



Wyong
Shire
Council

Wyong Shire Council
Miscellaneous Amendment 2

F2014/01690
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Planning Proposal
Miscellaneous Amendment 2

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Introduction

This document describes an amendment to the Wyong Local Environmental Plan (WLEP) 2013, to be known as Miscellaneous Amendment 2. Miscellaneous Amendment 2 will address issues that have arisen during the operation of WLEP 2013 and correct minor errors and anomalies.

This Planning Proposal contains a number of amendments and applies to a large area of the Wyong Local Government Area (LGA), and should be treated as a Shire-wide amending LEP.

Part 1 Objectives or Intended Outcomes

The objective of this proposal is to amend the Wyong Local Environmental Plan (LEP) 2013 to address issues that have arisen during the operation of WLEP 2013 and correct minor errors and anomalies.

Specifically, this Planning Proposal aims to:

1. Correct errors and anomalies

Due to the large scale of the document, a number of anomalies were created in error during the preparation of WLEP 2013. For example, zoning errors that were overlooked during preparation of WLEP 2013 that now need to be remedied in order to ensure that the relevant landowners are not constrained in the long-term by such an error.

2. Clarify certain development provisions within Clauses

For example, it is proposed to amend the provisions relating to dual occupancy developments under Clause 4.1B – Subdivision of dual occupancies in the R2 zone. This is deemed necessary to facilitate the subdivision of existing lawfully created dual occupancies.

Part 2 Explanation of Provisions

The table below outlined changes sought to WLEP 2013 as part of this Planning Proposal. All proposed clause amendments may be subject to revision during the Parliamentary Counsel drafting.

Provision/Property		Issue Summary	Recommendation
MAPPING			
Land Zoning Map			
1	Lot 118 DP 263470 44 Thomas Walker Dr, Chittaway Bay	Mapping anomaly – The site was previously zoned 2(a) Residential Zone under WLEP 1991 and was erroneously rezoned RE1 Public Recreation under WLEP 2013. The site is privately owned and is not identified for acquisition by Council for open space and the residential zoning should be restored.	Amend the Land Zoning Map (LZN-010) to rezone the subject land to R2 Low Density Residential.
2	Lot 1 DP 596407 34 Albert Warner Drive, Warnervale	Rezone part of the site from RE1 Public Recreation to R2 Low Density Residential as land is no longer required under the Porters Creek IWCM for the purpose of wetlands and storage. Remove site from LRA map.	Amend the Land Zoning Map (LZN_007A) to rezone the site to R2 Low Density Residential. Remove the site from the Land Reservation Acquisition Map (LRA_007A). Amend the Lot Size Map (LSZ_007A) to show the site as having a minimum lot size of 450m ² .
3	Lot 72 DP 7091 & Lot 101 DP 829060 77-91 & 93-123 Warnervale Rd, Warnervale	Part of the land is currently zoned RE1 Public Recreation but is no longer needed for recreation purposes.	Amend the Land Zoning Map (LZN-007A, LZN_013) to rezone the part of the land zoned RE1 Public Recreation to SP2 Infrastructure – Stormwater Management.
4	Lot 1 DP 31313 2 Cambridge Circle, Ourimbah	Land is currently zoned SP2 Infrastructure (Emergency Services Facility). It comprises a former fire station that has been sold to a private buyer. The prevailing land use in the locality is R2 – Low Density Residential. It is considered appropriate that the site be rezoned as such. This will allow the owner to seek development consent for a broader range of uses consistent with the surrounding uses.	Amend the Land Zoning Map (LZN_008) to rezone the subject land to R2 – Low Density Residential. Amend the Lot Size Map (LSZ_008) to allocate a minimum lot size of 450m ² consistent with surrounding lands.

Provision/Property		Issue Summary	Recommendation
5	Lot 1 DP 1191698 19 Roper Road, Blue Haven	DA/919/2012 approved the development of the site as an Aldi Supermarket. Accordingly the existing R2 Residential Zone does not reflect the intended future use of the site.	Amend the Land Zoning Map (LZN_012) to rezone the subject site and the adjoining road reserve to B1 Neighbourhood Centre. Amend Lot Size Map (LSZ_012) to remove 450m ² minimum lot size accordingly.
6	Lot 1 DP 1195202 220 Vales Rd, Mannering Park	Mapping anomaly – The site is zoned RE1 Public Recreation, W2 Waterway and a small portion E2 Environmental Conservation. The site should be zoned SP2 Infrastructure as it contains existing infrastructure being the Vales Point Outlet canal.	Amend the Land Zoning Map (LZN_017) to rezone the subject site to SP2 Infrastructure – Electricity Generating Works. Amend Lot Size Map (LSZ_017) to remove 40 hectare minimum lot size accordingly.
7	Lot 1 DP 1198253 220A Vales Rd, Mannering Point	The site is zoned RE1 Public Recreation and SP2 Infrastructure. The entire site should be zoned SP2 Infrastructure as it contains existing infrastructure being the Vales Point Inlet canal.	Amend the Land Zoning Map (LZN_017) to rezone the subject site to SP2 Infrastructure – Electricity Generating Works.
8	Lot 1 DP 562143 & Lot 109 DP 755266 220 Vales Rd, Mannering Point	Delta Electricity has requested that a small part of this site be rezoned from E2 Environmental Conservation to SP2 Infrastructure as it forms part of the Vales Point Ash Dam. Council's Ecologist has inspected the site and determined " <i>that the vegetation within the E2 zone is not considered consistent with the definition of an endangered ecological community</i> ".	Amend the Land Zoning Map (LZN_012) to rezone the subject site to SP2 Infrastructure – Electricity Generating Works. Amend Lot Size Map (LSZ_012) to remove 40 hectare minimum lot size accordingly.
Lot Size Map			
9	Lots 11 & 12 DP 1083233 14-36 Ourimbah St, Ourimbah	Mapping anomaly – site is not included on the minimum lot size map as 'AB2' despite its E3 Environmental Management zoning. All E3 zoned land has a minimum lot size of 40 hectares.	Amend the Lot Size Map (LSZ_009) to show the subject land as AB2 – minimum lot size of 40 hectares.
10	Lot 202 DP1126914, Lots 1 & 3 DP 259306 11,20 & 30 Pacific Highway, Doyalson	Mapping anomaly – site is not included as 'AB2' despite its RU6 Transition zone. All RU6 zoned land across the Shire has a minimum lot size of 40 hectares.	Amend the Lot Size Map (LSZ_012, LSZ_018) to show the subject land as AB2 – minimum lot size of 40 hectares.

11	Lot 0 SP 45241 145 Pacific Hwy, Ourimbah	Mapping anomaly - the portion of the site zoned R2 Low Density Residential has been incorrectly identified on the Minimum Lot Size map as 'AB2' with a minimum area of 40 hectares.	Amend the Lot Size Map (LSZ_008) to show this portion of the site as having a minimum lot size of 450m ² .
12	Lot 26 and 27 DP 1182724 23 & 25 The Ridge, Wadalba	Mapping anomaly – part of both sites are zoned R2 Low Density Residential but are (in part) included in the Minimum Lot Size Map as 'AB2' with minimum area of 40 hectares.	Amend the Minimum Lot Size Map (LSZ_014) to show these lots as wholly having a minimum lot size of 450m ² .
Land Reservation Acquisition Maps			
13	Land Reservation Acquisition Maps	Amend the Land Reservation Acquisition (LRA) maps to identify land required by the RMS for road widening.	Amend the Land Reservation Acquisition Maps (LRA_007A, LRA_007B, LRA_013, LRA_016, LRA_018, LRA_019) to include the properties identified by the RMS. Amend Land Zoning Maps to zone land to SP2 Classified Road accordingly.
INSTRUMENT			
Part 2 – Permitted or Prohibited Development			
14	Vehicles Repair Stations	Vehicle Repair Stations were previously prohibited in the 4(c) Business Park zone under WLEP 1991 but are now permitted in the B7 Business Park zone.	Amend the B7 Business Park zone to prohibit vehicle repair stations.
Part 4 – Principle Development Standards			
15	Clause 4.1B – Subdivision of existing dual occupancies in R2 zone	Under Clause 4.1B dual occupancy can be subdivided to create lots less than those on the Lot Size Map but only if the DA subdivision is done at the same time. Therefore existing dual occupancies cannot be subdivided.	Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies.
16	Clause 7.11 Key Sites	Reinforcement of intent of DCP Chapter 6.1 Key Sites within WLEP 2013	Amend Clause 7.11 to specify the amount of increased public benefit required for Key Sites. This should be as per the formula in Council's Key Sites DCP (to the value of 1.5 or 2 times section 94 contributions depending on bonus height).

Part 3 Justification

Section A – Need for the Planning Proposal

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

There are no specific strategic studies or reports relating to the preparation of this Planning Proposal. This amendment to the Wyong LEP 2013 is primarily a housekeeping exercise to resolve mapping and clause errors and/or anomalies.

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

All the matters covered by the Planning Proposal relate to statutory issues under Part 3 of the *Environmental Planning and Assessment Act, 1979*. In this regard, the Planning Proposal is the only mechanism for achieving the intended outcomes.

Section B – Relationship to strategic planning framework

3. (a) Where a sub-regional strategy is in place:

(i) 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)?

The Planning Proposal is consistent with the objectives and actions contained in the Draft Central Coast Regional Plan (2015), Central Coast Regional Strategy (2006) and Central Coast Regional Action Plan (2012). The proposed amendments are mostly administrative and will generally have little to no impact on the objectives and actions of these strategic planning documents.

This Planning Proposal addresses the following Actions identified within the Central Coast Regional Strategy (2006):

- *Improve transport connectivity and regional roads:* Amendments associated with incorporation of future road acquisition areas by the Roads and Maritime Service will ensure that Wyong LGA will have improved transport connectivity into the future. This will assist in improving “the Central Coast strategic road network to address traffic hotspots and increase linkages within the region”.

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

Wyong Community Strategic Plan 2030

The Wyong Shire Community Strategic Plan (CSP) identifies what the Shire Strategic Vision is and the importance of the community, Council, state and federal government working together to achieve the Shire’s Vision. The CSP outlines how the Shire’s Strategic Vision integrates with Council’s Asset Management Strategy and long-term Financial Strategy.

The CSP identifies 8 priority objectives, each supported by a range of actions.

- 1) *Communities will be vibrant, caring and connected with a sense of belonging and pride in their neighbourhood.*
- 2) *There will be ease of travel within the Shire and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.*
- 3) *Communities will have access to a diverse range of affordable and coordinated facilities, programs and services*
- 4) *The community will be well educated, innovative and creative; people will attain full knowledge potential at all stage of life*
- 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.*
- 6) *There will be a sense of community ownership of the natural and built environment through direct public involvement with programs and services.*
- 7) *There will be a strong sustainable business sector and increased local employment built on the Central Coast's business strengths.*
- 8) *Information communication technology will be consistent with the world's best practice and adaptive to technological advances across all sectors.*

The Planning Proposal is generally consistent with these principles.

Settlement Strategy 2013

Wyong Shire's *Settlement Strategy* was exhibited with draft Wyong LEP 2013 and came into force with the adoption of the LEP in December 2013. It looks at how Council can plan for the Shire's population growth and demographic change over the next 25 years and plans for employment opportunities, needed infrastructure and utilities, transport improvements and future land use.

The proposed amendments are mostly administrative and will generally have little to no impact on the objectives and actions of the Settlement Strategy. In this regard, the Planning Proposal is consistent with Council's Settlement Strategy.

Economic Development Strategy 2014

Council adopted the Wyong Shire – Economic Development Strategy (EDS), in July 2014. The EDS guides sustainable economic development with Wyong Shire through to 2039. It is considered that this Planning Proposal meets with the objectives of Council's EDS.

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

The Planning Proposal is consistent with all relevant State Environmental Planning Policies (SEPPs).

SEPP	Policy Aims	Comment
SEPP 14 Coastal Wetlands	Ensure that coastal wetlands are preserved and protected.	The Planning Proposal is consistent with the aims and provisions of the SEPP.

SEPP	Policy Aims	Comment
SEPP 21 Caravan Parks	Encourages orderly and economic use of caravan parks for residents. Encourage the provision of community facilities for caravan parks and aims to protect the environment near caravan parks.	The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP 26 Littoral Rainforests	Consideration of development that is likely to damage or destroy littoral rainforest areas with a view to preserve those areas in their natural state.	The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP 30 Intensive Agriculture	Promotes the economic use and development of land by enabling urban land to be redeveloped for multi-unit housing and related development. Implements a policy of urban consolidation.	Applicable to certain developments. The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP 32 Urban Consolidation	Promotes the economic use and development of land by enabling urban land to be redeveloped for multi-unit housing and related development. Implements a policy of urban consolidation.	Applicable to certain developments. The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP 33 Hazardous & Offensive Development	Defines hazardous and offensive industries and requires development consent for hazardous or offensive development. Provides for consideration of measures proposed to be employed to reduce the development impact and requires sufficient information to assess whether a development is hazardous or offensive.	Applicable to certain developments. The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP 36 Manufactured Homes	Facilitates the establishment of manufactured home estates as an alternative to traditional housing arrangements.	The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP 44 Koala Habitat Protection	Encourage the conservation and management of areas of natural vegetation that provide habitat for koalas.	The Planning Proposal is consistent with the aims and provisions of the SEPP.

SEPP	Policy Aims	Comment
SEPP 50 Canal Estate Development	Prohibits canal estate development to ensure that the environment is not adversely affected by the creation of new developments of this kind.	The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP 55 Remediation of Land	Provides a State-wide planning approach to the remediation of contaminated land.	<p>Council has assessed known or potentially contaminated sites within Council's Contaminated Land Register.</p> <p>All sites to be rezoned are considered to have low risk of contamination. The majority of sites are already developed and the proposed change in zone is minor and will have limited impact on land uses permitted. Development controls are in place to ensure this issue is further addressed at DA stage if considered necessary.</p> <p>The Planning Proposal is consistent with the aims and provisions of the SEPP.</p>
SEPP 62 Sustainable Aquaculture	Encourages sustainable aquaculture and makes aquaculture development permissible in certain zones. Sets out the minimum site location and operational requirements for permissible aquaculture development.	The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP 64 Advertising & Signage	Aims to ensure that signage is compatible with the desired amenity and visual character of an area; provides effective communication in suitable locations; and is of high quality design and finish.	The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP 65 Design Quality of Residential Flat Development	Aims to improve the design quality of residential flat development and recognises the economic, environmental, cultural and social benefits of high quality design.	The Planning Proposal is consistent with the aims and provisions of the SEPP.

SEPP	Policy Aims	Comment
SEPP 71 Coastal Protection	Aims to protect and manage the natural, cultural, recreational and economic attributes of the coast, improve existing public access to and along coastal foreshores, and protect and preserve Aboriginal cultural heritage.	The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP Affordable Rental Housing (2009)	Provides a planning regime for the provision of affordable rental housing and facilitates delivery of new affordable rental housing by providing incentives. Aims to facilitate the retention and mitigate the loss of existing affordable rental housing.	The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP Building Sustainability Index BASIX (2004)	To ensure consistency in the implementation of the BASIX scheme throughout the State.	The Planning Proposal does not prohibit or limit application of the SEPP and is not inconsistent with the aims and provisions of the SEPP.
SEPP Exempt & Complying Development Codes (2008)	Identifies types of exempt development of minimal environmental impact that may be carried out without development consent, and identifies types of complying development that may be carried out with a complying development certificate.	The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP Housing for Seniors or People with a Disability (2004)	Sets design principles for the development of housing for seniors or people with a disability to achieve built form that responds to the site. Encourages support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.	The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP Infrastructure (2007)	Facilitate the effective delivery of infrastructure through a consistent planning regime that provides greater flexibility in the location of infrastructure and service facilities and allows for the efficient development, redevelopment or disposal of surplus government owned land. Identifies the environmental assessment category which different types of infrastructure and services development fall.	The Planning Proposal is consistent with the aims and provisions of the SEPP.

SEPP	Policy Aims	Comment
SEPP Major Development (2005)	Facilitates the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State.	The Planning Proposal is consistent with the aims and provisions of the SEPP.
SEPP Mining, Petroleum Production & Extractive Industries 2007	Provides for the management and the economic use and development of land containing mineral, petroleum and extractive material resource. Establishes planning controls to encourage ecologically sustainable development.	The Planning Proposal is consistent with the aims and provisions of the SEPP.

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 outlined below. Pending the outcomes of consultation with relevant government agencies, it is considered that the proposal will either be consistent with these Directions, or any inconsistencies are of minor significance.

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	Y	Y
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	Y
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Licensed Aerodromes	Y	Y

No.	Direction	Applicable	Consistent
3.6	Shooting Ranges	N	N/A
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	Y	Y
4.3	Flood Prone Land	Y	Y
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			
5.1	Implementation of Regional Strategies	Y	Y
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 Second Airport: Badgery's Creek	N	N/A
5.9	North West Rail Link Corridor Strategy	N	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	Y
6.3	Site Specific Provisions	Y	Y
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	N	N/a

Relevant Directions are discussed in further detail below.

Direction 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 corridors. Applies when a Planning Proposal affects land within an existing or proposed business or industrial zone.

The only change proposed to business and industrial zoned land is the amendment to the B7 Business Parks Land Use Table to prohibit vehicle repair stations. Vehicle Repair Stations are still permissible in the B5 Business Development, B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial zones.

It is therefore considered the proposal is consistent with this Direction.

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.

No changes are proposed to the land use tables for rural zones. It is therefore considered the proposal is consistent with this Direction.

Direction 1.3: Mining, Petroleum Production & 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.

The Planning Proposal does not propose any changes that would have an effect on mining, petroleum production and/or extractive industries.

Council will consult with NSW Trade & Investment – Resources & Energy to determine any inconsistency with this Direction.

Direction 2.1: Environmental Protection Zones

Aims to protect and conserve environmentally sensitive areas and applies when the relevant planning authority prepares a Planning Proposal.

Council proposes to rezone a small portion of Vales Point Ash Dam (Lot 1 DP 562143 and Lot 109 DP 755266) from E3 Environmental Management zone to SP2 Infrastructure – Electricity Generating Works. Council's Senior Ecologist has inspected the site and confirmed that the land is subject to inundation and has limited environmental value. Rezoning of this portion of the site will enable the expansion of existing electricity works.

Council will consult with the Office of Environment and Heritage (OEH) to determine any inconsistency with this Direction.

Direction 2.2: Coastal Protection

Aims to implement the principles from the NSW Coast Policy. Applies when a Planning Proposal applies to land in the coastal zone as defined in the *Coastal Protection Act 1979*.

Any change to land within the Coastal zone is the result of errors or anomalies during the preparation of WLEP 2013. No additional risk to the Coastal zone is envisioned through rectifying these anomalies.

The Planning Proposal is considered consistent with the NSW Coastal Policy Objectives (e.g. "to protect and conserve the coast for future generations").

It is therefore considered the proposal is consistent with this Direction.

Direction 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.

The Planning Proposal does not impact on any items, objects or places of heritage significance.

Council will consult with the Office of Environment and Heritage (OEH) to determine any inconsistency with this Direction.

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.

This Direction is applicable, however, there are no Recreational Vehicle Areas within the Wyong LGA. It is therefore considered the proposal is consistent with this Direction.

Direction 3.1: Residential Zones

Encourages a variety of housing types to provide for housing needs. Aims to ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment. Applies when a Planning Proposal affects land within a residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.

No changes are proposed to the land use tables for residential zones. It is therefore considered the proposal is consistent with this Direction.

Direction 3.1: Caravan Parks & 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.

WLEP 2013 retains provisions that permit development for the purposes of a caravan park to be carried out. It is therefore considered the proposal is consistent with this Direction.

Direction 3.2: 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.

Home occupations will remain permissible without consent in the majority of zones. It is therefore considered the proposal is consistent with this Direction.

Direction 3.4: Integrating Land Use & Transport

Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts 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 movement of freight.

Amendments associated with incorporation of future road acquisition areas by the Roads and Maritime Service will ensure that Wyong LGA will have improved transport connectivity into the future. It is therefore considered the proposal is consistent with this Direction.

Direction 3.5: Development near Licensed Aerodromes

Aim to ensure the effective and safe operation of aerodromes, and that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft. Ensures that development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

The proposed amendments are mostly administrative and no changes are proposed for any land in close proximity to the Warnervale Aerodrome. It is therefore considered the proposal is consistent with this Direction.

Direction 4.1: Acid Sulphate Soils

Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. Applies when a Planning Proposal applies to land having a probability of containing acid sulphate soils on the Acid Sulphate Soils Planning Maps.

This issue is addressed via an appropriate LEP Clause triggering compliance with the Acid Sulfate Soils Guidelines in the assessment of development proposals. These controls will not be altered by this Planning Proposal and this issue can be addressed during the development application assessment. It is therefore considered the proposal is consistent with this Direction.

Direction 4.2: Mine Subsidence & Unstable Land

Aims to prevent damage to life, property and the environment, 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.

Any future development within identified Mine Subsidence Districts will trigger referral to the Mine Subsidence Board / DARZL for assessment. Council will consult with the Mine Subsidence Board to ascertain any inconsistency with this Direction.

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*. Provisions of an LEP on flood prone land are to be 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.

Clause 7.2 Flood Planning and Clause 7.3 Floodplain Risk Management are included within WLEP 2013. Councils most up-to-date flood modelling has been utilised to prepare our flood maps. A merit based approach will be utilised to make determinations on all future development applications on flood prone lands, subject to the requirements established by other relevant LEP controls and the rigid prescriptive development criteria and Matrix processes contained in Chapter 3.3 of Wyong Development Control Plan 2013.

It is therefore considered any inconsistency with this Direction is of minor significance.

Direction 4.4: Planning for Bushfire Protection

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.

The Rural Fire Service (RFS) will be consulted to ascertain any inconsistency with this Direction.

Direction 5.1: Implementation of Regional Strategies

The objective of this direction is to ensure draft LEPs are consistent with regional strategies such as the Central Coast Regional Strategy (CCRS).

The Planning Proposal has consideration for the CCRS. The CCRS provides a framework to ensure adequate land is available and appropriately located to accommodate projected housing needs and promote employment opportunities over the next 25 years.

It is considered the proposal is consistent with this Direction.

Direction 6.1: Approval and Referral Requirements

This direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The Planning Proposal does not seek to include provisions which require concurrence from other agencies. It is therefore considered the proposal is consistent with this Direction.

Direction 6.2: Reserving Land for Public Purposes

This direction 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.

The Planning Proposal does not propose the removal of reservations of land for public purposes. It is therefore considered that the proposal is consistent with this Direction.

Direction 6.3: Site Specific Provisions

This direction 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.

The proposal does not seek to include any site specific provisions, standards or requirements. It is therefore considered that the proposal is consistent with this Direction.

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?**

The proposal will have no detrimental effects upon critical habitats, threatened species or ecological communities as the subject land is already developed and urbanised, or simply resolving an anomaly created by Wyong LEP 2013. Conversely, if a site has not yet developed, the site constraints have been assessed to determine the most appropriate controls under Wyong LEP 2013. Development controls will also be applied at Development Assessment stage for any future development.

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

It is anticipated that there will be no environmental effects as a result of the Planning Proposal (see above response).

9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is predominantly a housekeeping exercise to rectify anomalies that have been created within Wyong LEP 2013. The Planning Proposal provides an opportunity to resolve errors and provide greater certainty for affected landowners as a result.

Section D – State and Commonwealth Interests

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

The Planning Proposal is predominantly a housekeeping exercise to rectify anomalies that have been created within Wyong LEP 2013. The Planning Proposal does not need to address public infrastructure requirements.

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

The following public authority consultation is proposed:

1. Delta Electricity
2. Mine Subsidence Board
3. NSW Trade & Investment, Resources & Energy
4. NSW Rural Fire Service
5. Office of Environment and Heritage
6. Transport NSW
7. Transport NSW – Roads and Maritime Services

Part 4 Mapping

Map No.	Map Title
1	Land Reservation Acquisition
2	Land Zoning
3	Minimum Lot Size

Part 5 Community Consultation

Community Consultation will be undertaken as per the Gateway Determination. Notification of the public exhibition will be placed in the Central Coast Express Advocate and written notification sent to owners adjacent to the sites. Notices will be placed on Council's website. The proposal will be made publicly available in the following locations:

- Wyong Chambers (6 Hely Street, Wyong); and on
- Council's website (On Exhibition page).

A public hearing is not considered necessary.

Part 6 Project Timeline

Action	Period	Date
Anticipated commencement date (date of Gateway Determination)	2 weeks	March 2016
Anticipated timeframe for the completion of required technical information	4 weeks	April 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 weeks	April-May 2016
Commencement and completion dates for public exhibition	4 weeks	June 2016
Dates for public hearing (if required)	N/A	N/A
Timeframe for consideration of submissions	8 weeks	July – August 2016
Timeframe for consideration of a proposal post exhibition	2 weeks	September 2016
Date of submission to the Department to finalise LEP	4 weeks	October 2016
Anticipated date RPA will forward to the Department for notification	4 weeks	November 2016

Supporting Documentation

No.	Document
Assessment and Endorsement	
1	Council Report & Resolution – 9 December 2015
2	Current & Proposed Maps – Land Zoning
3	Current & Proposed Maps – Lot Size
4	Current & Proposed Maps – Land Reservation Acquisition