

BUSHELLS RIDGE/DOYALSON, 425 Bushells Ridge Road, Bushells Ridge & 10 Wyee Road, Doyalson

Proposal Title : BUSHELLS RIDGE/DOYALSON, 425 Bushells Ridge Road, Bushells Ridge & 10 Wyee Road, Doyalson

Proposal Summary : The Darkinjung Local Aboriginal Land Council lodged a multi-site rezoning proposal with Council in June 2014. The proposal sought to facilitate residential and employment development and conservation outcomes on 5 sites in northern Wyong. Due to the complexity of the multi-site rezoning proposal, Council separated the project into site specific proposals.

Council resolved to progress Site 1 Lake Munmorah and a Gateway determination has been issued. Council resolved also to support Site 3 Doyalson but deferred consideration of Site 4 Bushells Ridge.

The proponent submitted a pre-Gateway review request for the rezoning proposal at Site 4 Bushells Ridge. The Deputy Secretary endorsed the Department's Information and Assessment Report relating to the request and considered there may be merit in the proposal proceeding to the Gateway determination stage. The proposal was referred to the JRPP for advice.

The JRPP reviewed the proposal on 19 November 2015 and recommended that the proposal be submitted for a Gateway determination. Given the proximity of Site 4 Bushells Ridge to Site 3 Doyalson, already supported by Council, Council were advised to consider combining the sites into one planning proposal.

A proposal to rezone land at Bushells Ridge Road, Bushells Ridge and Wyee Road, Doyalson has subsequently been submitted for a Gateway determination.

The objective of the proposal is to rezone land to enable low density and large lot residential development, development for the purposes of a neighbourhood centre and environmental conservation. The proposed land use configuration is as follows:

Site 4 – Bushells Ridge: Rezone IN1 General Industrial and E2 Environmental Conservation to R2 Low Density Residential, R5 Large Lot Residential and a zone to conserve and manage areas of environmental significance.

Site 3 – Doyalson: Rezone RU6 Transition and E2 Environmental Conservation to R2 Low Density Residential, B1 Neighbourhood Centre and zone/s to conserve and manage areas of environmental significance.

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

PP Number : PP_2016_WYONG_005_00 Dop File No : 16/04122

Proposal Details

Date Planning Proposal Received :	19-Apr-2016	LGA covered :	Wyong
Region :	Hunter	RPA :	Wyong Shire Council
State Electorate :	WYONG	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

**BUSHELLS RIDGE/DOYALSON, 425 Bushells Ridge Road, Bushells Ridge & 10 Wyee Road,
Doyalson**

Street : **Bushells Ridge Road**
Suburb : **Bushells Ridge** City : **Bushells Ridge** Postcode : **2259**
Land Parcel : **Lot 107, 108, 109, 110 and 111 DP 755245, Lot 191, 192 and 193 DP 1032847**
Street : **Wyee Road**
Suburb : **Doyalson** City : **Doyalson** Postcode : **2262**
Land Parcel : **Part Lot 204 DP 1117900**

DoP Planning Officer Contact Details

Contact Name : **Claire Swan**
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RPA Contact Details

Contact Name : **Scott Duncan**
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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	No
MDP Number :		Date of Release :	
Area of Release (Ha)	95.00	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	895
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or
communications with
registered lobbyists? :

If Yes, comment :

**BUSHELLS RIDGE/DOYALSON, 425 Bushells Ridge Road, Bushells Ridge & 10 Wyee Road,
Doyalson**

Supporting notes

Internal Supporting
Notes :

Council has described the applicable lands as:

425 Bushells Ridge Road, Bushells Ridge, including:

- Lot 107, 108, 109 and 111 DP 755245
- Lot 110 DP 745245
- Lot 191 DP 1032847

10 Wyee Road, Doyalson, including:

- Lot 204 DP 1117900

On review of the planning proposal and locality maps identifying the proposed boundary of the planning proposal, it is apparent that Council's land description for the applicable lands is incorrect.

The applicable lands, as mapped in the planning proposal, include:

- Lot 107,108,109,110 and 111 DP 755245
- Lot 191, 192 and 193 DP 1032847
- Part Lot 204 DP 1117900.

The planning proposal will need to be amended to reflect the correct land description prior to exhibition.

Council submitted the planning proposal on 18 March 2016. An updated planning proposal was provided on 19 April 2016.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment :

The objective of the proposal is to amend existing planning controls and rezone land to enable low density and large lot residential development, development for the purposes of a neighbourhood centre and protect the remaining areas of environmental significance.

Council has also identified amendments to the Land Reservation Acquisition Map of Wyong Local Environmental Plan (LEP) 2013 for the purposes of road widening. This should be stated in the objectives of the proposal.

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

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

Comment :

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

- Rezone the applicable land at Bushells Ridge from IN1 General Industrial and E2 Environmental Conservation to R2 Low Density Residential, R5 Large Lot Residential and a zone or zones to be determined that will conserve and manage areas of environmental significance.
- Rezone the applicable land at Doyalson from RU6 Transition and E2 Environmental Conservation to R2 Low Density Residential, B1 Neighbourhood Centre and a zone or zones to be determined that will conserve and manage areas of environmental significance.
- Amend the minimum lot size maps for each zone as follows:
R2 - 450sqm

**BUSHELLS RIDGE/DOYALSON, 425 Bushells Ridge Road, Bushells Ridge & 10 Wyee Road,
Doyalson**

R5 - 2,000sqm

E2 - 40ha

E3 - 40ha

- Identify the applicable land at Bushells Ridge and Doyalson as an Urban Release Area, subject to the provisions of Part 6 of Wyong Local Environmental Plan (LEP) 2013.
- Identify the applicable land at Bushells Ridge and Doyalson on the Land Acquisition Map of the Wyong Local Environmental Plan (LEP) 2013 for the purposes of road widening.

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

To address environmental, social and economic impacts of future development as a result of the proposed rezoning, Council proposes to prepare site specific development provisions that will be incorporated in an amendment of Clause 6.1 of Development Control Plan (DCP) 2013. These development provisions are not proposed to be exhibited concurrently with the Planning Proposal.

The explanation of provisions is considered adequate.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

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

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

e) List any other matters that need to be considered :

SEPP 44 - Koala Habitat Protection

Council has advised a potential Koala Habitat assessment will be required as part of any future ecological assessment to address SEPP 44 matters.

SEPP No 55—Remediation of Land

Clause 6 of the SEPP requires contamination and remediation to be considered in zoning or rezoning proposals. Council has advised a Phase 1 Contaminated Lands Assessment will be required to address the requirements of the SEPP.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

The applicable lands at Doyalson are located within a Mine Subsidence District. Council proposes to consult the Mine Subsidence Board (MSB) as the Planning Proposal progresses.

The applicable lands at Bushells Ridge are in the vicinity of the proposed Wallarah 2 coal mine. Council has proposed to consult NSW Trade and Investment - Resources and Energy and adjoining lease owners to determine the impact of the proposed rezoning and resultant development on coal and mineral resource extraction in the locality.

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

If No, explain :

1.1 Business and Industrial Zones

Council states the the proposal will rezone approximately 60 hectares of IN1 General Industrial lands to enable residential and commercial development. The proposal is therefore inconsistent with this Direction.

Council has proposed to balance the impact of this loss through the creation of additional industrial lands, approximately 45 hectares, through a separate planning proposal at Wallarah. This planning proposal is yet to be submitted to the Department for a Gateway determination.

A neighbourhood centre is also proposed however there is no support in the CCRS, NWSSP or Council's Retail Strategy for a centre at this location.

Further assessment of both matters will be required and Council will need to seek the Secretary's agreement to support the inconsistency with the direction.

1.2 Rural Zones

Council has identified the applicable lands at Doyalson as land use zone RU6. This zoning has been applied as an interim measure until further planning investigations are undertaken and the appropriate land use configuration for the area is determined. This process will determine that land use configuration. Council will need to address the requirements of this Direction following consultation with the NSW Department of Primary Industries - Agriculture as the Planning Proposal progresses.

1.3 Mining, Petroleum Production and Extractive Industries

The applicable lands at Doyalson are located within a Mine Subsidence District. Council proposes to consult the Mine Subsidence Board (MSB) as the Planning Proposal progresses.

The applicable lands at Bushells Ridge are in the vicinity of the proposed Wallarah 2 coal mine. Council has proposed to consult NSW Trade and Investment - Resources and Energy and adjoining lease owners to determine the impact of the proposed rezoning and resultant development on coal and mineral resource extraction in the locality.

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

2.1 Environment Protection Zones

The applicable land is located within an identified green corridor in the North Wyong Shire Structure Plan. The proposal seeks to rezone environmental conservation land for residential purposes and is inconsistent with the Direction. Council will need to consult with Office of Environment and Heritage (OEH) to address impacts on biodiversity, offsets, threatened species and the green corridor and habitat networks and justify the inconsistency under the terms of the Direction.

2.3 Heritage Conservation

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

3.1 Residential Zones

Council has advised the proposal is generally consistent with the Direction however zone boundaries are yet to be established and funding arrangements for infrastructure servicing are yet to be resolved. Council should address the requirements of the Direction following provision of additional information on zones, servicing and infrastructure arrangements.

3.4 Integrating Land Use and Transport

Council has advised the proposal is generally consistent with the Direction however further investigation is required to establish appropriate zones within the site and further assessment on alternative transport options is to be undertaken. Council should address the requirements of the Direction following provision of traffic and transport investigations.

4.1 Acid Sulfate Soils

Council has stated the proponent will be required to undertake an Acid Sulfate Soil assessment. The applicable lands are several kilometres from the nearest Acid Sulfate Soil class 1-4 lands and this is therefore not considered necessary. Council should update its consideration of the Direction prior to exhibition of the planning proposal as there is no inconsistency with the Direction.

4.2 Mine Subsidence and Unstable Land

The applicable land is located within a Mine Subsidence District and consistency with the Direction would need to be determined following consultation with the Mine Subsidence Board.

4.3 Flood Prone Land

Council has identified that no flood mapping exists for the area proposed to be rezoned and has advised a local flood study would be required. Council will need to address the requirements of the Direction once additional information on flooding and drainage has been obtained.

4.4 Planning for Bushfire Protection

The applicable land is located on land identified as Bushfire Prone. Council should address the terms of the Direction once additional information regarding bushfire protection has been obtained and consultation with the NSW Rural Fire Service has occurred.

5.1 Implementation of Regional Strategies

Council has advised the proposal is inconsistent with the North Wyong Shire Structure Plan staging plan for land release within strategically located sites and proposes development identified within a future green corridor. Council will need to reconsider the Direction as further investigations are completed. Council will need to address the terms of the Direction and seek the Secretary's agreement for the inconsistency.

6.2 Reserving Land for Public Purposes

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

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided:

- Existing Land Zoning and Minimum Lot Size Maps.

Council will also need to provide the following mapping:

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

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a 28 day exhibition period. This is supported.**

Additional Director General's requirements

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

If Yes, reasons :

TIMELINE

Council anticipate notification of the plan in July 2017 (approximately 16 months). An 18 month timeframe is considered sufficient time to make the plan.

DELEGATIONS

Council has requested delegations to make the plan. There are a number of inconsistencies with the CCRS, NWSSP and S117 Directions and Council would need to seek the Secretary's agreement for any inconsistencies prior to the plan being made. Due to the extent of further information required it is recommended delegations be retained by the Department in this case.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The planning proposal seeks to amend Wyong LEP 2013**

Assessment Criteria

Need for planning proposal :

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

As a result of this examination five development sites within the North Wyong Shire Structure Plan area were nominated for further consideration through the rezoning process. The applicable lands at Bushells Ridge and Doyalson are two of the five identified development sites.

Consistency with
strategic planning
framework :

NORTH WYONG SHIRE STRUCTURE PLAN (NWSSP)

The proposal is located on land identified as 'strategically located' and 'Green Corridor and habitat networks' in the NWSSP. The proposal includes Development Precinct 11 (a proposed employment area) which is identified as staged long term release area (i.e. greater than 15 years).

The staging of development for any future urban land within the 'strategically located' lands is expected to be generally consistent with the staging identified on the adjoining land. Although the proposal is inconsistent with the staging of release areas, the NWSSP makes provision for flexibility in staging plans to allow additional land to be released provided satisfactory arrangements are in place to forward fund the appropriate infrastructure. It also provides a framework for identifying and assessing development opportunities in these areas subject to key issues being addressed including:

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

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

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

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

CENTRAL COAST REGIONAL STRATEGY (CCRS)

Council provided an assessment against the sustainability criteria for new land release and identified the proposal is generally consistent with the criteria. Council has acknowledged further work is required in relation to supporting studies and consistency with a number of S117 Directions before consistency can be determined.

DRAFT CENTRAL COAST REGIONAL PLAN

The draft Central Coast Regional Plan was exhibited from 27 November 2015 to 24 March 2016. It is a high level document to plan for population growth and change on the Central Coast. Council identified the Directions of the draft Plan including the focus of increased employment development in the locality of the proposal and the environmental significance of lands within the proposal.

The proposed rezoning is not inconsistent with the draft Central Coast Regional Plan (the draft Plan). The draft Plan envisages the Department and Wyong Shire Council reviewing the North Wyong Shire Structure Plan to reflect the latest planning information and provide greater certainty about issues associated with strategic sites. Both the existing Central Coast Regional Strategy and the draft Plan provide a pathway for progression of the rezoning.

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

COMMUNITY STRATEGIC PLAN 2030

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

SETTLEMENT STRATEGY

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

Environmental social
economic impacts :

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

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

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

- Bushfire
- Mineral Resources - Extraction and Subsidence
- Aboriginal and Non-Aboriginal Heritage
- Contaminated Lands and Acid Sulfate Soils
- Flooding, drainage and stormwater management
- Noise and vibration impacts in relation to the railway, proposed CASAR Motor Sports Park and proposed upgrades to Warnervale Aerodrome.
- Social and amenity impacts, particularly the relationship between future commercial development and Wyee village in Lake Macquarie Local Government Area
- Traffic and transport impacts
- Water supply, sewer and power.

FURTHER INVESTIGATIONS

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

- detailed water and sewer servicing plan (which will include details on who will design and build infrastructure. Details will also be required on the timing of the provision of funds to provide these services)
- services review (gas, telecommunications, electricity provision etc.)
- complete ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy to be done in accordance with approved OEH offset methodologies)
- flooding, drainage and stormwater management studies
- social impact assessment
- retail strategy justification
- mining compatibility assessment
- preliminary contaminated land and acid sulfate risk study
- noise and vibration assessment for proposed development in proximity of rail corridors, Warnervale Aerodrome, proposed CASAR Motor Sports Park and Wallarah 2 Coal Mine
- aboriginal archaeological assessment
- revised traffic impact assessment report (which will also examine public transport, pedestrian and cycleway planning issues)
- structure plan, urban design principles and draft Development Control Plan
- draft VPA and possible revision to Section 94 Contribution Plan (dependent on infrastructure and servicing issues).

- updated planning proposal/planning controls (rezoning)
- clarification of the land use zone configuration and boundaries to address regional wildlife corridor planning outcomes identified in the NWSSP including input from OEH on corridor sizing and planning for environmental outcomes in the NWSSP.

Given the site is located within a green corridor and a development footprint is yet to be established, the additional information requirements Council proposes are generally supported. The noise assessment for proposed development in proximity to the rail corridor and to understand the noise impacts of the proposed Motor Sports Park and proposed upgrade to Warnervale Aerodrome is supported.

The JRPP recommended that in addition to the matters raised in the Department's assessment of the pre-Gateway request, the following should be addressed to inform and confirm the suitability of the site for residential development and the location of proposed zones and land uses:

- air quality impacts from the proposed CASAR Motor Sports Park, Wallarah 2 Coal Mine and the associated spur rail line;
- air quality, noise and amenity impacts from the nearby existing clay mine and tile facility;
- examination of potential land use conflicts and impacts of residential development on the above mentioned surrounding existing and proposed non-residential land uses;
- expand the study area to include the adjoining site fronting Bushells Ridge Road which lies outside the ownership of Darkinjung LALC to provide an opportunity for the orderly development of land should the land be rezoned;
- Flora and Fauna constraints – including potential red flags;
- Aboriginal Heritage constraints – including potential red flags;
- Social and economic impact assessment;
- overland flow paths and stormwater requirements need to be identified and considered in determining the location of proposed zones and land uses.
- examine opportunities to ensure the rezoning proposal is integrated with the expansion of Wyee Village including opportunities for shared community facilities, open space and pedestrian networks between Wyong Shire Council and Lake Macquarie City Council.
- Bushfire planning requirements need to be considered, including road access planning and possible impacts of development staging to avoid single road entry/exit points into the development and
- Confirmation of servicing and infrastructure requirements to facilitate residential development including the need for State and local contributions towards infrastructure.

The JRPP's recommendations have been considered in the Gateway conditions.

AGENCY CONSULTATION

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

- Ausgrid/Transgrid
- Commonwealth Department of Environment
- Department of Planning and Environment
- Department of Primary Industries - Office of Water
- Department of Trade and Investment-Resources & Energy(Geological Survey of NSW)
- Guringai Tribal Link
- Yulawirri Nurai Indigenous Inc.
- Jemena
- Local Land Services
- Lake Macquarie City Council
- Mine Subsidence Board
- NSW Rural Fire Service
- NSW Trade and Investment - Crown Lands
- Office of Environment and Heritage (Conservation Planning)
- Office of Environment and Heritage (Heritage)
- Office of Environment and Heritage (Water, Floodplains and Coasts)
- Roads and Maritime Services

- Transport for NSW

The Department of Education and Communities, NSW Health, and the emergency services (Police, Fire, Ambulance and SES) should be consulted given the additional demands likely to be created by the additional population from future development. In addition the NSW Department of Primary Industries - Agriculture should be consulted given the planning proposal inconsistency with Section 117 Direction 1.2 Rural Zones.

Consultation with the Department of Planning and Environment and Commonwealth Department of Environment is considered unnecessary.

INFRASTRUCTURE PROVISION LOCAL AND STATE

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

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
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Timeframe to make LEP :	18 months	Delegation :	DDG
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Public Authority Consultation - s56(2)(d) :	Ambulance Service of NSW Department of Education and Communities Office of Environment and Heritage NSW Department of Primary Industries - Minerals and Petroleum Department of Trade and Investment Mine Subsidence Board Transport for NSW Fire and Rescue NSW Department of Health NSW Police Force NSW Rural Fire Service Transport for NSW Transport for NSW - Roads and Maritime Services State Emergency Service Transgrid Adjoining LGAs Other
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

BUSHELLS RIDGE/DOYALSON, 425 Bushells Ridge Road, Bushells Ridge & 10 Wyee Road, Doyalson

Identify any internal consultations, if required :

No internal consultation required

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

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

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal_Wyong_005_Proposal Council Letter.pdf	Proposal Covering Letter	Yes
19042016 Updated Planning Proposal - Post JRPP Determination- revised.pdf	Proposal	Yes
Planning Proposal_Wyong_005 Mapping.pdf	Map	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 2.4 Recreation Vehicle Areas
 - 3.1 Residential Zones
 - 3.2 Caravan Parks and Manufactured Home Estates
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.2 Mine Subsidence and Unstable Land
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions

- Additional Information : **The planning proposal should proceed subject to the following conditions:**
1. Council is to be satisfied that sufficient information has been provided to demonstrate that the planning proposal adequately addresses the following issues:
 - water and sewer servicing plan and funding mechanisms
 - services provision (gas, telecommunications, electricity)
 - ecological investigations (in consultation with OEH)
 - flooding, drainage and stormwater management
 - bushfire planning requirements
 - retail strategy justification
 - land use capability assessment including compatibility with mining and extractive industries
 - social impact assessment
 - economic impact assessment
 - preliminary contaminated lands assessment
 - noise and vibration assessment
 - air quality assessment
 - Aboriginal cultural heritage
 - traffic report including examination of public transport, pedestrian and cycleway

planning issues

- open space and recreation analysis
- opportunities to integrate rezoning with expansion of Wyee village including shared community, open space and pedestrian networks between Wyong Shire Council and Lake Macquarie Council
- land use conflicts and impacts of residential development on existing and proposed non-residential land uses in proximity including the rail line, proposed CASAR Motor Sports Park, proposed Wallarah 2 coal mine and rail spur and existing clay mine and tile facility.

2. Prior to undertaking public exhibition, update the planning proposal and supporting maps as required to:

- ensure land descriptions are correct
- clarify the encroachment of proposed residential development on the proposed Wallarah 2 underground coal mine and rail spur at the southern extent of Lot 193 DP 1032847
- determine proposed planning provisions are supported by studies and agency consultation.

3. Prior to undertaking public exhibition, update the planning proposal to consider consistency with SEPP 44 Koala Habitat Protection.

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

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

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones (NSW Department of Primary Industries - Agriculture)
- 1.3 Mining, Petroleum Production and Extractive Industries (NSW Trade & Investment - Resources and Energy)
- 2.1 Environment Protection Zones (Office of Environment and Heritage - National Parks and Wildlife Service)
- 2.3 Heritage Conservation (Office of Environment and Heritage - Heritage Branch)
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport (Transport NSW – RMS)
- 4.2 Mine Subsidence and Unstable Land (Mine Subsidence Board)
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection (NSW Rural Fire Service)
- 5.1 Implementation of Regional Strategies
- 6.2 Reserving Land for Public Purposes

6. Consultation is required with the following bodies:

- Lake Macquarie City Council
- Ausgrid
- Transgrid
- NSW Department of Primary Industries - Agriculture
- NSW Department of Primary Industries - Water
- Office of Environment and Heritage
- NSW Trade & Investment - Resources and Energy
- NSW Department of Primary Industries – Lands
- Mine Subsidence Board
- Transport for NSW - Roads and Maritime Services
- Transport for NSW
- Guringai Tribal Link
- Yulawirri Nurai Indigenous Inc.
- Jemena
- NSW Rural Fire Service
- Fire and Rescue NSW

- State Emergency Service
- NSW Ambulance Service
- NSW Police Force
- NSW Health
- NSW Department of Education and Communities

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

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

9. No public hearing is required.

10. The Department retains delegation to make the plan.

Supporting Reasons :

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

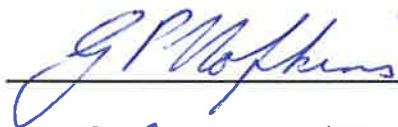
- The North Wyong Shire Structure Plan allows for development proposals to progress on strategically constrained lands;

- The proposal would represent a logical extension of the existing adjoining urban area at Wyee

- The planning proposal process provides for the additional investigations and agency consultation required to justify the rezoning for residential and employment purposes and identify the regional conservation corridor to be conducted post a Gateway determination.

- Matters to address biodiversity conservation, bushfire management, flooding and drainage, land contamination, traffic, water and sewer, noise and vibration mitigation and resource extraction impacts appear capable of resolution and can be further reviewed as part of the post Gateway determination requirements.

Signature:



Printed Name:

G P HOPKINS

Date:

29 April 2016