

Planning Proposal

Precinct 7A

Warnervale & Hamlyn Terrace

Ref No. F2007/00274

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1 Objectives or Intended Outcomes

The intended outcome of this Planning Proposal is to:

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

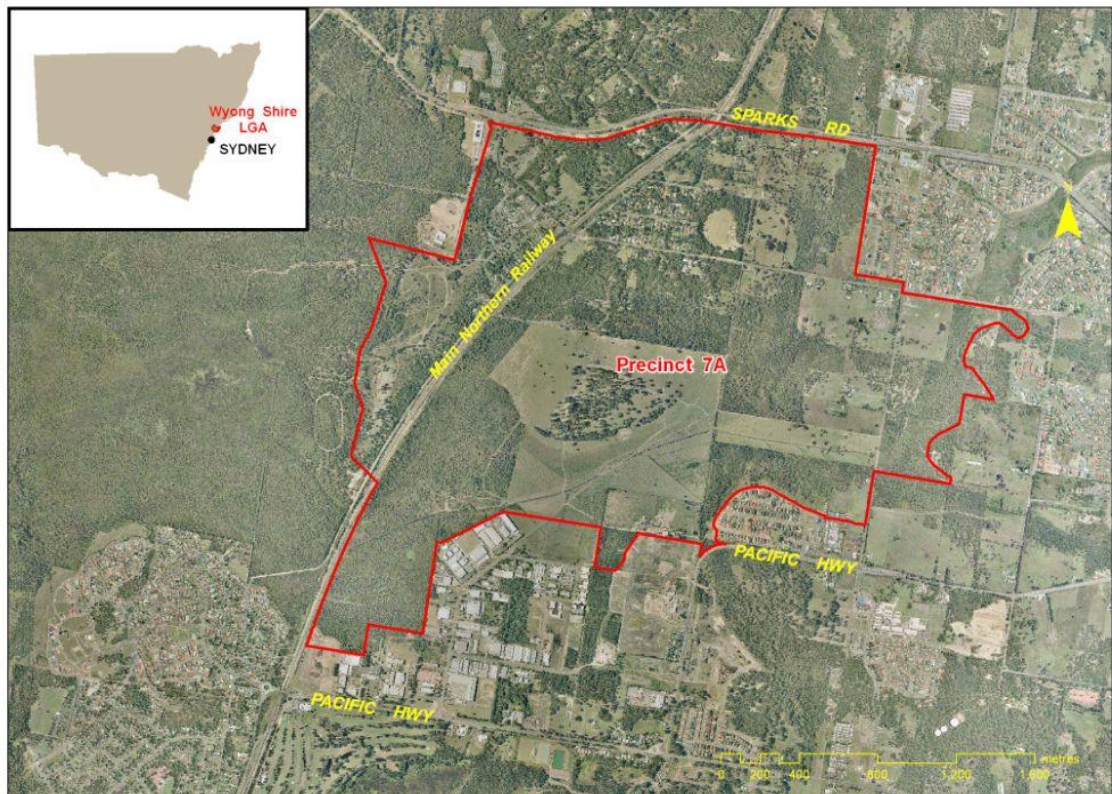


Figure 1 Planning Proposal Locality Plan

1.1 Planning History

Investigations and planning work on Precinct 7A commenced in early 2007 through a number of landowner meetings and public forums.

The study area was defined in this period however further expanded in 2008 to include the Education Precinct, an area of 32.7ha to the west of the Sydney to Newcastle Rail Line, and in the ownership of Council. Attachment 1 provides additional plans for the locality of the proposal site area.

Council formally resolved in December 2008 (refer to Attachment 2) to prepare an amendment to Wyong Local Environmental Plan (WLEP) 1991 to rezone Precinct 7A to facilitate the provision of additional residential, employment generation, commercial, conservation and open space land.

This proposal has previously been supported by the Department of Planning (DoP) through the former plan making provisions of the *Environmental Planning and Assessment Act, 1979* (EP & A Act) as detailed within Attachment 3 of this proposal. This proposal has been submitted in

order to transfer the existing rezoning into the new Gateway System under the new plan making provisions of the EP & A Act.

1.2**Site Location**

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

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

1.3**Physical Characteristics**

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

Preliminary constraints analysis identifies that approximately 210 Ha (the northern portion) of the study area is suitable for urban development. This area consists of land predominantly zoned 10(a) Investigation and 2(a) Residential under Wyong LEP 1991. Some land within is also zoned for Open Space and Special Uses (Schools).

The southern portion of the site is highly restricted by flooding, wetlands and endangered ecological communities. This area is currently zoned 7(g) Wetlands Management and 1(c) Non Urban Constrained Land under Wyong LEP 1991. It is important to note however that some of these constraints exist also in the northern portion of the site, particularly along drainage lines. The following figure broadly outlines these constraints and shows those areas which are potentially suitable for urban development.

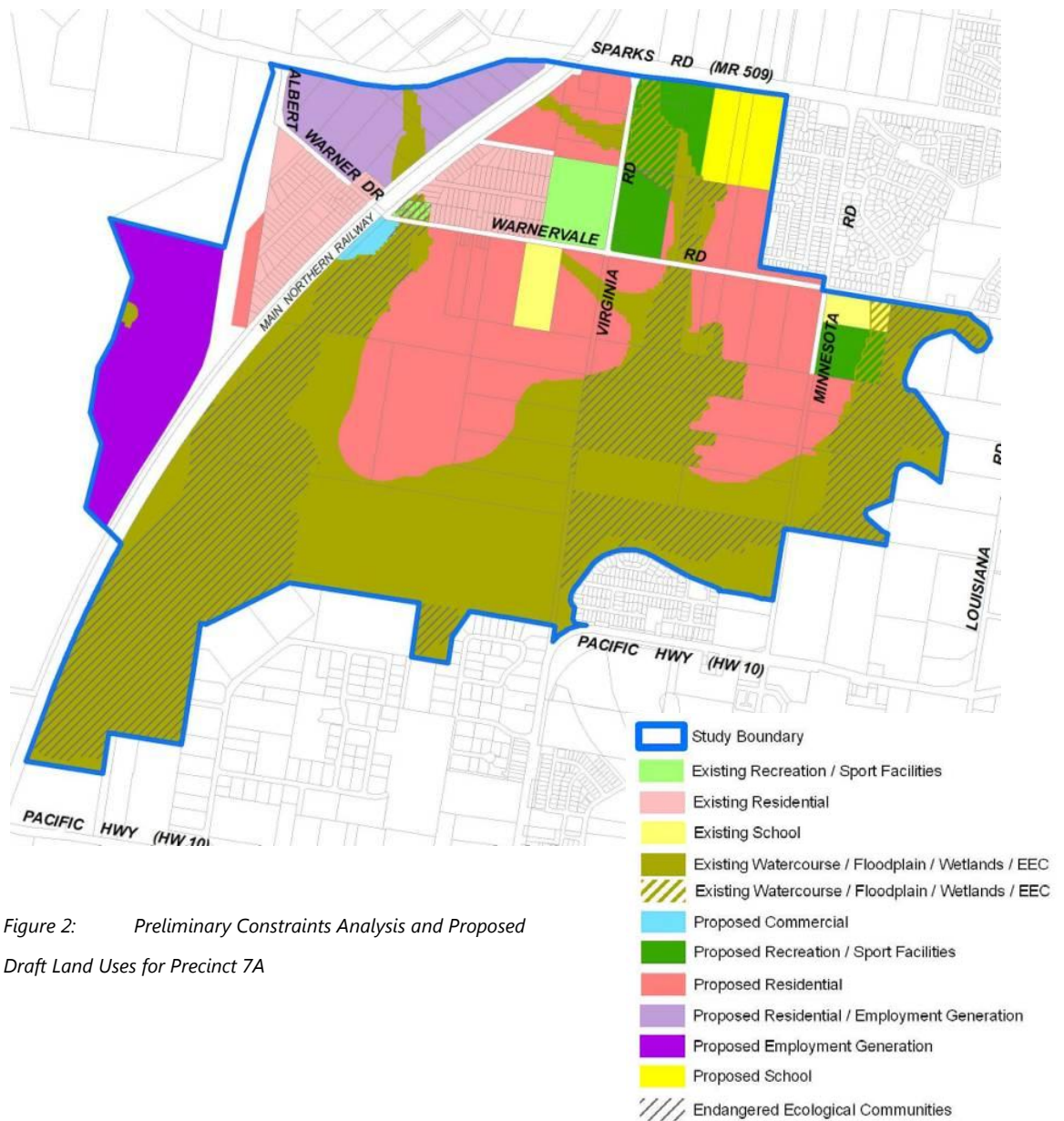


Figure 2: Preliminary Constraints Analysis and Proposed
 Draft Land Uses for Precinct 7A

2 Explanation of Provisions

It is expected that the rezoning of Precinct 7A will result in an amendment of Wyong Local Environmental Plan (WLEP) 2011.

WLEP 2011 is currently being prepared in accordance with the template of the NSW Standard Instrument.

As this plan is currently in development, it is not possible at this point in time to determine how provisions should be drafted to amend WLEP 2011. The ultimate land use zoning and associated clauses and definitions will however be consistent with the NSW Standard Instrument.

The timeframe required for the completion of investigative studies means that the Precinct rezoning is not likely to be able to be undertaken in conjunction Wyong Shire's Comprehensive LEP. This expected to be completed in June 2011. The final investigative study for Precinct 7A is not likely to be completed until October 2011 as detailed within Attachment 4.

3 Justification

3.1 Need for the Planning Proposal

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

The Precinct 7A Study Area is defined within Council's *Residential Development Strategy (RDS)*, 2002 as a medium priority area for urban development. In addition, the area is included within the *North Wyong Shire Structure Plan (NWSSP) Area* as an area for future urban development as identified within the *Central Coast Regional Strategy (CCRS)*.

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

In considering this proposal, there are a number of options available. These are outlined below:

Option 1 - Discontinue the Proposal (Not Recommended)

As discussed within the remainder of this document, the Planning Proposal for Precinct 7A will contribute significantly in assisting population and employment growth within the Wyong Local Government Area. The consistency of the Proposal with local and state planning policies support the suitability of continuing with the planning for this Proposal.

Discontinuing the proposal at this stage will mean a loss of employment and population potential in the immediate future.

Option 2 - Include Precinct 7A within the Comprehensive LEP Review (Not Recommended)

Council is required to have its Standard Instrument LEP prepared by June 2011. The current work program for the Precinct 7A Planning Proposal identifies the gazettal of the instrument by December 2011.

The work program for Precinct 7A includes a number of complex and iterative investigative studies to be undertaken including (but not limited to) flooding and floodplain management, flora and fauna, integrated water cycle management, human analysis and traffic and transport. These studies are providing baseline data to inform other studies (e.g. information from the

flood study is required to inform the integrated water cycle management study), in addition to informing the preparation of a Master plan and guiding development principles for the site.

Many of these studies are of a particularly lengthy duration, some to account for seasonal variation (e.g. flora and fauna), but mostly to account for the iterative role they play in other studies.

Given the intricacy of this process, a reduction in the timeframe for these studies to be completed in is likely to produce in low quality data (and therefore flawed modelling) and result in a development which is unsound ecologically, socially and economically. Limiting timeframes for this project to coincide with the timeframes for WLEP 2011 is not Council's preference.

Option 3 – Proceed with the Proposal as a separate amendment to WLEP 2011 (Recommended)

As previously identified, this Planning Proposal is the result of a previously supported LEP amendment by both Wyong Shire Council and the Department of Planning. The purpose is merely to transfer the existing Precinct 7A LEP amendment into the Gateway System as per the new plan making provisions of the *Environmental Planning and Assessment Act, 1979*.

Continuing with the current work program and current array of studies being undertaken is Council's preference in this matter. Shortening of the completion date for this proposal is likely to be unmanageable specifically with regard to those issues raised in Option 2 above.

3.1.3

Is there a net community benefit?

The proposal has been considered against the evaluation criteria for the net community benefit test as detailed within the Draft Centres Policy as detailed within Attachment 5. This evaluation is further detailed below, in summary however, the proposal will:

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

3.2

Relationship to strategic planning framework

3.2.1

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The proposal has been assessed against the actions/objectives of the CCRS and the associated Sustainability criteria. In general, the proposal is consistent with these criteria. These assessments are further detailed in Attachments 6 and 7 respectively.

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

- Centres and Housing actions 4.1; 4.2; 4.3; 4.4; 4.6; 4.7; 4.10; 4.11; 4.113; 4.16; 4.17; 4.18; 4.21 & 4.25;

- Economy and Employment actions 5.1; 5.2; 5.3; 5.7; 5.8 & 5.11;
- Environment, Heritage, Recreation and Natural Resource actions 6.2; 6.3; 6.4; 6.4; 6.5; 6.7; 6.8; 6.9; 6.10; 6.11; 6.13; 6.14; 6.15; 6.18; 6.19; 6.20 & 6.23;
- Natural Hazards actions 7.2 & 7.3;
- Water actions 8.2; 8.4 & 8.5; and
- Regional Transport action 10.9; &10.10.

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

3.2.2

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

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

It is considered that the Planning Proposal is consistent with the SSV. The process of developing the Masterplan for the site and the extensive background studies being undertaken will ensure that the Planning Proposal will assist in achieving the following objectives of the SSV:

- i Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood;
- ii There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable;
- iii Communities will have access to a diverse range of affordable and coordinated facilities, programs and services;
- iv Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development; and
- v There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.

3.2.3

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

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

- SEPP 14 – Coastal Wetlands;
- SEPP 44 – Koala Habitat Protection: and
- SEPP 55 – Remediation of Land.

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

The full assessment of these SEPPs is contained within the Attachment 8 of this proposal.

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

The proposal has been considered against the relevant Ministerial Section 117 Directions and is considered to be consistent with the relevant Directions. The full assessment of these Directions is contained within the Attachment 9 of this proposal.

3.3 Environmental, Social and Economic Impact

3.3.1 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The area subject to the Planning Proposal consists of a number of Endangered Ecological Communities (EEC's) particularly in the southern portion of the site.

Whilst the Planning Proposal does not intend to extend significant development into areas consisting of EEC's, a full Flora and Fauna Study for the entire site is being undertaken by Umwelt (Australia) Pty Ltd. The objectives of this study are detailed in Attachment 10.

The results and finding of this study will be considered in the development of a Masterplan for the site.

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

Contaminated Land

A comprehensive Stage 1 Environmental Site Assessment (ESA) of the subject area was undertaken by Douglas Partners. The objectives and key findings of this study are detailed in Attachment 10.

These findings will be considered during the preparation of the Masterplan and development controls for the site.

Acid Sulfate Soils

An assessment of the Acid Sulfate Soil potential of the subject area was undertaken by Douglas Partners. The objectives and key findings of this study are detailed in Attachment 10.

These findings will be considered during the preparation of the Masterplan and development controls for the site.

Flooding

The southern portion of the site is affected by the 1 in 100 year flood event and forms part of the Porters Creek wetland System. Given the significance of this wetland, a full flood study is being undertaken by Cardno Pty Ltd. The objectives of this study are detailed in Attachment 10.

These findings will be considered during the preparation of the Masterplan and development controls for the site.

Integrated Water Cycle Management

Recognising the importance of the Porters Creek wetland system has lead Council to resolve to prepare and integrated stormwater management system for the broader Warnervale Area. Whilst the detailed schematics for this plan are still being determined, a concept plan for the area has been adopted by Council (10 February 2010). This scheme is further discussed in Section 3.4.1.

In order to ensure that the development of the subject area avoids impact on the Porters Creek Wetland, an Integrated Water Cycle Management study for the site is being undertaken by Cardno Pty Ltd. The objectives of this study are detailed in Attachment 10.

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

Bushfire

The assessment of potential impacts from bushfire will be based around the Masterplan produced through the Urban Design and Masterplanning process. The objectives of this study are detailed in Attachment 10.

Noise & Vibration

A preliminary noise and vibration assessment of the subject area has been undertaken by Renzo Tonin and Associates (NSW) Pty Ltd. The objectives and key findings of this study are detailed in Attachment 10.

These findings will be considered during the preparation of the Masterplan and development controls for the site.

Aboriginal & European Heritage

An Aboriginal Archaeological and European Heritage investigation of the subject area was undertaken by John Appleton of Archaeological Surveys and Reports Pty Ltd. The objectives and key findings of this study are detailed in Attachment 10.

These findings will be considered during the preparation of the Masterplan and development controls for the site.

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

Social Impact and Human Analysis

A Social Impact and Human Analysis Study is currently being undertaken by Wyong Shire Council's Social Planning Unit. The objectives of this study are detailed in Attachment 10.

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. The objectives of this study are detailed in Attachment 10.

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

3.4 **State and Commonwealth Interests**

3.4.1 *Is there adequate public infrastructure for the planning proposal?*

Traffic and Transportation

Bounded by Sparks Road and the Pacific Highway, the area is in a good position to provide access to both the northern and southern areas of Wyong Shire. Additionally, these accesses provide a good linkage with the Sydney to Newcastle Freeway. Existing public transport (buses) also services the area on a regular basis.

The subject area includes the existing Warnervale Neighbourhood train station which provides access to both Newcastle and Sydney. There is presently some uncertainty regarding the future role of the station, given the proposed new Warnervale Town Centre Station (approximately 1.5km north of the existing station) in addition to proposals for the Very Fast Train (VFT) between Sydney and Newcastle. Both proposals are likely to require some realignment of the existing track infrastructure. Further consultation will be undertaken with the relevant State Government authorities to determine the future of the station and any realignment requirements in the future. This information will be used to inform the development of the Masterplan.

A Traffic and Transportation Study for the subject area is currently being undertaken by Hyder Pty Ltd. The objectives of this study are detailed in Attachment 10.

The findings of this study will be considered during the preparation of the Masterplan and development controls for the site. Additionally, the final road networks developed for the study area through the Masterplanning process will be retested.

The objectives of the study are consistent with the requirements of the Roads and Traffic Authority (RTA).

Water Supply

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

A distribution main extends the entire length of Warnervale Road. Distribution mains are only partially constructed at the northern and southern ends of Virginia Road.

It is anticipated that most of these mains are expected to reach consumption capacity by 2020.

It should be noted that the majority of these distribution mains within the Warnervale Village (including Warnervale Road) are asbestos coated.

The majority of Precinct 7A has been defined as 'Area 1' to assist in clarification of the timing for the provision of water supply. The southern portion of the Precinct is not subject to contributions due to the zoning status of the land as at February 2001. This land is predominantly zoned 7(g) (Wetlands Management Zone) and 1(c) (Non Urban Constrained Land Zone) and is heavily constrained by flooding.

DSP 7 identifies that a future 200mm main is to be provided from the connection of Sparks Road and Virginia Road. This will extend to meet that point where water supply main already exists on the southern portion of Virginia Road. This will be required to be provided when development of the site occurs as the final location will be dependant on the subdivision layout.

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

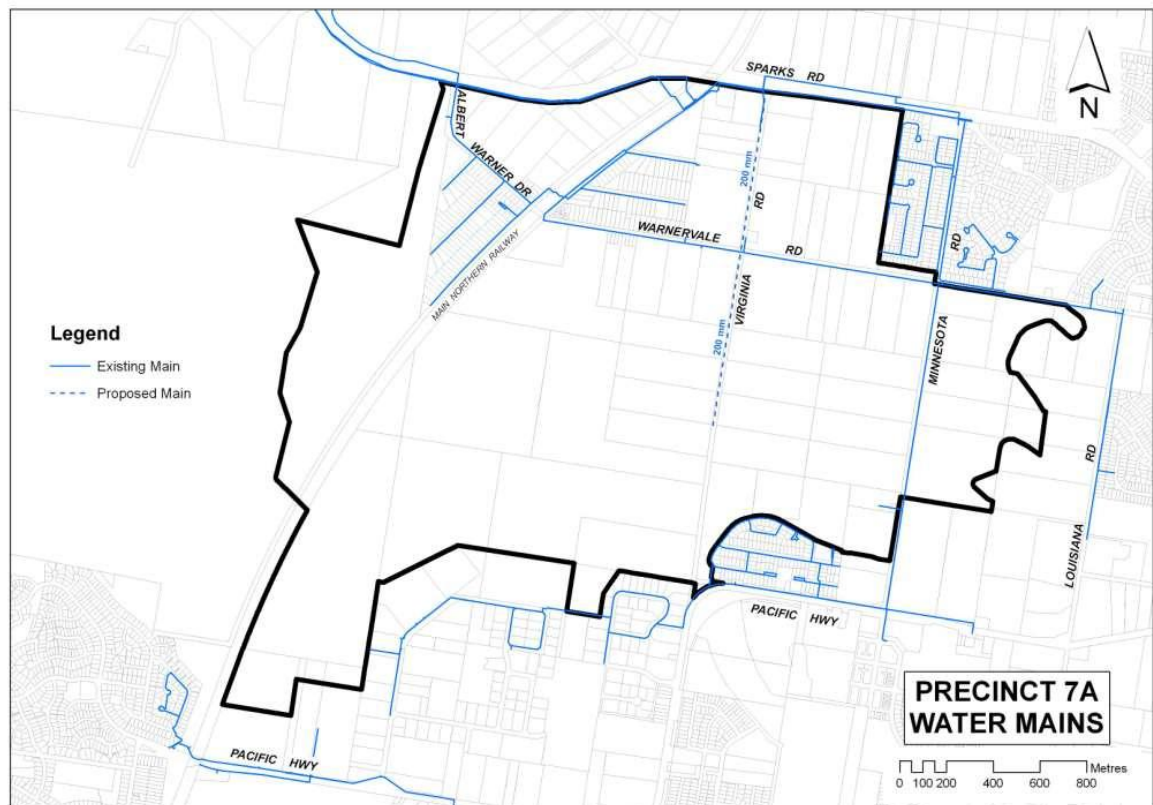


Figure 3: Existing and Future Water Supply Infrastructure

Sewerage

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

This area is connected to the Warnervale Road rising main which feeds into the Charmhaven wastewater management scheme.

It is anticipated that the majority of these mains are expected to reach consumption capacity by 2020.

A gravity fed 225mm gravity fed sewer main is proposed to be developed from the intersection of Sparks Road and Virginia Road which cuts across that land currently identified for district level open space and follows a path south to a connection point on Warnervale Road. Three 225mm connection mains are proposed to branch from this main line between Sparks and Warnervale Roads to serve development proposed within these areas.

Additional rising and gravity mains between Railway and Louisiana Roads are proposed at the southern portion of the non constrained land area (see figure 4).

Construction of the sewerage scheme for Warnervale Town Centre and surrounding development areas is scheduled to commence early 2011.

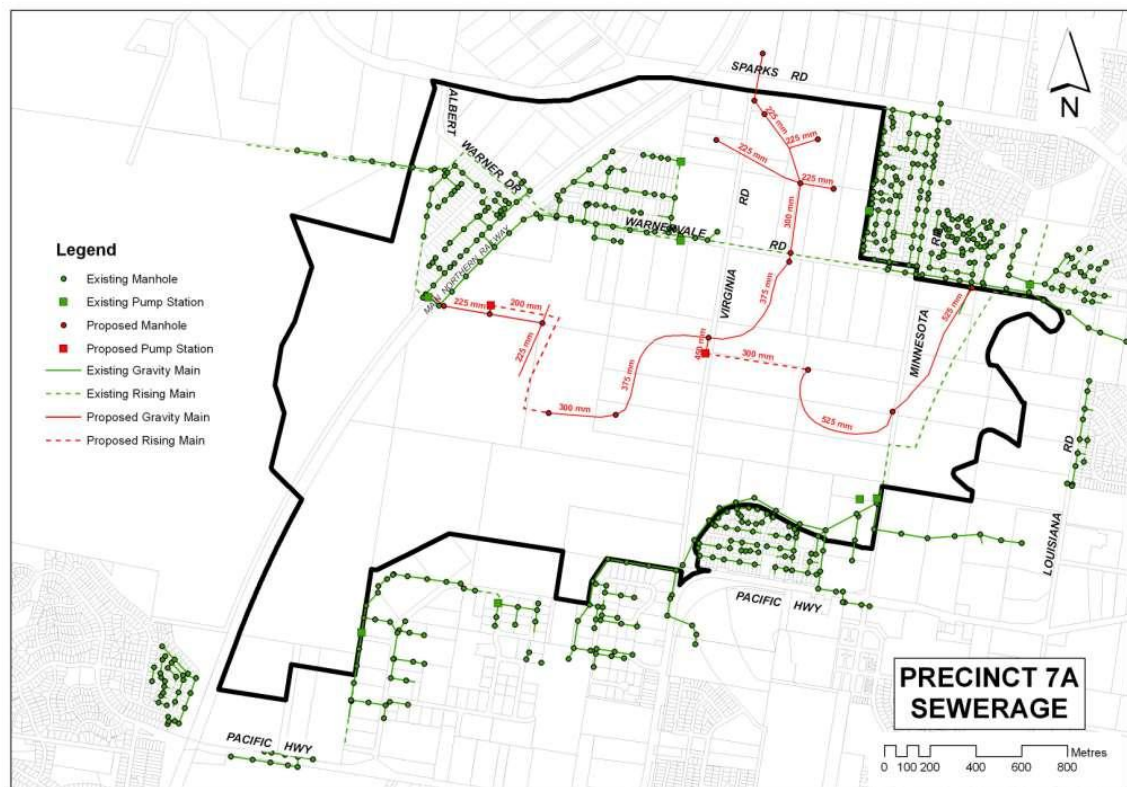


Figure 4: Existing and Future Sewerage Infrastructure

Stormwater

In February 2010, Council endorsed a concept plan for the management of urban stormwater within the Porters Creek catchment area. This Integrated Water Cycle Management Strategy (IWCMS) will collect and divert urban stormwater runoff from the broader Warnervale area (including the Warnervale Town Centre, Wyong Employment Zone and Precinct 7A) and distribute it to Wyong River downstream of Wyong weir. Whilst the general schematic plan is endorsed, additional detailed modelling is being undertaken which will be used to inform the Masterplan for the Precinct.

Electricity and Gas Supply

Consultation undertaken with Energy Australia has identified that a new substation is proposed to be located within the Precinct to service the needs of future population of the Warnervale Town Centre and Precinct 7A. This substation will be located on the site on the corner of Sparks and Virginia Roads.

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

Educational Infrastructure

State Schools

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

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

Private Schools

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

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

In addition to the above schools, a site within the Precinct on Sparks Road is currently owned by the Department of Education. Initial consultation undertaken with the Department has not identified any short term plans for the site, however, it has been recognised that there may be the potential for an additional public high school on this site to service the regions additional population. Consultation with the NSW Department of Education will be ongoing throughout the Masterplanning process.

3.4.2

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

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

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

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

4

Community Consultation

Given the size of the area affected by the Planning Proposal, it is not considered that this Planning Proposal is low impact, despite the strong linkages with local and state policies, plans and strategies. It is therefore recommended that the proposal is publicly exhibited for at least 28 days.

As previously identified, the Warnervale Education Precinct is in Council ownership; therefore Council has a significant interest in this Planning Proposal. In order to improve the transparency of the process, Council will prepare a statement for public exhibition which identifies this interest. This statement will be in accordance with advice from the Gateway Determination, however it is considered that such a statement should be consistent with the Department of Planning's Practice Note (PN 09-003) Attachment 2 *General requirements for classification or reclassification of land through local environmental plans and planning proposals or LEPs and Council Land – Best Practice Guidelines*.

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

The Planning Proposal, Gateway Determination and relevant studies (including the LES document) will be made available on Council's website, at Council's Administration Building in Hely Street,

Wyong and also at Lake Haven and Tuggerah Libraries and Customer Service Centres. During the exhibition period, Council staff will also make presentations to the local Community and Precinct Committees.

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

It is expected that the Masterplan for the Precinct will be exhibited prior to any legislated public exhibition period. This separate exhibition process will enable most issues with the Masterplan to be resolved upfront, enabling a smoother exhibition for the Planning Proposal.

5

Attachments and Supporting Documentation

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

Document	Attached
1. Plans	
a. Wyong Shire Context	✓
b. Cadastre Locality Plan	
c. Aerial Plan	
2. Council Report and Minutes dated 10 December 2008	✓
3. Department of Planning 54(4) Response dated February 2009	✓
4. Project Timeframes	
5. Draft Centres Policy - Net Community Benefit Assessment	✓
6. Central Coast Regional Strategy Actions Assessment	✓
7. Central Coast Regional Strategy Sustainability Assessment	✓
8. State Environmental Planning Policy Assessment	✓
9. Ministerial Section 117 Direction Assessment	✓
10. Objectives and Findings of Investigative Studies	✓
11. Section 62 Consultation Responses	✓