

Planning Proposal

Precinct 7A - Warnervale & Hamlyn Terrace (also known as Precincts 4, 5 and 7 under the North Wyong Shire Structure Plan)

Illustrative Master Plan Concept



August 2012

Prepared by Land Use Planning and Policy Unit

Precinct 7A

Warnervale & Hamlyn Terrace

Ref No. F2007/00274

Contents

1	Objectives or Intended Outcomes	3
	1.1 <i>Objectives</i>	5
	1.2 <i>Planning History</i>	5
	1.3 <i>Site Location</i>	5
2	Explanation of Provisions	6
3	Justification	6
	3.1 <i>Need for the Planning Proposal</i>	6
	3.2 <i>Relationship to strategic planning framework</i>	8
	3.3 <i>Environmental, Social and Economic Impact</i>	11
	3.4 <i>State and Commonwealth Interests</i>	16
4	Community Consultation	21
5	Attachments and Supporting Documentation	22

1

Objectives or Intended Outcomes

The intended outcome of this Planning Proposal is to:

Rezone Precinct 7A for the purposes of residential, employment, commercial, environmental and recreational purposes.

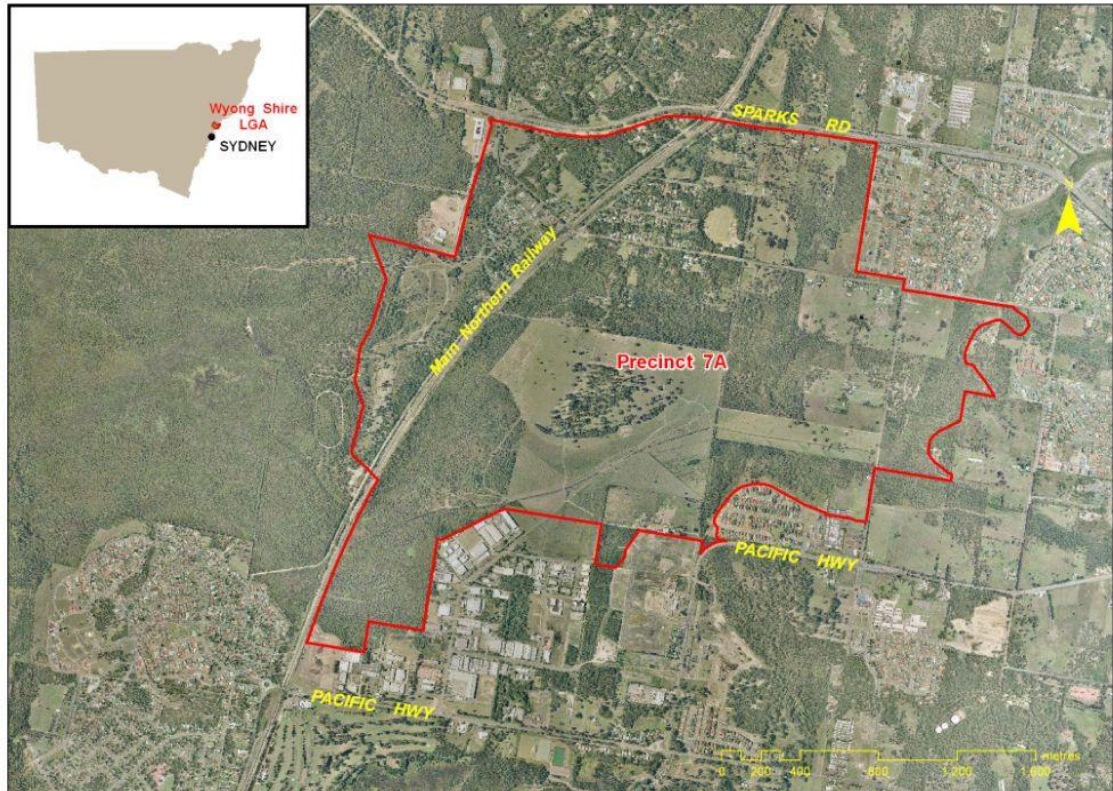
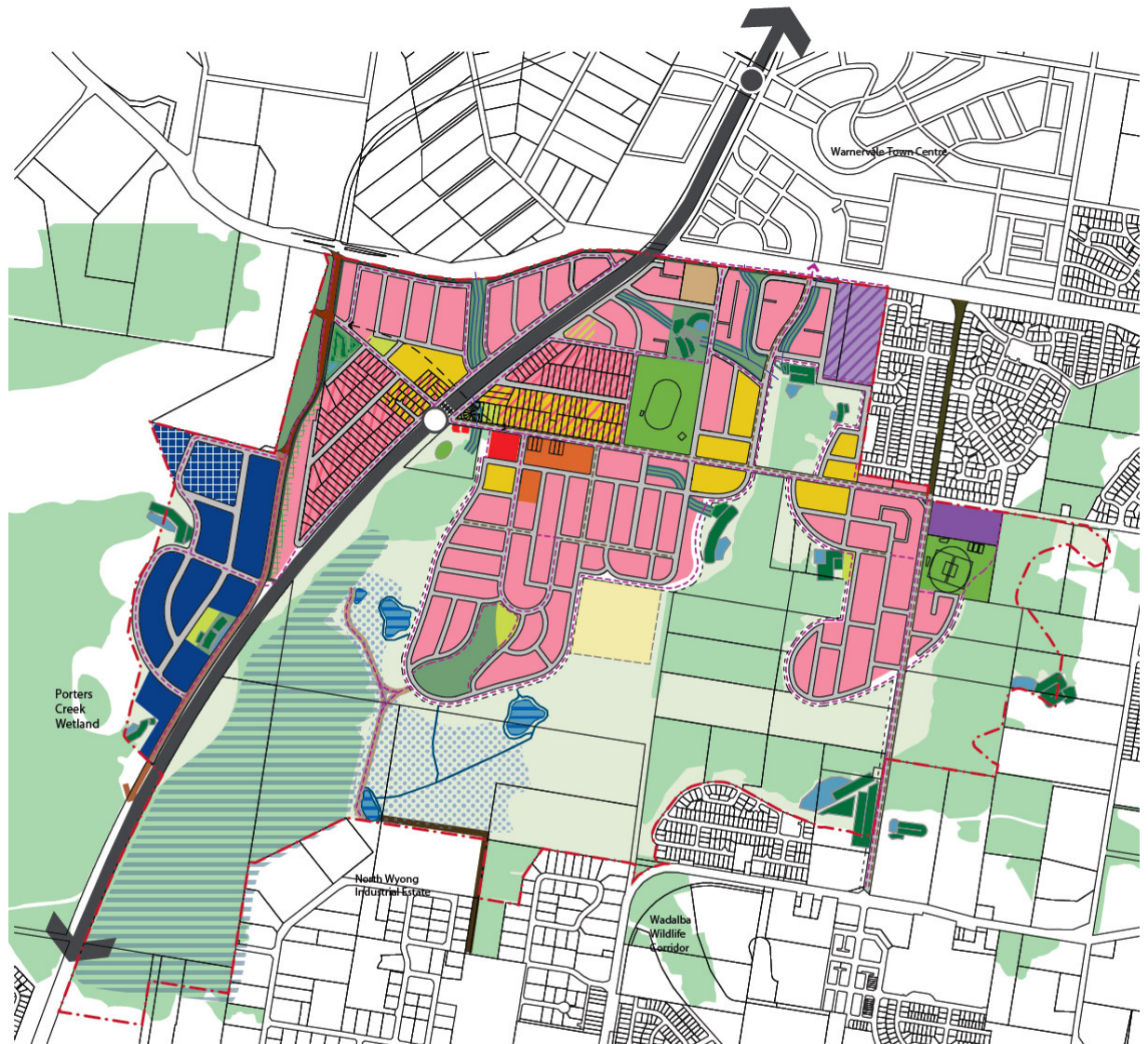


Figure 1 Planning Proposal Locality Plan



STRUCTURE PLAN

LEGEND

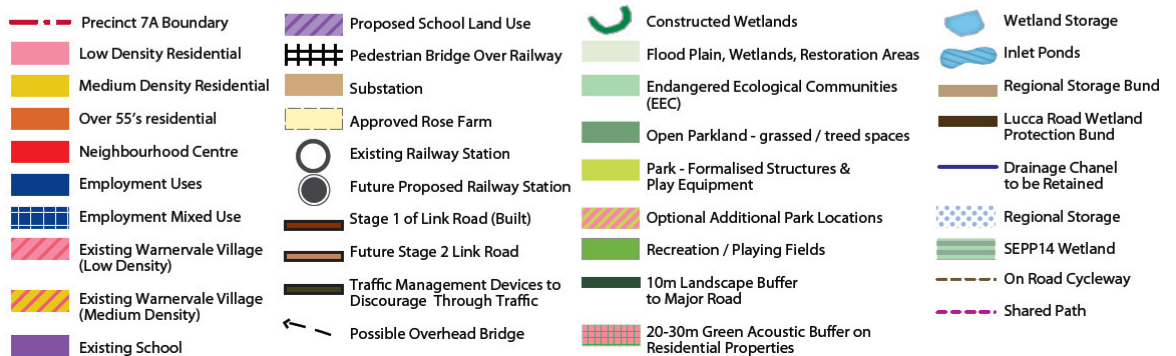


Figure 2: The Structure Plan upon which the rezoning proposal is based is shown above.

1.1**Objectives**

The objectives of this planning proposal include the following:

- To enable the development of Precinct 7A for low and medium density housing except for flood prone lands, and other areas required for conservation, recreation and or infrastructure purposes.
- To also enable the establishment of a neighbourhood shop precinct centred on the existing “Warnies” general store.
- To enable the development of a business park to the south west of the Warnervale Railway Station that will provide for a mix of employment uses ranging from research & development, call centres and offices to light industry and distribution centres together with a small range of retail uses necessary to support the business park.

1.2**Planning History**

Investigations and planning work on Precinct 7A commenced in early 2007 through a number of landowner meetings and public forums. These meetings were held in order to develop an agreed approach to fund the cost of rezoning studies. The study area was defined in this period however further expanded in 2008 to include Council owned land zoned for educational purposes which is located to the west of the Sydney to Newcastle Rail Line.

A Funding Agreement was entered into between Hannan Pty Ltd and Bitova and Wyong Shire Council on 28 November 2008. This agreement outlines each parties obligations to fund the rezoning, supporting studies and documents. The study area was defined in this period however further expanded in 2008 to include the Education Precinct, an area of 32.7ha to the west of the Sydney to Newcastle Rail Line, and in the ownership of Council. Attachment 1 provides additional plans showing the study area.

Council formally resolved in December 2008 (refer to Attachment 2) to prepare an amendment to Wyong Local Environmental Plan (WLEP) 1991 to rezone Precinct 7A to facilitate the provision of additional residential, employment generation, commercial, conservation and open space land. The matter is also due to be considered by Council on 28 March 2012 where permission is sought to publicly exhibit the draft Planning proposal (see Attachment 3). This proposal has previously been supported by the Department of Planning (DoP) through the former plan making provisions of the *Environmental Planning and Assessment Act, 1979* (EP & A Act) as detailed within Attachment 4 of this proposal. This rezoning was transferred into the ‘Gateway’ rezoning process on 4 November 2010 and the Department of Planning and Infrastructure (DP&I) requested that the Planning Proposal be referred back to Gateway prior to public exhibition. An extension of time to complete the Planning Proposal was also granted on 20 October, 2011 which extended the timeframe to 11 August, 2012.

The area is also identified with a different precinct numbering system in the draft North Wyong Shire Structure Plan (dNWSSP). In this document the area is known as Precincts 4, 5 and 7. Under this plan the area has a ‘medium term’ release priority. All land in the ‘medium term’ under the dNWSSP is scheduled to be rezoned before 2020. The draft NWSSP establishes a residential density target of 1,848 dwellings and an employment target of 273-546 jobs for this area.

1.3**Site Location**

The study area consists of approximately 540 hectares and is located north of the Wadalba neighbourhood centre. It is bounded by Warnervale Aerodrome to the south-west, Sparks Road to the north and the Pacific Highway to the south. To the east the site is bounded by Minnesota Road.

The study area does not include the adjoining North Wyong Industrial Area and residential areas of Hamlyn Terrace. The existing Warnervale Village is included within the study area boundary, as is the Education Precinct, west of Albert Warner Drive and the Sydney to Newcastle railway line.

The study area includes a major floodplain to the south of the site, forming part of the Porters Creek Wetland System, a significant natural wetland for the management of stormwater within the region. Included within this floodplain is a SEPP 14 wetland consisting of state significant endangered ecological communities. Warnervale Village occurs within the study area, with a focal point being 'Warnies General Store' and Warnervale Train Station. Surrounding development is rural residential in nature, consisting of large wooded allotments.

2 Explanation of Provisions

The timing of the making of draft Wyong LEP 2012, which is in the Standard LEP format, will affect the Planning Proposal. Initially, it was anticipated that the Planning Proposal will be an amendment to Wyong LEP 2012. However, if that draft LEP 2012 is delayed significantly, then the Planning Proposal may reasonably proceed as an amendment to LEP 1991.

To give statutory effect to the rezoning it is proposed to amend the future Wyong LEP 2012 provided such plan is gazetted in a timely manner. In the event that the Precinct 7A rezoning precedes the making of Wyong LEP 2012 it is proposed that a suite of similar planning provisions be incorporated in the prevailing Wyong LEP 1991. Various alternative ways of proceeding with the zoning amendment are discussed in later sections of the Planning Proposal.

The principal controls proposed include:

- Land use zones which address the diverse range of land uses identified in the Structure Plan.
- Relevant planning controls in the form of minimum lot size, maximum building height and floor space ratio.
- Maps depicting the foregoing, together with land application, land acquisition (and related schedule) and Urban Release Area maps.

A detailed description of these controls and maps is provided in Attachment 5.

3 Justification

3.1 Need for the Planning Proposal

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

The Precinct 7A Study Area is defined within Council's *Residential Development Strategy (RDS)*, 2002 as a medium priority area for urban development. In addition, the area is included within the *North Wyong Shire Structure Plan (NWSSP) Area* as an area for future urban development as identified within the *Central Coast Regional Strategy (CCRS)*. It is also identified in the draft North Wyong Shire Structure Plan with a different precinct numbering system and is known as Precincts 4, 5 and 7. Under this plan the area has a 'medium term' release priority. All land in the 'medium term' under the dNWSSP is scheduled to be rezoned before 2020. **The draft NWSSP establishes a residential density target of 1,848 dwellings and an employment target of 273-546 jobs for this area. Council's proposed rezoning will exceed these targets.**

Concerning the establishment of a business park, the draft NWSSP identifies this area as “Precinct 4” for the purposes of employment land to be released in the medium term. One of Council’s key objectives is to create more jobs on the Central Coast and to reduce the reliance on commuting. Council’s aim for this site to actively facilitate the availability of employment land and to encourage businesses to locate on the Coast.

Council’s adopted Community Strategic Plan (CSP) Priority Objective states “There will be a strong sustainable business sector and increased local employment built on the Central Coast’s strengths”.

The dNWSSP identifies a job target of 12,000 additional jobs by 2031. This includes 6,000 jobs in the WEZ, 1,200 in the Warnervale Town Centre (WTC) and a further 4,800 jobs in the Structure Plan area. The proposed business park will conservatively facilitate around 1,000 jobs and this assists in reaching this target.

Both the REDES and the draft Employment Lands Study(dELS) reinforce the need to focus upon the Coast’s existing strengths such as warehouse and logistics, and likely future growth opportunities in Information Technology, health related, call centres and green industries. The dELS also identifies ‘business park’ as the most appropriate broad land use category (BLC) for the site followed by ‘light industry’ and ‘warehouse and logistics’. The proposed suite of land uses under the proposed B7 zone facilitate this.

3.1.2

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

In broad terms there are two key options with regard to progressing the planning Proposal for Precinct 7A. The first is to progress the Planning Proposal to public exhibition and consult the community and stakeholders. The second is to not proceed with the rezoning. Each of these options is discussed in more detail below.

Under Option 1 there are a number of sub-options that exist with respect to how the Planning Proposal could be integrated into the Wyong LEP. These sub-options are due to timing uncertainty associated with Wyong LEP 2012 and are discussed below:

Option 1: Public exhibition and consult community on Planning Proposal

The Planning Proposal is consistent with the Central Coast Regional Strategy and draft North Wyong Shire Structure Plan and is consistent with all relevant section 117 Directions. The current proposal provides significant community benefits in terms of creation of new housing opportunities, local employment opportunities and significant areas of public open space and conservation areas. Continued support is justified and it is recommended that the plan be publicly exhibited.

The following sub-options exist with which to progress the amendments proposed in this Planning Proposal:

Sub-option A – Proceed with the Proposal as a separate amendment to WLEP 2011 (Not recommended)

Council’s initial expectation was for the Planning Proposal for Precinct 7A to proceed as an amendment to Wyong Local Environmental Plan (WLEP) 2012 based on an assumption that the Composite LEP (WLEP 2012) would be gazetted in 2011. However due to delays to the delivery program for WLEP 2012, it is anticipated that the timing for the Planning Proposal for Precinct 7A will precede the WLEP 2012. Therefore this option is not favoured as it would likely impose delays to this Planning Proposal.

Sub-option B - Include Precinct 7A within the Comprehensive LEP Review (Not Recommended)

Integrating the proposed zone and planning provision amendments of the Precinct 7A Planning Proposal within WLEP 2012 is another option. As both WLEP 2012 and the Precinct 7A Planning Proposal have been drafted in accordance with the template of the NSW Standard Instrument. This sub-option makes some sense. However due to uncertainties surrounding the timing, in particular WLEP 2012 this sub-option is not favoured.

Sub-option C – Proceed with the Proposal as a separate amendment to WLEP 1991 as a Schedule in Standard Instrument (Recommended)

Should the timeframe for the Planning Proposal for Precinct 7A precede WLEP 2012, it could be progressed as an Amendment to WLEP 1991. This would involve the utilisation of land use zoning and associated clauses and definitions or the NSW Standard Instrument (SI). The planning associated with the Planning Proposal has been undertaken based on the SI. It is desirable that such an amendment to WLEP 1991 utilise the land use zoning, clauses and provisions of the SI as this would make the integration into the Wyong LEP 2012 more straightforward and less problematic. **This is the preferred approach.**

Sub-option D – Proceed with the Proposal as a separate amendment to WLEP 2011 (Not Recommended)

Sub-option D is that the Planning Proposal be progressed as an amendment to WLEP 1991 by using the zoning, associated clauses and definitions of WLEP 1991 where possible and including additional provisions where necessary. This sub-option will be more complicated when attempting to integrate and convert these provisions into WLEP 2012 and therefore is not favoured.

Option 2: Not Proceed with Rezoning

Not proceeding with the Proposal would result the loss of significant residential and employment opportunities and an estimated one billion dollars in local investment opportunities which will be created by the rezoning. This option is not favoured.

3.1.3

Is there a net community benefit?

The proposal has been considered against the evaluation criteria for the net community benefit test as detailed within the Draft Centres Policy as detailed within Attachment 6. This evaluation is further detailed below, in summary however, the proposal will:

- Provide for additional residential dwellings consistent with regional strategy directions;
- Provide employment opportunities through construction related work and job 'self containment' through ongoing operational activities within the proposed employment and commercial areas consistent with regional strategy directions;
- Improve accessibility for new and existing residents to places of employment, recreational attractions and points of interest and to planned and existing retail hubs (i.e. Warnervale Town Centre and Wadalba Shopping Centre);
- Provide for a range additional recreational facilities for a diverse population; and
- Enable the transfer of large areas of Porters Creek Wetland and floodplain into public ownership for restoration, revegetation and protection and passive recreation.

3.2

Relationship to strategic planning framework

3.2.1

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 proposal has been assessed against the actions/objectives of the CCRS and the associated Sustainability criteria. In general, the proposal is consistent with these criteria. These assessments are further detailed in Attachments 7 and 8 respectively.

In summary, the applicable actions/objectives of the CCRS include:

- 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; 6.4; 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.

In accordance with the actions and recommendations of the CCRS, the Department of Planning (DoP) released the Regional Economic Development and Employment Strategy (REDES) in February 2010. It is considered that this Planning Proposal is consistent with and will assist in achieving strategies 1 (Strengthening the Regional Economy); 4 (Ensuring an adequate supply of lands for employment) and 5 (Focus on centres development) of the REDES.

With particular reference to the proposed business park, the following comments are offered concerning relationship with the strategic framework:

- The Metropolitan Plan for Sydney 2036 Vision policy setting identifies an aim to "plan land use for 760,000 jobs by 2031.
- The proposed business park rates well against the Metropolitan Plan's 'criteria for business parks'.
- The Central Coast Regional Strategy 2008 (CCRS) identifies the need to create an additional 45,000 jobs on the coast by 2031.
- The CCRS identifies the need to identify opportunities to accommodate light industry, warehousing, office and technology based jobs. The proposed business park assists with this objective.
- The draft North Wyong Shire Structure Plan (dNWSSP) identifies a job target of 12,000 additional jobs by 2031. This includes 6000 in the WEZ, 1200 in the Warnervale TC and a further 4800 jobs in the Structure Plan area. The proposed business park conservatively proposes around 1000 additional jobs, which will assist in reaching this target.
- The dNWSSP identifies the proposed Precinct 7A business Park as 'Precinct 4' for the purposes of employment land to be released in the medium term. The current planning proposal is consistent with this.
- REDES identifies 7 strategies for the Central Coast. The proposed Business Park is generally consistent with these, and in particular the need to focus on existing employment strengths in light industry, logistics and warehousing and building on attracting call centres, green industries and the like. REDES also reinforces the need for job 'self containment'.
- The draft Employment Lands Study confirms the need to focus upon the existing strengths (light industry, warehouse and logistics) and likely future growth opportunities (IT, health related, business park uses) The draft Employment Lands Study also identifies business park as the most appropriate 'broad land use category' (BLC) for the site followed by light industry and warehouse and logistics. This is consistent with the suite of uses proposed in the B7 Zone under the Planning Proposal.
- In addition to the appropriate suite of permissible uses, a special provision is proposed as part of the planning proposal that will limit the percentage of stand-alone 'office premises' so as to not adversely impact on the development timing and viability of the Warnervale Town Centre.

3.2.2

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

The Wyong Shire Strategic Vision (SSV) was adopted by Council in September 2009, and provides a direction for the future of the community of Wyong Shire. The vision aims to achieve the needs of the local community.

The Community Strategic Plan identifies 8 priority objectives, each supported by a range of actions. The Planning Proposal is assessed as follows and is considered to be consistent with this document.

1. Communities will be vibrant, caring and connected.

Opportunities exist for new residents to participate in existing programs in the district, including community, business, sports, recreation, education and creative groups and to establish new programs/opportunities and build local social capital.

2. There will be ease of travel.

Bus services operate along Sparks Road and major bus routes have been planned to service new development. Pedestrian and cycleway links have been planned to service the development and provide links to surrounding development. A major level owner in the study area has also proposed to upgrade Warnervale Railway Station.

3. Communities will have a range of facilities and services.

The proposed development will result in developer contributions to cultural and community facilities, open space, sports and recreation facilities, which can be accessed by new communities.

4. Areas of natural value will be enhanced and maintained.

Significant areas of wetlands, EECs and floodplains will be rehabilitated and conserved and managed under public ownership. Opportunities for the development to fund programs aimed at restoring natural areas are recommended to be investigated to assist in the achievement of this priority objective.

5. There will be a sense of community ownership of the natural environment.

Opportunities for the development to support this priority objective may need to be discussed and negotiated.

6. There will be a strong sustainable business sector.

There will be positive impacts arising from the creation of a new business park and neighbourhood shopping centre and home business opportunities.

7. Information and communication technology will be world's best.

It is recommended that future development of the land facilitate the provision of high speed broadband services.

8. The community will be educated, innovative and creative.

A new school is proposed to be developed on land owned by Department of Education and Training in the study area. Other schools will expand and be embellished, in accordance with community need.

3.2.3

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

The Planning Proposal is likely to be influenced by the following SEPPs:

- SEPP 14 – Coastal Wetlands;
- SEPP 44 – Koala Habitat Protection: and
- SEPP 55 – Remediation of Land.
- SEPP 65 – Design Quality of Residential Flat Development
- SEPP (Infrastructure) 2007
- SEPP (Mining, Petroleum Production and Extractive Industries), 2007

Having regard for the extensive background studies being undertaken for the above matters, it is considered that the Planning Proposal can be consistent with the requirements of these SEPPs.

The full assessment of these SEPPs is contained within the Attachment 9 of this proposal.

3.2.4

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

The proposal has been considered against the relevant Ministerial Section 117 Directions and is considered to be consistent with the relevant Directions. The full assessment of these Directions is contained within the Attachment 10 of this proposal.

3.3

Environmental, Social and Economic Impact

3.3.1

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?

An ecological assessment has been conducted by Umwelt (Australia) Pty Ltd. The objectives and key findings of this study are detailed in Attachment 11. 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. Approximately 50 Ha of vegetation and a further 20 Ha of disturbed vegetation will be removed within development areas identified by the Structure Plan.

The ecological constraints discussed in the ecological assessment were considered as part of the development of the proposed Structure Plan for the study area, and this has lead to the retention and protection of 288 Ha (52%) of the study area being conserved (much of this area is flood affected and contains Endangered Ecological Communities (EECs), recorded locations of threatened flora and fauna species, or their known habitats. A total of 14 vegetation communities and six different habitat formations were identified and described. Umwelt identified five threatened flora species, nineteen threatened fauna species, one endangered flora population and four endangered ecological communities (EECs) within the study area. Impacts to EECs, threatened species and Endangered Populations have been minimised, however these are still impacts which are summarised in Attachment 11 and examined in more detail in Umwelt Ecological Assessment.

Future management of conservation lands and Offsetting

Large areas of the Warnervale Floodplain will be protected as part of this rezoning. The majority of these areas are identified for acquisition under the existing Section 94 Contribution Plan for the Warnervale/Wadalba area. However, these acquisition areas will need to be revised to align with the boundaries of conservation zoned land outlined in this Planning Proposal. Much of this land will be transferred to Council ownership over an extended timeframe as Precinct 7A is developed.

Approximately 288 Hectares of the study area is proposed for conservation purposes and it is expected that 80 Ha of the floodplain will eventually be restored. Other parts of the floodplain will be used for stormwater management, drainage and passive recreational uses.

Council has engaged Umwelt to prepare a Plan of Management (PoM) covering proposed conservation areas within Precinct 7A. The main focus of the plan concerns the management of the Warnervale floodplain. Rehabilitation costs and management objectives are still being established for this plan. Significant areas of the floodplain are required to locate constructed wetlands and storages. Substantial areas of the floodplain are currently grazed by cattle as well. The majority of the floodplain will eventually be rehabilitated.

Council staff will seek to ensure that the costs of rehabilitating and managing the land are minimised and will explore revenue raising opportunities to offset some of these costs. Some example of possible options include:

- Swamp forest rehabilitation programmes which link into carbon farming to offset the emissions of Council's fleet.
- Grant funding
- Establish short term grazing lease until land is ready to be rehabilitated.
- Sale of Biobanking credits etc
- Commercial uses

There are a number of different offsetting tools available in NSW. None of which integrate particularly well with the land rezoning process. The main mechanisms include Biobanking, Biocertification and offsets under the *Native Vegetation Act*. Significant community benefit will result in securing the significant environmental assets proposed as part of the Precinct 7A rezoning. However, conservation of floodplain areas will only have minimal value in terms of satisfying the "maintain/improve outcome" as measured by Bio Metric offsetting strategies such as Biobanking or Biocertification. These bio Metric techniques are still weighted heavily on the 'like for like' principle which basically means that additional offsets would need to be obtained to offset the clearing of dryland forests which are not well represented in proposed conservation areas on floodplains (which mostly contain swamp forest vegetation communities).

There are significant benefits in achieving Biocertification in terms of providing development certainty where threatened species legislation can be turned off in new development precincts, managing future risks in terms of potential impacts from new threatened species listings and different views on interpreting whether EEC's should apply or not to a particular area. However, the benefits for this precinct would need to be more closely scrutinised.

The implication might mean that some future residential subdivision proposals may have localised "significant" impacts under S. 5A of the *Threatened Species Conservation Act, 1995* and will need to be supported by a Species Impact Statement (SIS) and will require OEH concurrence. This will lead to delays in processing some applications with protracted negotiations with OEH and possible sterilisation of developable land in some locations. There is also the risk that new threatened species could be listed before development proceeds.

Due to the time consuming nature of preparing biocertification documentation (as experienced by Council with the Warnervale Town Centre example) and the likelihood that large offset areas would need to be purchased off-site to achieve biodiversity certification. This is something that Council might be able to pursue post gazettal of the Precinct 7A rezoning. However it would mean that the purchase and management costs of these additional offsets would need to be funded.

3.3.2

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

Contaminated Land

A detailed land contamination report was conducted for the study area by Douglas Partners which identified past and potentially contaminating activities. A number of sites were identified as Areas of Environmental Concern (AEC) and it is recommended that the future DCP for the area includes a provision that these sites be re-assessed to update their contamination status at the development application stage. The objectives and key findings of this study are detailed in Attachment 11.

ACID SULPHATE SOILS AND GROUNDWATER

A preliminary acid sulphate soil assessment has been conducted by Douglas Partners. The report concludes that acid sulphate soils are not generally present within the study area and that the soil could be excavated without the need to operate under an acid sulphate soil management plan. A salinity report was submitted by Douglas Partners. The report indicates that low lying parts of the floodplain are moderately to highly saline at depths greater than one metre. Council has taken this constraint into consideration in developing the Integrated Water Cycle Management Strategy for this precinct which is based on a design which involves minimal excavation in areas where high salinity groundwater occurs. The objectives and key findings of this study are detailed in Attachment 11.

Bushfire

Large areas of Precinct 7A which are classified as Bushfire Prone Land. A Bushfire Threat Assessment Report has been conducted by Peak Land Management. Peak Land Management concludes that providing the subdivision is designed to conform to Planning for Bushfire Protection 2006 and that adequate asset protection zones are maintained then all bushfire risks will be mitigated. Council has consulted the NSW Rural Fire Service and no objection was raised to the rezoning proceeding. The objectives and key findings of this study are detailed in Attachment 11.

Flooding

(Cardno) has completed the draft flood study and has provided information on the 1% Annual Exceedence Probability (AEP), channel design and flood mitigation measures within the study area. Flood modelling scenarios have also been conducted with an allowance for climate change. This information has been incorporated to inform the development of the Structure Plan. The objectives and key findings of this study are detailed in Attachment 11.

Noise and vibration impacts

A Noise and Vibration Impact Assessment has been conducted by Renzo Tonin and this has concluded that parts of the study area will be exposed to traffic and rail noise which exceed the relevant standards in respect of acceptable acoustic amenity. It further concluded that a range of ameliorative (design focused) measures, including setbacks, barriers and building design/treatment, could be readily implemented to achieve sustainable noise outcomes. Appropriate requirements will be included in the future Precinct 7A DCP which will specify noise requirements in noise affected areas.

The required measures will be implemented generally as conditions of development consent at subdivision and/or dwelling construction stage. It will be necessary, however to integrate construction of noise barriers and related works (or similar) with any design plans/capital works program of the Roads and Maritime Services (RMS) and Rail Corp, in respect Sparks Road and the main northern rail line respectively.

Additionally aircraft noise was identified to not adversely impact the Precinct. It was also concluded that rail vibration was not likely to impact development within proximity of the railway.

The objectives and key findings of this study are detailed in Attachment 11.

Aboriginal and European Heritage

AS&R was engaged to complete an Aboriginal and European Heritage Assessment. Eighteen sites containing stone artefactual material were recorded during the investigation. The recommendations in general are that artefact material for sites that cannot be avoided by future development should be salvaged. ASR recommends that no development should be approved at, or in the vicinity of the site locations before a Cultural Heritage Management Plan has been developed by a qualified archaeological consultant in consultation with the Darkinjung Local Aboriginal Land Council (DLALC) and Guringai Tribal Link for the further management of those sites and their contents. Efforts were made in the development of the Precinct 7A Structure Plan to incorporate a significant number of these sites into environmental areas.

Schedule 1: Heritage Items of Wyong Local Environment Plan 1991 identifies one heritage item within the study area, this being, a "Shop/residence" on Warnervale Road (Warnies), which it describes as being of Regional heritage significance. No further items of European heritage assessment were found to warrant protection.

The objectives and key findings of this study are detailed in Attachment 11.

3.3.3

How has the planning proposal adequately addressed any social and economic effects?

Social Impact Assessment

A Social Impact and Human Analysis Study has been undertaken by Wyong Shire Council's Social Planning staff. The objectives and findings arising from this study are included in Attachment 11.

Precinct 7A is considered to be well located in relation to a wide range of existing and planned retail, commercial, community, recreation, medical and transport facilities and services.

The future residents of Precinct 7a will have access to an existing network of community facilities and proposed district level facilities and services within the new Warnervale Town Centre.

Hamlyn Terrace Community Centre and Sporting Facility has recently been constructed next to Warnervale Public School on Minnesota Road. This facility will provide a focal point for the delivery of services, programs and activities to meet needs of residents in both Hamlyn Terrace and Precinct 7A. A multi-purpose district level community facility is proposed to be built in Warnervale Town Centre incorporating community spaces for children, family and youth programs, active and healthy living programs, library and Council services, art and cultural space and potentially a government transaction centre and telecommuting hub.

Developer contributions, together potentially with VPA's will form the principal funding source of the required social infrastructure.

A new primary school has recently been completed in the study area at Hamlyn Terrace (Warnervale Public School). Capacity has been built into this school to accommodate additional students from Precinct 7A. The Department of Education and Training (DET) owns land in the north of the study area on Sparks Road which is proposed to be a future high school site. Two private schools, Lakes Anglican Grammar (K-12) and Mackillop College (K-12) are located near the study area.

The old Warnervale Public School is located within the study area. This site is owned by DET and it is currently used as a community training facility.

The Structure Plan has incorporated a local neighbourhood shopping centre to be developed around the existing "Warnies" precinct. This will enhance the role of "Warnies" as popular focal point for the community.

The Structure Plan has had regard to liveability principles, including connectivity and linkages to key destinations within the precinct and the new Warnervale Town Centre; provision and location of local spaces and places for residents to come together and interact; affordable housing; community safety and amenity.

Open Space and Recreation

An Open Space and Recreation Study has been undertaken by Wyong Shire Council's Recreation Planning Unit. The objectives and findings arising of this study are detailed in Attachment 11.

In brief, the study reinforced the importance of access to a diverse range of quality open space and recreational opportunities, in both formal (build/structured) and informal (naturalistic) contexts. The identified needs (as reflected in the Structure Plan) are to be accommodated in the study area (local) and higher order needs (district) in locations such as the proposed Warnervale Town Centre, Hakone Road precinct (Woongarah) and the like.

The required areas/facilities will be dedicated and/or acquired through Section 94 and will be levied to fund the required acquisition and/or embellishment of open space.

Economic Impacts

- **Job Creation**

The Precinct 7A rezoning is likely to result in over a billion dollars of investment in the local economy. It is expected that the new land release area will accommodate a net increase of 5,300 additional residents in the study area. This is likely to mean that 2,500 new workers will eventually be accommodated in the study area. It is estimated that the business park development will generate a minimum of 1,000 jobs, which means that the project links the creation of new residential land to partly meet employment needs of the Shire and future Precinct 7A residents. This component also reinforces the aim of the REDES to move toward job 'self containment' on the Central Coast. This does not include short term jobs generated in construction and land development process.

- **Land supply/demand impact**

The proposed rezoning is estimated to produce 2,050 residential lots. Lot creation data collected between 2005-2009 through Council's Residential Land Monitor indicates that there has been an average of 348 lots created in Wyong Shire over the period (note this applies to all lots not just in Greenfield areas). Based on these average lot creation rates 2005-2009 periods, the Precinct 7A rezoning will boost short term land supply for a further 6 years.

- **Economic viability of development**

A consultant has recently been engaged to conduct a financial feasibility assessment on the Precinct 7A rezoning. The results of this study will help inform the DCP and Section 94 Contribution Plan. And will be completed by the end of April 2012.

The DP&I currently collect State Infrastructure Contributions (SICs) on new greenfields residential and employment land releases. SIC charges currently apply in locations like the Warnervale Town Centre and Wyong Employment Zone. Council has not been provided any advice to date on whether a SIC will apply or at what rate for this rezoning. However, it is understood that the NSW State Government is in the process of reviewing the SIC process. The economic viability assessment will examine the financial impact of applying a SIC to the development and it is expected that this report will assist Council in making a case which will seek to exempt this rezoning from applying a SIC due to the adverse impact that it will have on development viability.

3.4 State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The proposal will require augmentation of transport, water and sewer services to service the new development anticipated by the Precinct 7A Structure Plan. Stormwater Harvesting infrastructure will also be required to manage impacts associated with the urbanisation of land in the catchment of Porters Creek Wetland.

Traffic Impacts

A traffic and transport study is currently being finalised by Hyder Consulting Pty Ltd to identify the road and intersection requirements along Sparks Road and within the Precinct 7A development site to accommodate the projected traffic increases, to cater for forecast traffic flows, at 2021 and 2031. The main objectives and findings arising from the Traffic and Transport Study are included in Attachment 11.

A preliminary traffic assessment has been completed and the study will be finalized shortly. Initial recommendations are as follows:

- It is essential that a new connecting road be constructed between Warnervale Road and Sparks Road. The road should align with the proposed entry road to the proposed Warnervale Town Centre, forming a 4-way intersection at Sparks Road.
- To encourage direct access along this connecting road (Warnervale Road to Sparks Road) to the Town Centre, the following is required:
 - A left turn slip lane be provided for Minnesota Road northbound traffic at the Warnervale Road intersection.
 - Traffic calming is provided along Minnesota Road, between Warnervale Road and Sparks Road. This is to discourage excessive speeds and use of this section of Minnesota Road.
- The Link Road between Watanobbi and Warnervale is required to eliminate excessive traffic volumes along Minnesota Road and other local streets. It will also take some pressure off the Roads and Maritime Services (RMS – formally the Roads and Traffic Authority) for the upgrading of the Pacific Highway.
- The option to provide a vehicular grade separated facility over the railway line, north of Warnervale Road should be preserved in the Precinct 7A Structure Plan, however it is acknowledged that no funding source exists and it is only likely to be built if grant funding is obtained.

Public Transport

The Structure Plan has been developed to provide for the possibility of a grade separated crossing, for both pedestrians and vehicles in the vicinity of Warnervale Village. It should be noted that a major Precinct 7A landowner has made an unsolicited request to the Department of Premier and Cabinet to upgrade the existing Warnervale Village Railway Station to provide an 8 car capacity with additional commuter car parking provided on the eastern side of the railway line.

Bus stops will be provided along the route at a maximum of 400 metre spacing. Approval from the local bus company and Transport for NSW is required for the proposed route as it will be an extension of current bus service to the area. The frequency of the services will also need to be determined and approved by the local bus company and Transport of NSW.

Pedestrian and Cycleway Movement

Walkability and the provision of cycleways/shared paths, is a key feature of the proposed Structure Plan. A combination of on and off road cycleways is proposed. These are to encourage residents to walk or cycle to the proposed neighbourhood shopping centre, local schools and Warnervale Village Railway Station. The proposed cycleways/shared pathways are identified in Planning Proposal.

Water

An existing Trunk Main currently runs east-west along Sparks Road to the north of Precinct, to which 100mm distribution mains long Albert Warner Drive and Nikko Road are connected. This enables the provision of water supply to the existing Warnervale Village via further distribution mains established on St Albans Road, Aldenham Road, Railway Road (Including Sun Dew Close), Wyreema Road and Kanowna Road. A distribution main extends the entire length of Warnervale Road.

Development Servicing Plan No 7 identifies that a future 200mm main will be provided from the connection of Sparks Road and Virginia Road. This will extend to meet that point where the water supply main already exists on the southern portion of Virginia Road.

A 200mm water main is planned for construction in 2012/13 along Railway Road North of Warnervale Road intersection that will be connected to the 375mm trunk main in Sparks Road. This main is considered a second source of supply to the existing Warnervale Village and the future surrounding areas.

Figure 3 below identifies the existing and proposed water mains in addition to the Hunter Water Pipeline which runs along Sparks Road.

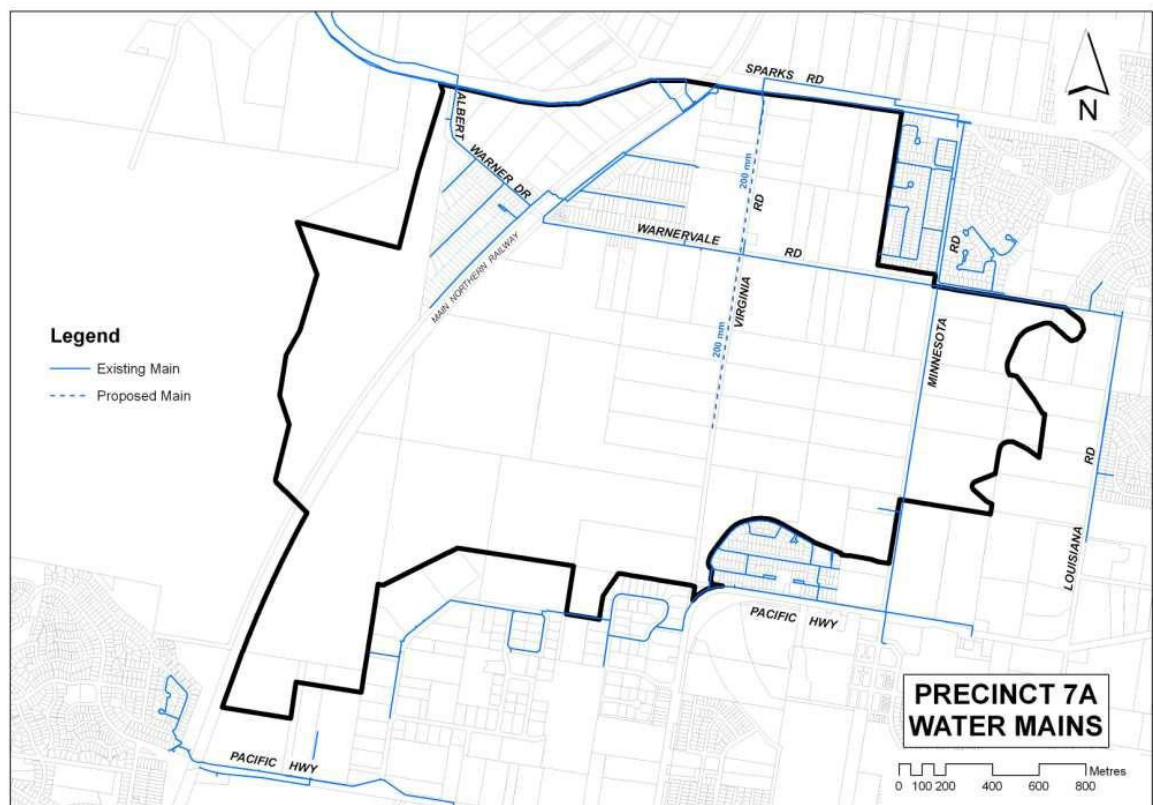


Figure 3: Existing and Future Water Supply Infrastructure

Sewerage

Sewerage infrastructure is currently provided within the existing Warnervale Village, with mains located on St Albans Road, Railway Road (Including Sun Dew Close), Wyreema Road and Kanowna Road. Mains also run between St Albans Road and Aldenham Road, Railway Road

and Aldenham Road, Sun Dew Close and Albert Warner Drive, Warnervale Road and Wyreema Road. This area is connected to the Warnervale Road Sewerage Pump Station c15 near the airport which drains into the Charmhaven wastewater management scheme via SPS C12 in Warnervale Road. It is anticipated that the majority of these mains are expected to reach consumption capacity by 2020.

A gravity infrastructure system using 300 - 600mm diameter sewer mains is proposed to be constructed from the intersection of Sparks Road and Virginia Road, and follows a path south to a connection point on SPS C13 Warnervale Road.

Construction contracts for the sewerage to service most of Precinct 7A is gravity fed and the Warnervale Town Centre are ready to go to tender when required.

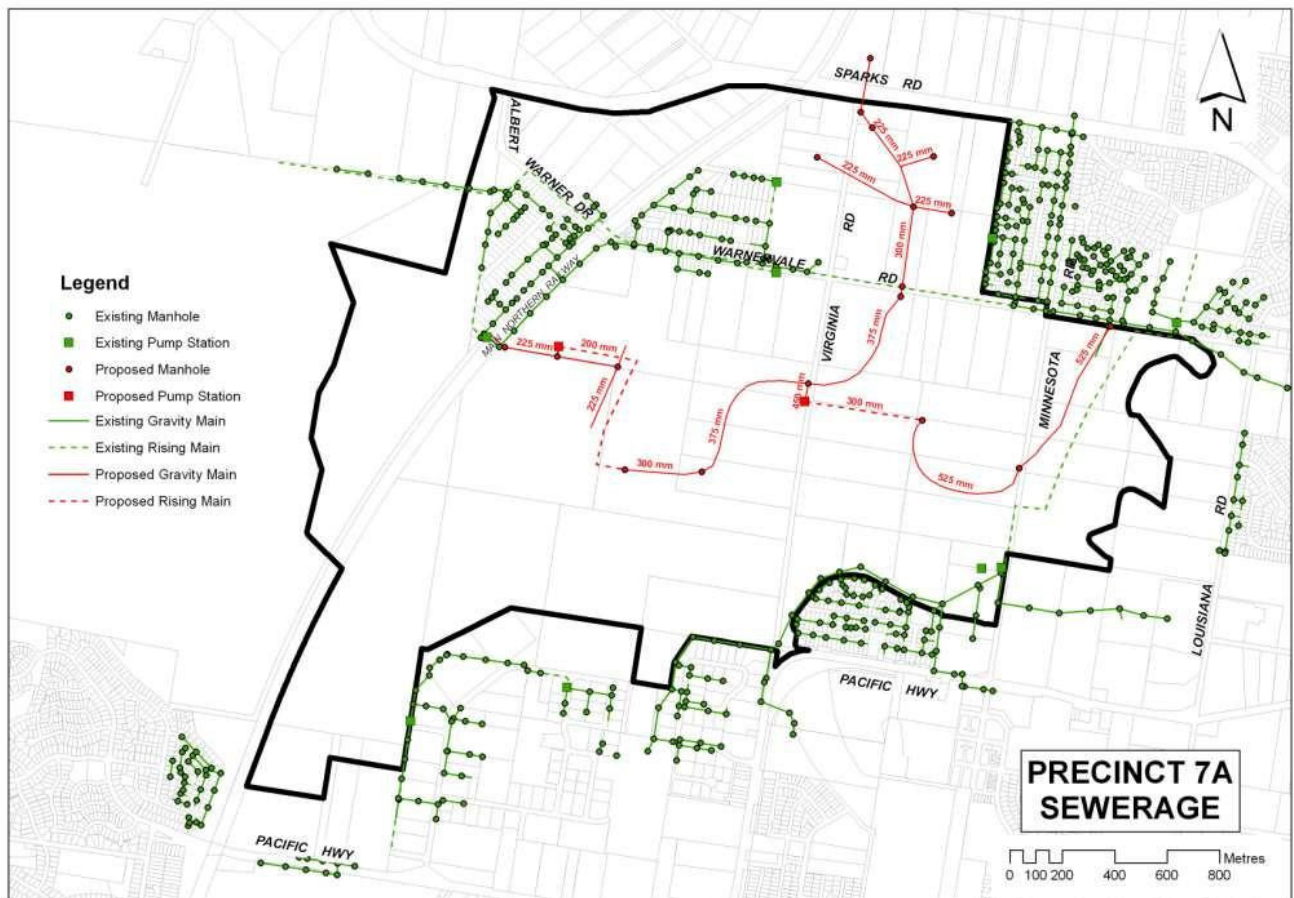


Figure 4: Existing and Future Sewerage Infrastructure

Stormwater treatment

On 10 February 2010 Council endorsed a concept plan for the management of urban stormwater management for the Porters Creek Wetland. This scheme was developed to collect and divert urban stormwater runoff from the broader Warnervale area (including the Warnervale Town Centre, Wyong Employment Zone and Precinct 7A) and divert it to Wyong River downstream of Wyong weir. The scheme has been developed to protect Porters Creek Wetland. Porters Creek Wetland is exhibiting signs of stress from altered drainage and hydrology from development approved in its catchment. The increased runoff from additional development, if left unchecked, will result in the loss and/or modification of significant areas of EEC and a consequential reduction in habitat values and water quality functions of Porters Creek Wetland.

The Precinct 7A rezoning will implement a significant component of this scheme and Cardno has been engaged to complete an IWCMS Strategy for Precinct 7A. The purpose of the integrated water cycle management study is to protect Porters Creek Wetland and hydrologically sensitive ecosystems. The Cardno report has provided constructed wetland and storage designs to implement the Precinct 7A component of the Scheme. It has also identified WSUD measures at a lot scale, streetscape and end of pipe measures, in accordance with the draft WSUD Development Control Plan. The report will be used to inform the future DCP for Precinct 7A and Section 94 Contribution Plan.

Electricity and Gas Supply

Consultation undertaken with Energy Australia has identified that a new substation is will be built within the precinct to service the needs of future population of the local area. This substation will be located on the site on the corner of Sparks Road and Virginia Road and is proposed to be zoned SP2.

The Jemena Gas main trunk main is located along the F3 Freeway easement, with secondary high pressure mains located on Albert Warner, Sparks, Railway and Warnervale Roads. A 210kPa supply also runs the length of Minnesota Road.

Educational Infrastructure***State Schools***

Hamlyn Terrace Primary School is within the Precinct 7A Study area and located on the corner of Warnervale and Minnesota Roads. This school caters for Kinder to Year 6 with 353 current enrolments.

Wadalba Community School is located to the south of the Precinct (approximately 1.5 km by road from the centre of the Precinct). This school caters for Kinder to Year 12 with 1254 current enrolments.

Private Schools

MacKillop Catholic College is located to the north of the Precinct on Sparks Road. This school caters for Kinder to Year 12.

The Lakes Anglican Grammar School is located just to the west of the Precinct off Sparks Road and the new Link Road (Albert Warner Drive). This school caters for Kinder to Year 12 with a future enrolment capacity of 1000 students.

In addition to the above schools, a site within the Precinct on Sparks Road is currently owned by the Department of Education. Initial consultations with the Department has identified the site to provide an additional public high school to service the regions additional population. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Between February and August 2009 Council requested comments under Section 62 of the former Plan Making Provisions of the EP & A Act, 1979 with regard to the proposal.

The summary of the issues raised in addition to the full correspondence is reproduced in full is provided in Attachment 11.

In addition to the consultation already undertaken, all relevant government agencies will be invited to participate in a design Charette process for the development of an integrated Masterplan for the site.

4**Community Consultation**

Given the size of the area affected by the Planning Proposal, it is not considered that this Planning Proposal is low impact, despite the strong linkages with local and state policies, plans and strategies.

The following internal staff, community and government agency consultations have been conducted to date on the project:

- Section 62 consultations with State Government agencies (prior to transfer into Gateway rezoning system – March 2009).
- Masterplan Community Charette Workshop – 29 November 2010.
- Major stakeholder briefing on preferred Structure Plan with NSW State Government Agencies and major landowners – 6 September 2011.
- Briefing and Feedback from Council's Executive Team – 17 February 2011.
- Regular meetings with landowners funding the study have occurred as part of the project.
- Internal consultation has been undertaken across relevant sections of Council.
- Councillor briefing on preferred Structure Plan – 23 February 2011 and 7 September 2011 where feedback has been received on preliminary versions on Structure Plan options, preferred Structure Plan and direction given to proceed with exhibition.

A summary of issues raised in Section 62 consultations is provided in Attachment 12. A copy of the presentation and outcomes from the major stakeholders workshop on 6 September 2011 is provided in Attachment 13. Further community consultation and government agency consultation will be undertaken once Gateway Determination has been received confirming that the Planning Proposal is adequate for the purpose of formal public exhibition. It is therefore recommended that the proposal is publicly exhibited for at least 28 days.

As previously identified, the Warnervale Education Precinct is in Council ownership; therefore Council has a significant interest in this Planning Proposal. In order to improve the transparency of the process, Council will prepare a statement for public exhibition which identifies this interest. This statement will be in accordance with advice from the Gateway Determination, however it is considered that such a statement should be consistent with the Department of Planning's Practice Note (PN 09-003) *General requirements for classification or reclassification of land through local environmental plans and planning proposals or LEPs and Council Land – Best Practice Guidelines*.

It is intended that notice of the public exhibition of the Planning Proposal will be provided within the Central Coast Express Advocate. Additionally, written notification will also be provided to directly affected landowners within the Precinct 7A area, and landowners directly adjacent to the Precinct.

The Planning Proposal, Gateway Determination and relevant studies will be made available on Council's website, at Council's Administration Building in Hely Street, Wyong and also at Lake Haven and Tuggerah Libraries and Customer Service Centres. During the exhibition period, Council staff will also make presentations to the local Community and Precinct Committees.

It is not considered that a Public Hearing will be required for this Planning Proposal unless specifically requested by a submission based on an issue of particular significance

5

Attachments and Supporting Documentation

The following documentation is provided in support of this Planning Proposal.

Document	Attached
1. Plans	
a. Wyong Shire Context	✓
b. Cadastre Locality Plan	
c. Aerial Plan	
2. Council Report and Minutes dated 10 December 2008	✓
3. Draft Council report to be considered by Council on 28 March 2012 <i>To be forwarded to Department of Planning and Infrastructure.</i>	✓
4. Department of Planning 54(4) Response dated February 2009, Department of Planning and Infrastructure response dated 4 November 2010 and Department of Planning and Infrastructure response and Gateway extension 20 October 2011.	✓
5. Draft Planning Provisions (dLEP)	✓
6. Draft Centres Policy - Net Community Benefit Assessment	✓
7. Central Coast Regional Strategy Actions Assessment	✓
8. Central Coast Regional Strategy Sustainability Assessment	✓
9. State Environmental Planning Policy Assessment	✓
10. Ministerial Section 117 Direction Assessment	✓
11. Objectives and Findings of Investigative Studies	
11 a) Open Space Objectives and Major Findings	
11 b) Social Analysis and Human Service Study	
11 c) Bushfire	
11 d) Flooding	
11 e) Integrated Water Cycle Management	
11 f) Traffic and Transport Study	✓
11 g) Flora and Fauna	
11 h) Noise and Vibration	
11 i) Structure Plan and Masterplan Principles	
11 j) Contaminated Land	
11 k) Acid Sulphate Soils	
11 l) Aboriginal Archaeology & European Heritage	
12. Section 62 Consultation Responses	✓

-
13. a) Major stakeholders presentation
13. b) Minutes (6 September 2011)
-

✓