

Section 117 Ministerial Direction Assessment

Direction	Comment
Employment and Resources	
<i>1.1 Business and Industrial Zones</i>	
- 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 dLEP affects land within an existing or proposed business or industrial zone.	- Applicable. - The rezoning of the study area includes the provision of some commercially zoned land to support the residential development proposed in this area. - The Structure Plan/Masterplan Concept makes provision for a neighbourhood shopping precinct. This subject precinct is located within the vicinity of the railway station and seeks to leverage off it together with the presence of "Warnies" General Store. - The neighbourhood shopping centre is of a convenience scale and will not be a direct competitor to the proposed Warnervale Town Centre. A "business park" styled employment precinct(37 Hectares) is also positioned proximate to the existing train station/Town Centre. It has direct access to the Freeway, Warnervale Employment Zone and Warnervale Town Centre via the Link Road and Sparks Road. - The proposed business park will complement and not compete directly with the Warnervale town Centre or nearby established centres at Wyong and Tuggerah in particular. - The proposed business park is considered to be in a suitable location, as it is within walking distance of Warnervale Station and the future Link Road which will be a major transport link both to Wyong town centre and Warnervale Town Centre. - It is therefore considered that the draft Local Environmental Plan (LEP) will be consistent with this Direction. (Refer also to Annexure "A")
<i>1.2 Rural Zones</i>	
- Aims to protect the agricultural production value of rural land. - Applies when a dLEP affects land within an existing or proposed rural zone.	- Applicable. - The rezoning of the study area will affect land which is currently zoned 1(c) (Non-Urban Constrained Land). The dLEP will seek to rezone the land to a predominantly residential zone. - The land zoned 1 (c) is of limited agricultural potential. Further, whilst zoned to permit agricultural uses, the primary objective of the zoning is to limit development of the land given its flood affected nature and its susceptibility to erosion and other physical/natural environment constraints. - The subject constraints have importantly been the subject of detailed investigation and addressed in the Structure Plan/Masterplan. - The rezoning of the study area is identified as a priority project within Council's Residential Development Strategy (RDS). In addition, the Precinct is identified within the North Wyong Shire Structure Plan (NWSSP) Area (as per the CCRS) designated for future development. - It is accordingly not considered to be inconsistent with the direction.
<i>1.3 Mining, Petroleum Production and Extractive Industries</i>	
Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and	- Applicable. - The mining SEPP permits underground mining, with consent.

Direction	Comment
extractive materials are not compromised by inappropriate development. Applies when a dLEP would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	The proposal is considered to be consistent with this direction in such context.
1.4 Oyster Aquaculture	
- Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers. - Applies when a dLEP could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	- Not applicable. - The dLEP does not propose a land use which will have adverse effects or be incompatible with Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate. It is therefore considered that the dLEP is consistent with this Direction.
1.5 Rural Lands	
- Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. - Applies to Councils to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a dLEP that affects land within an existing or proposed rural or environment protection zone.	- Not applicable. - Whilst part of the Wyong Shire Council local government area is subject to SEPP (Rural Lands) 2008, this location is not.
Environment and Heritage	
2.1 Environmental Protection Zones	
- Aims to protect and conserve environmentally sensitive areas. - Applies when Council prepares a dLEP.	- Applicable. - The study area comprises some land which is zoned for Environmental Protection including 7(g) (Wetlands Management), 10(a) (Investigation Precinct) and 1(c) (Non-Urban Constrained Lands). - In addition to a comprehensive ecological study, studies in respect of flooding and floodplain management, integrated water cycle management, bushfire hazard management, conservation and open

Direction	Comment
	space/recreation, visual assessment and landscaping have informed the Structure Plan/Masterplan. - Importantly, the final development/conservation scenario reflected in the Structure Plan/Masterplan portrays a balanced planning outcome. - The Precinct 7A Structure Plan has been developed to minimise the loss of native vegetation as much as practicable, however, vegetation removal will still occur and these impacts will need to be carefully examined and offset with appropriate mitigation measures. The Precinct 7A rezoning will result in the creation of 288 ha of environmental land. This area mostly covers floodplain, wetlands (including a large area of SEPP 14) and EEC's. Approximately 50 Ha of vegetation and a further 20 Ha of disturbed vegetation will be removed within development areas identified by the Structure Plan. - Significant community benefit will result in securing the significant environmental assets proposed as part of the Precinct 7A rezoning. However, it will only have minimal value in terms of satisfying the "maintain/improve outcome" as measured by Bio Metric techniques such as Biobanking or Biocertification as a strategy to offset development impacts. These bio Metric techniques are still weighted heavily on a 'like for like' rule which means that additional offsets would be needed to offset the clearing of dryland forests which are not well represented in proposed conservation areas (which mostly contain swamp forest vegetation communities and wetland areas). - The dLEP will include provisions to facilitate the protection and conservation of identified environmentally sensitive areas in a manner consistent with the Conservation Management Plan and Structure Plan/Masterplan. - It is therefore considered that the dLEP is not inconsistent with this Direction.
<i>2.2 Coastal Protection</i>	
- Aims to implement the principles in the NSW Coastal Policy. - Applies when a dLEP applies to land in the coastal zone as defined in the Coastal Protection Act 1979.	- Not applicable. - The dLEP does not affect land which falls within the coastal zone as defined in the Coastal Protection Act 1979.
<i>2.3 Heritage Conservation</i>	
- Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. - Applies when Council prepares a dLEP.	- Applicable. "Warnies" (Shop/Residence) was confirmed as an item of regional non-indigenous heritage significance. It has been addressed sensitively in the compilation of the Structure Plan/Masterplan, in terms of curtilage and controls on surrounding development. - The Aboriginal Heritage Assessment identified 18 Stena artefact scatters across there site. Where possible their siting has corresponded with the preservation/conservation of environmentally sensitive areas and or parks/reserves. - It is further recommended that where artefacts cannot be avoided a Cultural Heritage Management Plan should be prepared, addressing amongst other things salvage, if unavoidable. - It is considered that adoption of the above measures will ensure that the dLEP is consistent with this Direction. (Refer also to Annexure "A")

Direction	Comment
<i>2.4 Recreational Vehicle Areas</i>	
- Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. - Applies when Council prepares a dLEP.	- Applicable. - The dLEP will not enable land to be developed for the purpose of a recreational vehicle area. - It is therefore considered that the dLEP is consistent with this Direction.
Housing, Infrastructure and Urban Development	
<i>3.1 Residential Zones</i>	
- Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. - Applies when a dLEP affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	- Applicable. - The dLEP seeks to rezone land identified as suitable for residential purposes and in particular for diverse residential opportunities. Provisions are established in the dLEP to encourage different housing products, catering for different members of the projected new community. They are reinforced in the principles contained in the Structure Plan/Master Plan and will be further expanded in a DCP amendment. - The dLEP will be supported by a complementary chapter of Council's DCP. This chapter will provide guidance as to appropriate development of the area, including residential development, based on good design principles emerging from the Structure Plan/Masterplan. - The dLEP will not reduce the permissible residential development density. Indeed it will increase densities generally and variety in densities. - It is therefore considered that the dLEP is consistent with this Direction. (Refer also to Annexure "A")
<i>3.2 Caravan Parks and Manufactured Home Estates</i>	
- Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. - Applies when Council prepares a dLEP.	- Applicable. - The dLEP does not seek to rezone land to provide for caravan parks or manufactured home estates, further there are no existing caravan parks within the study area. - It is therefore considered that the dLEP is consistent with this Direction.
<i>3.3 Home Occupations</i>	
- Aims to encourage the carrying out of low impact small business in dwelling houses. - Applies when Council prepares a dLEP.	- Applicable. - The dLEP incorporates Standard Instrument provisions which enable home occupations to be undertaken without consent. - It is considered therefore that the dLEP is consistent with this Direction.
<i>3.4 Integrating Land Use and Transport</i>	
- 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. - Applies when a dLEP creates, alters or moves a zone or provision relating to urban land,	- Applicable. - The dLEP will seek to rezone suitable areas for residential and business/commercial purposes. - The Structure Plan/Masterplan is predicated upon the principles of integrated land use and transport. The distribution/relationship of land uses seeks to minimise the necessity for vehicle movements and provide for enhance permeability/connectivity and alternative movement means. - It is considered that adoption of the above measures will ensure that the dLEP will be consistent with this Direction. (Refer also to Annexure "A")

Direction	Comment
including land zoned for residential, business, industrial, village or tourist purposes.	
<i>3.5 Development Near Licensed Aerodromes</i>	
- Aims to ensure the effective and safe operation of aerodromes and that the operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity. Development for residential purposes or human occupation (within the Annual Noise Exceedence Frequency (ANEF) contours between 20 and 25) must incorporate appropriate mitigation measures so that the development is not adversely affected by aircraft noise. - Applies when a dLEP creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.	- Applicable. - The dLEP affects land adjacent to Warnervale Aerodrome. - The operation of the airport, including ANEF and Obstacle Limitation Surface do not constrain the proposed development. - Further, the dLEP is supported by maximum building height provisions (height of buildings map) - It is considered that the dLEP is consistent with this Direction. (Refer also to Annexure "A")
Hazard and Risk	
<i>4.1 Acid Sulphate Soils</i>	
- Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. - Applies when a dLEP applies to land having a probability of containing acid sulfate soils on the Acid Sulphate Soils Planning Maps.	- Applicable. - The dLEP applies to land which is identified as having a low probability of containing acid sulfate soils. - A preliminary Acid Sulphate soil assessment concluded that acid sulphate soils are generally not present. However, for a limited group of soils exhibiting acid sulphate characteristics, oxidisation is unlikely to have an adverse effect on the surrounding environment. Notwithstanding, it was further concluded that excavated soils with such qualities should not be placed in sensitive areas such as near drainage lines. - The outcomes of further investigations will be considered in determining the proposed land uses for these areas, and - It is considered that adoption of the above measures will ensure that the dLEP will be consistent with this Direction.
<i>4.2 Mine Subsidence and Unstable Land</i>	
- Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence. - Applies when a dLEP 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 Council or other public authority and provided to Council.	- Applicable. - Part of the area is within a proclaimed mine subsidence district. - Standard residential development is not restricted in such area. - It is considered that the dLEP is consistent with this direction. (Refer also to Annexure "A")
<i>4.3 Flood Prone Land</i>	
Aims to ensure development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles	- Applicable. - The dLEP applies to land which is affected by the 1 in 100 year flood event (1% AEP). - Further investigative studies for flooding and

Direction	Comment
of the <i>Floodplain Development Manual 2005</i>; and provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. Applies when a dLEP creates, removes or alters a zone or provision that affects flood prone land.	floodplain management were undertaken by Cardno and together with the Floodplain Development Manual, 2005 informed the final footprint of the Structure Plan/Masterplan. It is considered that the dLEP is consistent with the direction. (Refer also to Annexure "A")
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 dLEP affects or is in proximity to land mapped as bushfire prone land.	- Applicable. - The dLEP applies to land which is identified as containing bushfire prone vegetation. - An assessment conducted by Peak Land Management concluded that appropriate outcomes can be achieved provided the final design accords with Planning for Bushfire Protection, 2006. Further, Council has consulted the NSW Rural Fire Service who raised no objection to the rezoning and principles contained in the Structure Plan. - It is considered that adoption of the above measures will ensure that the dLEP will be consistent with this Direction.
Regional Planning	
5.1 Implementation of Regional Strategies	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.	- Applicable. - Draft LEP is consistent with this Direction. - The Central Coast Regional Strategy (CCRS) provides a framework to ensure adequate land is available and appropriately located to sustainably accommodate the projected housing needs and promote local employment opportunities over the next 25 years. The North Wyong Shire Structure Plan (NWSSP) is identified by the Strategy to provide more detailed framework for this key area. - The draft NWSSP identifies investigation precincts for future development and green corridors. Precinct 7A subject of this draft LEP is identified as such a precinct. (Refer also to Annexure "A")
5.2 Sydney Drinking Water Catchments	
- Aims to protect water quality in the hydrological catchment. - Applies when Council prepares a dLEP that applies to Sydney's hydrological catchment.	- Not applicable. - The dLEP does not apply to land within Sydney's hydrological catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
- Aims to ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas. - Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore	- Not applicable. - The dLEP does not apply to land within the NSW Far North Coast.

Direction	Comment
City Council and Richmond Valley Council.	
<i>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</i>	
- Aims to manage commercial and retail development along the Pacific Highway, North Coast. - Applies to all Councils between and inclusive of Port Stephens and Tweed Shire Councils.	- Not applicable. - The dLEP is not located in an area between or inclusive of Port Stephens and Tweed Shire Councils.
<i>5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	
- Aims to ensure that development in the vicinity of the villages of Ellalong, Paxton and Millfield is consistent with the Cessnock City Wide Settlement Strategy and Lower Hunter Regional Strategy. - Applies to land in the vicinity of the villages of Ellalong, Paxton and Millfield in the Cessnock LGA.	- Not applicable. - The dLEP is not located within Cessnock LGA.
<i>5.6 Sydney to Canberra Corridor</i>	
- Aims to ensure that dLEPs are prepared in accordance with the Sydney to Canberra Corridor. - Applies to land within the local government areas described as the 'Sydney to Canberra Corridor'.	- Not applicable. - The dLEP is not located on land identified as being part of the 'Sydney to Canberra Corridor'.
<i>5.7 Central Coast</i>	
- Aims to ensure that land is zoned in accordance with the appropriate regional strategy for the Central Coast. - Applies to Wyong Shire Council and Gosford City Council when Council prepares a dLEP.	- Applicable. - The dLEP is considered to be consistent with the principles of the Central Coast Regional Strategy as summarised in Attachments "7" and "8" and Annexure "A". - It is considered that the dLEP is also consistent with the CCRS as it will provide for additional employment and residential dwellings in an area identified for future greenfield release. Further, it will provide the framework for a significant natural system conservation outcome.
<i>5.8 Second Sydney Airport: Badgerys Creek</i>	
- Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. - Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.	- Not applicable. - The dLEP is not located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.
Local Plan Making	
<i>6.1 Approval and Referral Requirements</i>	
- Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. - Applies when Council prepares a dLEP.	- Applicable. - The dLEP does not propose amendments which require concurrence, consultation or referral of development applications to the Minister or public authority. - The dLEP does not identify any development as designated development. - It is considered that the dLEP is consistent with this

Direction	Comment
	Direction.
<i>6.2 Reserving Land for Public Purposes</i>	
- 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 Council prepares a dLEP.	- Applicable. - The draft LEP includes provision to acquire a significant amount of the proposed release area for open space and conservation purposes. - The draft LEP is accordingly considered to be consistent with this Direction..
<i>6.3 Site Specific Provisions</i>	
- Aims to discourage unnecessarily restrictive site specific planning controls. - Applies when Council prepares a dLEP to allow particular development to be carried out.	- Not applicable. - The dLEP does not propose to allow a particular development to be carried out within the subject area.
Metropolitan Planning	
<i>7.1 Implementation of the Metropolitan Strategy</i>	
- Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. - Applies to Sydney Metropolitan Councils	- Applicable in so far as it calls up the Central Coast Regional Strategy (CCRS) - The dLEP does not affect land within the Sydney Metropolitan Region of Councils - The dLEP is consistent with the CCRS and therefore consistent with the overall Greater Metropolitan Region. But the Metropolitan Strategy's 'City of Cities' blueprint does not apply to the Central Coast.

ANNEXURE “A”

**AMPLIFICATION OF COMPLIANCE WITH SELECT
DIRECTIONS PURSUANT TO SECTION 117(2)**

(Environmental Planning and Assessment Act, 1979)

1.1 Business and Industrial Zones

1 Objectives

The objectives of this direction are to:

- a) Encourage employment growth in suitable locations,
- b) Protect employment land in business and industrial zones, and
- c) Support the viability of identified strategic centres.

2 and 3 Applicability

Applies by virtue of the Proposal's potential to impact on the proposed Warnervale Town Centre and other proximate and evolving centres/employment precincts, such as the Wyong Employment Zone, then North Wyong Industrial Area, the Warnervale Village and the Wyong Town Centre.

4 Compliance

Refer to Consistency at 5 below.

5 Consistency

- a) justified by a strategy which:
 - i) gives consideration to the objective of this direction and
 - ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - iii) is approved by the Director General of the Department of Planning and Infrastructure.

Such a Strategy has not been developed to date. It will, however, evolve from the Employment Lands Study which is currently in the course of preparation and referenced below.

Or

- b) justified by a study (prepared in support of the Planning Proposal) which gives consideration to the objective of this direction.

It should be noted that a broader study of Employment Lands is currently in the course of preparation for the Shire. It will include the subject proposed business park precinct.

Preliminary advice has, however, been procured from SGS Economics and Planning (SGS) (as consultant compiling the previously cited study). Such advice is reproduced as Attachment No. "1".

It includes an appraisal against the "Criteria for Business Parks" established in the Metropolitan Plan for Sydney, 2036 (in the absence of other criteria) and is deemed to "rate well".

- ❖ In noting that the Proposal "is a strong one given the regional context" SGS also opine:
- ❖ Although likely to compete with the proposed Warnervale Town Centre in terms of office orientation employment, the impact may be minimised if the Town Centre evolves largely as a retail centre and a complementary relationship is established. *(It is noted that a limited suite of uses has been developed for the proposed B7 (Business Park) to indeed ensure a complementary relationship with the Warnervale Town Centre rather than a competitive relationship. Additionally, a special provision is proposed to limit the percentage of "stand alone" office premises.)*
- ❖ The single ownership and lack of fragmentation, access to infrastructure and relative proximity to the Freeway provide a degree of comparative advantage over other candidate sites.

- ❖ Its use as principally a Business Park is consistent with SGS's opportunity and constraints analysis of landuse suitability.
- ❖ Early development is possible in a relative sense.

With respect to the objectives of the Direction it is noted:

a) Encourage Employment Growth in Suitable Locations

The proposed neighbourhood commercial centre focussed on the Warnervale Village will provide for convenience shopping, commercial and community needs. It is located proximate to the Warnervale "transport hub" in the form of the existing Warnervale Station and the existing "Warnies" neighbourhood facility. Further, it is accessible via major local collector roads.

The proposed Business Park is similarly located proximate to the Warnervale "transport hub" and accessible to the F3 Freeway.

The combined employment potential of both precincts is projected to exceed 1,000 jobs.

b) Protect employment land in business and industrial zones.

It is not proposed to alter any existing business and industrial zones, nor is the potential floorspace area for employment uses and related public services in business, nor the potential floor space for industrial uses in industrial zones adversely impacted by the Proposal.

c) Support the viability of identified strategic centres

The preliminary advice from SGS advises that the most significant potential competition in respect of the proposed Warnervale Town Centre is likely to be satisfactorily resolved by the latter centre evolving as principally a retail/community centre in a complementary manner.

The precinct is also significantly distant from the Wyong Town Centre and not considered likely to be a significant direct competitor.

Further advice will, however, be forthcoming as the SGS Study is completed.

Refer also to the SGS advice at **Annexure "1"**

2.3 Heritage Conservation

1 Objective

The Objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

2 and 3 Applicability

Applies due to the action of undertaking to prepare the subject Planning Proposal.

4 Compliance

The Planning Proposal will provide for the conservation of Indigenous and European Heritage by virtue of the standard heritage provisions contained in Wyong LEP 1991 or the draft Wyong LEP 2012.

The existing items of European Heritage listed in Wyong LEP 1991 will retain their current listing status. In respect of the regionally significant “Warnies” general store/residence particular regard has been had to retaining an appropriate curtilage.

In respect of indigenous heritage, a series of 18 sites containing stone artifactual material were identified during investigations. The Structure Plan has sought to minimise the impact upon such materials. In the event that a future development impact is proposed it is recommended that a Cultural Heritage Management Plan be prepared in liaison with representatives the Darkinjung LALC and Guringai.

3.1 Residential Zones

1 Objectives

The objectives of this direction are:

- a) To encourage a variety and choice of housing types to provide for existing and future housing needs,
- b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- c) To minimise the impact of residential development on the environment and resource lands.

2 and 3 Applicability

Applies given the Planning Proposal proposes to introduce new provisions to facilitate comprehensive residential outcomes in the existing residential precincts and adjoining future urban release lands.

4 Compliance

The Structure Plan/Masterplan concept and resultant proposed planning provisions provides a framework for a range of housing products in settings that seek to leverage off relative advantage in terms of accessibility, proximity and outlook.

The Structure Plan/Masterplan concept seeks to provide for residential development in a manner which utilises existing and readily amplifiable infrastructure and services.

The inclusion of medium density housing and integrated housing opportunities in particular seeks to facilitate optimum residential densities and reduce the impacts of sprawl.

The Structure Plan/Masterplan concept provides for the optimum siting of future residential development and a framework of planning provisions that will encourage superior design outcomes.

Central to the compilation of the Planning Proposal is a range of densities that exceed prevailing residential provisions.

Further, the Planning Proposal embraces provisions in respect of the adequacy of servicing.

The Structure Plan/Masterplan concept have as a strong underlying principle the conservation of environmentally sensitive lands. Further, resource lands are not adversely impacted.

3.4 Integrating Land Use and Transport

1 Objective

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) improving access to housing, jobs and services by walking, cycling and public transport, and
- b) increasing the choice of available transport and reducing dependence on cars, and
- c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d) supporting the efficient and viable operation of public transport services, and
- e) providing for the efficient movement of freight.

2 and 3 Applicability

Applies in the subject context as it is proposed to develop a comprehensive urban release area.

4 Compliance

The Structure Plan/Masterplan concept which underpins the Planning Proposal has been firmly predicated upon the principles of integrated land use and transport.

The distribution of land uses with greater accessibility demands (relatively speaking) has had regard to the higher order transport infrastructure such as the rail and bus routes and seeks to capitalise upon the same. This is evidenced in particular by the siting of the employment precinct, the village precinct the higher residential densities and access to open space/recreation facilities.

Further, an extensive cycle/pedestrian network has been integrated in the design to facilitate optimum opportunity for movement by alternative means.

A movement of freight along the main rail line and road system is not compromised.

3.5 Development Near Licensed Airports

1 Objectives

The objectives of this direction are to:

- a) to ensure the effective and safe operation of aerodromes, and
- b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and
- c) to ensure 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.

2 and 3 Applicability

Applies due to the “zone” of influence attached to the operation of the Warnervale Airport.

4 Compliance

- a) The Federal Department of Infrastructure and Transport will be consulted as part of the formal consultation process attached to advancing the Planning Proposal.

The Council is the lessor of the airport facility and has liaised appropriately with the Lessee and will consult such party during the formal consultation process.

- b) The relevant Obstacle Limitation Surface has been considered in the compilation of the proposed planning controls, inclusive of maximum building height.
- c) The range of proposed permissible land uses is deemed to be compatible with the operation of an aerodrome.
- d) It is not proposed to permit development that breaches the prevailing Obstacle Limitation Surface, to this end the proposed Height of Buildings Map restricts development to heights below the Surface.

5 a), b) and c)

The land contained within the Planning Proposal is not impacted by the ANEF's established for the respective land uses.

6

The land contained within the Planning Proposal is not impacted by the ANEF's established for the respective land uses and accordingly does not evoke the application of compliance with AS 2021.

4.2 Mine Subsidence and Unstable

1 Objective

The objective of this direction is to prevent damage to life, property and environment on land identified as unstable or potentially subject to mine subsidence.

2 and 3 Applicability

Applies by virtue of the fact that part of the subject precinct falls within the Swansea North Entrance No 1 Extension Mine Subsidence District.

4 Compliance

- a) Prior consultation with the Mine Subsidence Board (MSB) confirmed surface development guidelines of single storey and two storey brick veneer construction; with development outside these guidelines needing to address predicted MSB Parameters.

The proposed Business Park/mixed use precinct is not included in the subject Mines Subsidence District. Buildings are likely to be large footprint buildings and will need to be designed to relevant subsidence parameters.

The issue of potentially expanding the declared Subsidence District is a matter for the Mine Subsidence Board.

- b) It is not considered that there is a need to include specific provisions in the proposed LEP amendment. The existing (Wyang LEP, 1991) and proposed comprehensive Wyong LEP 2012 do not include specific Mine Subsidence provisions.
- c) The Planning Proposal will be referred to the Mine Subsidence Board, as part of the likely Gateway consultation direction.

4.3 Flood Prone Land

1 Objective

1. The objectives of this direction are:
 - (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
 - (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

2 and 3 Applicability

- Applies by virtue of the fact the dLEP applies to land which is affected by the 1 in 100 year flood event (1% AEP).

4 Compliance

- A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*).

A Flood Study has been undertaken in accordance with the *Floodplain Development Manual 2005* and lead to the compilation of the broader Porters Creek Floodplain Risk Management Study and Plan 2011 (Cardno). The relevant Development Control Plan Chapter will have regard to the findings of the Study and Plan

- A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

The Planning Proposal is compliant in respect of proposed zoning changes

- The planning proposal does not contain provisions that:
 - (a) permit development in floodway areas,
 - (b) permit development that will result in significant flood impacts to other properties,
 - (c) permit a significant increase in the development of that land,
 - (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
 - (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.
- The planning proposal does not impose flood related development controls above the residential flood planning level for residential development on land.

The planning proposal adopts a relevant flood planning level that is consistent with the Floodplain Development Manual 2005 (including the *Guideline on Development Controls on Low Flood Risk Areas*)

5.1 Implementation of Regional Strategies

1 Objective

The objective of this direction is to give legal effect to the vision, landuse strategy, policies, outcomes and actions contained in regional strategies.

2 and 3 Applicability

Applies due to the action of undertaking to prepare the subject Planning Proposal.

4 Compliance

The Planning Proposal pertains to an area which is importantly identified in the Central Coast Regional Strategy (CCRS) as a linkage area between the proposed Warnervale Town Centre and Wyong, providing for residential, employment and conservation purposes. The area is further identified in the Draft North Wyong Shire Structure Plan (NWSSP) as a medium term release area to this end.

The Proposal provides a capacity in excess of the residential and employment targets of 1848 dwellings and 273-546 jobs respectively; it being noted that approximately 2,050 additional dwellings and 1,000 plus additional jobs will evolve.

Furthermore, the Proposal is generally consistent with the aims and objectives of the CCRS and the associated Sustainability criteria. This consistency is summarised as follows:

- Centres and Housing actions 4.1; 4.2; 4.3; 4.4; 4.6; 4.7; 4.10; 4.11; 4.113; 4.16; 4.17; 4.18; 4.21 & 4.25;
- Economy and Employment actions 5.1; 5.2; 5.3; 5.7; 5.8; & 5.11;
- Environment, Heritage Recreation and Natural Resource actions 6.2; 6.3; 6.4; 6.5; 6.7; 6.8; 6.9; 6.10; 6.11; 6.13; 6.14; 6.15; 6.18; 6.19; 6.20; & 6.23;
- Natural Hazards actions 7.2 & 7.3;
- Water actions 8.2; 8.4; & 8.5; and
- Regional Transport action 10.9; & 10.10.

The Regional Economic Development and Employment Strategy, 2010 (REDES) establishes a framework for Economic Development and Employment for the Region. It is considered that the Planning Proposal is consistent with and will assist in achieving; interalia, strategies: 1 (Strengthening the Regional Economy); 4 (Ensuring an Adequate Supply of Lands for Employment) and 5 (Focus on Centres Development).

ANNEXURE NO. “1”

**PRELIMINARY PLANNING ADVISE – PROPOSED
BUSINESS PARK/MIXED USE PRECINCT**

(SGS Economics and Planning, July 2012)

The General Manager
Wyong Shire Council
PO Box 20
Wyong NSW 2259

Attention: Jonathan Luke

Dear Sir,

Re: Proposed Business Park Rezoning

The purpose of this letter is to provide preliminary planning advice to the Wyong Shire Council with regard to the proposed Business Park rezoning of the 'Warnervale South West' site identified in the draft North Wyong Shire Structure Plan (dNWSSP). Please note our 'final' advice will be included in the Employment Lands Study we are currently preparing. This will have the advantage of a more detailed supply and demand analysis and may differ from the advice contained in this letter.

Background

We understand that the Council is considering rezoning the parcel of land known as 'Warnervale South West' in the dNWSSP.

Figure 1 shows an extract from the North Wyong Shire Structure Plan (NWSSP) with the proposed business park site (identified with a number '4') in relation to the Warnervale Town Centre, Wyong town centre, the rail corridor and the F3 Freeway. The site is about 11 kilometres to the north from the existing Tuggerah Business Park, which is nearing build out (around 30 percent still vacant).

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Figure 2 shows the proposed business park from the Precinct 7A Structure Plan. The proposed Warnervale Town Centre is located to the north west of the site.

Though planning is advanced on the proposed Warnervale Town Centre there are still a number of key 'building blocks' to be resolved, including the timing of any new station (and potential implications for the continuing operation of the existing Warnervale station). Uncertainties associated with the timing of the development of the new Town Centre exist, notwithstanding these, planning for development in proximity to the existing station is proceeding.

Though the discussion on planning for business parks in the Metropolitan Plan for Sydney 2036 is more relevant to the metropolitan area rather than the wider Sydney region which includes the Central Coast (see Action E2.3, p.137), the 'Criteria for Business Park Locations' (also p.137) are still useful for testing the current proposal.

The link road to Sparks Road (coloured in red on the figure below) is already built and only on-site infrastructure needs to be provided.

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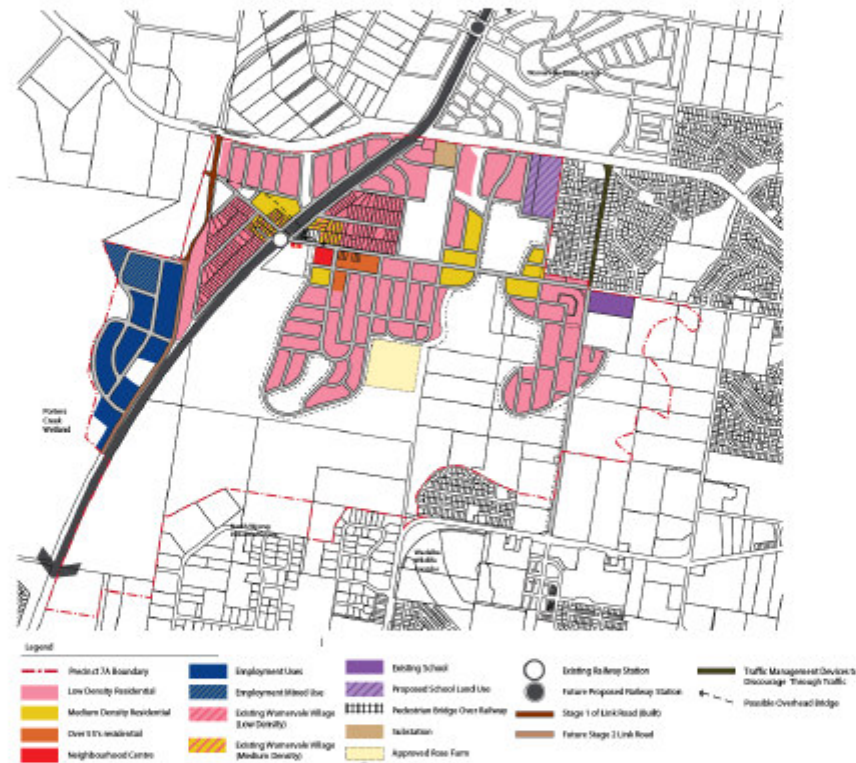
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Figure 2. Proposed business park site – Precinct 7A Structure Plan



Source: Architectus (2011).

The suggested criteria are as follows:

- Access to public transport corridors (preferably rail)
- Links to freight corridors and major transport nodes
- Land area (50 – 180 hectares) to allow expansion to accommodate 8,000–40,000 employees
- Proximity to workforce (within 30 minutes commute)
- Business parks should have a relationship to adjoining economic infrastructure e.g. hospitals, universities, educational facilities, research institutes or clusters of knowledge-based activity

We have addressed each of these criteria in turn below.

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Criteria	Commentary
Access to public transport corridors (preferably rail)	The proposed business park would be located 500 metres from the existing Warnervale train station (and a further two kilometres from the proposed Warnervale town centre station). As a comparison, the Tuggerah Business Park is located 650 metres from the Tuggerah train station. This criterion is more relevant to the Sydney metropolitan context where the rail network (and to a lesser extent buses) serves commuter and journey to work trips more effectively. Currently around 2 percent of work trips to the Tuggerah Business Park are by train and 2 percent by bus (90 percent by car). Although based on the draft structure plan, the pedestrian connection from the Warnervale Station will be comparatively more legible. The more relevant consideration is the extent to which the business park will provide employment for 'locals', which is expected to be high, and how local public transport – buses in particular – and alternative transport options (cycling, walking) are supported by the detailed design.
Links to freight corridors and major transport nodes	The proposed business park would be located 800 metres from the Sparks Road and a further 2.5 kilometres from the F3 Freeway. As a comparison the Tuggerah Business Park is located 2.1 kilometres from the F3 Freeway. Though a link road is not yet in place the site is about three kilometres from the Old Pacific Highway and the North Wyong Industrial Estate.
Land area (50 – 180 hectares) to allow expansion to accommodate 8,000–40,000 employees	The proposed business park is a total of 37 hectares in size (the existing Tuggerah Business Park is 49 hectares). While this is somewhat less than the size suggested by the criterion, the regional context and the more modest scale of the future potential (compared to the metropolitan area) needs to be considered. The demand analysis to come will provide more information on the merits of the proposal given its size, but it would appear to be a reasonable proposition given its regional context and the precedent created by the successful Tuggerah Business Park. The land immediately to the west of the proposed Precinct 7A Business Park is subject to a Property Vegetation Plan under the Native Vegetation Act 2003 administered by the Catchment Management Authority (CMA). While the boundary of this land may be adjusted through negotiation, the process is quite involved.
Proximity to workforce (within 30 minutes commute)	The Central Coast has a population of 300,000 and the Lake Macquarie LGA a population of about 200,000. Given the site's location close to the F3 a good share of this population (3-400,000 in total) would have access to the development in about 30 minutes by car. The immediate Precinct 7A area is being planned for about 6000 people and the proposal will be highly accessible to this future population.
Business parks should have a relationship to adjoining economic infrastructure e.g. hospitals, universities, educational facilities, research institutes or clusters of knowledge-based activity	In time Warnervale (whether in the existing or future town centre location) is likely to host more educational and medical facilities. As it is the Wyong hospital is only about 4-5 kilometres away to the east along Sparks Road (and closer than it is to the Tuggerah Business Park)

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The proposal rates well against these criteria, insofar as they are relevant to a regional location such as Wyong. Access and links to arterial and freight corridors are particularly strong. The population within 30 minutes (roughly estimated at perhaps 3-400,000 now) is growing and will continue to need local job opportunities to minimise commute times.

Some other points to note include the following:

- Given the deletion of the B4 Mixed Use zone and the absence of 'Business Premises' as a permissible use under the B7 zone, it is envisaged from a strategic planning perspective that the proposed Business Park will complement rather than compete 'head to head' with the Warnervale Town Centre. The Business Park would likely be focussed on attracting large floorplate style office premises, while the town centre would more likely function with a stronger retail and service role, catering to smaller businesses.
- A great advantage in terms of early development is the single ownership and lack of fragmentation. Existing and potential future competing sites such as Bruce Crescent, Hue Hue Road and WEZ have fragmented ownership issues and are more constrained. The Council owned site is closer to the freeway than North Wyong Industrial Estate and a lot of other potential estates. The other sites do not have the trunk infrastructure available and hence the cost of development would be higher at these sites.
- SGS's opportunities and constraints analysis identifies Business Park as the most suitable use for this site (followed by Light Industry and Urban Services). It is relatively unconstrained.
- The link road is in place and early development is possible (in comparison to other sites such as those identified in the dNWSSP and WEZ). This would be a great advantage when it comes to the market offer for the residential development to follow in Precinct 7A.

The Council's Precinct 7A Business Park proposal is a strong one given the regional context. The updated proposal, with the changes to proposed zoning (removal of B4) and uses (removal of 'Business Premises'), results in a more positive outcome, from a strategic planning perspective, for the existing and proposed centres of Wyong and Warnervale. The changes will ameliorate any potential impacts that the business park would have had to these centres.

It will be important to ensure it is provided with public transport access to neighbouring residential areas as they develop. Integration and links to the adjacent residential development area is also critical to the 'urbanity' of the development.

Please contact me on (02) 8307 0121 or by email at pfensham@sgsep.com.au. If I can provide further information.

Kind Regards,



Patrick Fensham

Principal and Partner

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