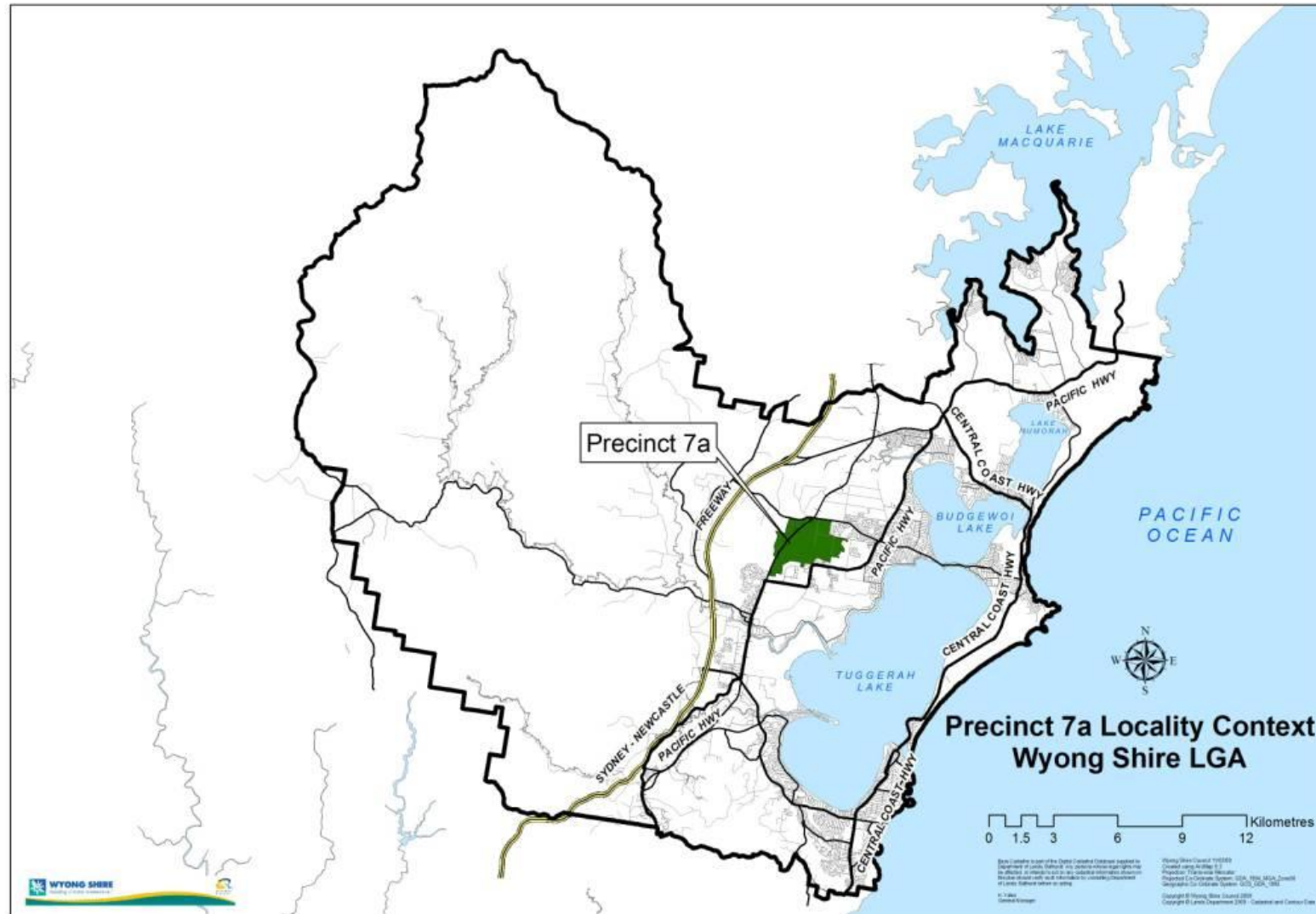
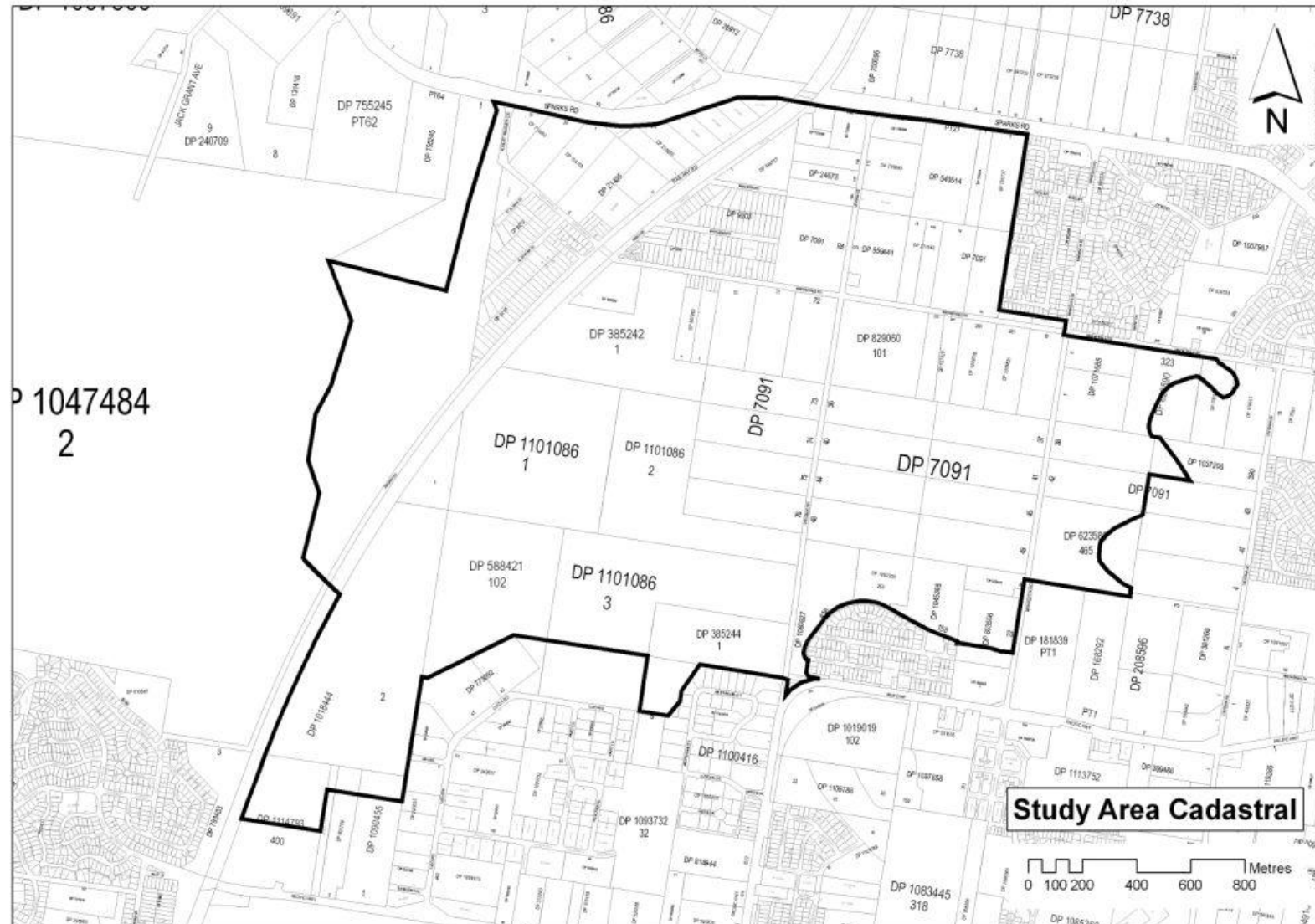


a. Wyong Shire Locality Context





c. Aerial Plan



Council Report and Minutes dated 10 December 2008

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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.*

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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***

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

- 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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

- 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).

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

- 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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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).

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (contd)

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

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1) (contd)

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: - a the contaminants on site; - b the level of contamination; and - c any remedial works (including the preparation of a Remedial Action Plans (RAPs) required prior to the rezoning of the land. - Remediation 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.

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1) (contd)

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 commercially 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 commercially 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.

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1) (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1) (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1) (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1) (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1) (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1) (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1) (contd)

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 environment 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.

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1) (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1) (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1) (contd)

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. ▪ Applies to all Councils between and inclusive of Port Stephens and Tweed Shire Councils.	▪ Not applicable. ▪ The dLEP is not located in an area between or inclusive of Port Stephens and Tweed Shire Councils.
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.

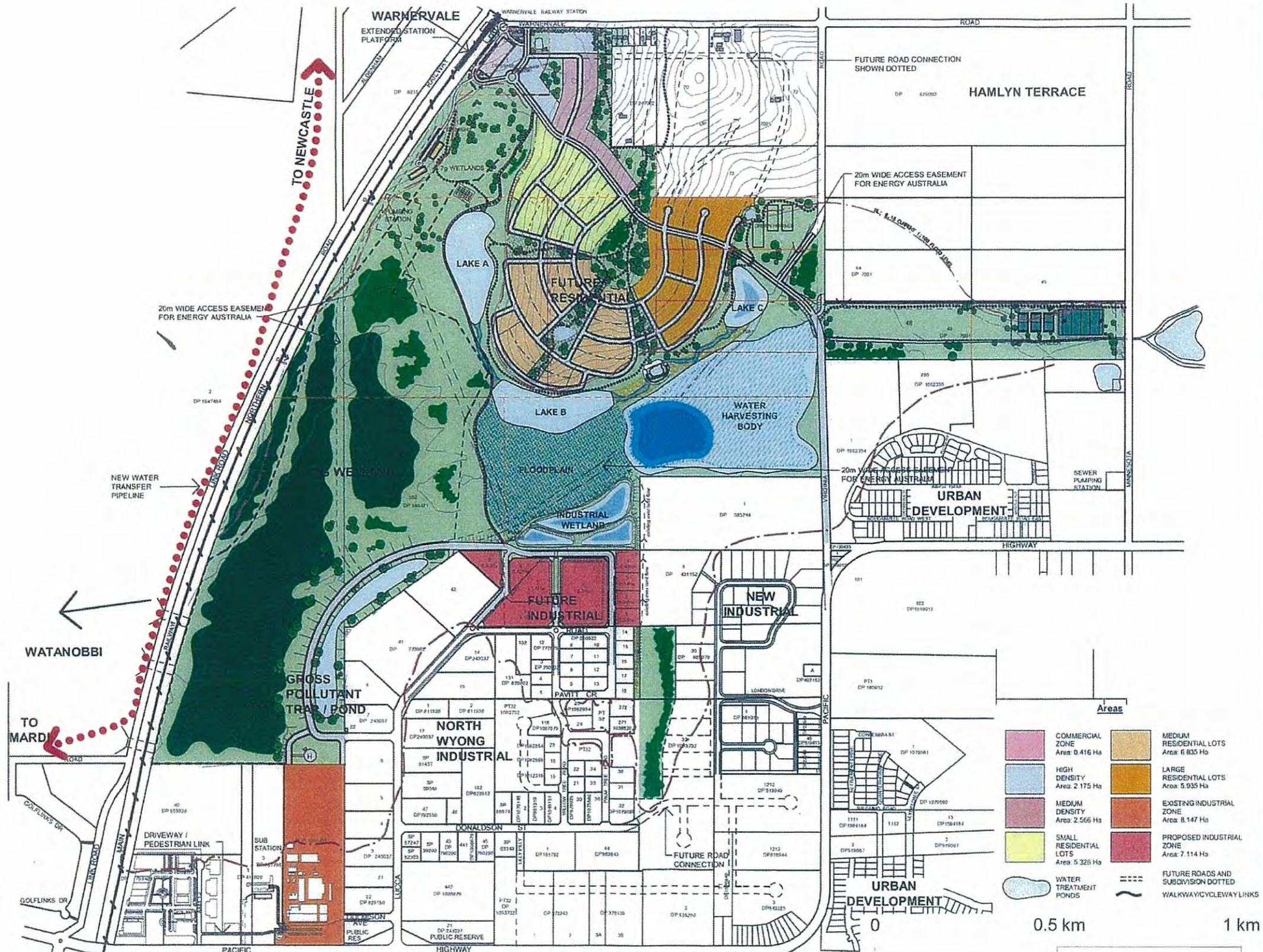
Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1) (contd)

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.

Precinct 7A – Hamlyn Terrace and Warnervale (Attachment 1 (contd))

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.

Precinct 7A Draft Proposal – southern area



Overall Concept Masterplan - STAGE 2

[illegible]

[illegible]

[illegible]

Schedule of Tasks	Timing	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12
PCG Meeting	Mar-10																															
Prepare draft LEP	Mar-10-May-11																															
Prepare draft DCP	Mar-10-May-11																															
Prepare Section 94 Plan	Mar-10-May-11																															
Prepare Planning Agreements (if needed)	Apr-10-Apr 11																															
Phase 4 - Community Consultation		Jan-11	Feb-11	Mar-11	Apr-11	#####	Jul-11	#####	#####	Oct-11	#####	Jan-12	Feb-12	Mar-12	Apr-12	#####	Jun-12	Jul-12	Aug-12	#####	#####	#####	#####	#####	#####							
PCG Meeting	Mar-11																															
Councillor Briefing	Apr-11																															
Prepare report to Council	Jan-11-Apr-11																															
Council Meeting for S65	Apr-11																															
s64 Notification.	May-11																															
Public Exhibition Administration	Jun-11																															
Public Exhibition/Consultation	Jul-11																															
Consideration of Exhibition Submissions	Aug-11																															
PCG Meeting	Sep-11																															
Revise DCPs, LEPs and s.94 CPs	Oct-Nov-11																															
Prepare Report to Council	Dec-11																															
Council Meeting	Jan-12																															
s68 or s69 Administration.	Jan-12																															
Gazettal Administration.	Jan-12																															
PCG Meeting - Final project review	Jan-12																															
Council Staff Info and Promotion/Indicative gazettal date	Mar-12																															
NOTE:																																
* Estimated cost based on staff outsourcing rate under Council's Management Plan (2007/2008)																																
** General allowance has been made for Administration/GIS staff in estimated time allocations for scheduled tasks																																

Contingency

Total estimated cost = \$1,760,000

Contingency parameters (-5%/20%)=
 \$1,672,000 (lower \$88,000) to
 \$2,112,000 (upper \$352,000)

Note: Professional staff time @ \$120/hr, Technical Administration @ \$75.00/hr, Assume average \$110.00/hr for project.

***Dark blue project lines represent technical reports which will require refinement upon the endorsement of the preferred development Strategy by Council.

***A tick denotes the completed tasks.

PRECINCT 7A - WARNERVALE & HAMLYN TERRACE



32.7 ha

MAIN NORTHERN RAILWAY

EXISTING SCHOOL

EXISTING SPORTS GROUND

SCHOOL
PROPOSED
OVAL/COMMUNITY
CENTRE SITE

Legend

- Country Music Site
- Study area boundary
- Bitova Holdings
- Streams & 40m Buffers
- 1% Flood Inundation Line (Inferred)
- Endangered Ecological Communities
- All Lots Excluding Major Constraints
- Existing Warnervale Village Area = 34,238 ha

ALL LOTS EXCLUDING
MAJOR CONSTRAINTS

0 100 200 400 600 800 Metres

Department of Planning 54(4) Response Dated 4 February 2009



NSW GOVERNMENT
Department of Planning

Office of the Director-General

Contact: Ben Holmes
Phone: (02) 4348 5000
Fax: (02) 4323 6573
Email: Ben.Holmes@planning.nsw.gov.au
Postal: PO Box 1148, Gosford 2250

Mr Kerry Yates
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Our ref: C07/00010
Your ref: F2007/00274

Dear Mr Yates

Re: Section 54(4) Notification – Draft Amendment to Wyong LEP 1991

I am writing in response to your Council's letter dated 18 December 2008 advising, under section 54(4) of the Environmental Planning and Assessment Act 1979 ('EP&A Act'), of the Council's decision to prepare a draft local environmental plan ('LEP') to rezone a 554 hectare site from 1(c) Non Urban Constrained Lands, 2(a) Residential, 5(a) Special Uses (education related), 5(c) Local Road Reservation, 6(a) Open Space, 7(b) Scenic Protection, 7(g) Wetland and 10(a) Investigation Precinct to residential, industrial, open space, recreation, environmental and business uses.

The Council may now continue with the preparation of the draft LEP.

Under section 74(2)(b) of the EP&A Act, Council is directed to comply with sections 57 and 61 of the EP&A Act with this draft LEP. The environmental study should provide a synthesis of the outcomes of Council's extensive list of proposed environmental studies and the outcomes of the North Wyong Shire Structure Plan and the Department of Environment and Climate Change's Regional Conservation Plan. One of the key issues that must be addressed is flooding. Council must be able to demonstrate that development arising from the proposed draft LEP would not adversely affect downstream flooding.

Consultation with the Department under section 62 of the Act is not required for this plan. However, the Darkinjung Local Aboriginal Land Council is to be included as a body to be consulted under s.62.

As an Authorisation is not being issued on this occasion, Council should submit the draft LEP to the Department when seeking a section 65 certificate.

Council should ensure that relevant section 117 Directions are adequately addressed prior to exhibition of the draft plan. Where any applicable section 117 direction requires the Director-General to form an opinion or be satisfied as to certain matters, you need to ensure that this issue is addressed in submitting the draft LEP under section 64.

Please forward a copy of the draft plan and any other information to be publicly exhibited in respect of the draft LEP to the Regional Office with advice to the Department as required under section 64 of the Act when seeking a section 65 certificate.

Should you have any queries in regard to this matter please contact the Regional Office of the Department.

Yours sincerely


Sam Haddad
Director-General

4/2/2009.

* Charette/Urban Design Consultancy includes a period for public exhibition of the draft masterplan. This will reduce the timeframe needed for exhibition of the Planning Proposal at the end of the process

Draft Centres Policy Criterion Assessment

Draft Centres Policy Criterion	Consistency of the Proposal
Will the proposal be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	Yes. Precinct 7A is located within the North Wyong Shire Structure Plan (NWSSP) area designated under the Central Coast Regional Strategy (CCRS) for future residential development. Additionally, the Precinct 7A area surrounds the existing Warnervale railway station.
Is the proposal located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes. Precinct 7A is located within the North Wyong Shire Structure Plan (NWSSP) area designated under the Central Coast Regional Strategy (CCRS) for future residential development. It adjoins Warnervale Town Centre and encompasses the existing Warnervale Neighbourhood area.
Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. The proposal is consistent with local and regional strategy directions, therefore will not create a precedent.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. This proposal will complement other recent rezoning activities within the adjoining areas, including the Warnervale Town Centre and the Wyong Employment Zone. Furthermore, it will provide for additional population potential not being addressed by other current proposals.
Will the proposal facilitate a permanent employment generating activity or result in a loss of employment lands?	An employment generation precinct is proposed to form part of the precinct; however is subject to further scoping, planning and consultation. Land within the area is not currently zoned for employment generation therefore there will be no loss of existing employment land.
Will the proposal impact upon the supply of residential land and therefore housing supply and affordability?	Yes. The proposal will generate in the order of 2,200 additional dwellings. Masterplanning being undertaken for the area will have regard for the provision of a range of housing types, facilitating affordable housing and housing type choice.

Draft Centres Policy Criterion (cont'd)	Consistency of the Proposal
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?	Yes. The Precinct 7A area surrounds the existing Warnervale railway station providing access for commuters to Sydney, Gosford and Newcastle. The precinct is bounded to the north by Sparks Road, providing easy access to the F3 Freeway. To the south, the precinct is bounded by the Pacific Highway, providing good access to the southern areas of Wyong Local Government Areas. The capability of current local road networks are being assessed through a traffic study currently being undertaken. This study will identify future required roads (identifying their location and hierarchy). An engineering assessment has been undertaken for the site to determine the extent of existing utilities and upgrades required to accommodate the additional population. Such infrastructure will be funded during the development of the precinct.
Is there good pedestrian and cycling access?	Access to the precinct is currently available from the existing road and rail networks. Whilst formal pedestrian and cycling access is limited within the precinct, the provision of appropriate facilities for this form of transportation will be addressed through the traffic study and incorporated into the Masterplan for the site.
Is public transport currently available or is there infrastructure capacity to support future public transport?	The Precinct 7A area surrounds the existing Warnervale railway station providing access for commuters to Sydney, Gosford and Newcastle. Bus services are also available along Sparks Road, Warnervale Road, Minnesota Road and the Pacific Highway. The role and support for public transport is currently being addressed by the traffic study being undertaken.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	It is expected that the provision of an employment generation area within the precinct will result in less demand on car based travel for employment purposes. Additionally, the precinct is located within pedestrian and public transport distance to other employment generating centres such as the Warnervale Town Centre, Wadalba Neighbourhood centre and other areas within Wyong Shire. The precinct's proximity to the Sydney to Newcastle Rail line also lends itself to utilisation for commuting purposes.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	It is expected that the Warnervale station will remain operational. It is expected that the patronage of this service will increase through the development of the precinct.

Draft Centres Policy Criterion (cont'd)	Consistency of the Proposal
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Some land within the precinct is identified as being Endangered Ecological Communities and SEPP 14 wetlands, with the southern portion of the precinct being fully flood affected. The intent of the precinct is to avoid any development of these areas. Flood plain revegetation and rehabilitation is also proposed through this process.
Will the proposal be compatible/ complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Yes. The proposal will link the existing residential areas of Wadalba, Hamlyn Terrace and Warnervale through similar residential development within the precinct. It is expected that through a thorough Masterplanning process for the site, the amenity and public domain of the area and adjoining localities will significantly improve. Additionally, the proposed commercial and employment generation areas will complement the retail functions of the Warnervale Town Centre.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No. Whilst a commercial area is proposed within the precinct, it is expected that this will be limited to be consistent with Council's Retail Strategy (i.e. be less than 5,000m²). It is expected that any commercial or retail activity within the area will be restricted to those of a neighbourhood scale (i.e. general store, newsagency, hairdresser etc)
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The proposal is located within the current Warnervale Neighbourhood centre. It is not expected that this will develop into a larger centre type through this process.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	This proposal will facilitate additional dwellings within the locality and provide for a range of housing choice (affordable housing). In addition, the proposed commercial and employment areas will facilitate local employment, reducing demand for car based travel and increase potential for greater work-life balances to be achieved. As part of the proposal, and through the Masterplanning process, a range of recreational facilities are also expected to be provided, not only for the local area but for the wider Warnervale area. By not proceeding with the rezoning at the current time, the potential for providing these opportunities will be significantly reduced. Council funds would ordinarily not be available to resource such a local growth area. Being a developer funded project assists in bringing this forward in time. Any delays with this project have the potential to affect the funding stream for this proposal.

Assessment against the objectives/actions of the Central Coast Regional Strategy

Centres and Housing			
Action	Applicable	Consistent	Comment
4.1 The Cities Taskforce, established by the DoP, to continue work with local government and other stakeholders in planning Gosford Regional City	N	N/a	N/a
4.2 Councils are to provide for a mix of housing types, including housing that will accommodate an ageing population, and smaller household sizes, through the preparation of LEPs and strategies.	Y	Y	A thorough Masterplanning process will be undertaken in the preparation of the LEP. A range of housing types and affordable housing is a key criterion for consideration and incorporation through this process.
4.3 Councils are to facilitate competitive land releases in the Region, and to meet, as a minimum, the dwelling capacity targets and distribution by centres provided in this Regional Strategy. Work to be done in conjunction with the Department of Planning and delivered through the timely preparation of LEPs.	Y	Y	This proposal will facilitate in the order of 2,200 additional dwellings within Wyong Shire, contributing to the required 23,000 by 2031.
4.4 Councils are to investigate the potential for land located within and around centres for future housing opportunities, consistent with the centres hierarchy and the dwelling and employment capacity targets through the preparation of LEPs, and local planning strategies (i.e. generally within a radius of 1,000 metres of a regional city and major centre, 800 metres for towns, 400-600 metres for villages and 150 metres for neighbourhoods).	Y	Y	This proposal surrounds an existing neighbourhood centre and is directly south of the Warnervale Town Centre. This proposal will facilitate in the order of 2,200 additional dwellings within Wyong Shire, contributing to the required 23,000 by 2031.
4.5 Councils are to review their current residential development strategies, including a review of the adequacy and accuracy of existing urban boundaries and zonings in fringe areas, through the preparation of LEPs.	N	N/a	N/a
4.6 Land to be rezoned for housing during the life of the Strategy is to be located within existing urban areas, existing MDP areas, areas identified through the preparation of LEPs, and Greenfield areas nominated in the North Wyong Shire Structure Plan.	Y	Y	The proposal is located within the North Wyong Structure Plan Area and will facilitate connectivity between the existing residential areas of Warnervale, Hamlyn Terrace and Wadalba.

Centres and Housing			
Action	Applicable	Consistent	Comment
4.1 The Cities Taskforce, established by the DoP, to continue work with local government and other stakeholders in planning Gosford Regional City	N	N/a	N/a
4.2 Councils are to provide for a mix of housing types, including housing that will accommodate an ageing population, and smaller household sizes, through the preparation of LEPs and strategies.	Y	Y	A thorough Masterplanning process will be undertaken in the preparation of the LEP. A range of housing types and affordable housing is a key criterion for consideration and incorporation through this process.
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4.4 Councils are to investigate the potential for land located within and around centres for future housing opportunities, consistent with the centres hierarchy and the dwelling and employment capacity targets through the preparation of LEPs, and local planning strategies (i.e. generally within a radius of 1,000 metres of a regional city and major centre, 800 metres for towns, 400-600 metres for villages and 150 metres for neighbourhoods).	Y	Y	This proposal surrounds an existing neighbourhood centre and is directly south of the Warnervale Town Centre. This proposal will facilitate in the order of 2,200 additional dwellings within Wyong Shire, contributing to the required 23,000 by 2031.
4.5 Councils are to review their current residential development strategies, including a review of the adequacy and accuracy of existing urban boundaries and zonings in fringe areas, through the preparation of LEPs.	N	N/a	N/a
4.6 Land to be rezoned for housing during the life of the Strategy is to be located within existing urban areas, existing MDP areas, areas identified through the preparation of LEPs, and Greenfield areas nominated in the North Wyong Shire Structure Plan.	Y	Y	The proposal is located within the North Wyong Structure Plan Area and will facilitate connectivity between the existing residential areas of Warnervale, Hamlyn Terrace and Wadalba.

4.7 The majority of future Greenfield development is to be concentrated around the Warnervale Town Centre and Wyong Employment Zone, via the Structure Plan and associated infrastructure plans for the North Wyong Shire Structure Plan Area. This work will be undertaken by the Department of Planning in conjunction with Wyong Shire Council.	Y	Y	The proposal is located within the North Wyong Structure Plan Area and will facilitate connectivity between the existing residential areas of Warnervale, Hamlyn Terrace and Wadalba.
4.8 The Department of Planning is to continue to assist Wyong Council in the planning of the Warnervale Town Centre and Wyong Employment Zone.	N	N/a	N/a
4.9 Ensure planning for the Lower Hunter Region informs the more detailed planning that will be done as part of the North Wyong Shire Structure Plan.	N	N/a	N/a
4.10 Provide around 70% of new housing in existing urban areas and the new Warnervale Town Centre by: ▪ Focusing new development in key centres to take advantage of services, shops and public transport as well as identifying and preserving the character of the Central coast's smaller neighbourhoods and suburbs. ▪ Ensuring that existing centres will be developed consistent with the Centres Hierarchy.	Y	Y	The proposal is located within the North Wyong Structure Plan Area and will facilitate connectivity between the existing residential areas of Warnervale, Hamlyn Terrace and Wadalba. The proposal does not seek to create a new centre, rather emphasise the role of the existing Warnervale Village for local residents for everyday convenience items.
4.11 Urban land releases to contribute to additional regional infrastructure costs in line with adopted government policy regarding infrastructure contributions.	Y	Y	It is expected that a Section 94 Contributions Plan will be developed for the proposal.
4.12 Implement expansion of the NSW Government's new Land Supply Program for the Central Coast to: Monitor housing supply and demand in both Greenfield areas and existing areas. ▪ Include the new Employment Lands Development Program. ▪ Be the principal tool for the coordination and staging of land release for both residential and employment lands. ▪ Report the Central Coast separately from Sydney.	N	N/a	N/a

4.13 Consider a range of affordable housing strategies, including forms of low-cost housing, suitable zonings and development controls to improve housing choice, and specific schemes. These strategies must be consistent with State policies.	Y	Y	A thorough Masterplanning process will be undertaken in the preparation of the LEP. A range of housing types and affordable housing is a key criterion for consideration and incorporation through this process.
4.14 State Government will develop options for improving housing affordability, with a focus on affordable housing for particular groups in the community. The Department of Housing and Department of Planning to identify how these initiatives can be applied to the Central Coast.	N	N/a	N/a
4.15 Councils are to consider the appropriateness of the locations in which residential parks or caravan parks are permissible during the preparation of principal LEPs, including their access to services. This review is also to have regard for the protection of existing affordable housing stock.	N	N/a	N/a
4.16 Councils to prepare locally responsive design guidelines for the urban areas and include provisions to ensure that new development is consistent with these guidelines.	Y	Y	A thorough Masterplanning process will be undertaken in the preparation of the LEP. A range of housing types and affordable housing is a key criterion for consideration and incorporation through this process.
4.17 Councils to incorporate provisions into their development control plans that require new buildings to be designed to be able to adapt to meet the needs of a change demographic, and where appropriate, to alternative future uses.	Y	Y	The Masterplanning process will incorporate preparation of development controls. Adaptability of design will be a key consideration in these controls.
4.18 In planning for development and redevelopment of urban areas, councils are to consider the need for civic open space and access to a variety of open space and recreational opportunities (e.g. coastal foreshore and riparian land), in a manner which is consistent with the maintenance of ecological values.	Y	Y	An analysis of open space and recreation requirements of the new population. The results of this analysis are to be incorporated into the Masterplanning process for the site.

4.19 Recognise the regional and state significance of the Warnervale Town Centre in providing a new community, government and business focus over the next 25 years. To ensure this, the NSW Government will: ▪ Lead the major strategic planning for this area. ▪ Ensure that ministerial consent is required for major developments and infrastructure in that area, where appropriate	N	N/a	N/a
4.20 The Department of Planning, as part of future reviews, is to review population and employment capacity targets contained within this Strategy and will work with councils to determine the take up of land for residential and employment purposes.	N	N/a	N/a
4.21 Councils and the NSW Government are to undertake integrated land use and transport planning to ensure that opportunities to benefit from infrastructure investment are required.	Y	Y	A detailed traffic and transport analysis is currently being undertaken to determine the transportation needs of the existing and future community. This will identify additional public transportation requirements, pedestrian and cycleway networks and additional local road infrastructure requirements.
4.22 Councils are to ensure the location of new dwellings improves the Region's performance against the target for State Plan priority E5 – Jobs Closer to Home – increase the proportion of people living within 30 minutes of a city or major centre by public transport in metropolitan Sydney.'	N	N/a	N/a
4.23 The Department of Planning is to prepare Centre Design Guidelines to encourage improvement and appropriate renewal of local centres and exchange of practices between Councils.	N	N/a	N/a
4.24 The Department of Planning is to assess proposed land release areas against sustainability criteria and implications on infrastructure funding.	N	N/a	N/a
4.25 Prior to the preparation of LEPs and centres planning strategies, councils need to establish whether development or redevelopment of any significant government landholdings could assist in achieving the overall objectives for that centre.	Y	Y	The precinct includes a number of parcels of Council land holdings. In particular, approximately 32 hectares of the site proposed for employment generating purposes is owned by Council.

4.26 Councils are to implement their cultural plans and investigate opportunities to encourage clusters of entertainment and cultural facilities, including activities based around the night economy when preparing centre planning strategies.	N	N/a	N/a
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Economy and Employment			
Action	Applicable	Consistent	Comment
5.1 Promote economic and employment growth in the Region to increase the level of employment self-containment and achieve the capacity for more than 45,000 new jobs on the Central Coast over the next 25 years.	Y	Y	Approximately 32 hectares of the site is proposed for employment generating purposes.
5.2 LEPS are to be consistent with the CCRS, the related employment capacity targets and provide a distribution that reflects the centres hierarchy.	Y	Y	Approximately 32 hectares of the site is proposed for employment generating purposes. This area is close proximity to the existing Warnervale neighbourhood centre.
5.3 Councils are to investigate strategies to ensure sufficiently zoned land to enable the provision of comparatively low-cost premises for start-us business. Centre strategies should include provision of low-cost office and studio space to assist business start-ups for cultural activities.	Y	Y	Approximately 32 hectares of the site is proposed for employment generating purposes. The design of this area will be guided by the Masterplanning process to be undertaken.
5.4 The NSW Government is to prepare REDES for the Central Coast that will aim to: Examine possible employment types over the next 25 years. ▪ Identify strategies to improve employment opportunities in the Region and increase the level of regional employment self-containment. ▪ Determine where the jobs should be located. ▪ Establish a framework to monitor flood areas and floor space targets to help ensure an adequate supply of employment land over the next 25 years. ▪ Establish a framework for the establishment of business parks. ▪ Devise a Strategy to increase the level of regional employment self-containment.	N	N/a	N/a

Identify other factors outside of land use planning that will assist employment growth.			
5.5 The NSW Government is to recognise and regional and state significance of the Wyong Employment Zone in providing appropriate employment lands over the next 25 years: Leading the major strategic planning for this areas. - Ensuring that Ministerial Consent is required for major developments and infrastructure in that area. - Providing a framework to inform state and local infrastructure decisions.	N	N/a	N/a
5.6 Ensure LEPs do not rezone employment lands to residential zonings or other uses across the Central Coast, unless supported by a Planning Strategy agreed to be DoP.	N	N/a	N/a
5.7 Investigate, through the preparation of LEPs, options to expand existing employment land nodes and ensure future development occurring on employment land does not result in the inappropriate fragmentation of land.	Y	Y	Approximately 32 hectares of the site is proposed for employment generating purposes. This area is in close proximity to the Wyong Employment Zone.
5.8 Ensure that development of residential and mixed-use buildings in business zones do not result in a weakening of a centres retail and commercial functions.	Y	Y	A small component of the precinct is proposed for commercial uses. This is proposed to be restricted to less than 5,000m ² so that it does not compete with other Centres (i.e. Warnervale and Wadalba).
5.9 Ensure that bulky goods retailing is not located on industrial land is located in centres and nominated nodes.	N	N/a	N/a
5.10 The Department of Planning will prepare guidelines to apply to business development and enterprise corridor zones.	N	N/a	N/a
5.11 Ensure new retail and commercial development is located in centres. Some local convenience retailing may be required out of a centre, however the presence of a convenience shops can initiate a neighbourhood centres, around which other activities such as child care facilities can be located.	Y	Y	A small component of the precinct is proposed for commercial uses within the existing Warnervale neighbourhood Centre. This is proposed to be restricted to less than 5,000m ² so that it does not compete with other Centres (i.e. Warnervale and Wadalba).
5.12 The Department of Primary Industries, Department of Water and	N	N/a	N/a

Energy, Department of Planning, in conjunction with Department of Environment and Climate change, is to review planning for the Central Coast plateaus and Wyong Valleys to consider agriculture, extractive resources, water supply values and tourism uses and address any conflict between these uses.			
5.13 The NSW Government and councils are to engage with industry regarding employment land stock to ensure a sufficient supply of employment land in correct locations.	N	N/a	N/a
5.14 The NSW Government and Councils are to utilise government assets and investments to support centres in accordance with the Centres Hierarchy	N	N/a	N/a
5.15 The Department of Planning is to protect and enhance strategic employment lands through the development of an employment lands SEPP.	N	N/a	N/a
5.16 The Department of Planning is to establish an Employment Lands Development Program, in parallel with the Metropolitan Development Program, and under a Sydney land supply, to improve planning and delivery of employment lands; and monitor demand and supply of employment lands.	N	N/a	N/a
5.17 The Department of Planning is to work with Councils in identifying and implementing measures to manage interface issues between industrial and residential land uses.	N	N/a	N/a
5.18 Enterprise corridors to be investigated, and if appropriate, implemented through principal LEPs, possibilities, including Long Jetty. Detailed guidelines on enterprise corridors will be issued by the Department of Planning.	N	N/a	N/a

Environment, Heritage, Recreation and Natural Resources			
Action	Applicable	Consistent	Comment
6.1 DPI, in partnership with DoP is to undertake mapping of regionally significant activities, including mining, extractive industry and special uses, to identify rural activities and resource lands for preservation.	N	N/a	N/a
6.2 DoP and Wyong Council are to work with the NSW Mine Subsidence Board and DPI to ensure future development in Wyong Shire takes	Y	Y	A small portion of the precinct is located within The Swansea North Entrance no. 1 Extension Mine Subsidence

account of current and potential future mining issues. The findings of the strategic inquiry into the potential coal mining impacts in Wyong LGA established by the Minister for Planning in Feb 2007 should also be considered.			District. Preliminary Section 62 consultation has been undertaken with the Mine Subsidence Board. Additional consultation will undertaken with the MSB during the development of the Masterplan for the Precinct.
6.3 LEPs are to appropriately zone land with high state or regional environmental, agricultural, resource, vegetation, habitat or waterways, wetland or coastline values.	Y	Y	Land within the precinct identified as having these characteristics is not likely to be impacted by development and will be zoned accordingly.
6.4 LEPs are to appropriately zone land of high landscape value (incl. scenic and cultural landscapes).	Y	Y	Land within the precinct identified as having these characteristics is not likely to be impacted by development and will be zoned accordingly. Land with high landscape value will also be given careful consideration during the Masterplanning process.
6.5 Councils, through the preparation of LEPS, are to incorporate land use buffers around environmentally sensitive rural and resource lands.	Y	Y	Land within the precinct identified as having these characteristics is not likely to be impacted by development and will be zoned accordingly.
6.6 DECCW working with DoP, other relevant agencies and councils, is to prepare a Regional Conservation Plan, that: - Identifies the key conservation values of the Region and regionally significant corridors. - Outlines how the RCP relates to the CCRS and the relevant catchment action plans. - Establishes a biodiversity investment guide that identifies which landscapes and habitats, at a regional level, are to be targeted for investment to achieve improved conservation outcomes. - Establishes a biodiversity offset package for Greenfield development within the NWSSP and a framework for an offset strategy to be established for development outside of this area until such time as detailed strategies are prepared. - Identifies mechanisms that will be used to fund biodiversity	N	N/a	N/a

investment. ▪ Establish monitoring and review mechanisms.			
6.7 DoP, DPI and DECCW and councils are to work towards biocertification of LEPS, where appropriate.	Y	Y	It is proposed that the entire site achieves biocertification prior to gazettal.
6.8 Ensure LEPS facilitate the conservation of Aboriginal and non-Aboriginal heritage.	Y	Y	An Aboriginal and European Heritage Study has been completed for the precinct. The results of this study will be incorporated into the Masterplanning process.
6.9 Ensure LEPs do not rezone rural and resource lands for urban purposes or rural-residential uses unless agreement from DoP is first reached regarding the value of these resources.	Y	Y	The southern portion of the precinct is zoned 1(c) Non-urban constrained land. Whilst utilised for small scale agricultural uses, the land is predominantly flood affected. It is not considered that these areas will be substantially affected through this process, however some revegetation and rehabilitation of these areas may occur.
6.10 Incorporate provisions to control the offsite impacts of development – in particular the export of pollutants and high flows- in development standards and policies.	Y	Y	Development controls for the site will be developed through the Masterplanning process. Such matters will be included within the site specific controls.
6.11 Ensure LEPS and other strategies implement the NSW Coastal Policy, the NSW Flood Prone Land Policy and plans prepared in accordance with these documents.	Y	Y	The LEP will have regard for these documents. In general however, it is not considered that areas fully affected by flooding will be impacted on in any substantial manner through this process.
6.12 Protect the health of the Central Coast waterways, including the coastline, estuaries and lakes by integrating relevant objectives and targets from the Hunter-Central Rivers and Hawkesbury Nepean CAPs, Stormwater Management Plans, and Estuary Management Plans.	N	N/a	N/a
6.13 Implement the key NSW Government initiatives and guidelines, including Action for Air, NSW Industrial Noise Policy, Noise and Vibration Guidelines and Environmental Criteria for Road Traffic Noise.	Y	Y	A noise Assessment study has been undertaken for the precinct which has assessed and identified potential areas affected by noise and vibration in addition to identifying mitigation actions.
6.14 Integrate the aims and objectives of the NSW Waste Avoidance and Recovery Strategy (DECC, 2007) through local development standards and policies.	Y	Y	Development controls for the site will be developed through the Masterplanning process. Such matters will be included within the site specific controls.
6.15 Councils and DoP are to ensure that Aboriginal cultural and community values are considered in	Y	Y	An Aboriginal and European Heritage Study has been completed for the precinct. The

the future planning and management of the LGA.			results of this study will be incorporated into the Masterplanning process.
6.16 Councils are to ensure LEPs have high regard for SEPP No 71 – Coastal Protection	N	N/a	N/a
6.17 DoP is to continue to expand the NSW Government's Metropolitan Greenspace Program and further investigate opportunities to expand regional facilities for families, such as picnic areas and walking trails within the Central Coast Region.	N	N/a	N/a
6.18 Councils are to continue to maintain or improve the provision of local open space, particularly in centres along strategic bus routes and around centres where urban growth is located.	Y	Y	An Open Space and Recreation Study is being undertaken for the precinct. The results of this study will be incorporated into the Masterplanning process to ensure the adequate provision of such facilities.
6.19 Councils and the NSW Government are to ensure that development in the NWSSP area and in existing urban areas is designed to encourage the use of sustainable forms of transport, including walking and cycling.	Y	Y	An Open Space and Recreation Study and Traffic and Transport Study are being undertaken for the precinct. The results of these studies will be incorporated into the Masterplanning process to ensure the adequate provision of such facilities.
6.20 Councils are to review and protect the cultural heritage values of centres, if these centres are identified to be the focus of urban renewal projects.	Y	Y	The precinct contains 1 item of local heritage significant (Warnies General Store) which will be retained through this process. The Masterplanning process will have regard for such existing features and that of the adjoining land uses.
6.21 Councils and the NSW Government are to ensure that development pressure of tourist activities are managed to minimise the loss of natural resources, potential land use conflict and impact on the environment.	N	N/a	N/a
6.22 Councils are to refer to the Design in Context – Guidelines for infill development in the historic environment (NSW Heritage Office and Royal Australian Institute of Architects NSW Chapter Infill Guidelines Working Part, 2006) in preparing DCPS and making decisions relating to development in existing areas so it is compatible with conservation areas and heritage items.	N	N/a	N/a
6.23 Councils are to refer to the principles and guidelines for the <i>Groundwater Management Handbook – A guide for Local Government –</i> (Sydney Coast Councils Group, 2006)	Y	Y	The IWCM Study being undertaken for the precinct will have regard for the management of groundwater resources.

when undertaking groundwater resource management and broader planning.			
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Natural Hazards			
Action	Applicable	Consistent	Comment
7.1 Councils are to prepare (or update) floodplain, estuary and coastal zone management plans in order to reduce risks from natural hazards. These plans must be completed and considered in planning decisions made within the areas that they apply to.	N	N/a	N/a
7.2 LEPs will zone areas subject to high hazard to reflect the capabilities of the land.	Y	Y	Areas identified as being high hazard areas (such as flood prone land) are unlikely to be affected by development. Such areas will be zoned accordingly.
7.3 In order to manage the risks associated with climate change, councils will undertake investigations of lands with the potential to be affected by sea-level rise and inundation to ensure that risks to public and private assets are maintained.	Y	Y	Investigation of the capability of the precinct is to be supported by a flood study which is currently being undertaken. The Masterplanning process will have regard for the findings of this study.
7.4 LEPs will zone waterways to reflect their environmental, recreational or cultural values.	N	N	N/a
7.5 LEPs will make provision for adequate setbacks in areas at risk from coastal erosion and/or ocean-based inundation in accordance with Coastal Management Plans. Until these plans are made by the Minister for Environment and Climate Change, councils cannot zone land or approve new development or redevelopment in potential hazards areas, unless assessed within a risk assessment framework adopted by the Council.	N	N	N/a

Water			
Action	Applicable	Consistent	Comment
8.1 The local water authority and councils are to implement WaterPlan2050, having regard to the dwelling and employment capacity targets in the Regional Strategy over the next 25 years, and take part in the future reviews of these capacity targets.	N	N	N/a
8.2 Councils must incorporate appropriate water efficiency, integrated water cycle management and water sensitive urban design initiatives in local planning, development standards, policies and LEPs.	Y	Y	The Masterplanning process for the precinct incorporates a concurrent sustainability assessment. Relevant controls to ensure sustainable development and processes will be incorporated into the LEP and DCP for the site where required.
8.3 Develop water sharing plans and implement environmental flows to improve waterway health, as outlined in the existing and proposed water sharing plans, and relevant catchment action plans, whilst providing water for forecast population growth.	N	N	N/a
8.4 Require new residential development to comply with BASIX targets to reduce water consumption and energy consumption.	Y	Y	The Masterplanning process for the precinct incorporates a concurrent sustainability assessment. Relevant controls to ensure sustainable development and processes will be incorporated into the LEP and DCP for the site where required.
8.5 Ensure that LEPs seek to improve existing land use conflicts within defined water catchment areas.	Y	Y	The precinct is part of the Porters Creek water catchment. An Integrated Water Cycle Management Scheme (IWCM) has been developed and endorsed by Council to manage stormwater resulting from additional development in Precinct 7A and the broader Warnervale/Wyong Employment Zone areas.
8.6 At each review of the Regional Strategy, an assessment is to be carried out on the capacity of the water supply system to adequately meet forecast housing and employment capacity targets.	N	N	N/a

Regional Infrastructure			
Action	Applicable	Consistent	Comment
9.1 The Department of Planning and relevant NSW Government Agencies are to undertake a number of strategies that will plan for the future growth to implement the Central Coast Regional Strategy, 2008.	N	N/a	N/a
9.2 The Department of Planning is to review the population and employment capacity targets contained within this Strategy, as part of five-yearly reviews.	N	N/a	N/a
9.3 Councils are to identify suitably-located and appropriately-zoned land for new water supply; wastewater treatment and recycling; and resource recovery infrastructure, to support growth in major regional centres and major towns.	N	N	N/a

Regional Transport			
Action	Applicable	Consistent	Comment
10.1 The Ministry of Transport, the Roads and Traffic Authority and local councils are to implement strategic bus corridors with improved bus priority on all corridors.	N	N/a	N/a
10.2 The NSW Government is committed to planning and delivering a new Town Centre, including the station and interchange. Bus services that reflect the centre's important role as a Town Centre will be introduced.	N	N/a	N/a
10.3 For centres that are subject to redevelopment strategies, councils are to identify, in consultation with the Ministry of Transport, passenger interchanges that are centrally located, visible from public areas and well connected to both pedestrian and bicycle paths.	N	N/a	N/a
10.4 The Roads and Traffic Authority is to continue to plan and implement upgrades to the Pacific Highway, the Central Coast Highway, Terrigal Drive, Avoca Drive and Sparks Road and to incorporate bus priority and cycleway initiatives where justified and feasible.	N	N/a	N/a
10.5 Investigate better management of through traffic in relation to Gosford Regional City, with a long term objective of improving the connection between the city centre and the waterfront.	N	N/a	N/a
10.6 Assess and evaluate proposals to widen parts of the F3 Freeway.	N	N/a	N/a

Progress investigations into the F3 Freeway and M2 Motorway connection. As a result of the Federal Government's review of the F3 Freeway and M7 Motorway corridor selection and the AusLink corridor strategies – <i>Sydney urban corridor strategy, 2007</i> and <i>Sydney-Brisbane Corridor Strategy, 2007</i> – undertake preliminary planning for a new connection from the M7 to north of the Hawkesbury River. The Ministry of Transport will also participate in these reviews.			
10.7 The NSW Government is to continue to improve the reliability and increase the capacity of rail services by continuing to implement the Rail Clearways project, in accordance with the State Plan.	N	N/a	The success of the precinct will rely to some degree on the availability of the existing Warnervale Station to remain open and operational.
10.8 The NSW Government is to facilitate greater use of rail for freight movement and reduce the impact of road freight movement by promoting greater efficiency of road freight movements, and developing a series of strategies to reduce emissions from diesel vehicles, reduce noise impacts from freight movements, activities around the domestic intermodal terminals, as well as the movement of construction materials and bulk fuel.	N	N/a	N/a
10.9 Councils and the Department of Planning are to ensure there is sufficient zoned employment land near major transport nodes to meet targets set by the Regional Strategy, through the preparation of LEPs and the North Wyong Shire Structure Plan.	Y	Y	The precinct is well located with direct access available to the existing Warnervale train station. The proposed employment generation land
10.10 Concentrate employment in areas that allow for efficient public transport servicing, such as centres and specialised key nodes.	Y	Y	Public transport services exist to and within the Precinct through the local bus company and the Sydney to Newcastle Rail Line with a station located within the Warnervale Neighbourhood Centre. This accessibility will be of great benefit to the proposed employment generation area in addition to assisting commuting.
10.11 Council and the NSW Government to investigate opportunities for additional or improved forms of regional public transport, subject to future funding.	N	N/a	N/a
10.12 Councils and the NSW Government to work together to align walking and cycling networks with public transport routes to improve accessibility to public transport. This	N	N/a	N/a

will include the completion of the NSW Coastal Cycleway network.			
10.13 Councils in conjunction with State Government will develop strategies that identify future improvements to the capacity of road, rail, bus services to cater for population growth, and to identify infrastructure investment priorities in conjunction with future review of the Regional Strategy.	N	N/a	N/a
10.14 The NSW Government, in partnership, with councils and the community, to develop and implement TravelSmart and other travel demand management initiatives, including those focussed on major trip generating land uses.	N	N/a	N/a

Assessment against the Central Coast Regional Strategy Sustainability Criteria

Criteria	Requirements	Consistency (Y/N)	Comments
Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.	Development is consistent with the CCRS, the relevant residential strategy, North Wyong Structure Plan (NWSSP), applicable regional infrastructure plan, Metropolitan Strategy and relevant section 117 directions. The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure contribution. Preparedness to enter into development agreement	Y	The proposal is consistent with the CCRS and relevant Section 117 Directions. Water and Sewer infrastructure is available to the site and current studies being undertaken will determine the costs of additional roads and open space requirements which will be used to prepare a local contribution plan.

Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	Accessibility of the area by public transport and appropriate road access in terms of: Location/land use: to existing networks and related activity centres. Network: the areas potential to be serviced by economically efficient public transport services. Catchment: the area's ability to contain or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals No net negative impact on performance of existing sub regional road, bus, rail, ferry and freight management.	Y	The precinct is well located with direct access available to the existing Warnervale train station. The proposed employment generation land. Public transport services exist to and within the Precinct through the local bus company and the Sydney to Newcastle Rail Line with a station located within the Warnervale Neighbourhood Centre. This accessibility will be of great benefit to the proposed employment generation area in addition to assisting commuting. These issues are also being further examined by a detailed Traffic and Transportation Study.
Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	Contributes to the geographic market spread of housing supply, including any government targets established for housing for the aged or disabled or affordable housing.	Y	A thorough Masterplanning process will be undertaken in the preparation of the LEP. A range of housing types and affordable housing is a key criterion for consideration and incorporation through this process. This proposal will facilitate in the order of 2,200 additional dwellings within Wyong Shire, contributing to the required 23,000 by 2031.
Employment Lands Provide regional/local employment opportunities to support the Central Coast's expanding role in the wider regional and NSW economies.	Maintains or improves the existing level of subregional employment self containment. Meets subregional employment capacity targets.	Y	Approximately 32 hectares of the site is proposed for employment generating purposes which will assist in the region achieving the employment targets

			identified in the CCRS.
Avoidance of Risk Land use conflicts and risk to human health and life is avoided.	Where relevant, available safe evacuation route (flood and bushfire). No residential development within the 1:100 floodplain. Avoidance of physically constrained land. High Slope Highly erodible Avoidance of land use conflicts with adjacent, existing or future land use and rural activities planned under the Regional Strategy.	Y	Thorough investigative studies are being undertaken to determine constrained land within the Precinct, in addition to land of high conservation value which is to remain unaffected by the development footprint. Such studies include flooding, contaminated land, acid sulfate soils and bushfire.
Natural Resources Natural resource limits are not exceeded/environmental footprint minimised.	Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows. Demonstrates most efficient/suitable use of land Avoids identified significant agricultural land Avoids impacts on productive resource lands, extractive industries, coal, gas and other mining, fishing and aquaculture. Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy. Requires demonstration of efficient and sustainable supply solution.	Y	This land is identified within existing servicing plans for providing potable water for an increased population in this area. No significant agricultural or production lands will be affected by the proposal. As part of the Masterplanning process, a sustainability assessment will also be undertaken to ensure that the overall subdivision design and building forms are sustainable.
Environment Protection Protect and enhance biodiversity, air quality, heritage and waterway health.	Consistent with the approved Regional Conservation Plan. Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitat. Maintains or improves existing environmental	Y	Thorough investigative studies are being undertaken to determine constrained land within the Precinct, in addition to land of high conservation value which will be unaffected by the development footprint. This includes a full seasonal flora and fauna survey and an Aboriginal Archaeology

	conditions for air quality. Maintains or improves existing environmental conditions for water quality and quantity. Consistent with community water quality objectives for recreational water use and river health. Consistent with catchment and stormwater management planning. Protects areas of Aboriginal cultural heritage values.		Assessment and European Heritage Study. Additionally, an IWCM scheme will be implemented on the site to ensure that the Porters Creek wetland System is not affected by stormwater flows.
Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	Available and accessible services.	Y	An assessment of the needs and requirements of the potential future population is currently being undertaken. This assessment will determine which future facilities will be required in the area, enabling these requirements to be considered in the Masterplanning Process.

State Environmental Planning Policies Assessment

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. ▪ If any alterations to the wetland are required, concurrence will be sought from the Director General of the Department of Planning.
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 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:
 - a) the contaminants on site;
 - b) the level of contamination; and
 - c) any remedial works required prior to the rezoning of the land
- Remediation of any contaminated land on site will enable future development to occur in these areas with no risk to future occupants or pollution downstream

Section 117 Ministerial Direction Assessment

Direction	Comment
Employment and Resources	
<i>1.1 Business and Industrial Zones</i>	
- Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. - Applies when a dLEP affects land within an existing or proposed business or industrial zone.	- Applicable. - The rezoning of the study area may include the provision of some commercially 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 commercially 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.

<i>1.2 Rural Zones</i>	
▪ Aims to protect the agricultural production value of rural land. ▪ Applies when a dLEP affects land within an existing or proposed rural zone.	▪ Applicable. ▪ The rezoning of the study area will affect land which is currently zoned 1(c) (Non-Urban Constrained Land). The dLEP will seek to rezone the land to a predominantly residential zone. ▪ 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.
<i>1.3 Mining, Petroleum Production and Extractive Industries</i>	
▪ Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and 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.
<i>1.4 Oyster Aquaculture</i>	
▪ 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	▪ 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.

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.	
<i>1.5 Rural Lands</i>	
▪ 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.
Environment and Heritage	
<i>2.1 Environmental Protection Zones</i>	
▪ 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.
<i>2.2 Coastal Protection</i>	
▪ Aims to implement the principles in the NSW Coastal Policy. ▪ Applies when a dLEP applies to land in the coastal zone as defined in the Coastal Protection Act 1979.	▪ Not applicable. ▪ The dLEP does not affect land which falls within the coastal zone as defined in the Coastal Protection Act 1979.
<i>2.3 Heritage Conservation</i>	
▪ Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ 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.
<i>2.4 Recreational Vehicle Areas</i>	
- Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. - Applies when Council prepares a dLEP.	- Applicable. - The dLEP will not enable land to be developed for the purpose of a recreational vehicle area. - It is therefore considered that the dLEP is consistent with this Direction.
Housing, Infrastructure and Urban Development	
<i>3.1 Residential Zones</i>	
- Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. - Applies when a dLEP affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	- Applicable. - The dLEP 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.
<i>3.2 Caravan Parks and Manufactured Home Estates</i>	
- Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. - Applies when Council prepares a dLEP.	- Applicable. - The dLEP does not seek to rezone land to provide for caravan parks or manufactured home estates, further there are no existing caravan parks within the study area. - It is therefore considered that the dLEP is consistent with this Direction.
<i>3.3 Home Occupations</i>	
- Aims to encourage the carrying out of low impact small business in dwelling houses. - Applies when Council prepares a dLEP.	- Applicable. - The dLEP 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.
<i>3.4 Integrating Land Use and Transport</i>	

▪ Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight. ▪ Applies when a dLEP creates, alters or moves a zone or provision relating to urban land, 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.
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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
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	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 environment 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	
<i>5.1 Implementation of Regional Strategies</i>	
▪ 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.
<i>5.2 Sydney Drinking Water Catchments</i>	
▪ 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.
<i>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</i>	
▪ 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.
<i>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</i>	
▪ Aims to manage commercial and retail development along the Pacific Highway, North Coast. ▪ Applies to all Councils between and inclusive of Port Stephens and Tweed Shire Councils.	▪ Not applicable. ▪ The dLEP is not located in an area between or inclusive of Port Stephens and Tweed Shire Councils.
<i>5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	
▪ Aims to ensure that development in the	▪ Not applicable.

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.	▪ The dLEP is not located within Cessnock LGA.
<i>5.6 Sydney to Canberra Corridor</i>	
▪ Aims to ensure that dLEPs are prepared in accordance with the Sydney to Canberra Corridor. ▪ Applies to land within the local government areas described as the 'Sydney to Canberra Corridor'.	▪ Not applicable. ▪ The dLEP is not located on land identified as being part of the 'Sydney to Canberra Corridor'.
<i>5.7 Central Coast</i>	
▪ Aims to ensure that land is zoned in accordance with the appropriate regional strategy for the Central Coast. ▪ Applies to Wyong Shire Council and Gosford City Council when Council prepares a dLEP.	▪ Applicable. ▪ The dLEP is considered to be consistent with the principles of the Central Coast Regional Strategy. ▪ 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.
<i>5.8 Second Sydney Airport: Badgerys Creek</i>	
▪ Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. ▪ Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.	▪ Not applicable. ▪ The dLEP is not located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.

Local Plan Making	
<i>6.1 Approval and Referral Requirements</i>	
▪ Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ The dLEP does not propose amendments which require concurrence, consultation or referral of development applications to the Minister or public authority. ▪ The dLEP does not identify any development as designated development. ▪ It is considered that the dLEP is consistent with this Direction.
<i>6.2 Reserving Land for Public Purposes</i>	
▪ Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ 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.
<i>6.3 Site Specific Provisions</i>	
▪ Aims to discourage unnecessarily restrictive site specific planning controls. ▪ Applies when Council prepares a dLEP to allow particular development to be carried out.	▪ Not applicable. ▪ The dLEP does not propose to allow a particular development to be carried out within the subject area.
Metropolitan Planning	
<i>7.1 Implementation of the Metropolitan Strategy</i>	
▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. ▪ Applies to Sydney Metropolitan Councils	▪ Not Applicable. ▪ The dLEP does not affect land within the Sydney Metropolitan Region of Councils

Objectives and Findings of Investigative Studies

Flora and Fauna

This study will address the following matters:

- Protection and management of sensitive wetland areas and ;
- Protection of floodplain and derivation of appropriate floodplain restoration measures:
 - Revegetation of areas on the floodplain to connect remnant areas of EECs;
 - Identify future land management actions and arrangements to be implemented as part of the Plan of Management for conservation areas;
 - Identify potential legislative requirements in undertaking development land management activities.
 - Resolve the future role of existing drainage channels on the floodplain and address any issues which might exist under the *Fisheries Management Act, 1994* e.g. passage of freshwater fishes (variety of species recorded upstream, including Bass that need to migrate), should existing drains be filled or retained.
 - Integrate and work with other professionals to identify suitable sites and place IWCM infrastructure in appropriate locations.
- Assessment of biodiversity and threatened species habitat and ensure that the impacts of the development are assessed and that all legislative requirements are satisfied.
- Extent of Endangered Ecological Communities and status of Lower Hunter Spotted Gum Ironbark Forest in Wyong LGA (uncertainty currently exists as to the possible definition of this EEC in Wyong Shire and hence possible distribution in study area will need to be examined).
- Ensure that appropriate recommendations are made to minimise the impacts of future development and that appropriate offsetting strategies are employed which address the requirements of government agencies, such as DECC&W.
- Resolve wildlife corridor planning and provide functional wildlife corridor linkage alternatives through linking remnant floodplain forests.
- Identify any actions of relevance which will need to be implemented through the Central Coast Regional Conservation Plan (to be released on public exhibition early 2010).

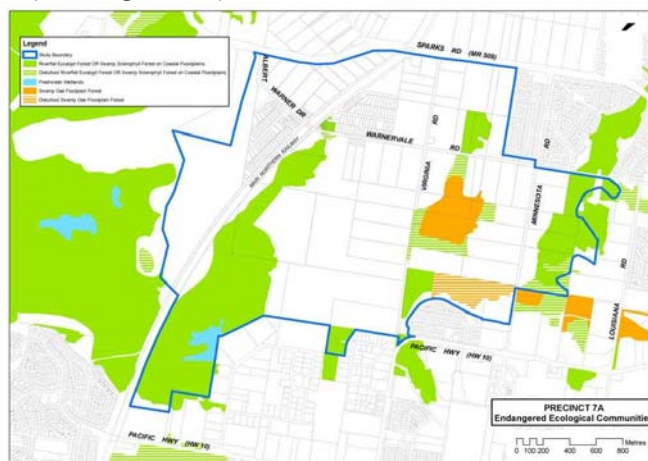


Figure 1: *Endangered Ecological Communities (based on available information)*

Contaminated Land

The Contaminated Land and Acid Sulfate Soils study identified past and present potentially contaminating activities within and surrounding the study area;

- Identified potential chemicals or contaminants of concern;
- Provided a preliminary assessment of site contamination; and
- Assessed the need for further investigations.

In summary, the findings of the study identified that

"the contamination risk across the site is generally low, although localised areas with elevated contamination potential, or areas of environmental concern exist across the site. A range of further investigations will be required to assess the actual degree of contamination present on site. That said, it is not anticipated that contamination will present a constraint to development and any areas of contamination identified, once remediated, will be suitable for the proposed land use"

and

"with respect to the remaining site areas (not considered to be AEC) it is recommended the Development Control Plan (DCP) requires that each of the individual redevelopment areas be re-assessed (visual inspection and if necessary intrusive investigations) to update their contamination status. The re-assessment should be undertaken prior to development approval"

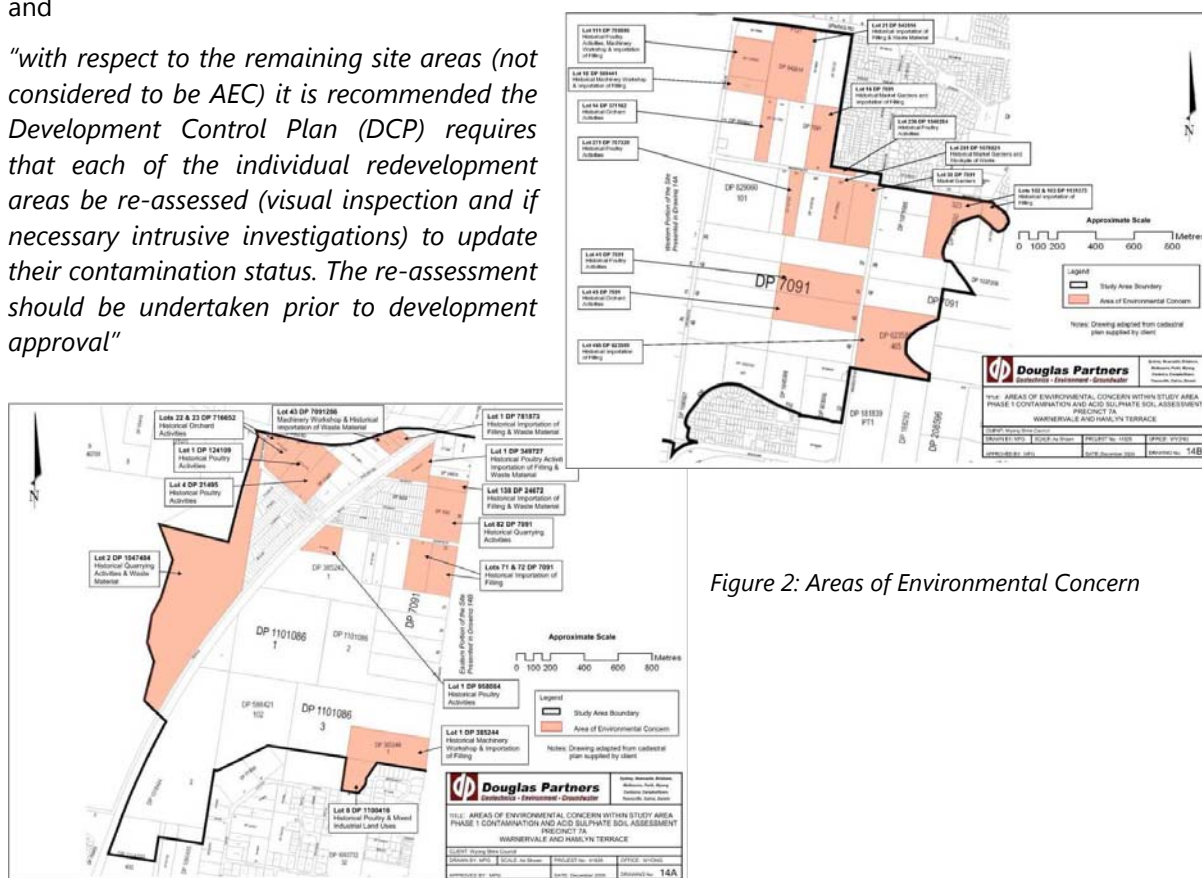


Figure 2: Areas of Environmental Concern

Acid Sulfate Soils

The acid sulfate soils assessment:

- Established whether acid sulfate soils are present on the site and if they are in such concentrations as to warrant the preparation of an acid sulfate soils management plan;
- Identified remediation and management options in light of the preliminary assessment and proposed land uses constructed wetlands and residential uses; and associated infrastructure works associated with IWCM
- Identified the need for further investigations.

In summary, the findings of the study identified that:

"that acid sulphate soils are not generally present within site and thus the soil could be excavated without the need to operate under an acid sulphate soil management plan"

Flooding

The objective of the flood study is to:

- optimise developable land within the precinct;
- establish nil flooding impacts on surrounding properties and the natural environment due to the development; and
- consider impacts of proposed floodplain restoration and stormwater harvesting infrastructures.

The Masterplanning process to be undertaken for the site will have regard for the findings of this study. Based on this Masterplan:

- a preliminary assessment of the effects on flooding due to development;
- recommendation for variations to the Masterplan which are considered necessary to offset those effects and which may optimise the developable area;
- The flood study's models will be updated based on the filling and mitigation of the finalised Masterplan; and
- A concept plan including details of the filling and flood mitigation measures will be prepared which will be suitable for preparing construction drawings (including diagrams and dimensions for all proposed works).

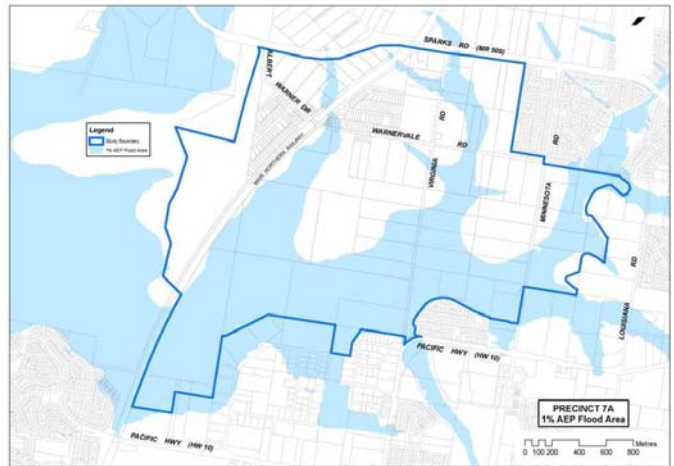
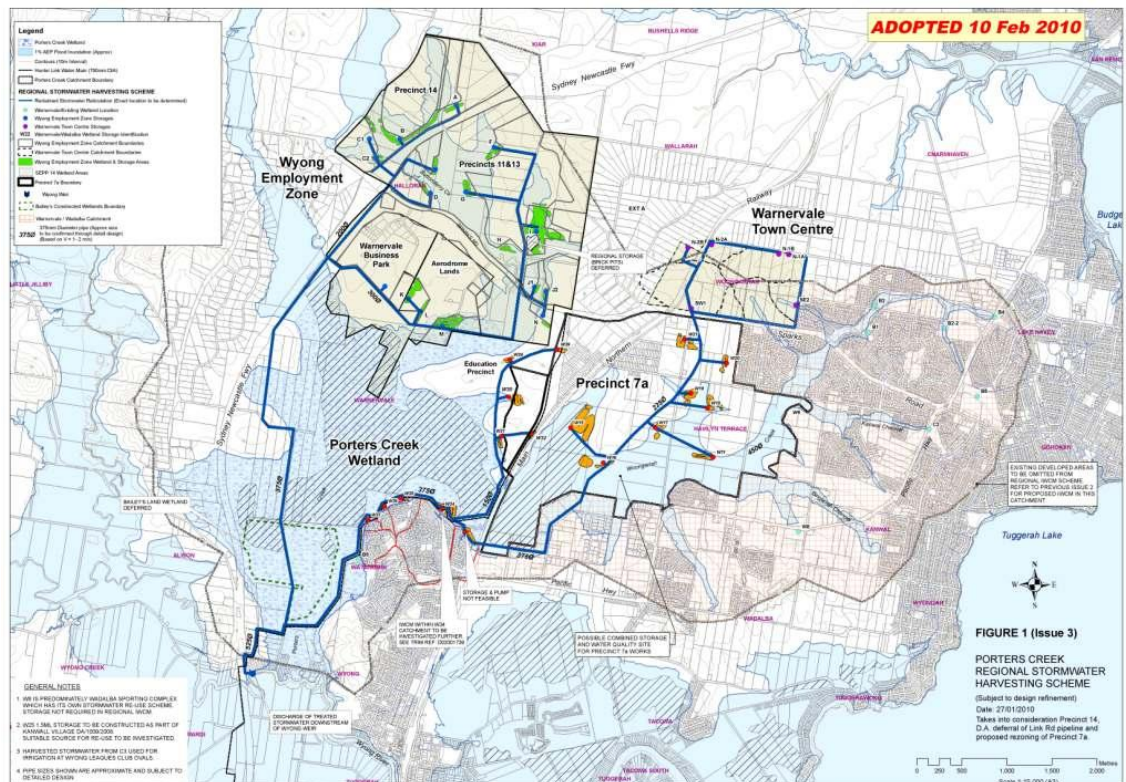


Figure 3: Current Flooding Extent

Integrated Water Cycle Management

The purpose of the integrated water cycle management study is to:

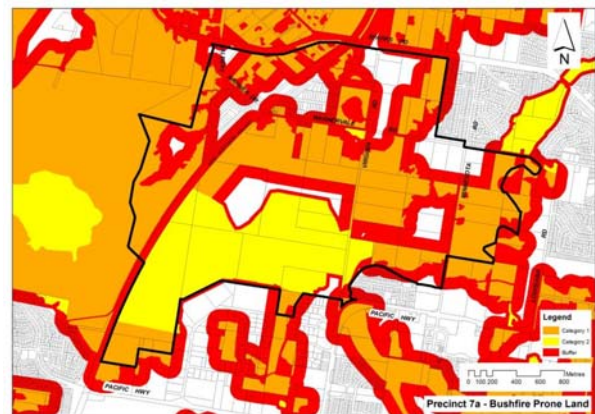
- develop a detailed IWCM Strategy and stormwater harvesting solution to service the Precinct 7A – Warnervale and Hamlyn Terrace rezoning. In satisfying this brief the consultant must develop an IWCM solution which is:
 - Compatible with broader stormwater harvesting and reuse schemes which are being developed for the Porters Creek catchment by Wyong Shire Council.
 - Minimises any impacts on Porters Creek Wetland and hydrologically sensitive ecosystems.
 - Based on ecological, flooding, hydraulic and legal constraints which might affect placement and design of IWCM infrastructure to service new development.
 - The scheme must be cost effective and affordable. Consideration needs to be given to sustainable cost effective maintenance systems.
- Identify WSUD at lots scale, streetscape and end of pipe, in accordance with draft WSUD Development Control Plan Chapter 97.
- Provide recommendations to assist site planning and the development of a Masterplan for the Precinct 7A – Warnervale and Hamlyn Terrace rezoning to incorporate WSUD and IWCM strategies.
- Provide designs and estimated costs for each component of the IWCM Scheme which can readily be incorporated into a Section 94 Contribution Plan.



Bushfire

The bushfire study will:

- Identify the potential bushfire hazards and risks present for Precinct 7A;
 - Identify the danger that such hazards and risks would pose to the proposed development;
 - Recommend appropriate mitigation measures, if required, to minimise identified hazards;
 - An assessment of bushfire hazards within precinct 7A in accordance with *"Planning for Bushfire Protection 2006"*
- 



Noise and Vibration

The purpose of this assessment was to:

- identify existing and potential future noise sources;
- identify areas within the study area where specific development should be restricted due to likely noise issues;

- identify mitigation measures to reduce existing or potential noise effects to allow development to occur while meeting appropriate environmental and amenity requirements;
- provide recommendations to assist site planning, having regard to noise criteria which can be included in a master plan for the study area; and
- provide indicative costings for measures required to mitigate noise to allow development to proceed.

In summary, the draft findings have identified the following:

"Road traffic noise from Sparks Road, Warnervale Road, Albert Warner Drive and Minnesota Road is predicted to impact the site. Consideration should be given to incorporating a setback distance for residences facing Sparks Road in conjunction with architectural treatments to those buildings"

and

"Rail noise from the Sydney to Newcastle rail line is predicted to impact the site. Consideration should be given to incorporating a setback distance for residences facing the rail line in conjunction with architectural treatments to those buildings. Rail vibration is not expected to impact the site"

and

"Aircraft noise is not expected to impact the site"

Aboriginal Archaeology & European Heritage

The objectives of these investigations were to:

- establish the presence or likely presence of any Aboriginal archaeological and cultural resources and any European cultural heritage items;
- In consultation with the local Aboriginal community and the Department of Environment and Climate Change, undertake an assessment of significance of any Aboriginal archaeological and cultural resources that are determined to be present within the study area;
- Undertake an assessment of significance of any European cultural heritage sites that are determined to be present within the study area in consultation with relevant interested parties;
- Provide recommendations to guide the development of a Local Environmental Study (LES), Local Environmental Plan (LEP) and Development Control Plans for conservation and/or management requirements in relation to any Aboriginal archaeological and cultural resources and any European cultural heritage items that are determined to be present within the study area.

In summary, the findings of these investigations have identified the following:

"Eighteen sites containing stone artefactual material were recorded during the investigation.

Three other sites previously recorded in the survey area by other investigators were not relocated...the recommendations in general are that the artefactual material in any 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 Darkinjung LALC and Guringai for the further management of those sites and their contents"

and

"Schedule 1: Heritage Items of 'The Wyong Local Environment Plan 1991' records only one item within the study area, item 55, a "Shop/residence" on Warnervale Road, which it describes as

being of Regional heritage significance...as a consequence of the current study no additional structure, places or relics of local, regional or national heritage significance were recorded in Precinct 7A"

Social Impact and Human Analysis

A Social Impact and Human Analysis Study is currently being undertaken by Wyong Shire Council's Social Planning Unit. As part of this study, the following will be determined:

- Identification of the key issues likely to affect the quality of life of residents in the development area;
- Identification of existing human services and potential future human services which will assist in Masterplanning a vibrant safe community with:
 - Accessibility to facilities and services (including retail, education, health, community centre, recreation, child care etc);
 - Provision of housing choice through a variety of urban densities, lot sizes and housing types to support different needs and lifestyles;
 - Street network designed to facilitate community interaction (eg neighbourhood walkability);
 - Improving pedestrian access to local centres (walking, cycling and disabled access);
 - Provision of acceptable levels of safety and convenience for all street users;
 - Accessibility to efficient and convenient public transport;
 - Integration of existing regional and local transportation and land use;
 - Accessibility to employment and a sound economic environment;
 - A healthy local environment;
 - Providing access to information services (including library and electronic);
 - Meeting recreational requirements and location (both active and passive); and
 - A sense of neighbourhood and community identity by way of a range of public and community initiatives including public art, which will have benefits with regard to crime prevention.
- Identification of the framework and processes for the delivery of human services and facilities to achieve the outcomes the social outcomes for the new community; and
- Provision of indicative costing for measures required to implement such proposals.

The findings of this study will be considered during the preparation of the Masterplan and development controls for the site.

Open Space and Recreation

An Open Space and Recreation Study is currently being undertaken by Wyong Shire Council's Recreation Planning Unit. As part of this study, the following will be undertaken:

- Identification of the locations of, and provide an appropriate hierarchy for recreational areas within Precinct 7A having regard for both passive and active recreation needs of the expected residential population;
- Identification of potential areas required for conservation purposes, including identification of how these may be integrated (if possible) with passive recreation needs based on information provided by the Flora and Fauna assessment of the Precinct;
- Provision of a costing estimate for the provision and purchase of open space and recreation areas and facilities within Precinct 7A for the purposes of Section 94 Planning (including costs associated with Plans of Management preparation) and the operation

and maintenance costs for inclusion in the long term financial model and asset management system; and

- Provision an assessment of the viability and need for the current proposed District Playing Fields (located on the corner of Sparks and Virginia Roads).

Traffic and Transportation

The aims of this study are to:

- Review the present EMME-2 road network model and update with the latest trip tables (etc), land use information and predictions within the study and surrounding area for the short (2021) and long (2031) term planning horizons.
- Undertake an assessment of the road network to include an analysis of the impact of both upgrading works designed to increase the capacity of existing roads and construction of new links within or that impact on the study area.
- A sensitivity analysis to compare and evaluate alternative road networks and land use options within the context of the study.
- An evaluation of the Benefit/Cost for any proposed new road links within the study area.

The study will also take into consideration public transport accessibility, cycleway networks and pedestrian pathways, including future servicing of new Warnervale Town Centre, Railway Station and the surrounding area.

Section 62 Consultation Responses

Agency	Submission Date	Issues
Business Central Coast		No response
Cessnock City Council	20 March 2009	Will withhold comments until LES and final land use strategy completed.
Chain Valley Colliery		No response
Community Environment Network (CEN)	28 June 2009	- The wildlife Corridor system should be maintained and join up to the existing, proposed and projected corridors (including Wadalba Corridor, Porters Creek Wetland and Lakes Estate) - The Warnervale Railway Station should be retained. - The music festival site (education precinct) should be maintained as a multi arts function area. - The non developed southern portion of Virginia Road should be given sensitive consideration for environmental management and bushfire planning. - Agrees with the Link Road original concept design (from Watanobbi to Sparks Road). - Minnesota Road should be upgraded prior to implementation of the dLEP. - Development in flood prone areas of Minnesota and Louisiana needs careful management.
Darkinjung Local Aboriginal Land Council		No response
Department Of Education & Training		No response

Department of Environment and Climate Change	25 March 2009	▪ Is able to assist on identifying biodiversity priorities. Council to contact Newcastle Office for these environmental studies ▪ Recommendations: ▪ Detailed ecological assessment – to document the sites biodiversity values and assess impacts of proposed development and identify mitigation measures. Specific targeted surveys should be undertaken for known flora and fauna. Should reference <i>Threatened Biodiversity and Assessment: Guidelines for Development and Activities</i> ▪ Assessment of cumulative impacts on biodiversity values from proposed rezoning/development ▪ Assessment against biodiversity priorities in CC RCP ▪ Evaluation of proposal against biodiversity policy for improve or maintain biodiversity values through consideration of site through Biobanking scheme OR consideration of principles for the use of biodiversity offsets ▪ Comprehensive assessment to determine extent of Aboriginal Cultural Heritage Values in accordance with DECC guidelines ▪ Assessment of potential landuse conflicts such as air, noise odour in relation to POEO Act ▪ Identification and management of any areas of contamination in accordance with CLM Act ▪ Assessment of environmental impacts on watercourses, soils and flooding. Management of stormwater emanating from the site must be managed to prevent impacts on rivers, wetlands or estuaries ▪ Consideration of human induce climate change
Department Of Housing		▪ No response
Department of Primary Industries	15 April 2009	▪ No objections to the proposed rezoning provided full extraction underground mining and its associated activities and infrastructure remain permissible. ▪ Development near existing agricultural businesses needs to consider potential impacts such as noise, odour and dust on nearby residential areas. ▪ Establishing the actual area which is affected or is likely to be affected in the future by Mine Subsidence will be pivotal in determining which areas will need subsidence considerations. ▪ The DPI will be drilling a cored hole to a depth of 2000m at the Munmorah power station site to gather information about potential coal resources in deep seams and such information may lead to revisions of future mining/exploration plans. ▪ There is potential for this area to become an integral component of a coal methane gas project.

Department of Water and Energy	17 April 2009	- Take into account the objectives of Water Act 1912 and Water Management Act 2000. - If proposal is within a gazetted Water Sharing Plan (WSP) area, the assessment is required to demonstrate consistency with the rules of the WSP. - The LES assessment is required to identify groundwater issues and potential for any degradation of groundwater resources. - All proposed groundwater works must be identified in the proposal and an approval obtained from DWE prior to installation. - The LES assessment is required to identify the impact of the proposal on the watercourses and associated riparian vegetation within the site. - The LES assessment should address the issue of sustainable water supply.
Energy Australia		No Response
Gosford City Council		No response
Hunter-Central Rivers Catchment Management Authority	9 April 2009	- Whilst approval is not required under the Native Vegetation Act 2003, CMA requests that the objectives of this Act be given consideration in assessing this proposal. - In particular, improve or maintain. - Hunter – Central Rivers Catchment Action Plan (CAP) and associated CAP targets should be considered in studies which precede the development of the LEP.
Lake Macquarie Council	24 April 2009	- No objections. - Give consideration to the wider regional impacts of the draft Wyee Structure Plan.
Lakes Community Precinct Committee		Response incorporated into CEN submission
Mine Subsidence Board	23 February 2009	- Precinct 7A is located within Swansea North Entrance Mine Subsidence District. - Surface development guidelines allow development of single and two storey brick veneer construction. Development outside these guidelines would need to cater for predicted MSB parameters.
Ministry of Transport	6 August 2009	- Precinct 7A should be consistent with s117 Direction No. 3.4 – <i>Integrating Land Use and Transport</i> - Precinct 7A should be consistent with the key principles and actions of the Central Coast Regional Strategy - Precinct 7A should match the provision of transport infrastructure identified in the State Infrastructure Strategy with increase density of population and employment in walking distance to key centres and major transport corridors - Precinct 7A should achieve priorities and targets under the State Plan (Priorities S6, S3, E7, E5, and E3). - The transport study should address the following matters:

		▪ Accessibility mapping for the locality to determine how to achieve a higher mode of share of journey to work trips by public transport ▪ Estimation of the distribution of generated trips between origins and destinations ▪ Estimated of the likely modal split of generated trips; ▪ Assessment of the likely impacts of generated trips based on the likely modal splits on existing transport infrastructure, land uses and environment ▪ Assessment of the likely impacts of generated trips based on the higher modal split on existing transport provision, land uses and environment, ▪ Development of measures to support higher modal split to non-car modes. ▪ Based on projected operations, determine the likely transport needs of future client/residents and capacity of existing services to meet these needs demand, in addition to identification of additional infrastructure and costs required to meet these needs in short, medium and longer term, ▪ Assessment of existing public transport capacity to meet needs of workers and visitors in accordance with the <i>Producing and Using Transport Access Guides</i>, ▪ Identify and resolve barriers to efficient and safe pedestrian and cycle access including possible options for this access ▪ Achieve minimum standards for pedestrian and cycle access (<i>NSW Planning Guidelines for Walking and Cycling 2004</i>) ▪ Assessment of the implications of car parking provision for the achievement of a substantial modal shift to public transport
Mr David Harris, MP Member for Wyong		▪ No response
Mr John Della Bosca, MLC		▪ No response
Mr Robert Coombs, MP Member for Swansea		▪ No response
NSW Department Of Tourism Sport & Recreation		▪ No response
NSW Fire Brigade		▪ No response
NSW Health – North Sydney Central Coast.	24 April 2009	▪ Address Healthy Planning issues in the LEP, particularly the Premiers Council for Active Living “Designing Places for Active Living” and the National Heart Foundations “Healthy by Design” guidelines. ▪ Address Safety issues in the LEP, particularly the NSW Police “Safer by Design” CPTED principles for minimising crime risk.

NSW Police Force – Toukley		No response
NSW Premier's Department		No response
NSW Rural Fire Service	25 March 2009	- No objection - Part of site and adjoining land is bushfire prone - Design of any proposed development should consider aims and objectives of PBP 2006 - Future residential development will be subject to assessment in accordance with s100B of RF Act.
Rail Corp	7 July 2009	- New WTC station will be a hub when completed. Council should consider population intensification closer to this station. - Any development should consider potential for Main North enhancement works (Fast Train, Freight Lines). Further information from Transport Infrastructure Development Corporation should be sought. - Development should consider the likely impacts on railway corridor in terms of flooding and stormwater management. The DoP's 'Road and Rail Guidelines' - An extended platform at the existing station is not supported.
Roads and Traffic Authority	4 May 2009	- Primary interest is in the road network, traffic and broader transport issues (efficiency and safety of classified road network, security of property and assets and integration of land use and transport) - Concurrence is required for connection of Sparks Road and Pacific Highway. - No objections to dLEP being prepared however following should be considered: - Traffic and Transportation Study to be undertaken in accordance with the <i>Guide to Traffic Generating Developments</i> - Traffic and Transportation Study should consider future road network improvements and future land use proposals surrounding the study area - The dLEP should consider the EPA's <i>Environmental Criteria for Road Traffic Noise</i> - The dLEP should consider the <i>North Wyong Structure Plan</i> being prepared by the DoP - Traffic analysis and/or network modelling is to be undertaken to determine the impacts of the proposal on the surrounding road networks: - Use of PARAMICS or similar traffic model to determine overall traffic management impacts and upgrade requirements on current and future road networks - Use of SIDRA or similar traffic models for intersections - Current traffic counts and application of 10 year traffic growth projections 95th percentile back of queue lengths - Delays and level of service on all legs of

		relevant intersections vi. Electronic input/output data files are to be submitted to the RTA and Council. - SEPP (Infrastructure) 2007 may apply, and proposed development is to address issues accordingly in Master plan and development stages. - The developer should take into account DoP's <i>Integrating Land Use and Transport Planning Policy</i> in relation to the provision of adequate access to public transport, and opportunities for pedestrian and cyclist connections to the surrounding area - The dLEP should consider the <i>Planning Guidelines for Walking and Cycling</i> - RTA expects that developers would contribute or pay the full cost of the required road improvements works. This is to be determined between Council and RTA prior to plan adoption. - All road improvements/traffic control works are to be designed and constructed to satisfaction and requirements of the RTA - State road infrastructure upgrades/traffic control works are required to be implemented through a Works Authorisation Deed executed between the developer and the RTA - The RTA has serious safety concerns that the Concept Masterplan (Hannan's) proposes an extension of Virginia Road to the Pacific Highway. Any intersection would be restricted to left in left out. - The RTA has serious safety concerns that the Concept Masterplan (Hannan's) proposes a roundabout in close proximity to the existing rail level crossing - The dLEP should consider the issue of road traffic noise when determining the location of noise sensitive land uses.
State and Regional Development		No response
Transgrid (Sydney South)		No response
Transport Infrastructure Development Corporation	13 August 2009	- Works associated with the Northern Sydney Freight Corridor (NSFC) will need to be considered. Studies for options development are currently being undertaken. Council will be advised as to updates with this project. - Consideration should be given to the implications of the requirements of Clause 87 of SEPP (Infrastructure) 2007 re notification requirements and the DoP 'Development near rail corridors and busy roads'.
Watanobbi / Warnervale Community Precinct Committee	24 June 2009	- Stormwater should be harvested and reused on site - Development managed in ecological and sustainable manner to not affect to Porters Creek wetlands or Tuggerah Lakes. A hazard plan should

		be developed to consider flood limitations and safety of future residents ▪ Road infrastructure should be improved prior to development, particularly Warnervale, Minnesota, Louisiana & Virginia Roads, also considering the flood prone nature of some of these roads. ▪ The truncated Link Road will cause increased traffic in the Warnervale Village Area. ▪ The Sparks Road intersection and F3 junction will be unable to manage the increased load from the development of Precinct 7A when combined with the WEZ and Warnervale Town Centre. ▪ Funding for roads should be undertaken with a partnership with the state government. ▪ Regular public transport should be provided within the area at the commencement of the new areas. ▪ Express rail services should be commenced at an early date between Wyong and the North Shore with an additional stopping point at Warnervale. This will require a new turn back point to be built at the existing Warnervale Station with platform extensions. ▪ The village feel should be retained. Housing should compliment existing housing stock. ▪ Larger areas should be reserved for recreation and green space to enable active recreation whilst preserving rural character. Areas of significant bushland should be preserved (but also enable fire management). Natural buffers and bushland should be maintained in the Porters Creek catchment area, for ecological and sound purposes. ▪ Strong objection to the proposed education site being rezoned for the purposes of a business park. Require guarantees that lifestyle, freedom and enjoyment of surrounding properties will not be affected by adverse impacts of such a development. ▪ Request that Council will work in close conjunction with the community during the rezoning process. ▪ Reservations regarding future zoning of land for investigation purposes (10a or equivalent zoning).
Wyong Coal	15 April 2009	▪ Consider SEPP (Mining, Petroleum Production and Extractive Industries) 2007 instead of S.117 direction in relation to Mining, Petroleum Production and Extractive Industries. ▪ Exploration Licence EL4911 encroaches on small part of SW Precinct 7A. This area is: - Not within any mine subsidence district. - Is not proposed for development under the W2CP either for surface development or underground extraction; and - Not proposed for any long term plans for underground coal extraction.
Wyong Regional Chamber of Commerce		▪ No response
Wyong Shire Ratepayers & Residents Association		▪ No response

Wyongah Progress Association		No response
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