

2.5 Precinct 7A Rezoning - Warnervale and Hamlyn Terrace

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SUMMARY

This report seeks Council's endorsement to proceed to public exhibition of the draft Planning Proposal for Precinct 7A for a large scale residential land release, business park, neighbourhood shops, open space and conservation land. The combined value of investment created by this rezoning will exceed one billion dollars which will provide a significant boost for the local economy.

The rezoning proposal based upon a Structure Plan which has been developed for Precinct 7A. The report highlights the outcomes of additional planning work that has been conducted since Council resolved to commence planning investigations to prepare the rezoning on 10 December 2008. The report concludes that the level of work conducted is sufficient to proceed to public exhibition with the attached Planning Proposal. It is also proposed to develop a DCP and Section 94 Contribution Plan to support the rezoning.

RECOMMENDATION

- 1 That Council endorse the Planning Proposal for the purposes of community consultation (see Enclosure/Attachment 6).**
- 2 That Council exhibit the Planning Proposal for 28 days, subject to the determination and specification of any additional requirements arising from further Gateway consultations.**
- 3 That Council receive a further report on the results of public consultation.**
- 4 That Council prepare a Development Control Plan based on the Precinct 7A Structure Plan.**
- 5 That Council exhibit Development Control Plan for 28 days.**
- 6 That Council delegate authority to the General Manager to undertake any amendments to the Planning Proposal prior to public exhibition.**

BACKGROUND

A Deed of Agreement between Wyong Shire Council, Bitova and F Hannan Pty Ltd was endorsed by Council during a confidential session on 9 May 2007 and enacted on 9 August 2007.

This agreement established a process to amend Wyong Local Environmental Plan 1991 to change the zoning of various portions of land under the ownership of F Hannan Pty Ltd

within the Precinct 7A study area. This rezoning is being undertaken through the Precinct 7A rezoning project. A Funding Agreement was developed to specify each parties commitment with respect to progressing and funding the Precinct 7A rezoning. The projected date for gazettal of the LEP is May 2012 which will be difficult to achieve, but Council has advised Hannan Pty Ltd that it is working towards this date as a target and is progressing the rezoning with as much urgency as possible whilst still meeting other critical Council project commitments.

At the Ordinary meeting of 10 December 2008 Council resolved the following:

Councillor Best declared a non pecuniary significant conflict of interest in the matter for the reason that he is considering the purchase of a home in the precinct area, left the Chamber at 7.40pm, took no part in discussion, did not vote and returned to the Chamber at 7.41pm.

Councillor Eaton declared a non pecuniary insignificant conflict of interest in the matter for the reason that he was solicitor for defendants in action David Hannan took against a number of landowners and Council participated in consideration of this matter.

Councillor Eaton stated:

"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because the matter was settled some two years ago."

RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor McNAMARA:

- 1 That Council prepare a draft Local Environmental Plan in accordance with Section 64 of the Environmental Planning and Assessment Act to rezone Precinct 7A (and those additional properties as detailed in Enclosure 1) to appropriate residential, employment, commercial and environmental zones to reflect a preferred land use outcome for the study area.*
- 2 That Council prepare a Local Environmental Study in accordance with Section 57(1) of the Environmental Planning and Assessment Act considering any additional directions or specifications issued by the Department of Planning.*
- 3 That Council prepare or amend appropriate Chapters of Development Control Plan 2005 and Contribution Plans to guide future development within the area.*
- 4 That Council advise the Department of Planning of the decision.*
- 5 That Council write to all relevant government agencies advising of Council's resolution to proceed with the rezoning.*
- 6 That Council undertake Section 62 consultations with relevant public authorities and stakeholders.*

- 7 *That Council authorise the Mayor and General Manager to execute all documents and agreements relating to undertaking the rezoning, including any required Deeds of Agreement between Council and participating land owners.*
- 8 *That Council undertake a review of zonings on Council owned land within the Warnervale Education Precinct and Country Music site in order to determine the suitability of other alternative uses.*
- 9 *That Council note Section 149 Certificates for those affected properties.*

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Extensive consultation with Councillors, internal staff, government agencies and other stakeholders has been conducted in developing the Precinct 7A Planning Proposal and Structure Plan. A more detailed explanation of the consultation program that has been undertaken is provided later in this report.

CURRENT STATUS

The Site

The study area consists of approximately 540 hectares and is located north of the Wadalba Neighbourhood centre (Study Area and Locality Map).

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 the existing Warnervale Train Station. Surrounding development is rural residential in nature, consisting of large wooded allotments and grazing land.

The study area is predominantly zoned 10(a) Investigation and 2(a) Residential under Wyong LEP 1991. Some land within is also zoned for Open Space and Special Uses (Schools).

The southern portion of the study area has significant areas of land which is flood affected and contains wetlands and endangered ecological communities. This area is currently zoned 7(g) Wetlands Management and 1(c) Non Urban Constrained Land under Wyong LEP 1991. It is important to note however that some of these constraints exist in the northern portion of the site, particularly along upper creek lines.

Site 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/Bitova and Wyong Shire Council on 28 November 2008. This agreement outlines each parties obligations to fund the rezoning, supporting studies and documents.

On 10 December 2008 Council resolved to prepare an amendment to Wyong Local Environmental Plan 1991 (WLEP 1991) to rezone Precinct 7A to facilitate the provision of additional residential, employment generation, commercial, conservation and open space land. This rezoning was transferred into the 'Gateway' rezoning process on 4 November 2010 and the Department of Planning and Infrastructure (DP&I) has requested that a more detailed Planning Proposal be referred to them before the Planning Proposal is publicly exhibited. An extension of time to complete the Planning Proposal was granted on 20 October, 2011 which extended the timeframe to complete the rezoning by 11 August, 2012.

An update Planning Proposal was forwarded to the 'Gateway' for further assessment in mid March 2012 in order to publicly exhibit the proposal. Council anticipates that a response will be received from the Department of Planning and Infrastructure by mid April 2012 which will outline public consultation requirements and any changes to the Planning Proposal (if any) prior to public exhibition. If significant changes are required the exhibition timeframes will need to be adjusted to allow for these changes to be made.

Precinct 7A is identified in Council's Residential Development Strategy 2002 as being in an urban development programme and having a medium priority for urban land release. 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. Council's proposed rezoning readily achieves these targets.

LOCAL CONTEXT AND SURROUNDING DEVELOPMENT

The study area is located immediately to the south of Sparks Road and the new Warnervale Town Centre (see Study Area and Locality Map). The study area is bounded by vegetation separating Warnervale Aerodrome to the south-west. To the north-east and south east respectively, the site is bounded by Warnervale and Minnesota Roads. The eastern boundary of the site lies between Minnesota and Louisiana Roads. 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.

PRECINCT 7A STRUCTURE PLAN

Land Use

A Structure Plan has been developed for Precinct 7A by Council's consultant (Architectus) for the rezoning which provides for the following land uses:

- Low density residential
- Medium density/aged housing
- Neighbourhood shopping facility
- 30 Ha business park on Council owned land which is well connected to the Link Road and close to the new Warnervale Town Centre.

- 7 Ha Mixed use precinct on Council owned land at the topographic high point to the north of the employment district and would contain smaller office uses
- Future school.
- Extensive areas of public greenspace, wetlands and parks:

A copy of the Precinct 7A Structure Plan is provided in Attachment 1.

The Precinct 7A Structure Plan and Masterplan Principles document includes a baseline report that organises and documents an analysis of existing conditions and draws on various Council and consultant studies as well as the research of the Architectus team. The key opportunities and constraints have been documented in this report where potential developable areas and constraints are identified.

The Precinct 7A Structure Plan also includes an Illustrative Master Plan (See Attachment 2) and includes development principles to guide future development. The latter includes character statements, typical built form guidelines for residential, employment and neighbourhood centre development and built form guidelines.

A Community Charette was held on 29 November 2010 where various Structure Plan options were examined on how the development should proceed in the study area. Through this process a preferred Structure Plan was developed which incorporated the views of community, agency and staff who were present at the Charette workshop. Major stakeholders were consulted on 7 September 2011 where the preferred Structure Plan was presented. This was attended by representatives from NSW State Government agencies, major landowners and some Councillors. Councillors were also briefed on the preferred Structure Plan on 23 February 2011 and on 7 September 2011 where feedback was received to proceed with exhibition (subject to minor modifications) which have since been incorporated in the final Precinct 7A Structure Plan map (see Attachment 1).

The draft Structure Plan has been developed in consultation with relevant Council staff, Councillors, key stakeholders and the community representatives.

The rezoning will provide development yields which will marginally exceed those outlined in the Draft North Wyong Shire Structure Plan (DNWSSP). Expected dwelling targets are as follows:

- 1,350 detached dwellings (approx 500m² lot size)
- 700 medium density 55+ dwellings, mixed use and infill style development in Warnervale Village (approx 300m² lot size)

Based on the projected residential density targets (see Attachment 3) the rezoning is estimated to produce 2,050 residential lots. This equates to 5,300 additional residents in the study area, keeping in mind that the total population will be 5,900 in total after making an allowance for the existing population in the study area.

PRECINCT 7A STRUCTURE PLAN DESIGN PRINCIPLES

The following section provides a summary of the main design principles which are reflected in the Precinct 7A Structure plan:

Street Layout

- Establish a street hierarchy which maximises convenience, amenity and safety for vehicles, pedestrians and cyclists.
- Provide a legible, connected and generally grid based street layout which is sympathetic to the topography and maximises views towards open space.
- Connect new streets into the existing street network where possible while minimising four way intersections on busy roads.
- Provide a safe street environment by ensuring adequate lighting, and using crime prevention through environmental design principles.

Neighbourhood Centre

- Provide an active neighbourhood centre to provide local convenience shops including a newsagent, bakery, take-away meals, video rentals, hairdresser and general store with ATM and public phone for example.
- Ensure adequate convenient parking is provided adjacent to encourage customers.
- Design shops and businesses to face the street with access from a widened paved footpath which links them together.
- Retain historic 'Warnies' as a centre piece of the neighbourhood centre and build on this character with new buildings in a modern yet sympathetic manner.

Low & Medium Density Residential

- Locate medium density housing and Aged Housing in areas of maximum accessibility and/or amenity such as overlooking parkland or near the neighbourhood centre.
- Ensure housing has good public transport access.
- Promote use of environmentally sustainable housing products that remain affordable and appropriate to the Wyong market.
- Design houses that maximise solar access, natural ventilation and amenity as well as potential views.

Housing Diversity

- Provide a diverse range of housing types to appeal to different demographic groups including families, empty nesters, couples, singles, and older people.
- Incorporate detached low density housing on a range of lot sizes with setbacks appropriate to the lot type.
- Incorporate low scale medium density housing options including duplexes, courtyard houses, villas, and town houses and residential flat buildings.

Employment Area

- Provide a new employment area for Warnervale with direct connections via Sparks Road to the Freeway, Warnervale Employment Zone and future Warnervale Town Centre.
- Develop an employment area which demonstrates sustainable development and incorporates the latest technological and servicing benefits to businesses and their customers.

Open space, conservation and drainage network

- Define development limits by excluding development from flood prone land and avoiding Endangered Ecological communities and protecting the SEPP 14 Wetland area as well the natural water systems of the area.
- Incorporate significant infrastructure associated with Council's Porters Creek Stormwater Harvesting Scheme into the development.
- Integrate IWCM infrastructure into future conservation areas on floodplains and provide connections to Wadalba Wildlife Corridor to the south.
- Provide a mix of public open space connected by pedestrian/cycle ways which is easily accessible to all residents, employees and visitors.
- Provide for range of green spaces which are generally not accessible to the public but can be viewed and looked over to provide amenity for residents and businesses including:
 - Flood plain, wetlands and restoration areas
 - Constructed wetlands
 - Endangered Ecological Communities (EEC)
- Incorporate views to open space to terminate streets where possible.
- Retain significant existing vegetation and Aboriginal sites where possible.
- Retain existing significant (unprotected) trees where possible in wider street verges and larger setbacks if appropriate, especially along main connecting streets and boulevards, as well as adjacent to parks.
- Establish attractive and usable open space around constructed wetlands and storages.
- Ensure that active areas of Open Space does not have functionality impaired by environmental considerations.

Sustainability

- Street grid orientated to achieve optimum solar access for a majority of lots;
- EEC's and SEPP 14 Coastal Wetland protected;
- Water Cycle Management Systems incorporated throughout Precinct 7A;
- Retention of significant existing trees where possible in parks and road verges;
- Built form controls that encourage good solar orientation, natural ventilation and sun shading in all new building;
- Design of new parklands to include native and locally occurring species.
- Provision of Water Sensitive Urban Design throughout the development.
- Aspects of the socially sustainable design for Precinct 7A include:
 - o A walkable neighbourhood through a well connected and permeable street network;
 - o A neighbourhood centre with local convenience retail, services and facilities;
 - o A network of open spaces, cycle and walking paths to encourage healthy lifestyles; (which will also include a link to the North Wyong Industrial area)
 - o Optimisation of access to public transport.

- Contribute to the financial sustainability of the project through the provision of diverse and affordable housing options, new employment opportunities and a financially sustainable neighbourhood centre.

ALTERNATE STRUCTURE PLAN

A major land owner has made an unsolicited offer to the NSW State Government to upgrade the Warnervale Village Railway Station and provide additional commuter carparking. This offer is still being considered by the NSW State Government. If this offer is accepted and the Warnervale Railway station is upgraded a more intensive development scenario could be pursued within those parts of the study area that are within walking distance of the railway station.

An alternate Structure Plan option has been developed which outlines how this option might look (see Attachment 4). It should be noted that this scenario would need to be supported by a new Planning Proposal as the unsolicited offer by a major landowner to upgrade the Warnervale Railway Station has not yet been determined by the NSW State Government. If a favourable decision is made to upgrade the existing railway station, a number of the technical reports underpinning the current Planning Proposal would need to be revised and a fresh rezoning proposal prepared to implement the land use mix envisaged in Attachment 4.

THE PRECINCT 7A STUDY PROCESS

An outline of the Precinct 7A study process is provided in Attachment 5 which lists the technical studies that have been conducted and provides an overview of the consultation process with the community and government agencies.

When the Planning Proposal is publicly exhibited all affected land owners will be notified and plans will be placed on public exhibition for 28 days. Government agencies have been consulted under the 'old LEP' Plan making process under (Section 62) and were invited to the major stakeholders briefing on 6 September 2011. Further consultation will also occur with NSW State Government agencies when the Planning Proposal is publicly exhibited.

It is not proposed to publicly exhibit the DCP and Section 94 Contribution Plan at the same time as the Planning Proposal. Both of these documents will be exhibited later in 2012 and a satisfactory arrangements clause will be applied to the rezoning proposal which will require that a site specific DCP and Section 94 Contribution Plan be adopted by Council before DA's can be determined. Alternatively a VPA could have the same effect as a Section 94 Contribution Plan. Other associated documents such as Plans of Management for future public lands and possibly a Biodiversity Certification will be finalised post gazettal.

FUTURE DEVELOPMENT CONTROL PLAN

A Site specific Development Control Plan will be developed based on the Structure Plan and the Urban Design Principles contained in the report Structure Plan and Development Principles report from Architectus.

Many of the existing Shire-wide DCP provisions will be able to be used for the various development types expected to occur within the Precinct. Only some precinct specific development controls will be included in a Precinct 7A DCP amendment. Such matters covered will include:

- Density targets
- Character statements
- Built form guidelines
- Road layout and hierarchy
- Road typology and cross sections
- Drainage requirements
- Landscape guidelines
- Noise control requirements

MAJOR PLANNING ISSUES AND OUTCOMES

A brief overview of the subject work and conclusions is provided below. These issues are discussed in more detail in the draft Planning Proposal and supporting technical reports.

ENVIRONMENT

Ecology

An ecological assessment has been conducted by Umwelt. 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 led to the retention and protection of 288 Ha (53%) of the study area (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. Key findings of these investigations included the identification of five threatened flora species, nineteen threatened fauna species, one endangered flora population and four endangered ecological communities (EECs) within the study area.

Endangered Ecological Communities (EEC's)

Of the 14 vegetation communities identified in the study area, four EEC's listed under the NSW *Threatened Species Conservation Act 1995* (TSC Act) were identified. These are:

- River-flat Eucalypt Forest on Coastal Floodplains EEC;
- Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions EEC;
- Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions EEC; and
- Sydney Freshwater Wetlands in the Sydney Basin Bioregion EEC.
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Threatened plant species

Five threatened flora species and one endangered flora population (all listed under the TSC Act), have been recorded in the study area by Umwelt and in previous flora surveys. These species are:

- heath wrinklewort (*Rutidosia heterogama*);
- biconvex paperbark (*Melaleuca biconvexa*);
- small-flower grevillea (*Grevillea parviflora* subsp. *parviflora*);
- *Thelymitra* sp. *adorata*; and
- *Maundia triglochinosoides*.

Of these, heath wrinklewort, biconvex paperbark and small-flower grevillea are also listed as Vulnerable under Commonwealth Legislation under the Environment and Protection and Biodiversity Conservation Act, 2000 (EPBC Act). The endangered population *Eucalyptus parramattensis* subsp. *parramattensis* in the Wyong and Lake Macquarie LGAs has been recorded by Umwelt in the study area.

Threatened fauna

Nineteen threatened fauna species have been recorded in the study area by Umwelt and in previous fauna surveys. These species are:

wallum froglet (<i>Crinia tinnula</i>);	barking owl (<i>Ninox connivens</i>);
Australasian bittern (<i>Botaurus poiciloptilus</i>)	varied sittella (<i>Daphoenositta chrysoptera</i>);
green and golden bell frog (<i>Litoria aurea</i>)	squirrel glider (<i>Petaurus norfolcensis</i>)
black-necked stork (<i>Ephippiorhynchus asiaticus</i>)	koala (<i>Phascolarctos cinereus</i>)
little lorikeet (<i>Glossopsitta pusilla</i>)	large footed-myotis (<i>Myotis macropus</i>)
little eagle (<i>Hieraaetus morphnoides</i>)	little bentwing-bat (<i>Miniopterus australis</i>)
powerful owl (<i>Ninox strenua</i>)	eastern bentwing-bat (<i>Miniopterus schreibersii oceanensis</i>)
masked owl (<i>Tyto novaehollandiae</i>)	greater broad-nosed bat (<i>Scoteanax rueppellii</i>)
grey-headed flying-fox (<i>Pteropus poliocephalus</i>)	eastern freetail-bat (<i>Mormopterus norfolkensis</i>)
yellow-bellied sheath-tail bat (<i>Saccolaimus flaviventris</i>)	

Connectivity

There is currently a high degree of connectivity of vegetation in the study area, which will be modified by future urban development. The Precinct 7A Structure Plan shows that significant areas of native vegetation will be protected on the floodplain. Cleared portions of the floodplain will also need to be revegetated, and will be targeted to enhance habitat connectivity between habitat fragments on the floodplain.

Future management of conservation lands

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.

A draft Conservation Management Plan has been prepared. This document provides the objectives and management recommendations for the maintenance and enhancement of biodiversity values for those parts of the study area set aside for conservation purposes. 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 also has legal obligations with Hannan and Bitova to accept the transfer of a large portion of the Warnervale floodplain (approx 186 Ha) and extensive areas of SEPP 14 - Coastal Wetland within 6 months of gazettal of the Precinct 7A LEP. It is likely that this will occur in 2013 so Council will need to be in a position to manage this land when the time arises. Staff from Land Use and Policy have met with staff from the Open Space Unit to discuss the matter and additional resources will be required to take on these expanded environmental management responsibilities.

Offsetting

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.

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, 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 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 (which mostly contain swamp forest vegetation communities).

There are significant benefits in achieving Biocertification 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 (which would need to be purchased and managed) protect significant areas of biocertification at the present point in time. This is something that Council might be able to pursue post gazettal of the Precinct 7A rezoning.

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. Further details are summarised in the Planning Proposal (See Attachment 6).

ACID SULPHATE SOILS

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.

SALINE GROUNDWATER ON FLOODPLAIN

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.

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 with 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.

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.

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.

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.

Open Space and Recreation

The key design principles underpinning the Structure Plan have been discussed earlier in the report. Planning requirements for Open Space and Recreation were derived from the Open Space and Recreation Study referenced in the Planning Proposal. (See Attachment 6).

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.

- Types of usable public open space include:
 - Parks with formalised structures and play equipment
 - Open parkland with grass and trees
 - Recreational playing fields

In the later 1990's Council identified a site to the south of Sparks Road as a future district playing field for the Greater Warnervale District. Attempts were made to locate district playing fields (approximately 6 fields) in this location in Precinct 7A when the Structure Plan was being developed. However upon further analysis of flooding constraints it was not possible to locate any more than 4 fields on this site. Consequently, an alternative site will need to be identified to provide a district level facility for the Greater Warnervale area outside of the Precinct 7A area.

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 and mixed use 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 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 period, 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. Council staff have undertaken an initial economic viability assessment to examine the feasibility of developing residential land in the study area. This involved a survey of recent land sales and a survey of vacant, serviced land currently advertised for sale within

Watanobbi, Wadalba, and Hamlyn Terrace. The investigation has also had regard to an analysis of estimated development costs based on the level of information currently available to Council.

Land within Watanobbi, Wadalba, and Hamlyn Terrace is currently advertised at sales prices of between \$129,000 to \$185,000, (for 510sqm to 762sqm lots) with the highest price advertised for Hamlyn Terrace. Land sales achieved in the last 6 months range from \$155,000 to \$187,000 for Wadalba (450sqm to 825sqm), and \$145,000 to \$182,000 for Hamlyn Terrace (450sqm to 894sqm lots). Assuming Section 94 costs per lots do not exceed the \$30,000 cap an estimated land sale price of between \$145,000 and \$150,000 would be required to achieve a developer margin of approximately 20%. This is an industry adopted target.

This assessment also excludes the purchase price of the underlying land, which if taken into account would increase the estimated land sale price by between \$30,000 and \$60,000. Based on the recent market survey it is estimated that single dwelling/dual occupancy lots of approximately 500sqm to 650sqm may achieve between \$135,000 and \$165,000 in the current market conditions. Englobo and multi-unit lots have not been considered in this survey and will also impact on viability. Furthermore areas of Precinct 7A with high amenity levels (e.g. attractive views) are likely to achieve a premium to the estimated prices mentioned above.

In comparison to sites such as the Warnervale Town Centre, topographic and infrastructure servicing requirements are likely to pose less of a challenge in Precinct 7A, which will result in lower land preparation costs. However holding costs, the level of SIC (or whether one will apply), and the underlying cost of land are not known and will have a significant impact on viability. This might mean that high amenity locations or properties that have been purchased at favourable prices (held for a long time) are developed before others.

Council will be testing the above assumptions as part of an economic viability assessment. Likewise developers will undertake a viability analysis before proceeding with the development of land. The final economic viability assessment will be available to Council following the consideration of submissions received during public exhibition of the Planning Proposal.

Notwithstanding viability considerations Council may rezone land having regard to an urban development program, enabling development to proceed when market forces determine that development is viable to develop.

State Infrastructure Contributions

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.

TRAFFIC AND TRANSPORT

Traffic and transport issues are discussed under the following sub headings:

Traffic assessment report

Future traffic conditions in and around the Precinct 7A study area will be influenced by a combination of background traffic growth, additional traffic generated by proposed developments and planned network changes at regional and local levels.

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. 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:
 - o A left turn slip lane be provided for Minnesota Road northbound traffic at the Warnervale Road intersection.
 - o Traffic calming be 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.

Road Hierarchy and connectivity to surrounding areas

A proposed road hierarchy has been developed for Precinct 7A. The proposed road hierarchy has taken into account the long term planning requirements to integrate Precinct 7A with other planned urban release areas outside the precinct, for example, Warnervale Town Centre and Wyong Employment Zone.

Future Upgrading Sparks Road

The RMS is currently preparing concept plans for the Sparks Road entry into Warnervale Town Centre. Whilst, initially the road will require upgrading to dual carriageway (two lanes in each direction), the RMS is preparing its design for the ultimate road width of three lanes in each direction. This is to ensure that there will be adequate road reserve width for the future.

The RMS will need to identify sufficient areas of land at each intersection, for three (3)

Through lanes in each direction on Sparks Road, plus the additional turning lanes. These will need to be identified in zoning plans. If the RMS is able to finalise these plans in time they can be included in this LEP and identified for future acquisition.

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.

SOCIAL IMPACT AND HUMAN SERVICES

An indicative future population profile (predicted largely on recent nearby communities at Hamlyn Terrace/Wadalba and Woongarra/Warnervale), established a template of required human services and facilities for a sustainable new community, inclusive of facilities within the precinct and beyond.

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.

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.

INFRASTRUCTURE AND SERVICES

Water

An existing Trunk Main currently runs east-west along Sparks Road to the north of Precinct, to which 100mm distribution mains along 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.

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 which cuts across that land currently identified for district level open space 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.

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 IWCM 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.

AMENDMENT TO PLANNING PROVISIONS

This rezoning is being undertaken in accordance with Council's adopted Planning Proposal procedure.

Rezoning of the land is undertaken by preparing an amendment to the local environmental plan (currently Wyong LEP 1991) through progressing the Planning Proposal under sections 55-59 of the *Environmental Planning and Assessment Act 1979*.

Section 55 requires Council to prepare a Planning Proposal that explains the intended effect of the amendment to the LEP and sets out the justification for the amendment. Section 55 specifies matters to be included in the Planning Proposal.

Section 56 provides for Council to submit the Planning Proposal to the Minister (DP&I) for a Gateway Determination. DP&I will advise whether or not the matter should proceed (with or without variation), and may specify further studies or modification to the Proposal, community and government agency consultation requirements and other matters.

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 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.

The Planning Proposal (see Enclosure 1) outlines draft planning controls and provides a brief explanation of intent. Further details are contained in the Planning Proposal. The principal controls 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.

Proposed Zones

The following zone amendments are proposed (refer to the Attachments section of Enclosure 6 - Planning Proposal for submission to DP&I for a graphical representation of the following changes):

- Ecologically sensitive environmental areas identified as endangered ecological communities within the precinct are to be Zone E2 (Environmental Conservation).
- Lands constrained by flooding and/or containing wetlands areas are proposed to be Zone E3 (Environmental Management).
- The commercial/community facilities focused upon Warnervale Station/Warnies are proposed to be Zone B1 (Neighbourhood Centre) to facilitate the establishment of a neighbourhood level commercial centre to service the immediate precinct.
- The existing “Warnies” store is to be zoned B1 (Neighbourhood Centre) and the immediate down-slope curtilage RE2 (Private Recreation).
- The land focused on Warnervale Station, including that contiguous with the Warnies precinct is proposed to be Zone R1 (General Residential) so as to permit generally flexible residential development inclusive of medium density housing and seniors housing.

- Radiating out from the Zone R1 (General Residential) area, the surrounding residential precincts are proposed to be Zone R2 (Low Density Residential).
- The school sites are to assume the proposed zoning of surrounding lands; namely Zone R2 (Low Density Residential).
- The proposed Business Park on the western perimeter of the precinct is proposed generally to be Zone B7 (Business Park) but for a component adjacent to the Lakes School which is proposed to be Zone B4 (Mixed Use).
- The open space including recreation areas and facilities are proposed to be Zone RE1 (Public Recreation).
- The multiple use open space/stormwater management areas are generally also proposed to be Zone RE1 (Public Recreation).
- the substation site and Sparks Road and the Link Road are to be zoned SP2 (Infrastructure)
- The “rose farm” is proposed to be Zone RU1 (Primary Production).

Development Standards

The following amendments to the prevailing principal development standards are proposed to give effect to the Structure Plan and are discussed in more detail in the Planning Proposal (see Attachment 6 Planning Controls section of the Planning Proposal for future information. All Planning controls recommended are consistent with those in the draft Composite LEP 2012.)

Lot Size Map

Residential zoned land shall be assigned minimum lot sizes as follows:

- Zone R2 (Low Density Residential) – 450m²
- Zone R1 (General Residential) – 300m²

Additionally, provision is made to permit smaller subdivision within high amenity and highly accessible locations where smaller allotments involving integrated housing, semi detached housing and the like will be encouraged.

The Business Park/mixed use precinct is not proposed to be subject to minimum lot size mapping.

Maximum Height of Buildings

The maximum building height for the B4 and B7 zone shall be 12 metres.

Floor Space Ratio

The proposed floor space ratio (FSR) provisions are proposed.

- Zone B7 (Business Park) – 0.8:1
- Zone B4 (Mixed Use) – 1:1

Land acquisition within certain zones

A provision has also been added which will allow relevant land acquisition functions to be performed. The purpose for acquisition and the relevant State Authority to acquire will be nominated to permit floodplains and local parks to be acquired in the future by Council. The provision has also been included which will permit the RMA to acquire land for future road upgrading on Sparks Road.

Urban Release Areas

The Precinct is identified as an Urban Release Area and will be subject to model clauses 6.1, 6.2, 6.3 and 6.4 under the SI.

Clause 6.1 contains provisions requiring satisfactory arrangements to be in place for future development to contribute towards designated State public infrastructure.

Clause 6.2 contains provisions that require adequate arrangements to have been made to ensure that essential infrastructure is either available or will be made available when required.

Clause 6.3 contains provisions to ensure development on land in an urban release area occurs in a cost-effective and logical manner including that a development control plan for the precinct has first been prepared prior to any development consent on the land. Such a Development Control Plan is proposed to be prepared for Precinct 7A and will be informed by the Structure Plan/Masterplan principles document.

Lot Amalgamation Provision Removal

Existing lot amalgamation provisions apply to a number of allotments within Precinct that traverse the floodplain. A provision will be required to remove certain lots from the operation of the lot amalgamation provisions under WLEP 1991 Clause 18.

STATUTORY COMPLIANCE

State Environmental Planning Policies

The proposal has been considered having regard for relevant State Environmental Planning Policies (SEPPs) and draft SEPPs. The following SEPPs have been identified as being applicable to the proposed rezoning, and the rezoning is generally considered to be consistent with the provisions of the SEPPs. Further justification of consistency with the relevant provisions is provided within the attachments to this report:

- SEPP 14 – Wetlands.
- SEPP 44 – Koala Habitat.
- SEPP 55 – Remediation of Land.
- SEPP (Infrastructure) 2007.

Section 117 Ministerial Directions

Section 117 of the EP&A Act, 1979 requires Council to consider various directions issued by the Department of Planning and Infrastructure. The rezoning proposal is considered to be generally consistent with Section 117 Directions, with those directions requiring more detailed discussions being outlined within the Planning Proposal in Enclosure 1.

The following table identifies the applicability and consistency of the proposed rezoning with the current Section 117 Directions:

Number	Direction	Applicable	Consistent
Employment and Resources			
1.1	Business and Industrial Zones	Yes	Yes
1.2	Rural Zones	Yes	Yes
1.3	Mining, Petroleum Production and Extractive Industries	Yes	Yes
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
Environment and Heritage			
2.1	Environmental Protection Zones	Yes	Yes
2.2	Coastal Protection	No	N/A
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	Yes	Yes
Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use and Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	Yes	Yes
Hazard and Risk			
4.1	Acid Sulphate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	Yes	Yes
4.3	Flood Prone Land	Yes	Yes
4.4	Planning for Bushfire Protection	Yes	Yes
Regional Planning			
5.1	Implementation of Regional Strategies	No	N/A
5.2	Sydney Drinking Water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A
5.6	Sydney to Canberra Corridor	No	N/A
5.7	Central Coast	Yes	Yes
5.8	Second Sydney Airport: Badgerys Creek	No	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	No	N/A

OTHER MATTERS FOR CONSIDERATION**Central Coast Regional Strategy and draft North Wyong Shire Structure Plan**

The Central Coast Regional Strategy (CCRS), released in June 2008, provides the base planning framework for the growth of the Central Coast Region over the next 25 years (2006-2031).

The CCRS identifies that an additional 39,500 dwellings will be required to accommodate an anticipated population growth of 71,100 persons. 16,000 of these new dwellings will be required to be accommodated within new release or 'Greenfield' areas. It is stated that majority of new Greenfield land releases should be concentrated around Warnervale Town Centre and the WEZ. The Planning proposal adjoins both of these areas and is therefore consistent with this requirement.

The draft North Wyong Shire Structure Plan (dNWSSP) shows the Precinct 7A rezoning areas as Precincts 4, 5 and 7. Under this plan the area is identified as having a 'medium term' release priority. All land in the 'medium term' under the dNWSSP is scheduled to be rezoned before 2020. The dNWSSP establishes a residential density target of 1,848 dwellings and an employment target of 273-546 jobs.

The Planning Proposal is consistent with both of these documents and the residential density targets and employment targets proposed in the dNWSSP are readily achievable.

OPTIONS

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.

However under Option 1 there are a number of sub-options that exist with respect to how the Planning Proposal could be implemented. 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 which might have legal implications for Council as it has obligations to progress the Precinct 7A rezoning with major landowners.

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 favourable option.

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

This option assumes 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.

STRATEGIC LINKS**Wyong Shire Council Strategic/Annual Plan**

The Annual Plan and 4 Year Delivery Plan are Council's short to medium term plans outlining the strategic role that Council will play in delivering the community's strategic vision. Council has 12 Principal Activities, each activity provides a set of services to the community and the Delivery Plan and Annual Plan show the net cost of each service.

The following Table lists the 12 Principal Activities and identifies any relevant service and related key actions and objectives.

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
1 Community & Education	1.1 Community Cultural Development	Provide and maintain community facilities across the Shire	Developer Contributions	Significant increase in utilisation of facilities. Additional Section 94 contributions will be collected to provide for expanded population.
2 Community Recreation	2.1 Open Space 2.2 Sport, Leisure & Recreation	Provide and maintain open space, sports fields and recreation facilities across the Shire	Developer Contributions	Increase in utilisation of facilities and open space. Significant new areas of open space will be created. Additional Section 94 contributions will be collected.
3 Economic & Property Development	313 Economic and Property Development	Creation of Council business park	Precinct to be developed Council or land sold.	Ultimately: - amount of construction - construction labour - post construction (employment)

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
4 Council Enterprises	None relevant			
5 Regulatory	None relevant			
6 Environment & Land Use	6.2 Environment & Natural Resources	Preparation/implementation of Natural Resources Strategy and Biodiversity Management Plan	Various – opportunity for development sponsored biodiversity conservation.	Strategies still in preparation – KPIs to be developed
	6.3 Land Use Planning & Policy Development	Develop comprehensive DCP, planning policies, voluntary planning agreements, review s94 plans. Increase revenue from full cost recovery and rezoning fees		6 planning proposals required to be prepared by June 2012. This planning Proposal is the largest urban land release conducted in Wyong Shire and will part satisfy this KPI.
7 Waste	7.1 Waste	Provide regular domestic waste & recycling service	Revenue	Increase in number of collections per week when developed. Additional rates will be collected from new lots.
8 Roads & 9 Drainage	None relevant			

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
10 Water & 11 Sewerage Services	10.1 Water & Sewerage	Provide safe & reliable drinking water and the treatment and disposal of sewerage collected. Provide essential community services in cost effective & sustainable manner	Developer funded Contributions Revenue	New local reticulation infrastructure to be constructed at developers cost Increased head works contributions will be collected Additional rate revenue will be generated
12 Administration	None relevant			

Contribution of Proposal to Principal Activities

Processing of this Planning Proposal is being funded by the developer/proponent and Council (as a landowner) in accordance with Council's Planning Proposal Procedure.

The subsequent rezoning will enable development of residential and employment precincts and will create increased utilisation of roads, open space, sports fields and recreation facilities. Developer contributions are proposed to be levied to assist with the funding of these facilities.

Opportunities for development to provide community benefits in terms of housing and employment opportunities and biodiversity conservation through conservation of wetlands and EECs. Significant areas of new public open space will also be created for community use.

The future development of the land will be able to be efficiently serviced for garbage collection. Water and sewer contributions are expected to be collected for future development which will contribute to cost recovery for headwork charges. Any specific local reticulation infrastructure will be at the full cost of the developers.

The rezoning will result in a significant increase in public open space which will mean that maintenance budgets will need to be increased for the Open Space unit.

FINANCIAL IMPLICATIONS

The Long Term Financial Strategy recognises that operating revenue (excluding capital grants) has not covered operating expenditure to maintain existing services and levels of service. Additionally, the required maintenance and renewals of existing assets cannot be funded. The Long Term Financial Strategy is aimed at providing a framework in which

Council “can assess its revenue building capacity to meet the activities of and level of services outlined in the Community Strategic Plan.”

Under the Financial Strategy, it is essential that this Planning Proposal achieves the following funding arrangements:

1. The cost of processing the rezoning is to be fully funded by the developer.

This is able to be satisfied through the existing funding agreement with the developer.

2. The development is to contribute to the cost recovery or funding of any services and or facilities that will be utilised by the future residents generated by the development.

This is expected to be satisfied through existing developer contributions plans or possibly a VPA.

3. Any new transport, water or sewer services infrastructure, required to service the development that is not identified in an existing developer contribution plan, is to be fully funded by the developer, unless its is can reasonably be added to an existing contribution plan as essential infrastructure.

4. Development density should be optimised to achieve cost recovery for services and facilities (water, sewer, drainage, waste) through rate and annual levy charges.

This is a development design consideration addressed at development application stage.

5. New assets required to service the development should be minimised as far as possible.

Additional areas of public open space and part of the Porters Creek Stormwater Harvest Scheme will be required to service the new development.

6. The proposal should demonstrate and achieve net community benefits resulting from the future development of the land.

There will be significant net community benefits arising from the rezoning in terms of new public open space, conservation areas, and creation of new housing and employment opportunities, cycleway and pedestrian pathways.

Asset Management Strategy

Council’s long term Asset Management Strategy specifies objectives and outcomes for asset management over the next 10 years. The desired outcomes are ensuring the right assets are built, ensuring existing assets are managed well, ensuring a balance between Council operations, new assets and existing assets and ensuring future budgets reflect the asset requirements. In general terms, the intention is to ensure Council has the financial capacity to maintain the asset, renew the asset at the end of its life cycle, or to decommission the asset when it is no longer required.

The proposed rezoning will result in the creation of significant new areas of residential and employment land. New assets to service the subdivision, will be built by developers and dedicated to Council. These include new roads, local water reticulation, local sewer reticulation, stormwater treatment facilities, parks and cycleways.

The ongoing maintenance of water supply services, sewerage services, drainage services and stormwater management are funded through annual charges levied by Council. The greater the number of lots created in the subdivision the greater the increase in the capacity of these charges to meet the maintenance costs, and eventual renewal costs.

Link to Community Strategic Plan (2030)

The Community Strategic Plan identifies 8 priority objectives, each supported by a range of actions. The Planning Proposal is assessed as follows.

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 DET in the study area. Other schools will expand and be embellished, in accordance with community need.

Budget Impact

The processing of the Planning Proposal is being funded by the developer and is intended to be “budget neutral”. An existing legal agreement exists between Council and Bitova Pty Ltd which will result in the transfer of 186 Ha of floodplain and wetland to Council within 6 months of the rezoning being gazetted. A number of new constructed wetlands will also be built to manage the water quality/hydrology impacts of this new urban land release area. The cost of managing these natural assets will need to be factored into future land maintenance budgets for the Roads and Drainage Unit and the Open Space Unit.

CONSULTATION

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.

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.

Council's interest as a landowner in the Warnervale Education Precinct will also be extensively detailed in accordance with DOP&I's Best Practice Guidelines in respect of land in Council ownership, so as to ensure appropriate transparency.

GOVERNANCE AND POLICY IMPLICATIONS

Council is in a position to further advance the Planning Proposal, by seeking endorsement from DOP&I to proceed to formal consultation, as mentioned above. In proceeding to public exhibition Council will need to ensure all appropriate protocols are observed.

Any submissions received in response to the consultation will need to be addressed and will influence the future passage of the Planning Proposal. It is not considered likely that Council will receive submissions of a nature that jeopardies the ultimate rezoning of the land.

The rezoning of the land will lead to future ongoing Council responsibilities in respect of servicing the new community and maintaining the infrastructure and natural assets which pass to its care, control and management during the development process.

Most additional recurrent costs in servicing the new community and maintaining related infrastructure will be sourced from Council traditional revenue sources, principally in the form of rate revenue.

The Planning Proposal has importantly been pursued in a manner consistent with Council policy and/or policy direction/guidance at appropriate terms during its compilation, together with relevant legislative procedures and related statutory guidelines. It has also been pursued in accordance with its responsibilities, pursuant to the prevailing need and Funding agreement with Hannan Pty Ltd and Bitova.

MATERIAL RISKS AND ISSUES

Corporate risks to be addressed for the Planning Proposal are:

1. Infrastructure Provision:
 - a. Ensure future development of the land is subject to existing Contributions Plans or full costs are captured through VPAs,
 - b. Ensure any new infrastructure required to service the development is funded by the developer or costs are able to be recovered through developer contributions.
2. Service Capacity
 - a. Ensure infrastructure requirements are identified accurately and any upgrades are funded by the developer,
3. Sustainability
 - a. Ensure road and stormwater/drainage infrastructure is designed to cater for increased storm intensities predicted to occur as a result of climate change,
 - b. Ensure commitment to community building is realised.
4. Political
 - a. Ensure the community consultation process is open and transparent,
 - b. Ensure Councillors are adequately briefed,
5. Certification/Governance
 - a. Ensure appropriate consultation with other levels of government during the consultation phase,
 - b. Ensure legislative procedures for Planning Proposals are followed,
 - c. Ensure Council's legal commitments under the Deed and Funding Agreement with Hannan Pty Ltd and Bitova are met.
6. Asset Management
 - a. Assess long term maintenance requirements and renewal costs of proposed new assets and the capacity for rate/levy income from future new residential lots to fund these costs.
 - b. Ensure optional units of Council will increased Maintenance responsibilities are notified.

CONCLUSION

The Precinct 7A Planning Proposal has been documented to a level considered suitable for community and stakeholder consultation. Such consultation is critical to the rezoning process and must occur in a timely manner, given the “Gateway” date imposed for concluding the Planning Proposal of 11 August, 2012.

The Planning Proposal is consistent with the draft North Wyong Shire Structure Plan and the Central Coast Regional Strategy. The proposal is considered to be consistent with relevant Section 117 directions.

Following a Gateway Determination, additional matters may need to be addressed prior to public exhibition of the planning proposal and as such it is proposed to delegate the authority to make these changes to Council’s General Manager. This will assist in improving community benefits of the proposal and managing ecological impacts and social impacts.

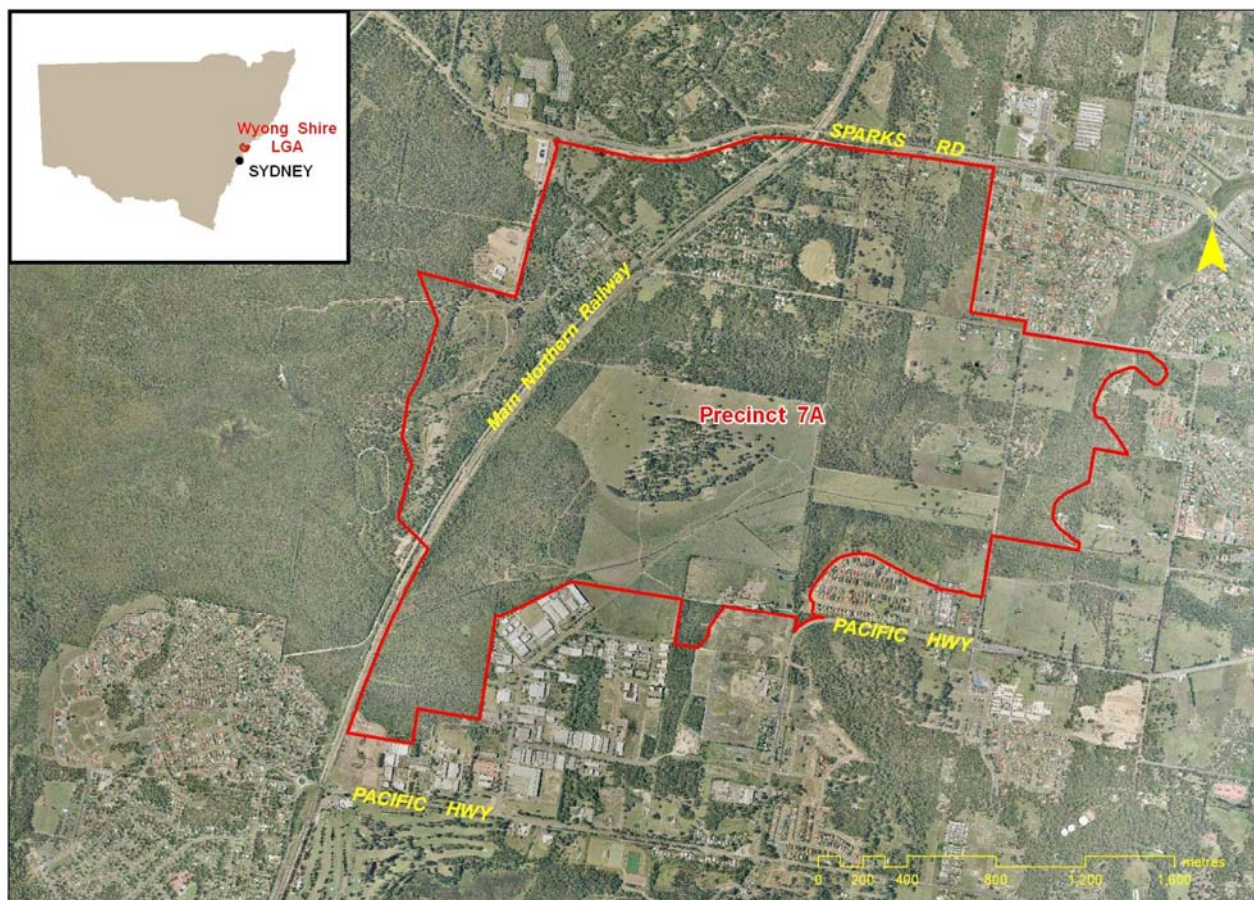
The proposal is considered to be consistent with the Wyong Shire Council Strategic Plan and Annual Plan. Under Council’s Financial Strategy, a number of matters are to be addressed during the processing of the Planning Proposal. The Proposal is considered capable of being consistent with Council’s Asset Management Strategy. A number of matters are to be addressed during the processing to ensure consistency with the Community Strategic Plan. The processing of the Planning Proposal is expected to have no net impact on Council’s budget as it is a developer funded rezoning.

Internal consultation and discussions with the applicant and land owner have been undertaken.

Potential corporate risks are to be managed during the processing of the Planning Proposal.

Council has project managed a large number of specialist consultant reports to inform the Planning Proposal. The majority of these reports are in final draft stage and will be finalised prior to the public exhibition of the Planning Proposal.

Study area and locality Map



ATTACHMENTS

1	Structure Plan - Precinct 7A		D02943880
2	Precinct 7A Illustrative Map		D02939951
3	Residential Density Distribution Map		D02939972
4	Alternative Structure Plan with Upgraded Railway Station in Warnervale Village		D02939950
5	Study Process Flowchart	Enclosure	D02939856
6	Draft Planning Proposal referred to Department of Planning & Infrastructure	Enclosure	