such as mud puddles/ small dams etc.
- Potential asbestos and building waste within the disturbed area (highlighted as "Area A" on **Drawing 2, Appendix A**) that reported mixed piles of dirt and concrete. These stockpiles are located relatively close to the western boundary of the site and the source is unknown, how long they have been onsite and if the site has always been fenced off. The area is heavily vegetated with weeds and shrubs which limited the inspection able to be undertaken.
- Burial/ partial burial of waste including white goods encountered within "Area B" as highlighted on **Drawing 2, Appendix A**. This area includes stockpiles of earth material and it is not known the full extent of waste disposal nor the items without further investigation. General waste, litter and containers have been accumulated in this area. Review of recent aerial photographs on Nearmaps and Google Earth; suggest that this area has potentially been used for this purpose over the past several years.
- With regards to use of land adjacent to the site, nurseries are located to the north, a power station to the east and a power station's ash dam to the west. It is likely that herbicides and pesticides have been used on the nursery sites to the North, however the potential for impact from this source on the subject site is considered to be limited. Elevated metal concentrations may have impacted the site from the power stations located to the east and west through dust deposition. The ash dam from Vales Point Power Station is located directly to the west. It is expected that the southern portion of Lot 7 DP 240685 would likely be most affected from windblown ash. On inspection there was an absence of trees in this area due to the location of high pressure gas mains running between the power stations, which created a wind tunnel effect along the southern boundary of the site.

No visual or olfactory signs of contamination were observed during the site inspection or sampling.

6 QUALITY ASSURANCE/QUALITY CONTROL

The collection of all soil samples was undertaken in compliance with RCA methodology. Soil samples collection methods comprised:

- Samples were collected direct from an auger or hand trowel.

These soil collection methods were chosen for the site due to maintain limited disturbance to the site and the limited depth of sampling required.

Decontamination of the sampling equipment was undertaken by:

- Brushing of excess soil from augers between sample locations.
- Scrubbing the hand auger and hand trowel with Decon 90 and rinsing with potable water between samples if wet material was encountered.

All samples were preserved as recommended by the analytical laboratory and stored in the field in an Esky on ice bricks. Samples were stored in the RCA refrigerator until transport to the laboratory.

All samples were sent under Chain of Custody (COC) documentation detailing the sample identification, required analysis, the name of the sampler and date released from custody. The laboratory acknowledged the receipt of samples by signature and date and returned the COC with a sample receipt notice indicating the condition of the samples received upon receipt.

RCA omitted the duplicate due to the small number of samples on this initial assessment, whilst the field blank, equipment wash and trip spike and blank were omitted due to the low potential for cross contamination during the sampling process.

EnviroLab Services Pty Ltd was chosen as the primary laboratory.

The laboratory used for analysis is NATA accredited and are experienced in the analytical requirements for potentially contaminated soil.

EnviroLab Services undertook internal quality assurance testing. Results are contained within the laboratory report sheets, **Appendix G. Table 6** presents a summary of their review.

Table 6 Internal Quality Assurance Review

	Number Samples (including QA)	Laboratory Duplicates	Spikes	Laboratory Control Samples	Laboratory Blanks
Requirement		10%	5%	One every batch	One every batch
Soil					
Metals (As, Cd, Cr, Cu, Ni, Pb, Zn)	5	0	0	1	1
Mercury	5	0	0	1	1
TRH C ₆ -C ₁₀	5	0	0	1	1
TRH C _{>10} -C ₄₀	5	0	0	1	1
BTEX	5	0	0	1	1
PAH	5	0	0	1	1

Examination of the above table reveals that Envirolab Services have undertaken laboratory quality assurance testing in accordance with the NEPM (Ref [4]). It is noted that no laboratory duplicates or spikes were reported with this batch of samples; however the laboratory report does report that smaller jobs may not report duplicates or matrix spikes. Envirolab Services state that they were "analysed at a frequency to meet or exceed NEPM requirements. All samples are tested in batches of 20. The duplicate sample RPD and matrix spike recoveries for the batch were within the laboratory acceptance criteria". All LCS and blanks reported acceptable values.

It is therefore considered that the data obtained from this testing is accurate and reliable in as far as it can be ascertained.

7 SITE INVESTIGATION AND SCREENING LEVELS

7.1 NEPM – NATIONAL ENVIRONMENT PROTECTION (ASSESSMENT OF SITE CONTAMINATION) MEASURE 2013

7.1.1 SOIL

The investigation and screening levels (ISL) utilised for the assessment of the soil on site were sourced from the National Environment Protection Measure (NEPM) for the Assessment of Site Contamination (Ref [4]). These ISL are not derived as acceptance criteria for contamination at a site, but as levels above which specific consideration of risk, based on the site use and potential exposure, is required. If a risk is determined as present, then remediation and/or management must be undertaken.

Assessment ISL are based on:

- Human Health

Intentionally conservative health investigation levels (HIL) have been derived for four (4) generic land use settings.

- HIL 'A' Residential with garden/ accessible soil (home grown produce <10% fruit and vegetable intake (no poultry). This category includes children's day care centres, preschools and primary schools.
- HIL 'B' Residential with minimal opportunities for soil access includes dwellings with fully and permanently paved yard space such as high rise buildings and flats.
- HIL 'C' Public open space such as parks, playgrounds, playing fields (e.g. ovals) secondary schools and footpaths. It does not include undeveloped public open space (such as urban bushland and reserves).
- HIL 'D' Commercial/industrial such as shops, offices, factories and industrial sites.

Refer to **Appendix H** for a copy of the exposure scenarios for the derivation of the above land use settings.

Health screening levels (HSL) have been determined for risks associated from vapour intrusion from petroleum¹ compound contamination for the same land use settings. These HSL are additionally based on the fraction of compound, the soil texture and the depth of the encountered soil.

Direct hydrocarbon contact criteria are not provided in the NEPM, however these are provided in CRC Care Technical Report 10 (Ref [5]) which is the source document for the HSL.

- Ecological Health

These levels are considered to apply to soil within two (2) metres of the surface, the root zone and habitation zone of many species.

Ecological investigation levels (EIL) have been determined for arsenic, copper, chromium III, DDT, naphthalene, nickel, lead and zinc in soil based on species sensitivity model and for three (3) generic land use settings:

- Areas of ecological significance – for areas where the primary intention is for the conservation and protection of the natural environment. Protection level of 99%.
- Urban residential areas and public open space – broadly equivalent to the HIL A, HIL B and HIL C land use settings. Protection level of 80%.
- Commercial and industrial land uses – considered to be broadly equivalent to HIL D land use setting. Protection level of 60%.

Methodology for the derivation of EIL for other contaminants is available in the NEPM and requires additional soil character data.

Ecological screening levels (ESL) have been determined for petroleum compound contamination. Due to limitations in the data only moderate reliability ESL have been determined for fractions $<C_{16}$, applied generically in fine and coarse grained soils. ESL for petroleum fractions $> C_{16}$, BTEX and naphthalene are consider low reliability.

- Aesthetics

Aesthetic considerations operate separately to the HIL/HSL and EIL/ESL assessment. Issues to be considered include:

- Highly malodorous soils or extracted groundwater (e.g. strong residual petroleum hydrocarbon odours, hydrogen sulphide in soil or extracted groundwater, organosulfur compounds).
- Hydrocarbon sheen on surface water.
- Discoloured chemical deposits or soil staining with chemical waste other than of a very minor nature.
- Large monolithic deposits of otherwise low-risk material, e.g. gypsum as powder or plasterboard, cement kiln dust.

¹ Laboratory analysis of hydrocarbons is being reported as total recoverable hydrocarbons (TRH). This testing method includes all forms of hydrocarbons, not just petroleum hydrocarbons and therefore can be considered a conservative measure against the chosen TPH criteria. Further laboratory analysis using a silica gel clean up (TRH_{sg}) is considered to enable a better identification of the extent of petroleum based contamination.

- Presence of putrescible refuse including material that may generate hazardous levels of methane such as a deep-fill profile of green waste or large quantities of timber waste.
- Soils containing residue from animal burial (e.g. former abattoir sites).

Site assessment requires consideration of the quantity, type and distribution of foreign material or odours in relation to the specific land use and its sensitivity. For example, higher expectations for soil quality would apply to residential properties with gardens compared with industrial settings.

Tier 1 assessment comprises the comparison of the soil data with the HIL/HSL and EIL/ESL. In the event that some concentrations are in excess of the relevant criteria, the summary statistics of the data set may be utilised for assessment purpose. Consideration of a range of statistics is recommended; at a minimum the 95%UCL_{ave} should be compared to the relevant criteria as long as:

- No single value exceeds 250% of the relevant criterion.
- The standard deviation of the results for each analyte is less than 50% of the relevant criterion.

In addition to appropriate consideration and application of the HSL and ESL, there are a number of policy considerations which reflect the nature and properties of petroleum hydrocarbons:

- Formation of observable light non-aqueous phase liquids (LNAPL).
- Fire and explosive hazards.
- Effects on buried infrastructure e.g., penetration of, or damage to, in-ground services by hydrocarbons.

The NEPM has therefore provided management limits, the application of which will require consideration of site-specific factors such as the depth of building basements and services and depth to groundwater, to determine the maximum depth to which the limits should apply. The management limits may have less relevance at operating industrial sites (including mine sites) which have no or limited sensitive receptors in the area of potential impact. When the management limits are exceeded, further site-specific assessment and management may enable any identified risk to be addressed.

The presence of site hydrocarbon contamination at the levels of the management limits does not imply that there is no need for administrative notification or controls in accordance with jurisdiction requirements.

The following figure has been taken from the NEPM to illustrate the assessment methodology in regards to petroleum contamination.

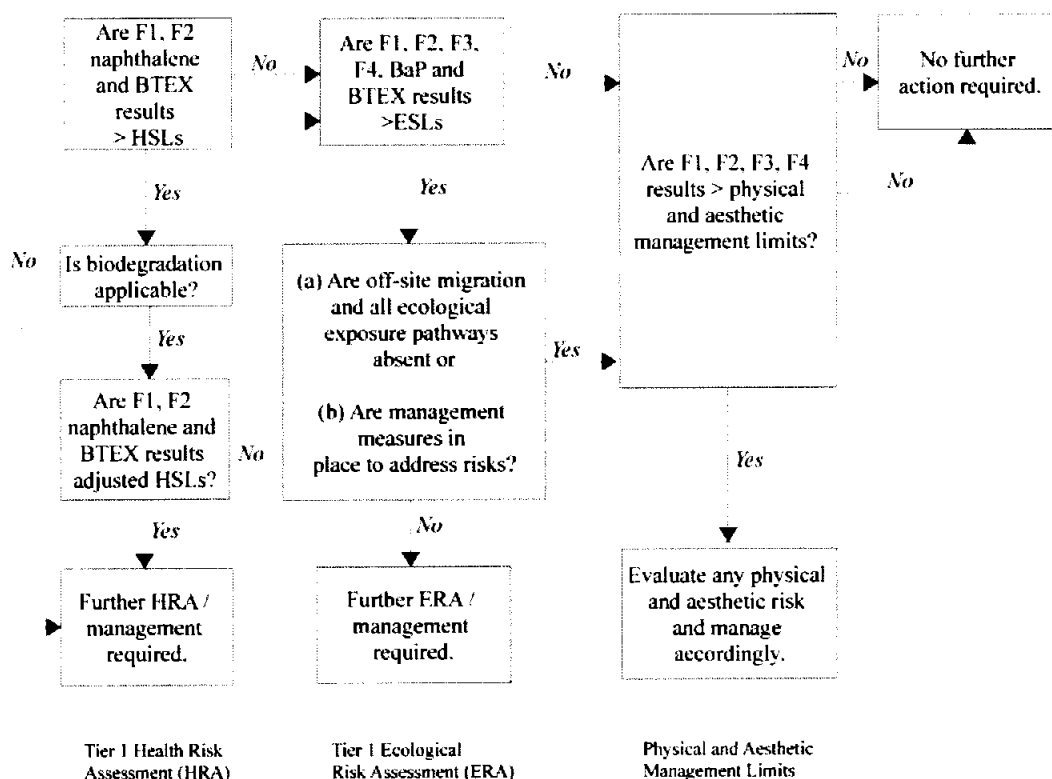


Figure 1 Flowchart for the Tier 1 human and ecological risk assessment of petroleum hydrocarbon contamination – application of HSL and ESL and consideration of management limits

8 RESULTS

A total of five (5) soil samples were sent to the laboratory for analysis. All soil results are compared to the relevant criteria in **Appendix I**. The following section presents a summary. Sample locations are shown on **Drawing 2, Appendix A**.

8.1 SOIL

- BTEX concentrations were not detected.
- PAH concentrations were not detected.
- All concentrations of TRH fractions were not detected.
- Concentrations of the metals analysed indicated that all samples were either below laboratory detection or else below both the residential health and ecological screening guidelines.
 - The maximum arsenic concentration reported was 5mg/kg.
 - The maximum chromium concentration was 19 mg/kg.
 - The maximum copper concentration reported was 2 mg/kg.
 - The maximum lead concentration reported was 11 mg/kg.
 - The maximum zinc concentration report was 48 mg/kg.

- All samples reported non-detectable cadmium, mercury and nickel concentrations.

Two (2) types of fill (SAND mixed with gravel and broken bricks; and silty SAND) were analysed with both samples reporting organic compounds below detection, and very low metal concentrations.

The remaining three (3) samples analysed were collected from natural material (Silty SAND, Sandy CLAY and sandy SILT) on the site and these were analysed to assess any potential impact from adjacent land uses.

9 ASSESSMENT OF POTENTIAL CONTAMINATION

Following on from the site inspection and limited sampling that was undertaken on 9 July 2015, all samples analysed have reported concentrations less than the guideline criteria and therefore the potential contamination of the site and its sources has been reduced.

Initial sampling indicates that the fill material used for the obstacle course is not considered to be contaminated as all analytes reported concentration less than the guideline criteria for residential areas. It is considered likely that the material was sourced from excavations on the site and is considered suitable to remain onsite. It is noted that very limited sampling was undertaken from the materials, and further sampling is advised to ensure that the concentrations are homogeneous; however the potential risk from the fill has reduced considerably.

Based on RCA's understanding of the site and the outcomes following reported soil concentrations, the potential contamination, exposure pathways, and receptors are considered as follows:

- Adjacent land use past and present surrounding the site.
 - The north of the site borders with Pacific Hydroponics nursery that may have resulted in surface soil contamination and possible groundwater that has migrated offsite. Contaminants of concern are organochlorine pesticides (OCP), organophosphorous pesticides (OPP), herbicides and triazines. Also nutrients such as nitrate and ammonia associated with fertilisers. Risks associated with this material are considered to be limited to direct exposure by ingestion or dermal contact. The potential for these contaminants to cause an impact on the subject site is considered to be limited.
 - The presence of the power stations to the east and west may also impact the site through deposition of dust causing increased metals concentrations on the site surface, however from the limited assessment undertaken during the site inspection this is now considered unlikely with all metal concentrations reported to either be below detection or well below the residential guideline criteria.
- Use of asbestos containing building materials at the site including demolition of buildings formerly occupying the site:
 - Many building structures were observed to have been fairly recently constructed, and the ground disturbance and presence of the dirt/ concrete piles located on the west of the site, within Area A, indicate that demolition works may have been undertaken. This area is situated directly east of the Pacific Highway and

although at the time of inspection the site was fenced it is not known if this has always been the case and how long these piles have been there. The area is heavily overgrown and it is not known if other piles/ debris are present underneath the growth. Use of asbestos containing materials on buildings formerly occupying the site is considered possible.

- This may have resulted in surface soil contamination, however it is noted that no evidence of asbestos impact or building products was observed during the site inspection.
- The risks associated with this contamination are considered to be inhalation directly or secondary from adhered fibres on equipment and clothing.
- Off-site impacts are considered unlikely although is dependent upon the extent of the degradation of building materials.
- Burial/ partial burial of waste, including white goods and electrical cables encountered within Area B, highlighted on **Drawing 2, Appendix A**.
 - The potential contamination and the extent is unknown due to the unknown composition of stockpiles and extent of potential burial. Review of recent aerial photographs on Nearmaps and Google Earth; suggest that this area has potentially been used for this purpose for the past several years.
 - General waste, litter and containers are also present in this area between the shrubs.
 - Risks associated with this material are considered to be limited to direct exposure by ingestion or dermal contact.
 - Off-site impacts are considered minimal, although there may have been some transportation/migration depending on the waste encountered and if the chemicals from the whitegoods/ containers have leaked.
- Possible presence of acid sulfate soils below 3m (Ref [2] and Ref [3]). This may only effect development if basements/underground carparks are part of the proposal:
 - This may lead to acid leachate and corrosion issues with excavated soil during and post development.
 - The risks associated with this contamination are considered to be the potential to increase the mobility of some contaminants, particularly metals.
 - Off-site impacts are possible through leaching of acidic surface water from the material.

It is considered that the distribution, type and extent (both vertically and horizontally) and the concentration of contamination (if any) within the sub-surface soils are unknown. However, from the potential sources of contamination recognised from the desktop review as well as the fieldwork and sampling undertaken, it is considered the likely areas impacted may be isolated and potentially limited to surface soils and fill material as follows:

- Asbestos- Area A (**Drawing 2, Appendix A**) with the potential at Area B (depending on the waste buried).
- Pesticides and herbicides- northern border of the Lot predominantly, potential for migration across the rest of the site.

- Including, but not necessarily limited to, metals/ PCBs/Hydrocarbons- within Area B (**Drawing 2, Appendix A**) waste burial area.
- Acid Sulfate Soils – potentially all areas of site at depth greater than 3m.
- Fill material – potentially all areas of site to the depth of fill. Preliminary sampling of the majority of fill across the site indicates the material used around the obstacle course is suitable to remain onsite, however further assessment of the material located in Area A and Area B is recommended.

The observations reported within the areas identified as Areas A and B (refer to **Drawing 2, Appendix A** for location) may pose a significant risk due to the unknown extent of disturbance and types of waste present.

In consideration of the proposed rezoning and redevelopment of the site, it is recommended that further intrusive works (Phase 2 assessment) be undertaken to determine the extent and concentration of contaminants of concern identified in targeted areas of the site during this assessment.

Further investigation and assessment is recommended in areas A, B and the northern border of the site which bounds the adjacent nursery. Area B will require works to be undertaken in order to assess the extent and contamination status of the waste burial. Area A will require further assessment to determine the composition and contamination status of the stockpile present onsite. It is advised that collection and analysis of surface soil samples from material close to the northern boundary is sent to the laboratory for pesticide and herbicide analysis.

Sampling and analysis of the fill materials used on the site and material present in Areas A and B are advised to allow for classification. This will assess if the material is homogeneous and will allow for suitable classification depending on future onsite use or offsite disposal.

10 CONCLUSIONS AND RECOMMENDATIONS

This report has presented the findings of a Phase 1 Environmental Site Assessment undertaken upon two Lots located in a rural transition area of Doyalson on the western corridor of the Pacific Highway.

Assessment of the site involved a desktop review to evaluate the historical information available for the site as well as a site inspection including the collection and analysis of five (5) surface soil samples to identify potential contamination. This assessment has included the site (surface and subsurface) and its immediate surrounds.

Laboratory results for the preliminary samples analysed indicate that there is negligible impact to the site from the presence of fill material with all analytes reporting concentrations below the detection limit of instrumentation or below the site guidelines.

Following the reported concentrations on natural material tested by the laboratory across the site, it is considered that adjacent land use and surrounding sites that have been notified to the NSW EPA have not significantly impacted the site through dust deposition, with the exception of potential nutrient and pesticide/herbicide contamination from the north which was not assessed in the initial analysis.

RCA does not consider the site suitable for the proposed redevelopment without the following recommendations and additional advised investigation.

- Area A (**Drawing 2, Appendix A**) – hydrocarbons and metals. Asbestos may also be required if further intrusive investigation indicates potential impact.
- Area B (**Drawing 2, Appendix A**) - including, but not necessarily limited to, metals, PCBs and Hydrocarbons. Asbestos may also be required if further intrusive investigation indicates potential impact
- The northern boundary- Pesticides and herbicides.

After further assessment, removal of waste material and remediation (if required), the site could be considered suitable for proposed rezoning and redevelopment and change of use.

11 LIMITATIONS

This report has been prepared for de Witt Consulting in accordance with an agreement with RCA Australia (RCA) dated 26 June 2015. The services performed by RCA have been conducted in a manner consistent with that generally exercised by members of its profession and consulting practice.

This report has been prepared for the sole use of de Witt Consulting. The report may not contain sufficient information for purposes of other uses or for parties other than de Witt Consulting. This report shall only be presented in full and may not be used to support objectives other than those stated in the report without written permission from RCA Australia.

The information in this report is considered accurate at the date of issue with regard to the current conditions of the site. Conditions can vary across any site that cannot be explicitly defined by investigation.

Environmental conditions including contaminant concentrations can change in a limited period of time. This should be considered if the report is used following a significant period of time after the date of issue.

Yours faithfully

RCA AUSTRALIA



Katy Shaw
Environmental Scientist



Matthew Clark
Associate Environmental Scientist

REFERENCES

- [1] Wyong Shire Council Local Environment Plan 2013, Land Zoning Map, Sheet LZN 018, under the *Environmental Planning and Assessment Act 1979*, published November 2013.
- [2] NSW Government (Department of Natural Resources), 1:25,000 scale *Acid Sulfate Soil Risk Map, Edition 2 – Catherine Hill Bay*, December 1997.

- [3] Wyong Shire Council Local Environment Plan 2013, Acid Sulfate Soils Map Sheet ASS_018, published July 2008.
- [4] NEPC, *National Environment Protection (Assessment of Site Contamination) Measure*, 1999 as amended 2013.
- [5] CRC Care, *Technical Report 10, Health screening levels for petroleum in soil and groundwater*, September 2011

GLOSSARY

95%UCL _{ave}	A statistical calculation – 95% Upper Confidence Limit of the arithmetic mean of the data set.
AHD	Australian height datum, based on a mean sea level.
Bgl	Below ground level
EIL	Ecological investigation level. Relates to soil concentrations which may pose a risk to ecological health.
ESL	Ecological screening level. Relates to vapour risk from petroleum hydrocarbons which may pose a risk to ecological health.
HIL	Health investigation level. Relates to soil concentrations which may pose a risk to human health in soil.
HSL	Health screening level. Relates to the vapour risk from petroleum hydrocarbons which may pose a risk to human health in soil. In-Situ In place, without excavation.
ISL	Investigation screening levels for soil. Comprised of HIL/EIL and HSL/ESL
kg	kilogram, 1000 gram.
Leachate	Fluid that has passed through a soil stratum, possibly collects contaminants.
LEP	Local environment plan. A planning tool for the Local Government.
mg	milligram, 1/1000 gram.
NAPL	Non-aqueous phase liquid. This can be lighter than water (LNAPL), or more dense than water (DNAPL).
NEPC	National Environment Protection Council.
NEPM	National Environment Protection Measure.
NOW	NSW Office of Water.
NSWEPA	NSW Environment Protection Authority – formerly a component of DECC, DECCW, OEH but made a separate entity in 2011 to regulates the contaminated land industry.
OEH	NSW Office of Environment and Heritage.
PQL	Practical Quantitation Limit.
QA	Quality Assurance.

QC	Quality Control.
RPD	Relative Percentage Difference.

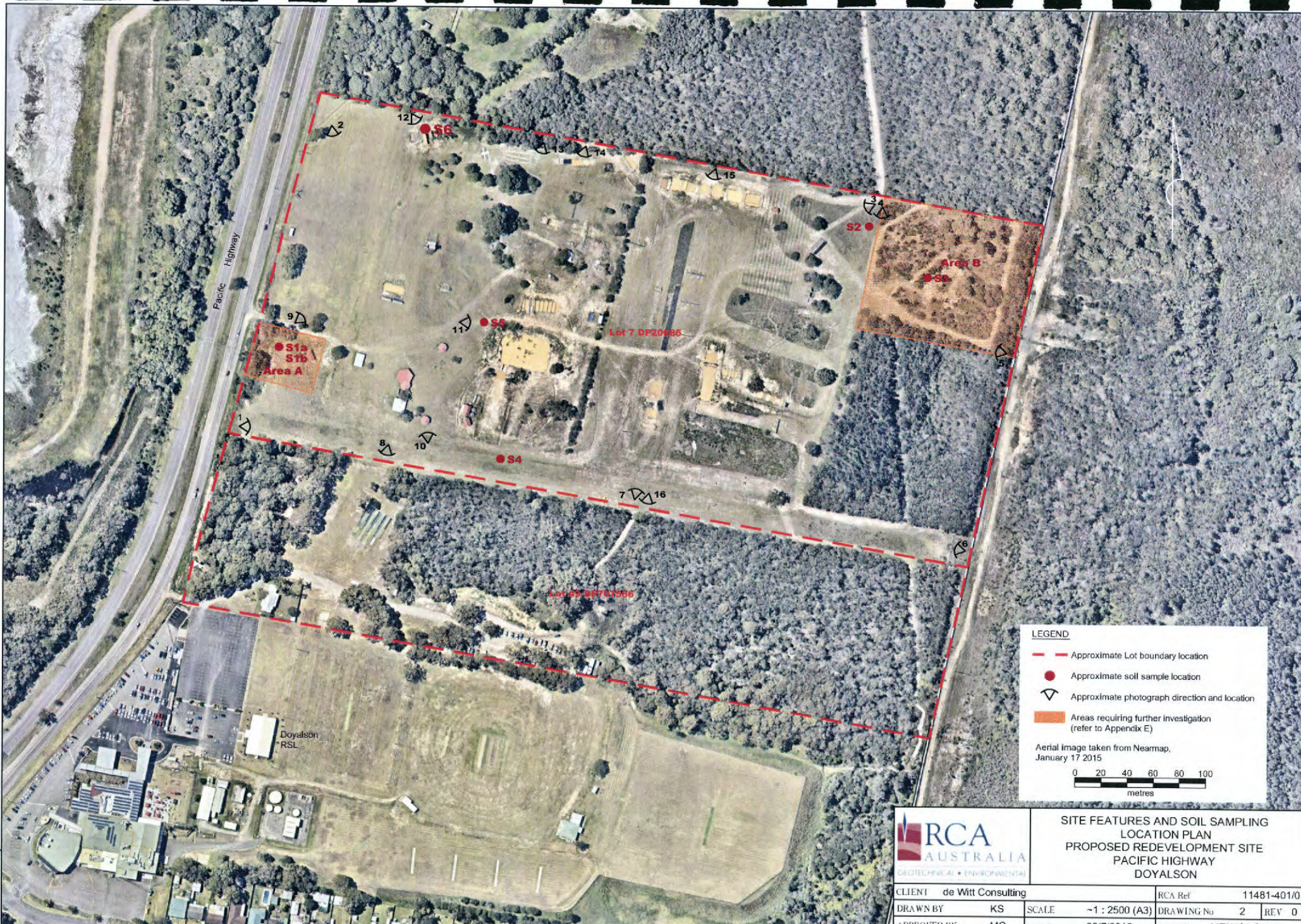
Chemical Compounds

BTEX	Benzene, toluene, ethylbenzene, xylene.
OCP	Organochlorin pesticides.
OPP	Organophosphorous pesticides.
PAH	Polycyclic aromatic hydrocarbons. Multi-ring compounds found in fuels, oils and creosote. These are also common combustion products.
PCB	Poly chlorinated biphenyls.
Phenol	Carbolic acid (C ₆ H ₅ OH). Phenols and substituted phenols are used as anti-microbial agents in high concentrations.
TPH	Total petroleum hydrocarbons.
TRH	Total recoverable hydrocarbons

Appendix A

Drawings





LEGEND

- Approximate Lot boundary location
- Approximate soil sample location
- ↖ Approximate photograph direction and location
- Orange shaded areas: Areas requiring further investigation (refer to Appendix E)

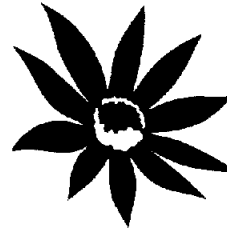
Aerial image taken from Nearmap, January 17 2015

0 20 40 60 80 100 metres

		SITE FEATURES AND SOIL SAMPLING LOCATION PLAN PROPOSED REDEVELOPMENT SITE PACIFIC HIGHWAY DOYALSON			
CLIENT	de Witt Consulting	RCA Ref	11481-401/0		
DRAWN BY	KS	SCALE	~1 : 2500 (A3)	DRAWING No	2
APPROVED BY	MC	DATE	30/7/2015	OFFICE	NEWCASTLE
				REV	0

Appendix B

Section 149 Certificate



Wyong
Shire
Council

ABN 47 054 613 735
Certificate No: 55905
Reference No: 5832:70222



De Witt Consulting
PO Box 850
CHARLESTOWN NSW 2290

SECTION 149(2) AND (5) PLANNING CERTIFICATE

This Planning Certificate is issued on 29 May 2015 in respect to the land described below, pursuant to s.149 of the Environmental Planning and Assessment Act 1979

Fee paid: \$133.00
Receipt No: 10110897
Receipt Date: 28 May 2015

DESCRIPTION OF LAND COUNTY OF NORTHUMBERLAND

Property Address: Doyalson RSL Club, 110 Pacific Highway, DOYALSON
NSW 2262
Property Description: Lot 7 DP 240685
Property Owner: Doyalson Wyee RSL Club Ltd

The information contained within this certificate relates to the land.

1 RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

1.1 Environmental Planning Instruments which apply to the land

Wyong Local Environmental Plan 2013

State Environmental Planning Policy No 64 – Advertising and Signage
State Environmental Planning Policy No 21 – Caravan Parks
State Environmental Planning Policy No 62 – Sustainable Aquaculture
State Environmental Planning Policy No 44 – Koala Habitat Protection
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy No 50 – Canal Estates
State Environmental Planning Policy No 55 – Remediation of Land
State Environmental Planning Policy (Major Development) 2005
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (State and Regional Development) 2011

1.2 Proposed Environmental Planning Instruments which will apply to the land and is or has been the subject the subject of community consultation or public exhibition

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

1.3 Development Control Plans

Development Control Plan 2013 applies to this land.

2 ZONING AND LAND USE

a Identity of the Zone

Lot 7 DP 240685

RU6 Transition

For each of the environmental planning instruments referred to in clause 1, please refer to the attached land use table to determine (b), (c) and (d) listed below:

- b development that may be carried out within the zone without the need for development consent,
- c development which may not be carried out within the zone except with development consent and
- d development which is prohibited within the zone

e Development Standards applying to the land

Development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on this land.

The minimum land dimension so fixed is 40ha.

f Critical Habitat

Nil

g Conservation Area

Nil

h Environmental Heritage

Nil

2A ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006

Not applicable

3 COMPLYING DEVELOPMENT

Whether or not the land is land on which complying development can be carried out under each of the codes for complying development because of the provisions of clause 1.17A (c) and (d) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*?

1. PART 3 – GENERAL HOUSING CODE

- a Complying Development under the General Housing Code **may** be carried out on the land.

2. PART 3A – RURAL HOUSING CODE

- a Complying development under the Rural Housing Code **may** be carried out on the land providing the land is not less than the minimum lot size for the erection of a dwelling house under the Wyong Local Environmental Plan 2013.

3. PART 4 – HOUSING ALTERATIONS CODE

- a Complying development under the Housing Alterations Code **may** be carried out on the land.

4. PART 4A – GENERAL DEVELOPMENT CODE

- a Complying development under the General Development Code **may** be carried out on the land.

5. PART 5 – COMMERCIAL AND INDUSTRIAL ALTERATIONS CODE

- a Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

6. PART 5A – COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE
 - a Complying development under the Commercial and Industrial (New Buildings and Additions) Code **may** be carried out on the land.
7. PART 6 – SUBDIVISIONS CODE
 - a Complying development under the Subdivisions Code **may** be carried out on the land.
8. PART 7 – DEMOLITION CODE
 - a Complying development under the Demolition code **may** be carried out on the land.
9. PART 8 – FIRE SAFETY CODE
 - a Complying development under the Fire Safety Code **may** be carried out on the land.

4 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.

4A CERTAIN INFORMATION RELATING TO BEACHES AND COASTS

1. An order has not been made under Part 4D of the *Coastal Protection Act 1979* on this land or on any public land adjacent to this property in relation to temporary coastal protection works. If an order has been made previously, Council is fully satisfied that the order has been complied with.
2. Council has not been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works have been placed on the land or public land adjacent to this property.

4B ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS

The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works.

5 MINE SUBSIDENCE

The land is within a proclaimed mine subsidence district under the Mine Subsidence Compensation Act 1961.

6 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 widening or road re-alignment under the above.

3. COUNCIL RESOLUTIONS

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

However, it should be noted that this parcel either fronts or abuts a road under the control of the Roads and Maritime Services. For further details regarding road widening please refer to that agency.

7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES TO RESTRICT DEVELOPMENT DUE TO RISK

This land is affected by a policy adopted by the council or other public authority that restricts the development of the land because of the likelihood of risk restrictions. This land is affected because:

The land is classed as being Acid Sulfate Soil Class 5

7A FLOOD RELATED DEVELOPMENT CONTROLS

- 1.** Development on this land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or senior housing) and for other purposes are **not** subject to flood related development controls.
- 2.** Development on this land or part of the land for any other purpose is **not** subject to flood related development controls.

A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0), published by the NSW Government in April 2005, unless it is otherwise defined in this Plan.

8 LAND RESERVED FOR ACQUISITION

The following environmental planning instruments and proposed environmental planning instruments make provisions for the acquisition of land by a public authority as referred to in Section 27 of the Act:

Wyong Local Environmental Plan 2013
State Environmental Planning Policy (Major Development) 2005

9 CONTRIBUTION PLANS

This land is subject to the Section 94A Levy Development Contributions Plan for Wyong Shire.

This land is subject to the Section 94 Contributions Plan for Wyong Shire No. 11 - Shire wide Infrastructure, Services and Facilities – July 2007.

9A BIODIVERSITY CERTIFIED LAND

The land is not "biodiversity certified land" within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*.

10 BIOBANKING AGREEMENTS

Council has not been notified by the Director-General of the Department of Environment, Climate Change and Water of an agreement issued under Part 7A of the *Threatened Species Conservation Act 1995*.

11 BUSHFIRE PRONE LAND

The information currently available to Council indicates **some** of the land is shown as bush fire prone land according to the Act.

12 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 Local Land Services - Greater Sydney of the approval of a plan. Further information about property vegetation plans should be obtained from that Authority.

13 ORDER UNDER 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.

14 DIRECTIONS UNDER PART 3A

Not Applicable

15 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING

Council is not aware of there being a valid Site Compatibility Certificate issued by the Director-General of the Department of Planning and Infrastructure in respect of the land.

NOTE: This advice is based on information provided by the NSW Department of Planning and Infrastructure.

16 SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE

Council is not aware of there being a valid Site Compatibility Certificate issued by the Director-General of the Department of Planning and Infrastructure in respect of the land.

NOTE: This advice is based on information provided by the NSW Department of Planning and Infrastructure.

17 SITE COMPATIBILITY CERTIFICATES FOR AFFORDABLE RENTAL HOUSING

Council is not aware of there being a valid Site Compatibility Certificate issued by the Director-General of the Department of Planning and Infrastructure in respect of the land.

NOTE: This advice is based on information provided by the NSW Department of Planning and Infrastructure.

18 PAPER SUBDIVISION INFORMATION

1. THE NAME OF ANY DEVELOPMENT PLAN ADOPTED BY A RELEVANT AUTHORITY THAT APPLIES TO THIS LAND OR THAT IS PROPOSED TO BE SUBJECT TO A CONSENT BALLOT.

Nil

2. THE DATE OF ANY SUBDIVISION ORDER THAT APPLIES TO THIS LAND.

Not applicable

Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

19 SITE VERIFICATION CERTIFICATE

Council is not aware of a Site Verification Certificate having been issued by the Director-General of the Department of Planning and Infrastructure in respect to this land.

Note: A site verification certificate sets out the Director-General's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

20 CONTAMINATED LAND MANAGEMENT ACT 1979

Not Applicable

21 NATION BUILDING AND JOBS PLAN (STATE INFRASTRUCTURE DELIVERY) ACT 2009

Nil

22 ADVICE PROVIDED PURSUANT TO S.149(5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

22.1 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.

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



Toni Blenheim
Signed on Behalf of Council

LAND USE TABLE

Zone RU6 Transition Wyong Local Environmental Plan 2013

1 Objectives of zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that interim land uses do not have an adverse impact on the conservation or development potential of land identified for future investigation in the North Wyong Shire Structure Plan or Wyong Settlement Strategy.

2 Permitted without consent

Home-based child care;

3 Permitted with consent

Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Home businesses; Home industries; Home occupations; Horticulture; Information and education facilities; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Waste or resource management facilities; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Appendix C

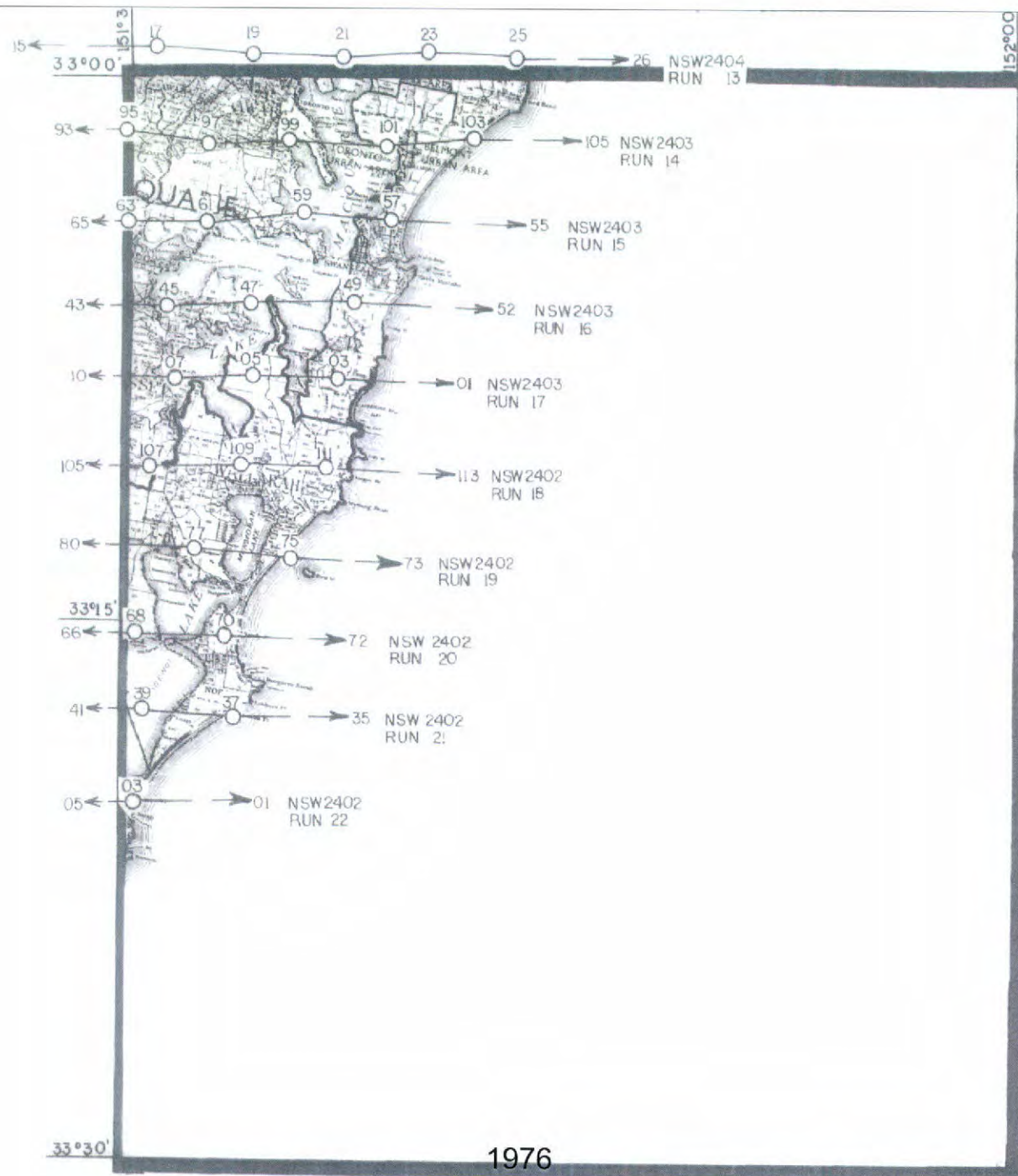
Historical Aerial Photographs







1965



1976



1976