

Council Report and Minutes dated 10 December 2008

WYONG SHIRE COUNCIL

10 December 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

550 Precinct 7A – Hamlyn Terrace and Warnervale

F2007/00274 JLO/SJD

SUMMARY

This report seeks Council's endorsement to prepare a draft Local Environmental Plan (dLEP) encompassing land defined as Precinct 7A – Hamlyn Terrace and Warnervale (and those additional identified properties as detailed in Attachment 1), consisting of an area of approximately 554 hectares.

RECOMMENDATION

- 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.*

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ORDINARY MEETING HELD ON 10 DECEMBER 2008

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 7.40 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.41 PM.

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 AND 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 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**

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- 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.

INTRODUCTION

The area of land to which this report refers (which includes Precinct 7A) consists of approximately 554 hectares and is identified within Council's Residential Development Strategy (RDS) 2002, as a medium priority area for urban development. See Attachment 1 for details of the extent of the subject area. This precinct has the potential to have a substantial impact on local housing supply and demand in the region.

The area is also located within the North Wyong Shire Structure Plan (NWSSP) Area, as defined by the Central Coast Regional Strategy (CCRS). This plan is being developed by the Department of Planning (DoP), and will identify the extent and footprint of future greenfield residential and employment development within the Shire. However, DoP has agreed that the production of this Structure Plan can run concurrently with the LEP for Precinct 7A ie, there is no need to wait for the Structure Plan to be finalised.

The location and classification of the area for future urban development, in conjunction with current supply and demand patterns for land has resulted in the identification of this rezoning as a priority project. The 2008/09 Management Plan of Council identifies this proposed rezoning to commence in this financial year. As a result, this report seeks Council's endorsement to commence the formal rezoning process for the area.

BACKGROUND

Principle 1 of Council's Management Plan – 2008/09 seeks to create a better community. "Growth" is a key term that has characterised and continues to impact on Wyong Shire. An opportunity exists as part of this project to accommodate expected population growth in a manner which enhances the environment and the community.

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 facilitated the amendment of 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 in conjunction with the Precinct 7A rezoning.

Within the existing Deed of Agreement a draft timeframe for the rezoning of the Precinct was proposed, with gazettal of the amended LEP projected to occur in June 2010. Given recent planning reforms and further project scoping, this timeframe was identified as being unattainable. A revised timeframe, agreed to by Bitova Pty Ltd, has been developed and is included within the current Funding Agreement between Council and Bitova Pty Ltd. This projects gazettal of the LEP to occur in March 2012.

The study area includes Precinct 7A and is located north of the Wadalba neighbourhood centre and North Wyong Industrial Area and is bounded by Warnervale Aerodrome to the west and Sparks Road to the north. 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 North Wyong Industrial Area and the existing residential areas of Hamlyn Terrace. The existing Warnervale Village east and west of the railway line is included within the study area boundary, as is a portion of the Warnervale Education Precinct, west of Albert Warner Drive and the Sydney to Newcastle railway line. Ownership of the study area is highly fragmented, consisting of a number of land owners with a high percentage residing on site. The primary land owner (Hannan Pty Ltd) holds approximately 175 hectares.

The proposed land uses which will be investigated as part of developing a detailed masterplan within this precinct will include residential, employment generating, open space, recreation, conservation and commercial uses.

Whilst a formal land use strategy has not been prepared for the study area, Council has received a proposal for the development of the southern portion of the study area (as enclosed from Hannan Pty Ltd). Whilst this strategy is not endorsed by Council, some of its concepts will be explored as a masterplan is developed for the study area. This will need to be done in conjunction with constraints mapping once the results of studies are known. This will include the preparation of a Local Environmental Study (LES) to identify land within the study area which may have development potential and warrant further investigation. The cumulative impact of Part 3A projects which are being planned for the northern part of the Local Government Area (LGA), such as the Coal and Allied proposal at Gwandalan on residential supply and demand will also need to be considered.

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It is difficult to predict the future lot yield of development in this precinct as some land that is potentially developable for residential purposes will need to be set aside for education, commercial, employment and open space. Of the total 554 hectares within the study area, preliminary investigations have identified that approximately 208 hectares will be suitable for development. This includes the Warnervale Education Precinct which is approximately 32.7 hectares.

A basic constraints analysis has been conducted (see Enclosures). This was conducted to exclude land which was affected by known development constraints. The main constraints examined include; flooding, riparian corridors, wetlands and Endangered Ecological Communities. This was done to gain an initial impression of the potential developable area early in the planning process within Precinct 7A. However, these constraints and others (Aboriginal heritage, threatened species, contaminated land studies, etc.) will require further studies to be conducted to properly define the amount of developable land in the study area through the LES process.

Assuming that 75% of potentially developable land (approximately 156 hectares) will be devoted to residential, it would be expected that the study area may have capacity to provide for approximately 1,900 dwellings assuming a density of 12 dwellings per hectare. This equates to an additional population of approximately 3,300 persons. Should the existing Warnervale railway station remain open, the target density around the station (within 400-500m or walking distance) could increase further. These figures are an estimate only (based on the occupancy rate of 1.8 persons per dwelling as per the DoP's estimates). Additional studies and investigations will identify the most suitable land use strategy for the area, in addition to the most appropriate densities which may be applied.

Council owns a large portion of land to the west of Railway Road, Warnervale. This land forms part of the Warnervale Education Precinct/Country Music Site. The site has been zoned 5(a) (Special Uses – Education) for approximately 15 years. In more recent times the planning of the Wyong Employment Zone (WEZ) and Warnervale Town Centre (WTC) has resulted in Council considering other opportunities for this parcel of land. The land is located within close proximity to the WEZ and WTC. Opportunities for uses such as a business park or further industrial land will be investigated and considered. The current review of the 7A precinct is an ideal opportunity for carrying out this review.

It has not yet been determined whether the existing Warnervale railway station will remain open once the new Warnervale Town Centre railway station is commissioned which is only 1.5 kilometres to the north.

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PROJECT FUNDING STUDY PROCESS

This project is identified on the Future Planning Unit's Work Program. The project was not able to commence until appropriate arrangements were in place with land owners in the study area to fund planning investigations. Council staff met with the land owners in the study area on a number of occasions during 2007 and 2008 in order to seek their assistance in funding this project. Council staff were unsuccessful in gaining funding assistance from other landowners to fund the project. Agreement has been reached with a single landholder to fund the costs of the project. As such, Council staff are now in a position to start work on the project.

OVERVIEW OF STUDY PROCESS

The project has been broken into four phases. It is estimated that the project will take approximately four years to complete from start to finish. The work programme for the project is outlined in more detail in Attachment 3.

Phase 1 – Project Establishment (Nearing Completion)

- Establish project outline, scope project issues and obtain funding from landowners to start investigations.
- Satisfy requirements of the legal agreement between Hannan Pty Ltd and Council. Council has prepared a Strategy Plan as per the Deed between Hannan Pty Ltd and Council which outlines how the rezoning process will work. Hannan Pty Ltd endorsed the Strategy Plan on 22 July 2008.

Phase 2 – Rezoning Process

- Gain Council approval to start the rezoning process (Section 54 report – this report to Council).
- Consult with relevant government agencies (Section 62) and the LEP Review Panel.
- Conduct and manage relevant consultant projects in order to provide the necessary information to support the rezoning. It is anticipated that the following studies will be required initially although there may be others identified as the program proceeds:
 - a Traffic, Transport and Movement Study*.
 - b Flooding, Floodplain Management Study and Wetland Study*.
 - c Land Survey.
 - d Economic viability of land development proposal.
 - e Integrated Water Cycle Management Study and Strategy*.
 - f Flora and Fauna Study*.
 - g Contaminated Land and Acid Sulphate Soil Assessment.
 - h Aboriginal archaeological assessment.

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- i Noise and Vibration Assessment Study.
- j Urban Design, Masterplan and Sustainability Assessment.
- k Bushfire hazard assessment*.
- l Conservation Management Plan – Floodplain and Conservation Lands.
- m Social Analysis and Human Services Strategy.
- n Open Space, Recreation, Visual Assessment and Landscaping*.
- o Engineering and Services Assessment.
- p Land valuation process of floodplain areas*.
- q Retail Demand Review.
- r Charrette Process Consultancy.

* Experience from previous projects indicates that some studies might need to be revised to resolve site planning issues associated once a final Masterplan has been developed for Precinct 7A - Hamlyn Terrace and Warnervale. Studies which are likely to require revision have been identified with an *.

Phase 3 – Establish Planning Controls and Prepare Policy Documentation

- A Local Environmental Study (LES) will be required to be completed and a detailed Masterplan developed which will outline the preferred mix of land uses. This document will contain a detailed masterplan which will outline how development in this precinct will be planned. This will need to be supported by the following planning documents:
 - a Local Environment Plan (LEP).
 - b Development Control Plan (DCP).
 - c Contribution Plan.
 - d Planning Agreements (if required).
 - e Biocertification Report.
 - f Plan of Management for Natural Areas/Floodplains.

Phase 4 – Community Consultation

- Conduct stakeholder briefings, including a developer's forum, public exhibition and report on results to Council. Eventual gazettal of LEP and endorsement of supporting planning documents (DCP, Contribution Plan, and Management Plans).

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Major Planning Issues

There are a number of major issues which exist in Precinct 7A that will be examined and resolved as part of this project. The following outlines some of these major planning issues:

- a The future of the existing Warnervale Railway Station needs to be resolved with Railcorp. The retention of the railway station means that residential densities within approximately 400-500m walking distance of the existing station might be able to be increased if the station remains permanently open. Early resolution of this matter is required as it would create a need for higher residential densities in this part of the study area. This issue has the potential to have a large impact on the planning for Precinct 7A and will affect some of the studies which need to be conducted to support the rezoning.
- b Increased residential densities in and around Warnervale Village will create a need for a small neighbourhood retail function. Accommodating this function in a sympathetic way in keeping with the characteristics of the village will need to be explored.
- c Resolve threatened species, wildlife corridor and natural area management issues, obtain agreement from the Department of Environment and Climate Change (DECC) on environmental outcomes. Ensure that conservation offset measures are accepted and that appropriate strategic approaches are developed to address threatened species issues through the development assessment process (eg biocertification).
- d Investigate possible alternative land uses on Council owned land within the Warnervale Education Precinct and the Country Music Site (possibly employment lands) as Council has had little success to date in attracting major educational developments to this area. The costs associated with these investigations will be funded by Council.
- e Housing affordability and implications arising from the Local Housing Strategy.
- f Open space and recreation requirements of current and future residents need to be carefully defined and planned. Opportunities for possible joint venture developments should also be considered.
- g Plan for human service requirements of the current and future residents.
- h Floodplain management and development restrictions on flood prone land.
- i Manage water quality and wetland hydrology by implementing appropriate Integrated Water Cycle Management controls. Key elements are documented in the Porters Creek Wetland Stormwater Harvesting Scheme. Both of these studies will have an influence on management strategies for the floodplain. Additional flood modelling scenarios will need to be tested to examine the consequences of floodplain rehabilitation strategies and filling to ensure that flood impacts are not made worse. Climate change implications will also need to be considered.

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- j Visual, noise and vibration issues need to be examined along rail corridors, Sparks Road, Minnesota Road and the proposed Link Road.
- k Conduct relevant studies to examine other planning constraints eg bushfire, contaminated land, acid sulphate soils, flora and fauna and Aboriginal/European heritage etc.
- l Examine future railway corridor re-alignment impacts on future development arising from any future straightening of railway lines in the study area.
- m Resolve major intersection design and road planning issues (internal/external to study area).
- n Location and feasibility of vehicle and pedestrian overbridge crossing in Warnervale Village needs to be examined in order to replace the level crossing which exists in Warnervale Village.
- o Confirm that no extension of Virginia Road across the floodplain will be provided. Proceed with planning for upgrading the Minnesota Road causeway. Final location for the Minnesota Road deviation will need to be determined. Planned intersection upgrades will also need to be identified and costed.
- p Identify pedestrian and cycleway linkages throughout the study area and beyond (feed recommendations from the Traffic and Transport Study to develop Precinct 7A Masterplan for the study area). Appropriate bus transport routes will also need to be identified by liaising with Busways and the Ministry of Transport.
- q Water and sewer services and staging (implications and refinements of draft Development Servicing Plans) to accommodate proposed developments.
- r Discuss plans with utility providers to ensure that utilities are provided in a timely fashion, eg undergrounding power lines are installed in a timely manner.

STATUTORY REQUIREMENTS

Council may, pursuant to Section 54 of the Environmental Planning and Assessment Act (EP&A Act) 1979, decide to prepare a draft LEP (dLEP). This report therefore requests that Council formally resolve to prepare a dLEP in respect of the study area to enable rezoning of the site for residential, open space, recreation, conservation and commercial uses.

It is not intended to request '*Written Authorisation to Exercise Delegation*' from the DoP under Section 65(1) of the EP&A Act 1979, relating to the public exhibition of the proposed draft LEP.

Council's Contributions Plan for the area identifies a significant portion of the study area as being required to be acquired by Council for open space, recreational and drainage purposes. In addition, existing funding agreements are in place with landowners for additional studies and investigative works to be undertaken to facilitate the rezoning.

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Given the above interests Council has in the rezoning of the study area, it is not considered appropriate for delegates of Council to certify the plan for public exhibition. The DoP will therefore be requested to issue a Section 65 Certificate for the exhibition of the dLEP once the rezoning has progressed to this stage. The DoP will also be requested to prepare a Section 69 Report to the Minister following the exhibition to make the plan for the same reasoning.

Section 57(1) of the EP&A Act, 1979 requires Council to prepare a Local Environmental Study (LES) justifying the proposed dLEP in respect of the study area. Despite the identification of the area by the Residential Development Strategy (RDS) as a future urban precinct, full analysis of the site and determination of appropriate areas for development will need to occur. A formal land use strategy has not yet been developed; therefore an LES will be undertaken. This will assist in the preparation of an appropriate land use strategy for the area.

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.

Sydney Regional Environmental Plans

The proposal has been considered in terms of all relevant Sydney Regional Environmental Plans (SREPs) and draft SREPs. Whilst SREP 9 – Extractive Industry is applicable to this proposal, it is considered that the proposal is consistent with the requirements of the SREP. Further justification of this consistency is provided within the attachments to this report.

Section 117 Ministerial Directions

Section 117 of the EP&A Act, 1979 requires Council to consider various directions issued by the Department of Planning. The rezoning proposal is considered to be generally consistent with Section 117 Directions, with those directions requiring more detailed discussions being outlined within Attachment 3.

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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

RELEVANT LEGISLATION

Threatened Species Conservation Act 1995

The Threatened Species Conservation Act 1995 contains provisions for the protection and conservation of endangered and threatened species, populations and communities.

Preliminary mapping investigations of the study area have identified that the site contains a number of Endangered Ecological Communities listed under this Act including:

- Swamp Oak Floodplain;
- River-flat Eucalypt Forest or Swamp Sclerophyll Forest on Coastal Floodplains; and
- Freshwater wetlands (including those listed under SEPP 14 – Coastal Wetlands).

Further investigative studies of flora and fauna within the study area are proposed to be undertaken during the preparation of the LES. These studies will identify the extent and distribution of the above communities, in addition to investigations to determine the use of the study area for foraging, roosting and habitat for endangered and threatened fauna.

Once the final land use strategy is determined, it is likely that clearing of some vegetation will be required in certain locations and these impacts will need to be carefully examined and offset with appropriate conservation measures.

It is anticipated that biodiversity certification (biocertification) of the LEP will be sought for this rezoning. Biocertification may be granted to LEPs if an overall improvement or maintenance of biodiversity values can be achieved.

It is considered that Wyong Shire (and more specifically this area) is an appropriate area for biocertification, given the high level of development pressure that is currently being experienced. An additional benefit of biocertification of the LEP is that it can enable the removal of the need for the seven part threatened species assessment under the Environmental Planning and Assessment Act 1979. Therefore, future development which complies with the LEP within the area certified will not require a site by site threatened species assessment, thus streamlining the development assessment process.

The intent to seek biocertification will need to be identified during the exhibition of the dLEP, in addition to compliance of the instrument with the working draft '*Guidelines for Biodiversity Certification of Environmental Planning Instruments*' as published by the Department of Environment and Climate Change (DECC) (April 2007). Seeking biocertification of the dLEP will also require extensive consultation to be undertaken with the DECC throughout the dLEP preparation process.

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Environment Protection Biodiversity Conservation Act 2000

The Environment Protection and Biodiversity Conservation Act 2000 aims to provide protection for those aspects of the environment which are of national significance and promote ecologically sustainable use of resources and to promote biodiversity.

Additional flora and fauna investigations will be undertaken during the preparation of the LES. Previous studies undertaken for part of the site will also be used to determine the applicability of this legislation.

Local Government Act 1993

The Local Government Act 1993 requires that all community land is managed through a Plan of Management. Council is required to develop these plans for all Council owned community land in Wyong Shire. The study area contains parcels of community land which are governed by existing Plans of Management. These are further discussed under '*Council Policy and Strategic Implications*'.

Water Management Act 2000

The Water Management Act 2000 aims to provide for the sustainable and integrated management of water sources for present and future generations. This Act repealed the Rivers and Foreshores Improvement Act 1948 in February 2008.

This Act requires the development of Plans of Management for drainage and flood plain management. As the study area is significantly affected by flooding, such plans will be required to be developed. In addition, these Plans of Management are to include provisions for environmental protection to identify where development should be restricted to minimise harm to water sources within the area.

Further, the Act also requires licensing for water harvesting activities. The proposed land use strategy (as presented within the enclosures) proposes for the harvesting and resale of stormwater. This activity will require approval and a licence from the Department of Water and Energy (DWE).

Roads Act 1993

The Roads Act 1993 specifies the requirements for opening public roads. This Act will be required to be utilised when the final land use strategy for the study area has been determined which identifies locations of road networks within the study area.

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National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 will be called up in a number of circumstances during the preparation of the dLEP. The Act contains provisions for the protection of flora, fauna and items of Aboriginal Significance.

Preliminary mapping investigations of the study area have identified the existence of a number of endangered ecological communities. Whilst also covered under the Threatened Species Conservation Act 1995, any proposal to harm or remove such species will require a licence under the National Parks and Wildlife Act. Further studies undertaken in relation to these issues during the LES preparation will assist in the determination of whether such licences are required.

In relation to items of Aboriginal Significance, the Act prescribes the requirements for the management of items of Aboriginal Archaeology when located within an area designated for development. Such requirements relate to notification/consultation to be undertaken with the local Aboriginal Land Council, and obtaining permits for the disturbance or removal of such items.

Preliminary mapping investigations have not identified the location of any items of Aboriginal Archaeology or Aboriginal Items of Significance within the study area. One heritage item of European heritage significance is known to occur in the study area. Further studies relating to Non-Aboriginal heritage and Aboriginal Archaeology will be undertaken during the preparation of the LES to identify the existence of any such items within the study area. Any necessary permits will be obtained and appropriate notification and consultation undertaken if such items are discovered and require removal or disturbance in accordance with the provisions of this Act.

Native Vegetation Act 2003

The Native Vegetation Act 2003 aims to encourage and promote the management and conservation of native vegetation on a regional basis in the social, economic and environmental interests of the State, and to prevent broad scale clearing unless it improves or maintains environmental outcomes.

Whilst the final land use strategy for the study area has not yet been determined, it is anticipated that clearing of some areas will be required to facilitate the development of this residential precinct. Approval for any vegetation removal will only be required on land which is not zoned for an urban purpose after the rezoning is gazetted, however separate approval shall be required to be obtained from Council for this purposed in these areas.

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OTHER MATTERS FOR CONSIDERATION**Central Coast Regional Strategy**

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 major corridor (as represented in the enclosures) identifies the areas of concentration of residential and employment development.

For Wyong Shire, the Strategy 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.

The majority of this population will be located within the North Wyong Shire Structure Plan (NWSSP) area (see enclosures). The NWSSP will identify land which is and is not suitable for development, in addition to providing a staging and sequencing plan for the timing of development. As this plan is being prepared by DoP in conjunction with Wyong Shire Council, it is anticipated that the review of the timing of release areas within the RDS will be closely tied with that of the NWSSP. The timing of the release of this study area should therefore remain a priority release area. This will enable consistency between the CCRS, RDS and Precinct 7A Masterplan to be achieved.

Additionally, the CCRS identifies that Wyong Shire will be required to provide 27,000 jobs over the next 25 years, 10,500 of these are to be accommodated within the NWSSP area (including those within the WEZ).

The study area is located within the NWSSP area, in addition to being located within the corridor of concentrated residential and employment development. The proposal for Precinct 7A and the surrounding study area aims to incorporate some employment lands.

Planning for Bushfire Protection 2006

The dLEP affects land which contains Category 1 and 2 bush fire prone vegetation, in addition to the incorporation of some buffer areas. The dLEP and associated controls within the draft Chapter of DCP 2005 will need to be consistent with those provisions contained the Planning for Bushfire Protection 2006.

In addition, the NSW Rural Fire Service will be required to be consulted under Section 62 of the Act, given the classification of the vegetation within the study area.

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Standard Instrument – Principal Local Environmental Plans

The Standard Instrument (Local Environmental Plans) Order 2006 was gazetted in March 2006. This order required all Councils within New South Wales to convert existing Principal Local Environmental Plans (LEPs) to a format prescribed by the Department of Planning within certain timeframes. Wyong Shire Council has until 2011 to make this conversion. Council however has resolved that this conversion be completed by March 2010.

The standard instrument contains standard zones, permissible and prohibited land uses, development standards and definitions which must be utilised in the development of a new principal LEP.

Given the anticipated timeframe for the completion of the rezoning of the study area it is anticipated that the provisions within the standard instrument will be adopted for this dLEP.

Shire-wide Settlement Strategy

As discussed, Council is required to prepare a new LEP in accordance with the Standard Instrument (Local Environmental Plans Order) 2006. Given that most of the planning for the existing primary planning instrument (Wyong LEP 1991) was undertaken approximately 20 years ago, the context has changed for a range of issues and challenges that face the Shire. In order to achieve a contemporary LEP, Council has committed to developing a Settlement Strategy which will inform the preparation of the new Wyong LEP and establish new planning directions to guide future development in the Shire.

The Settlement Strategy will consider issues relating to Centres and Housing; Economy and Employment; Environment, Heritage, Recreation and Natural Resources; Natural Hazards; Water; Infrastructure and Transport. In addition, the review of Council's RDS has recommended that the existing objectives and provisions be considered and incorporated, where relevant, into the final Settlement Strategy. It is anticipated that the Settlement Strategy will be adopted prior to the commencement of Section 62 Consultations with relevant State Government Authorities for draft LEP 2011.

COUNCIL POLICY AND STRATEGIC IMPLICATIONS**Wyong Local Environmental Plan 1991**

Wyong Local Environmental Plan (WLEP) 1991 is the primary land use instrument for Wyong Shire and prescribes the zones and land uses throughout the LGA. In addition, it contains additional provisions for site specific development.

The study area comprises a number of zones and is heavily impacted by floodplains and wetlands which occupy the southern portion of site. This part of the Study area is currently zoned 1(c) (Non-Urban Constrained Lands) and 7(g) (Wetlands Management).

Whilst the final land use strategy has not been developed, it is anticipated that constrained land (including wetlands) within the study area will not be identified for future development. It is anticipated that similar land use zones with similar permissible uses and controls will be applied to these areas.

Clause 41A of WLEP 1991 provides specific requirements for the development of land within areas zoned 7(g) (Wetlands Management). It is anticipated that much of the land within the study area zoned in this manner will be retained in its current zone (or equivalent zone under the standard instrument LEP), therefore will not be subject to the requirements of this clause. The preparation of the LES will further define the boundaries of land with wetland characteristics to ensure that the ecological processes and values of these areas are retained where possible.

The northern portion of the study area consists of land predominantly zoned 10(a) (Investigation Precinct), however, some 6(a) (Open Space and Recreation) and 5(a) (Special Uses) zones, in addition to the Warnervale Village, zoned 2(a) (Residential) are also present.

Excluding the 5(a) and 6(a) zone, the remaining zones within the precinct enable low scale residential development, consisting primarily of one dwelling per lot. Some agricultural uses are also currently permitted within the 1(c) and 10(a) zones.

Additional requirements under Clause 47 also apply to development in the vicinity of aerodromes in relation to sound insulation of buildings. This will be taken into consideration when the final land use strategy is determined, and appropriate controls will be incorporated into the draft Chapter of DCP 2005 developed for this area, if required. They are unlikely to form an impediment to development.

Development Control Plan 2005 (DCP 2005) and Other Council Policies

The proposal has been considered having regard to DCP 2005 and other Council Policies. This report recommends the development or amendment of an appropriate chapter within DCP 2005 to guide future development within the study area.

The study area is directly affected by Chapter 13: Interim Conservation Areas for Wyong Shire, Chapter 30: Wyong Shire Wetland Areas and Chapter 49: Warnervale East and Wadalba North West Urban Development Area. Draft Chapter 97 – Water Sensitive Urban Design will also be applicable to the dLEP when adopted.

Chapter 13 aims to protect and conserve remaining natural areas and wildlife corridor opportunities until ecological studies have been fully completed within potential conservation investigation areas. This chapter requires the submission of a conservation analysis of the subject area.

Flora and fauna studies and investigations are to be undertaken during the preparation of the LES. These studies will identify the extent and distribution of listed species, populations and communities within the study area, in addition to investigations to determine the use of the study area for foraging, roosting and habitat for endangered and threatened fauna.

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These studies will also assess the significance of any impacts arising from the proposed land use strategy on identified listed species, populations and communities. As a result of these studies, the proposed land uses will be determined and applied in a manner which does not detrimentally affect significant habitat, corridors, species, populations or communities, and will identify where linkages between habitats and corridors can be maintained where possible.

Chapter 30 applies to land which is zoned 7(g) (Wetlands Management) within Wyong Shire. A significant area of the study area is zoned in this manner. In addition, a portion of this zoning is identified as a wetland of state significance which is further discussed within the attachments in relation to SEPP 14.

Chapter 30 aims to protect the natural wetland areas within the Shire and maintain the ecological sustainability of wetland functions and the conservation values of these environments.

As identified, flora and fauna studies and investigations are to be undertaken during the preparation of the LES. These studies will identify the extent and distribution of the wetland areas within study area.

Chapter 49 aims to facilitate development for residential purposes within the Warnervale/Wadalba Urban Release Area that will:

- Provide a high quality and varied residential environment with accessible open space, retail and community facilities;
- Provide attractive streetscapes which reinforce the function of a street and enhance the amenity of dwellings;
- Provide opportunity for a variety of housing types;
- Provide a safe and efficient system of roads and pathways for vehicular, pedestrian and cycle movements.
- Provide for the protection and enhancement of the environment.

Precinct 7A adjoins that area covered by Chapter 49. It is likely that this chapter will be amended to apply the area covered by the Precinct 7A study area.

Draft Chapter 97 identifies the requirements for the management of stormwater, including provisions for the utilisation of Water Sensitive Urban Design (WSUD) features. In addition, draft Chapter 97 also details an Integrated Water Cycle Management (IWCM) system for the Porters Creek Wetland catchment of which the study area forms a part. During the development of the land use strategy for the study area, consideration will need to be given to the operation of this plan and stormwater flows within the area.

Any draft Chapter prepared for the study area will require consistency with those associated Chapters of DCP 2005 regarding residential, environmental and employment generating development.

Developer Contribution Plans

Developer Contribution Plan No. 7A – Drainage, Water Quality, Open Space, Community Facilities and Roads – Warnervale District applies to the Precinct 7A study area. This plan identifies a significant portion of the study area as being required to be acquired by Council for open space, recreational and drainage purposes. It is also likely that this plan will be amended once a final land use strategy is identified to adequately identify contribution costs for development within the Precinct.

Plans of Management

The Local Government Act 1993 requires that Council owned community land is managed through a Plan of Management. These plans specify the management requirements and future uses for these areas.

There are two generic Shire-wide Plans of Management which apply to the study area and include No. 5 - Sportsgrounds, Parks and General Community Uses and No. 10 - Natural Areas.

No. 5 - Sportsgrounds, Parks and General Community Uses applies to land which is for general community use, parks or sportsgrounds and identifies the requirements for the provision and management of recreation activities, buildings and amenities, infrastructure, access and occupation, development activities, pollution control, trees and vegetation and landscape, beaches and foreshores, information, monitoring and research, sportsgrounds and parks and playgrounds to land to which the plan applies.

No. 10 - Natural Areas applies to the open space land in the study area which are identified as natural areas (bushland, wetlands etc.). Provisions also apply to these areas in respect of recreation activities, buildings and amenities, infrastructure, access and occupation, development activities, pollution control, trees and vegetation and landscape, beaches and foreshores, information, monitoring and research.

Any new Council owned open space areas created as a result of the dLEP will require new or amended Plans of Management to be developed to ensure compliance with the provisions of the Local Government Act 1993. This will most likely be reflected through amendment of existing applicable Plans of Management.

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Residential Development Strategy (RDS)

The RDS, adopted by Council in 2002, was developed as a response to State Government requirements for local governments to develop local planning policies which would contribute to metropolitan planning objectives. This strategy was produced to increase the 'quality, diversity and quantity of residential development' in Wyong Shire and aims to:

- Provide a comprehensive strategy to guide residential development which will increase the quality and diversity of development in Wyong Shire;
- Plan for residential development which is environmentally, economically and socially sustainable in both a local and regional context;
- Provide a local approach which justifies exemption from SEPP 53 - Metropolitan Residential Development;
- Identify amendments to the Wyong Local Environmental Plan 1991 which seek to satisfy residential development objectives of the Greater Metropolitan Region, while retaining local sustainability; and
- Identify short and medium term actions which Council can facilitate to realise metropolitan planning objectives for residential development, while maintaining local sustainability.

Whilst the study area is not identified as a Metropolitan Development Program (MDP) area, it is recognised (Precinct 7A) within Council's RDS as a medium priority area for urban development. The area has the potential to have a substantial impact on local housing supply and demand in the region.

The RDS is currently undergoing review to reflect changing land use patterns and identify new areas within the Shire for urban development. This will result in new priority areas for development being set for the Shire and form part of the proposed Settlement Strategy.

Utilities and Services

The provision of water supply and sewerage services have been identified in the Development Servicing Plan for the Gorokan District (DSP 7). Water is available from the existing reticulation system in the area. The Department of Commerce is managing the design and construction of Sewer Pump Station 7A and the associated gravity and rising mains which will service development in part of the study area. At this stage, it is anticipated the construction work will be completed by late 2009. The design and construction of Sewer Pump Station 7A and its associated gravity and rising mains for the remainder of Precinct 7A will be provided by the developers. The current Warnervale village is being serviced for sewer by the existing Sewer Pump Station C20 and this sewer pump station will ultimately be diverted to Sewer Pump Station 7A.

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Consultation will be required to be undertaken with relevant internal staff and government agencies to determine the level of augmentation required to service the development for other utilities such as electricity, gas and telecommunications services.

Mine Subsidence and Mineral Resources

Preliminary investigations of the study area have identified that part of the area is subject to mine subsidence. The Mine Subsidence Board (MSB) will be consulted under s62 of the Environmental Planning and Assessment Act. Any concerns raised by the MSB, will be considered prior to submission of the rezoning to the Department under s65 of this Act, for the purposes of public exhibition.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The Local Government Amendment (Ecologically Sustainable Development) Act 1997 amended the Local Government Act 1993 to require Council to give consideration to the principles of Ecologically Sustainable Development, namely the adoption of the precautionary principle, intergenerational equity, the conservation of biological diversity and ecological integrity, and improved valuation, pricing and incentive mechanisms. The rezoning proposal has been assessed having regard for principles and is considered to be generally consistent with the principles.

CONCLUSION

This report seeks Council's endorsement to prepare a draft Local Environmental Plan encompassing that land defined in Attachment 1 and including Precinct 7A – Hamlyn Terrace and Warnervale, consisting of an area of approximately 554 hectares. In addition to supporting the dLEP for this area, Council is also requested to support additional recommendations to facilitate the rezoning process. It is critical that the release of this area is progressed as it will assist with the achievement of residential and employment targets identified within the Central Coast Regional Strategy to be achieved within a relatively short time frame.

Attachment 1	Assessment against applicable SEPPs, SREPs and s117 Directions (15 pages)
Enclosures	Aerial Study Area Location Zone Map Central Coast Regional Strategy Draft Proposal-Southern Area Work Program for Precinct 7A – Hamlyn Terrace and Warnervale All Lots Excluding Major Constraints

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SREPs, SEPPs and Section 117 Direction Assessment

Sydney Regional Environmental Plans

SREP	COMMENT
9 - EXTRACTIVE INDUSTRY	
SREP 9 – EXTRACTIVE INDUSTRY AIMS TO FACILITATE THE DEVELOPMENT OF EXTRACTIVE RESOURCES IN PROXIMITY TO THE POPULATION OF THE SYDNEY METROPOLITAN AREA BY IDENTIFYING LAND WHICH CONTAINS EXTRACTIVE MATERIAL OF REGIONAL SIGNIFICANCE, AND TO PERMIT, WITH THE CONSENT OF THE COUNCIL, DEVELOPMENT FOR THE PURPOSE OF EXTRACTIVE INDUSTRIES ON LAND DESCRIBED IN SCHEDULE 1 OR 2, AND TO ENSURE CONSIDERATION IS GIVEN TO THE IMPACT OF ENCROACHING DEVELOPMENT ON THE ABILITY OF EXTRACTIVE INDUSTRIES TO REALISE THEIR FULL POTENTIAL, AND TO PROMOTE THE CARRYING OUT OF DEVELOPMENT FOR THE PURPOSE OF EXTRACTIVE INDUSTRIES IN AN ENVIRONMENTALLY ACCEPTABLE MANNER.	- APPLICABLE. - THE DLEP DOES NOT AFFECT LAND WITHIN OR IN THE VICINITY OF LAND DESCRIBED IN SCHEDULE 1 OR 2, DIVISION 1, 4, 6, 7, 8 OR 9. NOTIFICATION TO THE OWNERS OF THE LAND DESCRIBED IN THIS SCHEDULE OR TO THE DIRECTOR-GENERAL OF THE DEPARTMENT OF MINERAL RESOURCES (DEPARTMENT OF PRIMARY INDUSTRIES) OR THE DIRECTOR-GENERAL OF THE ENVIRONMENT PROTECTION AUTHORITY (DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE) IS NOT REQUIRED UNDER THIS SREP. - THE DLEP IS THEREFORE NOT CONSIDERED INCONSISTENT WITH THIS SREP.

State Environmental Planning Policies

SEPP	COMMENT
14 – COASTAL WETLANDS	
SEPP NO. 14 COASTAL WETLANDS AIMS TO ENSURE THAT THE COASTAL WETLANDS ARE PRESERVED AND PROTECTED IN THE ENVIRONMENTAL AND ECONOMIC INTERESTS OF THE STATE. A WETLAND CLASSIFIED UNDER THIS SEPP CANNOT BE CLEARED, DRAINED, FILLED OR A LEVEE CONSTRUCTED WITHOUT THE CONCURRENCE OF THE DIRECTOR-GENERAL OF THE DEPARTMENT OF PLANNING	- APPLICABLE - THE DLEP STUDY AREA IS SUBJECT TO A WETLAND CLASSIFIED UNDER THIS SEPP. - WHILST A FORMAL LAND USE STRATEGY HAS NOT BEEN PREPARED FOR THE STUDY AREA, IT IS UNLIKELY THAT THE WETLAND SUBJECT TO THIS SEPP WILL BE AFFECTED BY THE LAND USE STRATEGY AS IT IS WHOLLY LOCATED WITHIN A FLOOD PRONE AREA. - HOWEVER, IF ANY ALTERATIONS TO THE WETLAND ARE REQUIRED, CONCURRENCE WILL BE SOUGHT FROM THE DIRECTOR GENERAL OF THE DEPARTMENT OF PLANNING.

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44 – KOALA HABITAT PROTECTION	
SEPP NO. 44 KOALA HABITAT PROTECTION AIMS TO ENCOURAGE THE PROPER CONSERVATION AND MANAGEMENT OF AREAS OF NATURAL VEGETATION THAT PROVIDE HABITAT FOR KOALAS TO ENSURE A PERMANENT FREE-LIVING POPULATION OVER THEIR PRESENT RANGE AND REVERSE THE CURRENT TREND OF KOALA POPULATION DECLINE. THE SEPP REQUIRES THE PREPARATION OF PLANS OF MANAGEMENT BEFORE DEVELOPMENT CONSENT CAN BE GRANTED IN RELATION TO AREAS OF CORE KOALA HABITAT, AND ENCOURAGEMENT OF THE IDENTIFICATION OF AREAS OF CORE KOALA HABITAT, AND THE INCLUSION OF AREAS OF CORE KOALA HABITAT IN ENVIRONMENT PROTECTION ZONES.	- APPLICABILITY NOT DETERMINED AT THIS STAGE. - FURTHER INVESTIGATIVE WORKS UNDERTAKEN DURING THE PREPARATION OF THE LES WILL IDENTIFY WHETHER THE STUDY AREA CONTAINS AREAS OF KOALA HABITAT. - SHOULD KOALA HABITAT BE IDENTIFIED, MEASURES SHALL BE DEVELOPED, INCLUDING PREPARATION OF PLANS OF MANAGEMENT AND APPROPRIATE LAND USE ZONING TO ENSURE CONSISTENCY WITH THE PROVISIONS OF THE SEPP.
55 – REMEDIATION OF LAND	
SEPP NO. 55 REMEDIATION OF LAND AIMS TO PROMOTE THE REMEDIATION OF LAND FOR THE PURPOSE OF REDUCING THE RISK OF HARM TO HUMAN HEALTH OR ANY OTHER ASPECT OF THE ENVIRONMENT. SEPP 55 STATES THAT WHEN 'PREPARING AN ENVIRONMENTAL PLANNING INSTRUMENT, A PLANNING AUTHORITY IS NOT TO INCLUDE IN A PARTICULAR ZONE', LAND IDENTIFIED AS BEING CONTAMINATED, 'IF THE INCLUSION OF LAND IN THAT ZONE WOULD PERMIT A CHANGE OF USE OF THE LAND.'	- APPLICABLE. - PRELIMINARY MAPPING INVESTIGATIONS HAVE IDENTIFIED THAT THERE IS THE POTENTIAL FOR CONTAMINATED SITES IN AND DIRECTLY ADJACENT TO THE STUDY AREA. IT IS ANTICIPATED THAT THESE SITES WILL INVOLVE A CHANGE OF USE. - DURING THE PREPARATION OF THE LES, FURTHER CONTAMINATION INVESTIGATIONS ARE TO BE UNDERTAKEN TO DETERMINE: - THE CONTAMINANTS ON SITE; - THE LEVEL OF CONTAMINATION; AND - ANY REMEDIAL WORKS (INCLUDING THE PREPARATION OF A REMEDIAL ACTION PLANS (RAPs) REQUIRED PRIOR TO THE REZONING OF THE LAND. - REMEDICATION OF ANY CONTAMINATED LAND ON SITE WILL ENABLE FUTURE DEVELOPMENT TO OCCUR IN THESE AREAS WITH NO RISK TO FUTURE OCCUPANTS OR OCCURRENCE OF POLLUTION DOWNSTREAM.

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SEPP (INFRASTRUCTURE) 2007	
SEPP (INFRASTRUCTURE) 2007 AIMS TO ENABLE GREATER FLEXIBILITY FOR THE LOCATION AND PROVISION OF INFRASTRUCTURE THROUGH THE STATE. THE SEPP ENABLES A RANGE OF INFRASTRUCTURE TYPES TO BE PROVIDED WITH OR WITHOUT CONSENT IN PRESCRIBED ZONES.	- APPLICABLE. - THE PROPOSED ZONING FOR THE SITE MUST BE SUITABLE TO ACCOMMODATE ANY REQUIRED CURRENT OR FUTURE INFRASTRUCTURE FOR THE LOCALITY. - THIS WILL BE FURTHER DETERMINED DURING THE PREPARATION OF THE FINAL LAND USE STRATEGY AND DETERMINATION OF ZONES.

S117 Directions

DIRECTION	COMMENT
EMPLOYMENT AND RESOURCES	
1.1 BUSINESS AND INDUSTRIAL ZONES	
- AIMS TO ENCOURAGE EMPLOYMENT GROWTH IN SUITABLE LOCATIONS, PROTECT EMPLOYMENT LAND IN BUSINESS AND INDUSTRIAL ZONES AND TO SUPPORT THE VIABILITY OF IDENTIFIED STRATEGIC CORRIDORS. - APPLIES WHEN A DLEP AFFECTS LAND WITHIN AN EXISTING OR PROPOSED BUSINESS OR INDUSTRIAL ZONE.	- APPLICABLE. - THE REZONING OF THE STUDY AREA MAY INCLUDE THE PROVISION OF SOME COMMERCIAL ZONED LAND TO SUPPORT THE RESIDENTIAL DEVELOPMENT PROPOSED IN THIS AREA. - A DEMAND ANALYSIS FOR COMMERCIAL AND RETAIL ACTIVITY WILL BE UNDERTAKEN AS PART OF THE PREPARATION OF THE LOCAL ENVIRONMENTAL STUDY (LES). - THE PROVISION OF ANY COMMERCIAL ZONED LAND WILL ONLY BE PROVIDED IF IT IS IN ACCORDANCE WITH THE CLASSIFICATIONS PROVIDED BY THE CENTRAL COAST REGIONAL STRATEGY (CCRS) AND WYONG SHIRE COUNCIL'S RETAIL STRATEGY AND DEVELOPMENT CONTROL PLAN 2005 (DCP 2005) CHAPTER 81 – RETAIL CENTRES. - THE DLEP ALSO HAS THE POTENTIAL TO PROVIDE SOME EMPLOYMENT GENERATING/ INDUSTRIAL LAND. - IT IS THEREFORE CONSIDERED THAT THE DRAFT LOCAL ENVIRONMENTAL PLAN (LEP) WILL BE CONSISTENT WITH THIS DIRECTION.

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1.2 RURAL ZONES	
▪ AIMS TO PROTECT THE AGRICULTURAL PRODUCTION VALUE OF RURAL LAND. ▪ APPLIES WHEN A DLEP AFFECTS LAND WITHIN AN EXISTING OR PROPOSED RURAL ZONE.	▪ APPLICABLE. ▪ THE REZONING OF THE STUDY AREA WILL AFFECT LAND WHICH IS CURRENTLY ZONED 1(C) (NON-URBAN CONSTRAINED LAND). THE DLEP WILL SEEK TO REZONE THE LAND TO A PREDOMINANTLY RESIDENTIAL ZONE. ▪ WHILST THE 1(C) ZONE PERMITS AGRICULTURAL USES, ITS PRIMARY OBJECTIVE IS TO LIMIT THE DEVELOPMENT OF THIS LAND GIVEN ITS AFFECTATION BY FLOODING, EROSION AND OTHER PHYSICAL CONSTRAINTS, THEREFORE IT IS NOT CONSIDERED AS RURAL LAND. IT IS CONSIDERED THAT THE REZONING OF THIS LAND WILL NOT RESULT IN AN INCONSISTENCY WITH THIS DIRECTION. ▪ AN LES FOR THIS REZONING WILL BE UNDERTAKEN, GIVING CONSIDERATION TO THE OBJECTIVES OF THIS DIRECTION. THE LES WILL IDENTIFY THE APPROPRIATENESS OF THIS LAND FOR REZONING. ▪ THE REZONING OF THE STUDY AREA IS IDENTIFIED AS A PRIORITY PROJECT WITHIN COUNCIL'S RESIDENTIAL DEVELOPMENT STRATEGY (RDS). IN ADDITION, THE PRECINCT IS IDENTIFIED WITHIN THE NORTH WYONG SHIRE STRUCTURE PLAN (NWSSP) AREA (AS PER THE CCRS) DESIGNATED FOR FUTURE DEVELOPMENT.
1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES	

▪ AIMS TO ENSURE THAT THE FUTURE EXTRACTION OF STATE OR REGIONALLY SIGNIFICANT RESERVES OF COAL, OTHER MINERALS, PETROLEUM AND EXTRACTIVE MATERIALS ARE NOT COMPROMISED BY INAPPROPRIATE DEVELOPMENT. ▪ APPLIES WHEN A DLEP WOULD HAVE THE EFFECT OF PROHIBITING THE MINING OF COAL OR OTHER MINERALS, PRODUCTION OF PETROLEUM, OR WINNING OR OBTAINING OF EXTRACTIVE MATERIALS, OR RESTRICTING THE POTENTIAL OF DEVELOPMENT RESOURCES OF COAL, OTHER MINERAL, PETROLEUM OR EXTRACTIVE MATERIALS WHICH ARE OF STATE OR REGIONAL SIGNIFICANCE BY PERMITTING A LAND USE THAT IS LIKELY TO BE INCOMPATIBLE WITH SUCH DEVELOPMENT.	▪ NOT APPLICABLE. ▪ THE DLEP DOES NOT SEEK TO PROHIBIT MINING OF COAL, OTHER MINERALS, PETROLEUM AND EXTRACTIVE MATERIALS OR RESTRICT POTENTIAL DEVELOPMENT OF COAL, OTHER MINERALS, PETROLEUM AND EXTRACTIVE MATERIALS, THEREFORE IS NOT CONSIDERED TO BE INCONSISTENT WITH THIS DIRECTION. ▪ DEPARTMENT OF PRIMARY INDUSTRIES AND MINE SUBSIDENCE BOARD WILL BE CONSULTED DURING THE REZONING PROCESS.
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1.4 OYSTER AQUACULTURE	
- AIMS TO ENSURE THAT PRIORITY OYSTER AQUACULTURE AREAS AND OYSTER AQUACULTURE OUTSIDE SUCH AN AREA ARE ADEQUATELY CONSIDERED, AND TO PROTECT PRIORITY OYSTER AQUACULTURE AREAS AND OYSTER AQUACULTURE OUTSIDE SUCH AN AREA FROM LAND USES THAT MAY RESULT IN ADVERSE IMPACTS ON WATER QUALITY AND THE HEALTH OF OYSTERS AND CONSUMERS. - APPLIES WHEN A DLEP COULD RESULT IN ADVERSE IMPACTS ON A PRIORITY OYSTER AQUACULTURE AREAS OR CURRENT OYSTER AQUACULTURE LEASE IN THE NATIONAL PARKS ESTATE OR RESULTS IN INCOMPATIBLE USE OF LAND BETWEEN OYSTER AQUACULTURE IN A PRIORITY OYSTER AQUACULTURE AREA OR CURRENT OYSTER AQUACULTURE LEASE IN THE NATIONAL PARKS ESTATE AND OTHER LAND USES.	- NOT APPLICABLE. - THE DLEP DOES NOT PROPOSE A LAND USE WHICH WILL HAVE ADVERSE EFFECTS OR BE INCOMPATIBLE WITH PRIORITY OYSTER AQUACULTURE AREAS OR CURRENT OYSTER AQUACULTURE LEASE IN THE NATIONAL PARKS ESTATE. IT IS THEREFORE CONSIDERED THAT THE DLEP IS CONSISTENT WITH THIS DIRECTION.
1.5 RURAL LANDS	
- AIMS TO PROTECT THE AGRICULTURAL PRODUCTION VALUE OF RURAL LAND; AND FACILITATE THE ORDERLY AND ECONOMIC DEVELOPMENT OF RURAL LANDS FOR RURAL AND RELATED PURPOSES. - APPLIES TO COUNCILS TO WHICH STATE ENVIRONMENTAL PLANNING POLICY (RURAL LANDS) 2008 APPLIES AND PREPARES A DLEP THAT AFFECTS LAND WITHIN AN EXISTING OR PROPOSED RURAL OR ENVIRONMENT PROTECTION ZONE.	- NOT APPLICABLE. - WYONG SHIRE COUNCIL LOCAL GOVERNMENT AREA IS NOT SUBJECT TO SEPP (RURAL LANDS) 2008.

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ENVIRONMENT AND HERITAGE	
2.1 ENVIRONMENTAL PROTECTION ZONES	
- AIMS TO PROTECT AND CONSERVE ENVIRONMENTALLY SENSITIVE AREAS. - APPLIES WHEN COUNCIL PREPARES A DLEP.	- APPLICABLE. - THE STUDY AREA COMPRISES SOME LAND WHICH IS ZONED FOR ENVIRONMENTAL PROTECTION INCLUDING 7(G) (WETLANDS MANAGEMENT), 10(A) (INVESTIGATION PRECINCT) AND 1(C) (NON-URBAN CONSTRAINED LANDS). - A FORMAL LAND USE STRATEGY HAS NOT YET BEEN DEVELOPED FOR THE STUDY AREA, HOWEVER WHEN DEVELOPED, IT WILL BE INFORMED BY THE FINDINGS OF THE LES. - THE LES WILL BE DEVELOPED BASED ON STUDIES OF THE AREA ASSESSING FLOODING AND FLOODPLAIN MANAGEMENT, FLORA AND FAUNA, INTEGRATED WATER CYCLE MANAGEMENT, URBAN DESIGN AND MASTER PLANNING, BUSHFIRE HAZARD ASSESSMENT, CONSERVATION AND OPEN SPACE, RECREATION, VISUAL ASSESSMENT AND LANDSCAPING. - THE DLEP WILL INCLUDE PROVISIONS TO FACILITATE THE PROTECTION AND CONSERVATION OF ENVIRONMENTALLY SENSITIVE AREAS AS IDENTIFIED BY THE LES. IT IS THEREFORE CONSIDERED THAT THE DLEP IS NOT INCONSISTENT WITH THIS DIRECTION.
2.2 COASTAL PROTECTION	
- AIMS TO IMPLEMENT THE PRINCIPLES IN THE NSW COASTAL POLICY. - APPLIES WHEN A DLEP APPLIES TO LAND IN THE COASTAL ZONE AS DEFINED IN THE COASTAL PROTECTION ACT 1979.	- NOT APPLICABLE. - THE DLEP DOES NOT AFFECT LAND WHICH FALLS WITHIN THE COASTAL ZONE AS DEFINED IN THE COASTAL PROTECTION ACT 1979.

2.3 HERITAGE CONSERVATION	
- AIMS TO CONSERVE ITEMS, AREAS, OBJECTS AND PLACES OF ENVIRONMENTAL HERITAGE SIGNIFICANCE AND INDIGENOUS HERITAGE SIGNIFICANCE. - APPLIES WHEN COUNCIL PREPARES A DLEP.	- APPLICABLE. - PRELIMINARY INVESTIGATIVE WORKS HAVE IDENTIFIED THAT AN ITEM OF HERITAGE SIGNIFICANCE IS LOCATED WITHIN THE STUDY AREA. - FURTHER INVESTIGATION OF HERITAGE ITEMS AND ITEMS OF ABORIGINAL ARCHAEOLOGY WILL BE UNDERTAKEN DURING THE PREPARATION OF THE LES. - THE DLEP WILL PROVIDE FOR THE CONSERVATION OF EXISTING HERITAGE ITEMS OF SIGNIFICANCE, IN ADDITION TO ANY ITEMS IDENTIFIED DURING THE PREPARATION OF THE LES. - IT IS CONSIDERED THAT ADOPTION OF THE ABOVE MEASURES WILL ENSURE THAT THE DLEP WILL BE CONSISTENT WITH THIS DIRECTION.
2.4 RECREATIONAL VEHICLE AREAS	
- AIMS TO PROTECT SENSITIVE LAND OR LAND WITH SIGNIFICANT CONSERVATION VALUES FROM ADVERSE IMPACTS FROM RECREATIONAL VEHICLES. - APPLIES WHEN COUNCIL PREPARES A DLEP.	- APPLICABLE. - THE DLEP WILL NOT ENABLE LAND TO BE DEVELOPED FOR THE PURPOSE OF A RECREATIONAL VEHICLE AREA. - IT IS THEREFORE CONSIDERED THAT THE DLEP IS CONSISTENT WITH THIS DIRECTION.
HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
3.1 RESIDENTIAL ZONES	
- AIMS TO ENCOURAGE A VARIETY AND CHOICE OF HOUSING TYPES TO PROVIDE FOR EXISTING AND FUTURE HOUSING NEEDS, TO MAKE EFFICIENT USE OF EXISTING INFRASTRUCTURE AND SERVICES AND ENSURE THAT NEW HOUSING HAS APPROPRIATE ACCESS TO INFRASTRUCTURE AND SERVICES, AND TO MINIMISE THE IMPACT OF RESIDENTIAL DEVELOPMENT ON THE ENVIRONMENTAL AND RESOURCE LANDS. - APPLIES WHEN A DLEP AFFECTS LAND WITHIN AN EXISTING OR PROPOSED RESIDENTIAL ZONE, AND ANY OTHER ZONE IN WHICH SIGNIFICANT RESIDENTIAL DEVELOPMENT IS PERMITTED OR PROPOSED TO BE PERMITTED.	- APPLICABLE. - THE DLEP WILL SEEK TO REZONE LAND WITHIN THE STUDY AREA AS IDENTIFIED BY THE LES AS BEING SUITABLE FOR RESIDENTIAL DEVELOPMENT. - THE DLEP WILL BE SUPPORTED BY A COMPLIMENTARY CHAPTER OF COUNCIL'S DCP 2005. THIS CHAPTER WILL PROVIDE GUIDANCE AS TO APPROPRIATE DEVELOPMENT OF THE AREA, INCLUDING RESIDENTIAL DEVELOPMENT, BASED ON GOOD DESIGN PRINCIPLES. - THE DLEP WILL NOT TO REDUCE THE PERMISSIBLE DENSITY OF THE LAND IN RELATION TO RESIDENTIAL DEVELOPMENT. - IT IS THEREFORE CONSIDERED THAT THE DLEP IS CONSISTENT WITH THIS DIRECTION.

3.2 CARAVAN PARKS AND MANUFACTURED HOME ESTATES	
- AIMS TO PROVIDE FOR A VARIETY OF HOUSING TYPES AND PROVIDE OPPORTUNITIES FOR CARAVAN PARKS AND MANUFACTURED HOME ESTATES. - APPLIES WHEN COUNCIL PREPARES A DLEP.	- APPLICABLE. - THE DLEP DOES NOT SEEK TO REZONE LAND TO PROVIDE FOR CARAVAN PARKS OR MANUFACTURED HOME ESTATES, FURTHER THERE ARE NO EXISTING CARAVAN PARKS WITHIN THE STUDY AREA. - IT IS THEREFORE CONSIDERED THAT THE DLEP IS CONSISTENT WITH THIS DIRECTION.
3.3 HOME OCCUPATIONS	
- AIMS TO ENCOURAGE THE CARRYING OUT OF LOW IMPACT SMALL BUSINESS IN DWELLING HOUSES. - APPLIES WHEN COUNCIL PREPARES A DLEP.	- APPLICABLE. - THE DLEP SHALL INCORPORATE ZONES FOR THE PURPOSES OF RESIDENTIAL DEVELOPMENT. ALL RESIDENTIAL ZONES UNDER WLEP 1991 AND THE STANDARD INSTRUMENT ENABLE HOME OCCUPATIONS TO BE UNDERTAKEN WITHOUT CONSENT. - IT IS CONSIDERED THEREFORE THAT THE DLEP IS CONSISTENT WITH THIS DIRECTION.
3.4 INTEGRATING LAND USE AND TRANSPORT	
- AIMS TO ENSURE THAT URBAN STRUCTURES, BUILDING FORMS, LAND USE LOCATIONS, DEVELOPMENT DESIGNS, SUBDIVISION AND STREET LAYOUTS ACHIEVE: IMPROVING ACCESS TO HOUSING, JOBS AND SERVICES BY WALKING, CYCLING AND PUBLIC TRANSPORT; INCREASING CHOICE OF AVAILABLE TRANSPORT AND REDUCING TRANSPORT ON CARS; REDUCING TRAVEL DEMAND; SUPPORTING EFFICIENT AND VIABLE PUBLIC TRANSPORT SERVICES; AND PROVIDE FOR EFFICIENT MOVEMENT OF FREIGHT. - APPLIES WHEN A DLEP CREATES, ALTERS OR MOVES A ZONE OR PROVISION RELATING TO URBAN LAND, INCLUDING LAND ZONED FOR RESIDENTIAL, BUSINESS, INDUSTRIAL, VILLAGE OR TOURIST PURPOSES.	- APPLICABLE. - THE DLEP WILL SEEK TO REZONE SUITABLE AREAS (AS IDENTIFIED BY THE LES) OF THE STUDY AREA FOR RESIDENTIAL AND BUSINESS/COMMERCIAL PURPOSES. - A FORMAL LAND USE STRATEGY HAS NOT YET BEEN DETERMINED FOR THE STUDY AREA. CONSIDERATION WILL BE GIVEN TO THE PRINCIPLES CONTAINED WITHIN <i>IMPROVING TRANSPORT CHOICE – GUIDELINES FOR PLANNING AND DEVELOPMENT (DUAP 2001)</i> AND <i>THE RIGHT PLACE FOR BUSINESS SERVICES (DUAP 2001)</i> DURING THE PREPARATION OF THE LES AND FINAL ZONING FOR THE STUDY AREA. - IT IS CONSIDERED THAT ADOPTION OF THE ABOVE MEASURES WILL ENSURE THAT THE DLEP WILL BE CONSISTENT WITH THIS DIRECTION.

3.5 DEVELOPMENT NEAR LICENSED AERODROMES

▪ AIMS TO ENSURE THE EFFECTIVE AND SAFE OPERATION OF AERODROMES AND THAT THE OPERATION IS NOT COMPROMISED BY DEVELOPMENT WHICH CONSTITUTES AN OBSTRUCTION, HAZARD OR POTENTIAL HAZARD TO AIRCRAFT FLYING IN THE VICINITY. DEVELOPMENT FOR RESIDENTIAL PURPOSES OR HUMAN OCCUPATION (WITHIN THE ANNUAL NOISE EXCEEDENCE FREQUENCY (ANEF) CONTOURS BETWEEN 20 AND 25) MUST INCORPORATE APPROPRIATE MITIGATION MEASURES SO THAT THE DEVELOPMENT IS NOT ADVERSELY AFFECTED BY AIRCRAFT NOISE. ▪ APPLIES WHEN A DLEP CREATES, ALTERS OR REMOVES A ZONE OR PROVISION RELATING TO LAND IN THE VICINITY OF A LICENSED AERODROME.	▪ APPLICABLE. ▪ THE DLEP AFFECTS LAND IMMEDIATELY ADJACENT TO WARNERVALE AERODROME. ▪ DURING THE PREPARATION OF THE LES AND DLEP, CONSIDERATION WILL BE GIVEN TO LAND AFFECTED BY THE OPERATION OF THE AIRPORT, INCLUDING ANEF AND OBSTACLE LIMITATION SURFACE TO ENSURE ZONING AND PROVISIONS ARE CONSISTENT WITH THESE REQUIREMENTS, IN ADDITION TO AS2021 – ACOUSTICS – AIRCRAFT NOISE INTRUSION – BUILDING SITING AND CONSTRUCTION. ▪ FURTHER, THE DLEP WILL BE SUPPORTED BY A COMPLIMENTARY CHAPTER OF COUNCIL'S DCP 2005 WHICH WILL DEFINE BUILDING REQUIREMENTS (INCLUDING HEIGHT, SCALE, BUILDING MATERIALS, ETC.) FOR DEVELOPMENT AFFECTED BY THE AERODROME OPERATION. ▪ AS PART OF THE DEVELOPMENT AND PROGRESSION OF THE DLEP, CONSULTATION WILL BE UNDERTAKEN WITH THE LESSEE OF THE AERODROME AND RELEVANT COMMONWEALTH AND STATE GOVERNMENT AGENCIES. ▪ IT IS CONSIDERED THAT ADOPTION OF THE ABOVE MEASURES WILL ENSURE THAT THE DLEP WILL BE CONSISTENT WITH THIS DIRECTION.
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HAZARD AND RISK	
4.1 ACID SULPHATE SOILS	
▪ AIMS TO AVOID SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS FROM THE USE OF LAND THAT HAS A PROBABILITY OF CONTAINING ACID SULFATE SOILS. ▪ APPLIES WHEN A DLEP APPLIES TO LAND HAVING A PROBABILITY OF CONTAINING ACID SULFATE SOILS ON THE ACID SULPHATE SOILS PLANNING MAPS.	▪ APPLICABLE. ▪ THE DLEP APPLIES TO LAND WHICH IS IDENTIFIED AS HAVING A LOW PROBABILITY OF CONTAINING ACID SULFATE SOILS. ▪ THE EXTENT AND PROBABILITY OF ACID SULPHATE SOILS WITHIN THE STUDY AREA WILL BE FURTHER INVESTIGATED DURING THE PREPARATION OF THE LES. ▪ THE OUTCOMES OF FURTHER INVESTIGATIONS WILL BE CONSIDERED IN DETERMINING THE PROPOSED LAND USES FOR THESE AREAS, AND WILL BE CONSISTENT WITH THE PROVISIONS WITHIN THE ACID SULPHATE SOILS PLANNING GUIDELINES. SHOULD AN INTENSIFICATION OF THE CURRENT LAND USE BE PROPOSED BY THE DLEP, A COPY OF THE INVESTIGATIVE STUDY WILL BE FORWARDED TO THE DIRECTOR GENERAL OF THE DOP UNDER SECTION 64 OF THE ACT. ▪ IT IS CONSIDERED THAT ADOPTION OF THE ABOVE MEASURES WILL ENSURE THAT THE DLEP WILL BE CONSISTENT WITH THIS DIRECTION.
4.2 MINE SUBSIDENCE AND UNSTABLE LAND	
▪ AIMS TO PREVENT DAMAGE TO LIFE, PROPERTY AND THE ENVIRONMENTAL ON LAND IDENTIFIED AS UNSTABLE OR POTENTIALLY SUBJECT TO MINE SUBSIDENCE. ▪ APPLIES WHEN A DLEP PERMITS DEVELOPMENT ON LAND WHICH IS WITHIN A MINE SUBSIDENCE DISTRICT, OR IDENTIFIED AS UNSTABLE IN A STUDY OR ASSESSMENT UNDERTAKEN BY OR ON BEHALF OF COUNCIL OR OTHER PUBLIC AUTHORITY AND PROVIDED TO COUNCIL.	▪ APPLICABLE. ▪ PART OF THE AREA WHICH IS AFFECTED BY THE DLEP IS AFFECTED BY MINE SUBSIDENCE. THE MINE SUBSIDENCE BOARD WILL BE CONSULTED DURING THE REZONING PROCESS FOR ANY DEVELOPMENT REQUIREMENTS.

4.3 FLOOD PRONE LAND	
- AIMS TO ENSURE DEVELOPMENT ON FLOOD PRONE LAND IS CONSISTENT WITH NSW GOVERNMENT'S FLOOD PRONE LAND POLICY AND PRINCIPLES OF THE <i>FLOODPLAIN DEVELOPMENT MANUAL 2005</i>; AND PROVISIONS OF AN LEP ON FLOOD PRONE LAND IS COMMENSURATE WITH FLOOD HAZARD AND INCLUDES CONSIDERATION OF THE POTENTIAL FLOOD IMPACTS BOTH ON AND OFF THE SUBJECT LAND. - APPLIES WHEN A DLEP CREATES, REMOVES OR ALTERS A ZONE OR PROVISION THAT AFFECTS FLOOD PRONE LAND.	- APPLICABLE. - THE DLEP APPLIES TO LAND WHICH IS AFFECTED BY THE 1 IN 100 YEAR FLOOD EVENT (1% AEP). - FURTHER INVESTIGATIVE STUDIES FOR FLOODING AND FLOODPLAIN MANAGEMENT WILL BE UNDERTAKEN DURING THE PREPARATION OF THE LES. THE OUTCOMES OF FURTHER INVESTIGATIONS WILL BE CONSIDERED IN DETERMINING THE PROPOSED LAND USES FOR THESE AREAS, AND WILL BE CONSISTENT WITH THE PROVISIONS WITHIN THE NSW FLOOD PRONE LAND POLICY AND THE PROVISIONS OF THE <i>FLOODPLAIN DEVELOPMENT MANUAL 2005</i>. ANY INCONSISTENCY OR VARIATION FROM THE GUIDELINES CONTAINED IN THIS MANUAL WILL BE SUPPORTED BY JUSTIFICATION AND AGREED TO BY THE DIRECTOR-GENERAL OF THE DOP. - IT IS CONSIDERED THAT ADOPTION OF THE ABOVE MEASURES WILL ENSURE THAT THE DLEP WILL BE CONSISTENT WITH THIS DIRECTION.
4.4 PLANNING FOR BUSHFIRE PROTECTION	
- AIMS TO PROTECT LIFE, PROPERTY AND THE ENVIRONMENT FROM BUSHFIRE HAZARDS, AND ENCOURAGE SOUND MANAGEMENT OF BUSHFIRE PRONE AREAS. - APPLIES WHEN A DLEP AFFECTS OR IS IN PROXIMITY TO LAND MAPPED AS BUSHFIRE PRONE LAND.	- APPLICABLE. - THE DLEP APPLIES TO LAND WHICH IS IDENTIFIED AS CONTAINING BUSHFIRE PRONE VEGETATION. - CONSULTATION WITH THE NSW RURAL FIRE SERVICE WILL BE UNDERTAKEN DURING THE S62 CONSULTATION PROCESS. - A BUSHFIRE HAZARD ASSESSMENT IS ALSO PROPOSED TO BE UNDERTAKEN DURING THE DEVELOPMENT OF THE LES. THE OUTCOMES OF THIS STUDY, IN CONJUNCTION WITH CONSIDERATION OF THE <i>PLANNING FOR BUSHFIRE PROTECTION 2006</i> WILL ENSURE THAT THE DLEP WILL PROVIDE APPROPRIATE ZONING TO AVOID INAPPROPRIATE DEVELOPMENT IN HAZARDOUS AREAS. - IN ADDITION, THE DLEP WILL BE SUPPORTED

	BY A COMPLIMENTARY CHAPTER OF COUNCIL'S DCP 2005 WHICH FURTHER DEFINES BUILDING REQUIREMENTS (ASSET PROTECTION ZONES, BUILDING MATERIALS ETC) TO BE CONSISTENT WITH RELEVANT STATE GOVERNMENT REQUIREMENTS. IT IS CONSIDERED THAT ADOPTION OF THE ABOVE MEASURES WILL ENSURE THAT THE DLEP WILL BE CONSISTENT WITH THIS DIRECTION.
REGIONAL PLANNING	
5.1 IMPLEMENTATION OF REGIONAL STRATEGIES	
- AIMS TO GIVE LEGAL EFFECT TO THE VISION, LAND USE STRATEGY, POLICIES, OUTCOMES AND ACTIONS CONTAINED WITHIN REGIONAL STRATEGIES. - APPLIES WHEN COUNCIL PREPARES A DLEP THAT IS LOCATED ON LAND ADDRESSED WITHIN THE FAR NORTH REGIONAL STRATEGY, LOWER HUNTER REGIONAL STRATEGY, ILLAWARRA REGIONAL STRATEGY AND SOUTH COAST REGIONAL STRATEGY.	- NOT APPLICABLE. - THE DLEP IS NOT AFFECTED BY THE FAR NORTH REGIONAL STRATEGY, LOWER HUNTER REGIONAL STRATEGY, ILLAWARRA REGIONAL STRATEGY AND SOUTH COAST REGIONAL STRATEGY.
5.2 SYDNEY DRINKING WATER CATCHMENTS	
- AIMS TO PROTECT WATER QUALITY IN THE HYDROLOGICAL CATCHMENT. - APPLIES WHEN COUNCIL PREPARES A DLEP THAT APPLIES TO SYDNEY'S HYDROLOGICAL CATCHMENT.	- NOT APPLICABLE. - THE DLEP DOES NOT APPLY TO LAND WITHIN SYDNEY'S HYDROLOGICAL CATCHMENT.
5.3 FARMLAND OF STATE AND REGIONAL SIGNIFICANCE ON THE NSW FAR NORTH COAST	
- AIMS TO ENSURE THAT THE BEST AGRICULTURAL LAND WILL BE AVAILABLE FOR CURRENT AND FUTURE GENERATIONS TO GROW FOOD AND FIBRE; PROVIDE MORE CERTAINTY ON THE STATUS OF THE BEST AGRICULTURAL LAND, ASSISTING COUNCILS WITH STRATEGIC SETTLEMENT PLANNING; AND REDUCE LAND USE CONFLICT ARISING BETWEEN AGRICULTURAL USE AND NON-AGRICULTURAL USE OF FARMLAND CAUSED BY URBAN ENCROACHMENT INTO FARMING AREAS. - APPLIES TO BALLINA, BYRON, KYOGLE, AND TWEED SHIRE COUNCILS, LISMORE CITY COUNCIL AND RICHMOND VALLEY COUNCIL.	- NOT APPLICABLE. - THE DLEP DOES NOT APPLY TO LAND WITHIN THE NSW FAR NORTH COAST.
5.4 COMMERCIAL AND RETAIL DEVELOPMENT ALONG THE PACIFIC HIGHWAY, NORTH COAST	
AIMS TO MANAGE COMMERCIAL AND RETAIL DEVELOPMENT ALONG THE PACIFIC HIGHWAY, NORTH COAST.	- NOT APPLICABLE. - THE DLEP IS NOT LOCATED IN AN AREA BETWEEN OR INCLUSIVE OF PORT STEPHENS

APPLIES TO ALL COUNCILS BETWEEN AND INCLUSIVE OF PORT STEPHENS AND TWEED SHIRE COUNCILS.	AND TWEED SHIRE COUNCILS.
5.5 DEVELOPMENT IN THE VICINITY OF ELLALONG, PAXTON AND MILLFIELD (CESSNOCK LGA)	
- AIMS TO ENSURE THAT DEVELOPMENT IN THE VICINITY OF THE VILLAGES OF ELLALONG, PAXTON AND MILLFIELD IS CONSISTENT WITH THE CESSNOCK CITY WIDE SETTLEMENT STRATEGY AND LOWER HUNTER REGIONAL STRATEGY. - APPLIES TO LAND IN THE VICINITY OF THE VILLAGES OF ELLALONG, PAXTON AND MILLFIELD IN THE CESSNOCK LGA.	- NOT APPLICABLE. - THE DLEP IS NOT LOCATED WITHIN CESSNOCK LGA.
5.6 SYDNEY TO CANBERRA CORRIDOR	
- AIMS TO ENSURE THAT DLEPS ARE PREPARED IN ACCORDANCE WITH THE SYDNEY TO CANBERRA CORRIDOR. - APPLIES TO LAND WITHIN THE LOCAL GOVERNMENT AREAS DESCRIBED AS THE 'SYDNEY TO CANBERRA CORRIDOR'.	- NOT APPLICABLE. - THE DLEP IS NOT LOCATED ON LAND IDENTIFIED AS BEING PART OF THE 'SYDNEY TO CANBERRA CORRIDOR'.
5.7 CENTRAL COAST	
- AIMS TO ENSURE THAT LAND IS ZONED IN ACCORDANCE WITH THE APPROPRIATE REGIONAL STRATEGY FOR THE CENTRAL COAST. - APPLIES TO WYONG SHIRE COUNCIL AND GOSFORD CITY COUNCIL WHEN COUNCIL PREPARES A DLEP.	- APPLICABLE. - THE DLEP IS CONSIDERED TO BE CONSISTENT WITH THE PRINCIPLES OF THE CENTRAL COAST REGIONAL STRATEGY. - UNDERTAKING THE LES AND ASSOCIATED STUDIES WILL ENABLE THE DEVELOPMENT OF A LAND USE STRATEGY WHICH PROVIDES: - EFFICIENT AND EFFECTIVE TRANSPORTATION SYSTEMS; - EFFICIENT AND CONVENIENT DISTRIBUTION OF LAND USES; - APPROPRIATE PUBLIC FACILITIES; - A COMPATIBLE RANGE OF USES; AND - A REASONABLE CHOICE OF RESIDENTIAL ACCOMMODATION. - FURTHER, THE DLEP PRODUCED FROM THE LES WILL: - PROHIBIT DEVELOPMENT WITHIN FLOOD LIABLE LAND; - ENSURE THAT URBAN DESIGN AND LOCATION OF BUILT STRUCTURES DOES NOT GIVE RISE TO POLLUTION OF EXISTING WATERWAYS AND WATERBODIES; AND - ASSIST IN ACHIEVING ECONOMIC AND SOCIAL SELF CONTAINMENT FOR WYONG SHIRE. - IT IS CONSIDERED THAT THE DLEP IS ALSO

	CONSISTENT WITH THE CCRS AS IT WILL PROVIDE FOR ADDITIONAL EMPLOYMENT AND RESIDENTIAL DWELLINGS IN AN AREA IDENTIFIED FOR FUTURE GREENFIELD RELEASE.
5.8 SECOND SYDNEY AIRPORT: BADGERYS CREEK	
- AIMS TO AVOID INCOMPATIBLE DEVELOPMENT IN THE VICINITY OF ANY FUTURE SECOND SYDNEY AIRPORT AT BADGERYS CREEK. - APPLIES TO LAND LOCATED WITHIN THE FAIRFIELD, LIVERPOOL AND PENRITH CITY COUNCIL AND WOLLONDILLY SHIRE COUNCIL LOCAL GOVERNMENT AREAS.	- NOT APPLICABLE. - THE DLEP IS NOT LOCATED WITHIN THE FAIRFIELD, LIVERPOOL AND PENRITH CITY COUNCIL AND WOLLONDILLY SHIRE COUNCIL LOCAL GOVERNMENT AREAS.
LOCAL PLAN MAKING	
6.1 APPROVAL AND REFERRAL REQUIREMENTS	
- AIMS TO ENSURE THAT LEP PROVISIONS ENCOURAGE THE EFFICIENT AND APPROPRIATE ASSESSMENT OF DEVELOPMENT. - APPLIES WHEN COUNCIL PREPARES A DLEP.	- APPLICABLE. - THE DLEP DOES NOT PROPOSE AMENDMENTS WHICH REQUIRE CONCURRENCE, CONSULTATION OR REFERRAL OF DEVELOPMENT APPLICATIONS TO THE MINISTER OR PUBLIC AUTHORITY. - THE DLEP DOES NOT IDENTIFY ANY DEVELOPMENT AS DESIGNATED DEVELOPMENT. - IT IS CONSIDERED THAT THE DLEP IS CONSISTENT WITH THIS DIRECTION.
6.2 RESERVING LAND FOR PUBLIC PURPOSES	
- AIMS TO FACILITATE THE PROVISION OF PUBLIC SERVICES AND FACILITIES BY RESERVING LAND FOR PUBLIC PURPOSES, AND FACILITATE THE REMOVAL OF RESERVATIONS OF LAND FOR PUBLIC PURPOSES WHERE LAND IS NO LONGER REQUIRED FOR ACQUISITION. - APPLIES WHEN COUNCIL PREPARES A DLEP.	- APPLICABLE. - WHILST A FORMAL LAND USE STRATEGY FOR THE DLEP STUDY AREA HAS NOT BEEN DETERMINED, IT IS LIKELY THAT SOME EXISTING PUBLIC OPEN SPACE ZONINGS WILL BE ALTERED AND FUTURE PUBLIC OPEN SPACE CREATED. SUCH DETERMINATIONS WILL BE MADE DURING THE PREPARATION OF THE LES WHICH WILL GUIDE THE LAND USE STRATEGY FOR THE AREA. - SHOULD THE DLEP SEEK TO ALTER OR CREATE EXISTING OR ADDITIONAL PUBLIC OPEN SPACE AREAS, APPROVAL SHALL BE SOUGHT FROM THE DIRECTOR-GENERAL OF THE DOP. - IT IS CONSIDERED THAT ADOPTION OF THE ABOVE MEASURES WILL ENSURE THAT THE DLEP WILL BE CONSISTENT WITH THIS DIRECTION.
6.3 SITE SPECIFIC PROVISIONS	

▪ AIMS TO DISCOURAGE UNNECESSARILY RESTRICTIVE SITE SPECIFIC PLANNING CONTROLS. ▪ APPLIES WHEN COUNCIL PREPARES A DLEP TO ALLOW PARTICULAR DEVELOPMENT TO BE CARRIED OUT.	▪ NOT APPLICABLE. ▪ THE DLEP DOES NOT PROPOSE TO ALLOW A PARTICULAR DEVELOPMENT TO BE CARRIED OUT WITHIN THE SUBJECT AREA.
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