

## Preliminary Assessment

### **Bushell's Ridge Employment Estate** Concept Plan

Submitted to  
Department of Planning  
On behalf of Darkinjung Local Aboriginal Land Council

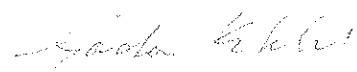
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This report has been prepared by:

Gordon Kirkby



Signature

Date 6/12/10

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## 1.0 Introduction

Darkinjung Local Aboriginal Land Council (DLALC) is seeking the Minister's opinion that the proposal for the development of an employment estate at Bushell's Ridge in the Wyong LGA is development of the kind described in Clause 12 of Schedule 1 of *State Environmental Planning Policy (Major Development) 2005* (the Major Development SEPP) and therefore, is a 'Major Project' to be determined under Part 3A of the *Environmental Planning & Assessment Act, 1979* (the EP&A Act).

Should the Minister form the necessary opinion, we request that:

- a) the Minister authorise the proponent to submit a Concept Plan application for the proposal to provide the development framework for the whole site; and
- b) the Director General issue the requirements for the preparation of an Environmental Assessment to accompany a Concept Plan for the proposed development.

To support the request for the Director General's requirements relating to the environmental assessment, a Preliminary Assessment relating to the project follows. This preliminary assessment is submitted to the Department of Planning to assist the Director-General in determining the level and scope of the environmental assessment required to accompany the Concept Plan.

## 2.0 Project Background

The Objects of Darkinjung Local Aboriginal Land Council (DLALC) under Section 51 of the *NSW Aboriginal Land Rights Act 1983* (NSWALR Act) are to improve, protect and foster the best interests of all Aboriginal persons within the Council's area and other persons who are members of the Council.

The Central Coast of NSW has one the fastest growing Aboriginal communities with the current Aboriginal population being approximately 8000 strong. To enable DLALC to meet its obligations under the NSW ALR Act, the organisation must ensure that it is properly identifying and managing its land holdings to establish and create meaningful outcomes that add value to its growing Aboriginal community. For these outcomes to be achieved DLALC must be provided an opportunity to exercise its functions under Section 52 the NSWALR Act which are:

- » Land Acquisition
- » Land use and Management
- » Aboriginal Culture and Heritage
- » Financial Stewardship
- » Other functions prescribed by regulations.

The Bushell's Ridge site is currently zoned under the Wyong Local Environmental Plan 1991 as Zone 4(e) Regional Industrial and Employment Development Zone. DLALC proposes to develop the site for an employment estate, consistent with this zoning to meets it objectives with regard to managing its land holdings to establish and create meaningful outcomes that add value to its growing Aboriginal community through sustainable development and employment generation.

## 3.0 The Site

### 3.1 Site description

The site is a 260 ha irregular-shaped site currently zoned 4(e) Regional Industrial & Employment Development located on Bushell's Ridge Road, Bushell's Ridge approximately 17 km north of Wyong within the Wyong LGA. The site comprises the following 6 lots:

- \* Lot 191 DP 1032847;
- \* Lot 195 DP 1032847;
- \* Lot 108 DP 755245;
- \* Lot 111 DP 755245;

Lots 191, 195, 108 and 111 are owned by the DLALC.

The following three lots:

- \* Lot 107 DP 755245;
- \* Lot 192 DP 1032847; and
- \* Lot 193 1032847

are subject to current Land Claim applications lodged by the DLALC under the *Aboriginal Land Rights Act, 1983*. These lots will not form part of the application however will be considered in the overall design context and environmental assessment of the development, as they may be included in the proposed employment estate as part of a separate future planning process. The relevant Lots are shown in **Figure 1** below.

### 3.2 Site context

The site is accessed from Bushell's Ridge Road and enjoys good access to major road and rail infrastructure being located between the Sydney–Newcastle F3 Freeway, Pacific Highway and the Central Coast – Hunter Rail Line.

The site is strategically located within the emerging North Wyong growth corridor which includes the Wyong Employment Zone and Warnervale Town Centre.

The township of Wyee is located directly north of the site. Wyee is identified in the Lower Hunter Regional Strategy for further urban growth. Also the emerging major regional centre of Morisset is only 15kms north.

Land uses immediately surrounding the site include the existing Boral quarry, a tile factory and a DA-approved 23 lot industrial subdivision to the immediate south, the Kores mining lease area to the south west, and the Buttonderry Waste Management Complex is also nearby.

### 3.3 Existing development

There are no built structures on the site, however there are several unformed roads and tracks that traverse the site. Two 60m wide easements accommodating high voltage transmission lines also span the site in an east–west orientation, on the northern and southern sections of the site.

The majority of the site is reasonably flat, making it conducive to the construction of large scale warehouse and distribution facilities.

Vegetation cover is present across most of the site other than under electricity easements and 4WD trails. The vegetation is predominantly Scribbly Gum – Red Bloodwood healthy woodland, Spotted Gum – Grey Ironbark open forest and small areas of wet heath and alluvial drainage complex.

There are a number of known and likely threatened flora species found on site including *Tetratheca juncea*, *Angophora inopina*, *Acacia bynoeana* and *Cyrptostylis hunteriana* with *Grevillea parviflora* nearby.

There are also a number of previous records of threatened fauna from the site including the Masked Owl, Squirrel Glider and Wallum Froglet.

Spring Creek flows east-west through the central section of the site. The site is not flood prone. The site is not in a mine subsidence district.

The contextual location of the site is shown at **Figures 1 and 2**.

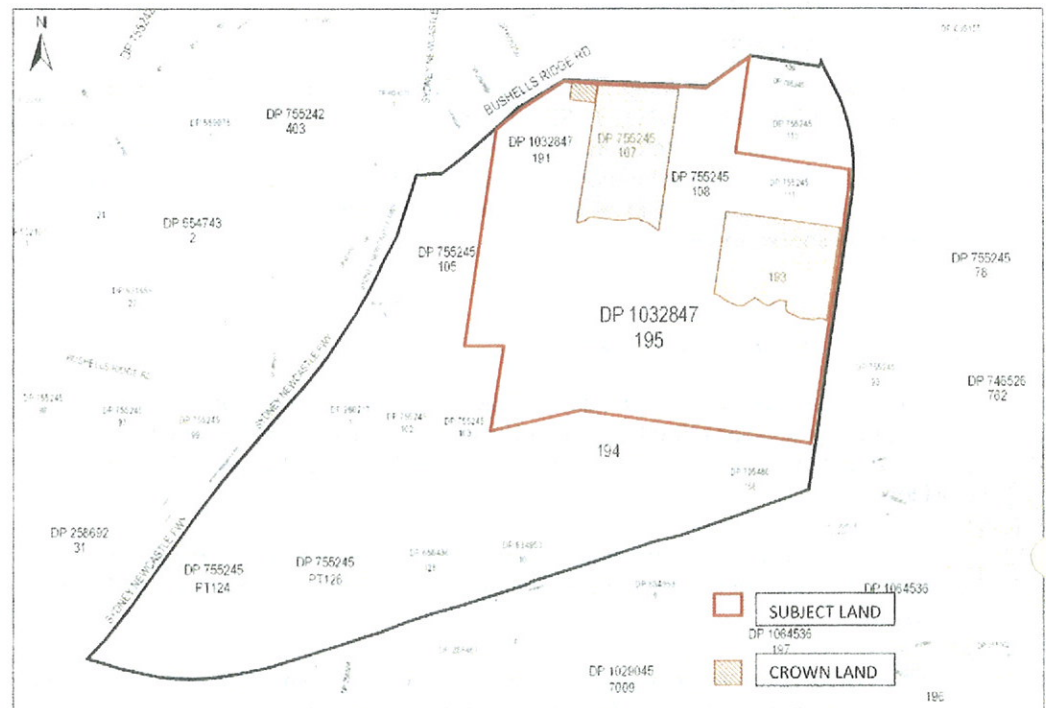


Figure 1 - Bushell's Ridge Site Location.







## 4.0 Relevant Planning Instruments and Controls

### 4.1 Overview of planning instruments applying to the site

The planning instruments, development control plans and planning policy documents of key relevance to the proposed development are listed below, and a short summary of the primary controls follows.

- State Environmental Planning Policy (Major Development) 2005;
- Central Coast Regional Strategy;
- Draft North Wyong Structure Plan 2010;
- Wyong Local Environmental Plan 1991; and
- Draft Wyee Strategic Overview 2008.

#### 4.1.1 Major Development SEPP 2005

Clause 6 of the Major Development SEPP provides that development that in the opinion of the Minister is development of a kind referred to in Schedule 1 (Classes of development) and Schedule 2 (specified sites) is declared to be a project to which Part 3A of the EP&A Act applies.

Group 4 – Clause 12 - Distribution and Storage Facilities in Schedule 1 in the Major Development SEPP identifies employment generating purposes with a capital investment value of more than \$30 million.

The proposed development is for an employment estate that is envisaged to accommodate a range of uses including storage/distribution centres; laboratory, research or development facilities; printing and publishing operations; machinery and equipment manufacturing; and vehicle, defence or aerospace industries.

The overall project will generate up to 7,500 jobs and will have an estimated capital investment value of \$650 million.

It is therefore requested that the Minister form the opinion that the proposed development is of a type listed in Schedule 1 of the SEPP and is therefore a Major Project to which Part 3A of the EP&A Act applies. In doing so, it is further requested that the Minister authorise a Concept Plan for the site. Upon declaration of the project and authorisation of the Concept Plan, it is requested the Director General issue environmental assessment requirements for the Concept Plan.

#### 4.1.2 Central Coast Regional Strategy

Bushell's Ridge is identified in the State Government's Central Coast Regional Strategy as "constrained employment lands", confirming the site can be developed subject to resolution of the constraining factors, which in this case are understood to be ecological and/or infrastructure related (see Section 6 – Preliminary Assessment below).

Bushell's Ridge is identified in Table 4 of the Strategy as "strategic employment land" and classified as "land to be retained for industrial purposes". The employment capacity target for the Wyong LGA under the strategy requires 27,000 new jobs in the Wyong LGA by 2031. Of this requirement, the North Wyong Structure Plan area (of which Bushell's Ridge forms part of) is required to provide 10,500 jobs.

### 4.1.3 Draft North Wyong Structure Plan 2010

The Bushell's Ridge site is identified in the Draft North Wyong Structure Plan (DNWSS) as:

*Strategically located, constrained sites subject to further investigation and offset strategies to define conservation requirements and development potential.*

The proposed Concept Plan for the development of Bushell's Ridge is consistent with the draft strategy as it presents the opportunity for the site to be investigated in detail to establish its biodiversity attributes and development potential. The DLALC owns landholdings in other strategic areas of the DNWSS which will be assessed as part of an overall biodiversity strategy factoring in management, mitigation and offsets in accordance with NSW Government policy.

The DNWSS identifies a potential new road traversing the site linking proposed employment areas to the north of the Freeway Link Road to Bushell's Ridge Road and Wyee. Development at Bushell's Ridge provides the opportunity for this link to be realised.

### 4.1.4 Wyong LEP 1991

Wyong LEP zones the site 4 (e) Regional Industrial and Employment Development Zone.

The proposal is consistent with the land use zone objectives and is permissible with consent under the current zonings. The LEP does not prescribe any development standards for the 4(e) zone.

The current zoning is shown in **Figure 3**.

### 4.1.5 Draft Wyee Strategic Overview 2008

While not located within the Strategic Overview area, the Bushell's Ridge proposal is located immediately to the south of this investigation area. The Draft Wyee Strategic Overview proposes a significant expansion of the town of Wyee with new urban areas proposed to the immediate north of the Bushell's Ridge site. The proposed Bushell's Ridge Estate will facilitate employment land and jobs to support the future population growth.



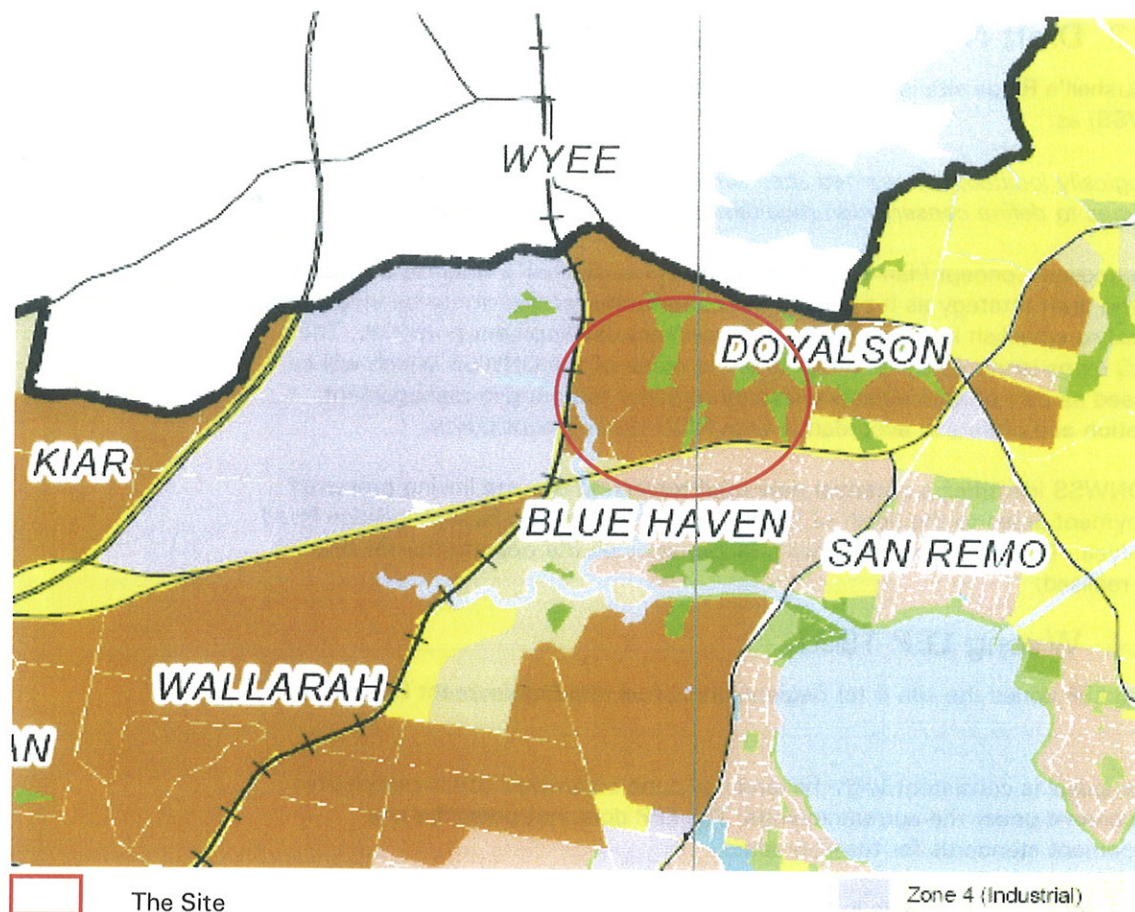


Figure 1 - Wyong LEP Zoning Extract

## 5.0 Description of the Proposed Development

In broad terms, DLALC is seeking to develop an employment estate on its land at Bushell's Ridge to provide approximately 150 allotments of new employment uses (see **Attachment A**). Concept Plan approval would be sought for:

- “ broad land use distribution;
- “ proposed subdivision and road layout
- “ maximum permissible parameters (including gross floor area, heights, densities);
- “ services, utilities and associated infrastructure to service the Estate.

The development will be staged over a number of years.

The overall Concept Plan development will create an estimated 3000 direct, full time equivalent jobs and support a further 7500 jobs over the life of the project and has an estimated capital investment value of \$650 million for the Concept Plan.

## 6.0 Preliminary Assessment

The information below has been prepared to assist the Director-General in identifying the general requirements and key environmental issues associated with the project.

A number of environmental studies and assessments are currently being prepared or will be commenced upon receipt of the Director-General's Requirements. These studies will address and resolve key environmental and infrastructure issues associated with the development.

The key environmental planning considerations associated with the proposed development are as follows:

- traffic, transport and access;
- ecological impacts and conservation outcomes;
- indigenous heritage;
- utilities infrastructure;
- subdivision layout, built form and visual impact; and
- socio-economic impact

### 6.1 Key issues

#### 6.1.1 Traffic, transport and access

The site has direct frontage to Bushells Ridge Road and is bound by the Central Coast – Hunter Rail Line to the east.

DLALC is currently exploring the feasibility of accessing the rail line and is also in discussions with the adjoining quarry and Kores mine operators to potentially negotiate shared road access across the quarry site to provide a direct connection to the Toohey's Rd / Motorway Link Interchange. The EAR will detail the proposed road and access arrangements.

A transport and access report will be prepared for the EAR to address access for the site, traffic generation and capacity of the road network, access and road layout arrangements, parking and public transport provision, pedestrian and bicycle access.

#### 6.1.2 Ecological impacts and conservation outcomes

The proposal will require the removal of vegetation on the site during the construction process and as such may have ecological impacts.

The EAR will identify key vegetation communities (including EECs), their condition and extent. The EAR will also identify key fauna species, the likelihood of their presence on the site, habitat requirements and potential impacts arising from the proposal.

Mitigation measures, and any proposed conservation measures will be identified for any threatened species on the site for the construction and operational phases of the development. DLALC intends to develop an offset strategy through the Biobanking Assessment Methodology.

#### 6.1.3 Indigenous heritage

Preliminary research suggests the site has no significant European or indigenous heritage value. Nonetheless, heritages databases will be reviewed and field



investigations will be undertaken to determine the site's indigenous heritage significance. Appropriate consultation will also be undertaken as part of the assessment process.

#### 6.1.4 Utilities and infrastructure

The EAR will include an infrastructure report that will address the broader regional infrastructure requirements and locations both within and connecting to the site. In preparing the report, DLALC will investigate the most efficient options for regional servicing and where practicable including the potential of connecting to services in Lake Macquarie to the north.

#### 6.1.5 Subdivision layout, built form and visual impact

The EAR will outline the details of the proposed warehouse and distribution facilities as well as the proposed subdivision layout and range of lot sizes. It will also include an assessment of the likely scale, bulk, height, form, design of future development as well as consider the potential for land use conflict of the proposed buildings within their context.

Visual impacts will also be addressed in the EAR.

#### 6.1.6 Socio- economic impacts

In addition to providing employment on the Central Coast and achieving the targets set down in the Central Coast Regional Strategy, the proposed development will provide significant economic benefits to the local Aboriginal community, through sustained revenue that can be invested for the benefit of the community, and opportunities to create employment for local Aboriginal people, in particular youth employment in the construction industry.

The DLALC's investment in Bushell's Ridge will also provide it with the funds to meet the requirements of the *NSW Aboriginal Land Rights Act 1983* (NSWALR Act) and achieve the goals of the Community Land and Business Plan as well as improve the management of its significant land holdings in the North Wyong area, in particular the management of high conservation areas.

The Objects of Darkinjung Local Aboriginal Land Council (DLALC) under the NSW Aboriginal Land Rights Act (Section 51 NSWALR Act) are to improve, protect and foster the best interests of all Aboriginal persons within the Council's area and other persons who are members of the Council.

The Central Coast of NSW has one the fastest growing Aboriginal communities with the current Aboriginal population being approximately 8000 strong. To enable Darkinjung to meet its obligations under the NSW ALR Act, the organisation must ensure that it is properly identifying and managing its land holdings to establish and create meaningful outcomes that add value to its growing Aboriginal community. For these outcomes to be achieved Darkinjung LALC must be provided an opportunity to exercise its functions under Section 52 the NSWALR Act which are:

- Land Acquisition
- Land use and Management
- Aboriginal Culture and Heritage
- Financial Stewardship
- Other functions prescribed by regulations.

## 6.2 Other matters

Other matters for consideration that will be addressed in the Environmental Assessment and may assist the Director General in identifying the general requirements and key project specific issues to be addressed are as follows:

- Compliance with relevant planning controls
  - Consideration of the relevant planning controls affecting the site and justification for any departures
- Developer contributions/ Planning agreements
  - Review of the proposal against the requirements in the Wyong Council's Section 94 Contributions Plan 2006
- Soil and water
  - Stormwater management, including on site detention and relationship to the overland flow path that traverses the site
  - Flooding
  - Water quality management
  - Water supply including the potential for rain water harvesting
  - Wastewater disposal
  - Proposed erosion and sediment control measures
- Geotechnical and contamination issues
  - Site's suitability for the proposed uses in accordance with SEPP 55
  - Confirmation of the site's geotechnical stability

## 6.3 Consultation

Preliminary consultation has been undertaken with:

- Department of Planning (Hunter and Central Coast Region)
- Department of Environment, Climate Change and Water
- Wyong Council
- Adjoining landowners – Kores (Wallarah No.2), Department of Planning (as landowner) and Hunter Land.

A planning workshop hosted by Darkinjung LALC on 2nd April 2009 was also attended by Department of Planning and DECCW officers.



## 7.0 Conclusion

The information contained in this preliminary assessment is to assist the Director General in determining the level and scope of any requirements for an environmental assessment to accompany the lodgement of a Concept Plan and Stage 1 Project Application under Part 3A of the EP&A Act.

Having regard to the above and in accordance with provisions in Part 3A of the EP&A Act, it is requested that the Director General issue the environmental assessment requirements for the Concept Plan and Stage 1 Project Application.



## Attachment A





# BUSHELLS RIDGE DRAFT CONCEPT PLAN OF SUBDIVISION

WYEE EXPANSION

INDIGENOUS  
BUSINESS  
SERVICES



SYDNEY - NEWCASTLE RAILWAY

PROPOSED GREEN CORRIDOR

PROPOSED GREEN CORRIDOR

FREEWAY

PROPOSED  
WALLARAH No.2 MINE

PROPOSED  
WALLARAH No.2 MINE

EXISTING QUARRY

TILE FACTORY

TOOHEYS ROAD

APPROVED  
INDUSTRIAL  
DEVELOPMENT

EXISTING  
INTERCHANGE

PRECINCT 1(A) BOUNDARY  
PRECINCT 1(B) BOUNDARY  
PROPOSED WALLARAH No.2 MINE  
(KORES)

INDIGENOUS BUSINESS SERVICES

JUNE 2010