

WARNERVALE, Australia China Theme Park, Part of Lot 3, DP 1007500, 150 Sparks Road

Proposal Title : **WARNERVALE, Australia China Theme Park, Part of Lot 3, DP 1007500, 150 Sparks Road**

Proposal Summary : **The proposal seeks to enable development for tourist and entertainment purposes.**

PP Number : **PP_2015_WYONG_004_00** Dop File No : **15/03046**

Proposal Details

Date Planning Proposal Received :	01-Apr-2015	LGA covered :	Wyong
Region :	Hunter	RPA :	Wyong Shire Council
State Electorate :	WYONG	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	150 Sparks Road		
Suburb :	Warnervale	City :	Postcode :
Land Parcel :	Part of Lot 3 DP1007500		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	No

MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	1,000
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment :			

Supporting notes

Internal Supporting Notes :

The proposal was submitted on 5 February 2015. Additional information was requested in relation to agency consultation, supporting study requirements, delegations, visitor numbers, SEPP references, consistency with objectives and the explanation of provisions, removal of maximum building height and textual corrections to the planning proposal. Council provided some additional information on 9 March 2015 and an updated planning proposal on 01 April 2015.

The Department's review of the planning proposal identified several changes should be made to improve the planning proposal including keeping the IN1 zone and including additional permitted uses to facilitate the cultural theme park, restricting the proposed maximum height to only part of the site and removing the proposed rezoning of part of the adjoining E2. The Department's amendments are reflected in the conditional Gateway determination recommended by this report. Council was advised that changes were proposed on 30 April 2015.

External Supporting Notes :

LOCATION IN WYONG EMPLOYMENT ZONE

The site is within the Wyong Employment Zone (WEZ) which was rezoned through a State Significant Site zoning process in 2008.

The planning proposal suggests the site represents only approximately 5% of employment land in the WEZ. However Council's Wyong employment lands study and industrial lands audit (SGS, 2013) identifies only 127 ha of vacant zoned and serviced industrial land. There are also potential conflicts created by placing a theme park and SP3 zoning within an industrial precinct, and potential to create further demand for non-industrial land uses on industrially zoned land.

The planning proposal estimates a potential 1000 jobs for the site, however there is no breakdown of what these jobs are, no estimate of visitor numbers, no assessment of how employees and visitors will travel to the site and no study of parking requirements. The previous transport planning undertaken for the WEZ was based on its industrial zoning and not on zoning for tourist uses. Other proposals have also emerged in this area (Airport, University) suggesting the need for a strategic review of transport planning in the Sparks Road area.

The WEZ rezoning balanced employment and conservation land uses. The proposal indicates that more land within the adjoining E2 zone could be required for fire protection and stormwater management purposes and this is indicated by hatching on the planning proposal maps. The proposed encroachment into the E2 zone has not considered whether

the E2 area would remain viable for the purposes envisaged and is not supported at the present time.

The SP3 zoning is also not supported. Maintaining the IN1 zone and allowing additional permitted uses will still allow the proposal to proceed while ensuring the underlying zone remains should the theme park proposal not proceed.

The proposed increase in building height to 50m across the 15 hectare site is also considered unnecessary given the masterplan identifies many buildings below 50m. It is considered the 50m building height could be supported on a percentage of the site (up to 15%) which would allow the development shown in the masterplan to proceed while still allowing flexibility within the site to accommodate design changes.

This report recommends a conditional Gateway reflecting the above amendments and requiring consultation with agencies, further studies and community consultation.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : Council's stated objective is to enable development for a cultural theme park with various tourist and entertainment uses by:

- rezoning the subject land from IN1 General Industrial to SP3 Tourist;
- rezone land adjoining the subject site from E2 to SP3 to accommodate bushfire asset protection zones and stormwater management functions;
- increase the maximum height limit to 50 metres.
- include an additional permissible use for 'place of public worship'.

Council has included discussion of its Key Sites provision cl. 7.11 in Wyong LEP 2013 as the theme park site is located on part of Warnervale Airport Iconic Development Site and is subject to a maximum building height of 20m under the Key Sites Map and provision. Council states it proposes to increase the maximum building height provision on its Key Sites Map to 50m to accommodate the development and will also update its DCP for the site.

The recommended conditional Gateway will require amendments to remove references to the SP3 zone, rezoning of E2 and to establish that the 50 metre height will only apply to part (maximum 15%) of the site. Given the IN1 zoning will be retained it is unnecessary to include 'place of public worship' as an additional permitted use as it is permissible in the IN1 zone.

The statement of objectives will need to be updated prior to exhibition. The statement of objectives should be simplified to say 'what' is proposed (eg. .. introduce planning provisions to allow development of a cultural theme park ...) leaving the 'how' to the explanation of provisions.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : As submitted the planning proposal seeks to amend Wyong LEP 2013 as it applies to the subject site by:

- Rezoning the land from IN1 General Industrial to SP3 Tourist;
- Rezoning adjoining land from E2 to SP3;
- Include 'place of public worship' as an additional permitted use;
- Increasing the height limit on the Key Sites Map from 20m to 50m for the subject site.

MAXIMUM BUILDING HEIGHT

The whole of Lot 3 DP1007500 is currently mapped with a 12m Maximum Building Height on the Height of Buildings (HOB) Map. The whole of Lot 3 DP1007500 is also identified on the Key Sites Map with a 20m Maximum Building Height and Council seeks to increase this

height to 50m on the part of the lot proposed to be developed as a cultural theme park.

Council's Key Sites provisions were established to provide bonuses whereby increased height may be achieved if design quality and excellence are met and improvements to the public domain are undertaken. The Key Sites clause requires development that seeks to increase the height limit above 12m to have regard to the additional design and public benefit requirements under clause 7.11 and the supporting DCP. Given the proposed changes to the height on the Key Sites Map, Council should consider the need for any corresponding amendments to the relevant section of Chapter 6.1 Key Sites in Wyong DCP 2013.

Council seeks to apply a 50m height limit across the site to enable the development. This appears to be excessive given the majority of the buildings identified in the masterplan would meet the current 20m building height limit under the Key Sites provision. In order to introduce flexibility to develop the site it is considered the proposed 50m building height should be limited to 15% of the site area.

E2 REZONING

Zoning E2 to SP3 is not supported and Council should remove this from the planning proposal and update the 'explanation of provisions' accordingly.

ADDITIONAL PERMITTED USES

As submitted the proposal intended to rezone the land to SP3 which would make uses in the SP3 land use table in WLEP 2013 permissible. The recommended Gateway conditions propose leaving the zone as IN1 and allowing additional permitted uses to facilitate development of a cultural theme park.

The standard instrument use 'recreation facility (major)' is defined as a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

Some of the proposed uses will be ancillary to the 'recreation facility (major)' whereas others may require specific reference (eg. tourist and visitor accommodation).

The additional permitted use entry in Schedule 1 of WLEP 2013 should include qualification that the additional permitted uses are permissible only if developed as part of a cultural theme park.

Given 'place of public worship' is permitted in the underlying IN1 zone there is no need to include it as an additional permitted use.

PART LOT

Council should state in the 'explanation of provisions' that all the proposed changes will only apply to part of Lot 3 DP1007500.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

Is the Director General's agreement required? **Unknown**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 14—Coastal Wetlands
SEPP No 26—Littoral Rainforests
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP (Major Projects) 2005**

e) List any other matters that need to be considered :

SEPP 44 - Koala Habitat Protection will need to be addressed following ecological investigations.

SEPP 55 - Remediation of Land

Council has advised a preliminary contaminated land assessment was conducted in 2006 and did not find any potential contamination on the site. Council should satisfy itself the land is suitable for the land use proposed under the requirements of the SEPP and information regarding land contamination is to be included in public exhibition.

SEPP - Major Development 2005 was formerly known as SEPP (Major Projects) 2005 and Council references its applicability. The Wyong Employment Zone (WEZ) was listed in Schedule 3 as a State Significant Site however this was repealed upon commencement of Wyong LEP 2013 which included the WEZ. Council should remove the reference to SEPP (Major Projects) 2005 accordingly.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

1.1 Business and Industrial Zones

The proposal seeks to rezone industrial land for tourist purposes, however additional permitted uses to enable the development is considered more appropriate and would retain the IN1 zoning on the site. The proposal is inconsistent with the direction as the potential floor space area would technically be reduced for industrial uses if the site was developed for the theme park. Council has not provided sufficient justification for the proposed use of industrial land for the theme park and should consider the Wyong Employment Lands Study and Industrial Land Audit (Feb 2013) and discuss the existing and future industrial land supply and take-up rate requirements and the impact the use of 15.7ha of industrial land for the theme park would have in the LGA. Council should re-assess the requirements of the direction and seek the Secretary's agreement for any inconsistency.

1.3 Mining, Petroleum Production and Extractive Industries

The Mining SEPP permits 'underground mining' on any land however 'mining' and 'extractive industry' is permitted where industry is permitted and the proposed rezoning of the land to a SP3 zone would have prohibited 'general industries' and therefore 'mining' and 'extractive industry'. The retention of the IN1 zoning by enabling the development through additional permitted uses would retain permissibility of 'mining' and 'extractive industry' on the land.

The land is also identified in the North Wyong Shire Structure Plan as a Coal Resource where Coal Exploration Licences apply. Council should consult with Trade & Investment - Resources and Energy to ensure the potential development of coal resources are not restricted by land uses that are likely to be incompatible with such development to address the requirements of the Direction. Council also seeks to consult with the Mine Subsidence Board however the land is not within a Mine Subsidence District therefore consultation is not mandatory.

2.1 Environment Protection Zones

The site is located adjacent to a green corridor and habitat network identified in the North Wyong Shire Structure Plan which is zoned E2 Environmental Conservation under Wyong LEP 2013. Council has advised the sizing and function of the green corridor, indigenous vegetation removal on site and offset conservation measures including a proposed Bio-banking Outcome will require consultation with OEH. Consistency with the direction should be addressed once information on the impacts on biodiversity,

offsets, the green corridor and consultation with OEH is complete. It is noted a SEPP 14 is located south of the site at Porters Creek and the development has the potential to create downstream impacts on the wetlands.

2.3 Heritage Conservation

Council has advised studies will be conducted to investigate Aboriginal heritage on the site. Consistency with the Direction cannot be determined at this stage and Council should address the requirements of the Direction once additional information and agency consultation on Aboriginal heritage matters is complete.

3.1 Residential Zones

The wording of the direction states the direction applies when a planning proposal affects any other zone in which significant residential development is permitted. Given it is proposed to retain the IN1 zone, which prohibits residential accommodation, and the additional uses proposed to enable the development would be for tourist and entertainment purposes, it is considered the direction would not be applicable.

3.4 Integrating Land Use and Transport

Council has advised the proposal can be consistent with the Direction however indicates a detailed traffic, transport and car parking report will be required. Additionally the site is located adjacent to an existing industrial area and the additional impacts in terms of numbers of visitors and associated traffic impacts are yet to be determined. The location of a large scale tourist facility in the vicinity of industrial land uses as well as a number of other major development proposals within the vicinity of Sparks Road (i.e. Regional Airport, University and Business Precinct, Warnervale Town Centre and Precinct 7A) need to be addressed at a regional level to determine the impact on the State Road infrastructure requirements to service all the proposed developments. Council should address the requirements of the Direction following provision of traffic and transport investigations.

3.5 Development Near Licensed Aerodromes

The site is in the vicinity of Warnervale Aerodrome and as required by the Direction Council is required to consult with the lessee of the aerodrome before consistency with the direction can be determined.

4.1 Acid Sulfate Soils

The proposed site of the theme park is not located on land affected by the probability of containing Acid Sulfate Soils on Council's planning maps.

4.2 Mine Subsidence and Unstable Land

The site is not located within a Mine Subsidence District.

4.3 Flood Prone Land

Council has advised the site of the theme park is not affected by the flood boundaries as shown in the AEP Flood Map in Figure 4. However the site forms part of a larger lot which is affected by flooding and the proposed development is likely to have downstream impacts. Council should reconsider consistency with the Direction once information on flooding and drainage is obtained.

4.4 Planning for Bushfire Protection

The site is located on land identified as Bushfire Prone. Council should address the terms of the Direction once additional information regarding bushfire protection has been obtained and consultation with the NSW Rural Fire Service has occurred.

5.1 Implementation of Regional Strategies

As submitted the proposal sought to rezone employment lands for tourist purposes however it is recommended to retain the IN1 zoning and permit additional uses to enable the development. Action 5.6 in the CCRS seeks to ensure LEPs do not rezone employment lands to residential zonings or other uses. Given a number of additional permitted uses will be permitted on the IN1 land the proposal is considered to be

inconsistent with the direction. Council has indicated the IN1 land on the site represents approximately 5% of the Wyong Employment Zone. However it is unclear if this figure considers vacant and uncommitted land and it does not reflect the potential land use conflicts and creation of further demand for non-industrial uses in the WEZ. Council proposes to reconsider the Direction as further investigations and consultation are completed which includes an economic impact assessment. Council will need to address the terms of the Direction and seek the Secretary's agreement for the inconsistency once further information and agency consultation is completed.

6.3 Site Specific Provisions

The proposal seeks to amend an existing site specific provision development standard (building height) on the Key Sites Map to enable the development proposal and add a number of additional permitted uses to the IN1 zone and is therefore inconsistent with the direction.

The uses proposed to enable the development would generally fall into standard instrument definitions and could include: recreation facility (major), entertainment facility, information and education facility, food and drink premises, shops, place of public worship, and tourist and visitor accommodation. Council should clarify and justify all the standard instrument uses it requires to enable the development. Council needs to address the terms of the direction and seek the Secretary's agreement for the inconsistency.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council's mapping is considered adequate for assessment however existing and proposed zone and development standards maps should be included for public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has indicated a 28 day exhibition period and this is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **Delegations**
Council has confirmed it is not seeking delegations to make the plan. Given Council has an interest in the land and there are a number of inconsistencies with S117 Directions and the CCRS it is considered delegation should be retained by the Department in this case.

Timeline
Council anticipates completion of the plan within 10 months. There are some inconsistencies in the timeline as it states the technical reports will take 12 months and this appears to be an error. A 12 month time frame is considered sufficient time to make the plan and provides some flexibility in the timeframe should any delays be encountered.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The planning proposal seeks to amend Wyong LEP 2013.

Assessment Criteria

Need for planning
proposal :

The planning proposal was not the result of any strategic study or report and appears to have originated from the proponent seeking to develop a cultural theme park on the subject site.

The planning proposal only considers the alternative options of proceeding or not proceeding but there is no discussion of alternative sites within Wyong Shire that could accommodate the cultural theme park. As submitted the proposal did not consider alternative means of achieving the proposed objective such as retaining the IN1 zone and adding additional permitted uses.

Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

Generally the proposal is consistent with the broad goals and actions of the CCRS and will assist in meeting regional employment targets. However there are inconsistencies such as Action 5.6 Ensure LEP's do not rezone employment lands to residential zonings or other uses, unless supported by a planning strategy agreed to by the DP&E. Although Council's Settlement Strategy was conditionally endorsed by the Department it did not identify the subject site to be rezoned or used for tourist purposes and as such it is inconsistent with the CCRS. The inconsistency will need to be justified following provision of supporting information and agency consultation to justify the use of industrial land for tourist purposes.

Council has provided an assessment against the Sustainability Criteria for New Land Release set out in the CCRS which includes:

- Infrastructure Provision
- Access
- Housing Diversity
- Employment Lands
- Avoidance of Risk
- Natural Resources
- Environmental Protection
- Quality and Equity in Service

Council's assessment against the criteria for new land release is unnecessary given the land has already been rezoned for industrial use although is yet to be developed for such purposes.

NORTH WYONG SHIRE STRUCTURE PLAN (NWSSP)

The NWSSP identifies employment land that is close to both existing and future residential areas and close to key transport nodes and transport corridors which would be suitable for large scale employment development. The land is identified in the NWSSP and forms part of Wyong Employment Zone, a short term staged land release area which is already zoned and serviced and anticipated to yield 10 -20 jobs per hectare. Council has advised the proposal could generate up to 1000 ongoing jobs however it will lead to a loss of industrial land if developed for a theme park and this will need to be justified following provision of supporting information and agency consultation.

WYONG SHIRE COMMUNITY STRATEGIC PLAN 2030

Council has reviewed the planning proposal against eight priority objectives in its CSP and it is generally consistent with the relevant objectives.

SETTLEMENT STRATEGY

Council's Settlement Strategy was conditionally endorsed by the Department and contains specific references to future supply of employment lands in Part 7-Planning for Economy and Employment. The Strategy considers future supply based on a study from 2013 and found there was generally no early need to rezone land for employment uses. Council has not discussed the relevant parts of the Settlement Strategy and it is considered the use of 15.7ha of employment lands for the theme park should be justified and consideration given to existing and future employment land supply in the LGA. Council should update the planning proposal accordingly prior to exhibition.

Environmental social economic impacts :

ENVIRONMENTAL

Council has discussed environmental effects associated with the proposal which include:

- Threatened Species, populations and Endangered Ecological Communities
- Wildlife Corridors
- Biodiversity Certification and Offsetting
- Flooding and Stormwater
- Bushfire
- Acid Sulfate Soils and Contaminated Land

SOCIAL/ECONOMIC

Council has discussed economic/social/Infrastructure effects associated with the proposal which include:

- Visual Impact
- Internal Layout
- Aboriginal and Non Aboriginal Heritage
- Job creation
- Impacts on Industrial Land Supply
- Existing and Future Airport Considerations

INFRASTRUCTURE

- Water Supply
- Sewer
- Road Infrastructure and Traffic
- Electricity and Telecommunications
- Infrastructure Funding

STUDIES

Council has provided a list of studies/information it requires for further investigation and assessment and includes:

- Funding agreement for infrastructure (Council and State)
- Water and sewer servicing plan (which will include details on who will design and build infrastructure. Details will also be required on the timing of the provision of funds to provide these services);
- Services Review (gas, telecommunications, electricity provision etc.);
- Ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy);
- Integrated Storm Water Management Strategy;
- Visual impact analysis;
- Economic Impact Assessment;
- Bush fire assessment by a suitably qualified and experienced consultant;
- Updated Aboriginal archaeological assessment;
- Traffic Report (which will also examine car parking, public transport and pedestrian planning issues);
- Concept Plan integrating the findings of the specialist studies;
- Draft VPA and possibly Section 94 Contribution Plan (dependent on type of infrastructure model adopted); and
- Updated Planning Proposal/Planning Controls

AGENCY CONSULTATION

Council has advised it proposes to consult with:

- Roads and Maritime Services
- Office of Environment and Heritage
- Transport for NSW
- NSW Rural Fire Service
- Department of Trade and Investment.

The proposed consultations are supported however the following should also be consulted:

- Guringai Tribal Link (Aboriginal Heritage)
- Darkinjung Local Aboriginal Land Council (Aboriginal Heritage)
- Emergency Services (i.e. State Emergency Service, NSW Ambulance Service, NSW Police Force and Fire and Rescue NSW) given the potential for large numbers of visitors on site.

ADDITIONAL CONSIDERATIONS

Council's proposed studies and agency consultation are generally supported however further consideration of the following matters should also be addressed.

TRAFFIC IMPACTS AND ROAD INFRASTRUCTURE - SPARKS ROAD CORRIDOR AND WARNERVALE

The Masterplan prepared in support of the proposal identifies access arrangements are to be located on Warren Road with access to the north west of the site. Warren Road is a service road for the Woolworths Distribution Centre and other industrial lots that front it.

There is potential for traffic conflict as the main body of traffic would be likely to use the M1 and Sparks Road to access the site.

The Sparks Road Corridor is subject to a number of approved and proposed developments that have been subject to both local and state planning in recent years (Wyang Employment Zone, Warnervale Town Centre and Precinct 7A Urban Release Area) and has resulted in infrastructure planning and commitments. Council is also progressing new proposals within the vicinity of the Sparks Road corridor (Education and Business Precinct and a proposed new Regional Airport). The scale of the proposed developments was not anticipated and the potential cumulative impacts on servicing and traffic movements within this road corridor need to be considered in this context.

The scale of the proposed theme park has the potential to generate transport needs in excess of those previously considered for the industrial zoned land given 1000 jobs are estimated and no information on visitor numbers has been provided. Given the other development proposals in the vicinity, the cumulative effects of the theme park proposal and other new and proposed developments need to be considered by Transport for NSW and the RMS together with Wyong Council. Investigations should consider the existing transport infrastructure, planned upgrades to support known development plans (Wyang Employment Zone, Warnervale Town Centre and Precinct 7A), proposed new infrastructure (e.g. proposed Link Road, new rail stations) and other new developments proposed for this area (e.g. the proposed Regional Airport and University Precinct). Staging and priorities for development in the Sparks Road corridor must be identified so that transport planning and provision aligns with development as it occurs and appropriate contributions to road infrastructure can be established.

INDUSTRIAL LAND SUPPLY AND LOCATION

The use of the site for tourist purposes may potentially impact the adjoining industrial estate from uses not anticipated on industrial zoned land. The use for tourist purposes may lead to pressure for more non-industrial land uses in the vicinity of the theme park to service the proposed development. Consideration should be given to how this is managed given the existing adjacent industrial park is well located with access to the M1 Freeway and alternative sites for the theme park were not investigated or discussed in the planning proposal.

Council has provided limited discussion on industrial land supply and advised the rezoning of 15.7ha of industrial land represents approximately 5% of the existing industrially zoned land in the WEZ. Council needs to address existing and future industrial land supply and take up rate requirements identified in its Employment Lands Study and Industrial Land Audit (Feb 2013) and justify the impact that the development of 15.7ha of industrial land for the theme park would have in the LGA.

STATE INFRASTRUCTURE CONTRIBUTIONS PLAN (SIC)

There is a SIC Plan that applies to industrial land in Wyong Employment Zone. The proposal seeks to use this land for the theme park and tourist purposes and consideration will need to be given on how the levy for State infrastructure contributions will be calculated or applied to the site given it will no longer have an industrial use if developed.

EMPLOYMENT NUMBERS

Council states the proposal has the potential to supply significant employment numbers and estimates it will create 1000 ongoing operational jobs. Council was asked to clarify whether the job numbers were based on any evidence or analysis however Council was unable to provide any supporting evidence from the proponent for the job numbers or how many visitors the park would be likely to cater for. Additional supporting information should be provided prior to exhibition in regard to job and visitor numbers.

WARNERVALE AERODROME

Warnervale Aerodrome is located to the east of the site. Council has identified the proposed development complies with Obstacle Limitation Surfaces and Noise Exposure in the vicinity of the site. It is noted these are current controls and consideration should be given to whether there are any future requirements for airport operations that may impact

on the proposed development in the future and vice versa (i.e. whether the theme park could impact on future operations of the airport) given the airports proximity to the theme park site.

Assessment Process

Proposal type : **Inconsistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **DDG**

Public Authority Consultation - 56(2) (d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **As previously discussed a SIC Plan applies to industrial land in Wyong Employment Zone. The need for amendments to the SIC Plan as a result of this proposal will be considered by the Department.**

Documents

Document File Name	DocumentType Name	Is Public
RZ-10-2014 - Planning Proposal - Chappypie - Revised Submission for Gateway March 2015 - Part 1.pdf	Proposal	Yes
RZ-10-2014 - Planning Proposal - Chappypie - Revised Submission for Gateway March 2015 - Part 2.pdf	Proposal	Yes
RZ-10-2014 - Planning Proposal - Chappypie - Revised Submission for Gateway March 2015 - Part 3.pdf	Proposal	Yes
Additional Information 01.pdf	Proposal	Yes
Additional Information 02.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones
1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones**

2.3 Heritage Conservation
 3.4 Integrating Land Use and Transport
 3.5 Development Near Licensed Aerodromes
 4.1 Acid Sulfate Soils
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies
 6.1 Approval and Referral Requirements

Additional Information : The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition Council is to update the planning proposal to:

- simplify 'objectives' to say 'what' is proposed leaving the 'how' to the explanation of provisions (eg. remove 5 dot points at top of page 2 and other text describing 'how' the LEP will be amended).
- update 'explanation of provisions' to:
 - remove references to SP3 and say the IN1 zone will be retained;
 - say the proposed uses to facilitate development of the cultural theme park will be included in Schedule 1 Additional Permitted Uses and linked to the development of a cultural theme park;
 - remove references to the proposed rezoning of the E2 Environmental Conservation land;
 - identify the 50m building height limit will be restricted to 15% of the cultural theme park site;
 - remove 'place of public worship' as an additional permitted use;
 - identify that all proposed changes will apply to part of Lot 3 DP1007500; and
 - include discussion on the appropriateness and permissibility of all additional permitted uses for the cultural theme park and link their permissibility to the development of a cultural theme park;
- remove consideration of SEPP (Major Projects) 2005 in the planning proposal as it no longer applies.
- include discussion of Council's Settlement Strategy and Employment Lands Study and Industrial Land Audit as it relates to the existing and future supply and take up rates of employment lands.
- provide evidence and/or analysis of proposed employment numbers (including the construction phase) and visitor numbers expected to be generated at the theme park.
- provide clarification of any future operational requirements of Warnervale Airport.
- identify and include discussion on the current State Infrastructure Contribution Plan that applies to the Wyong Employment Zone and satisfactory arrangements and the provision of designated State public infrastructure.
- include existing and proposed zone and development standards maps once additional information, investigations and agency consultation has been undertaken.
- consider the need for amendments to the relevant section of chapter 6.1 Key Sites in Wyong DCP 2013.
- update the project timeline for the completion of technical studies to ensure the timeframe to make the plan can be achieved.

2. Council is to be satisfied that sufficient information has been provided to demonstrate that the planning proposal adequately addresses the following issues:

- funding agreement for infrastructure (Council and State)
- water and sewer servicing plan
- services review
- ecological investigations
- flood, drainage and stormwater management
- visual impact analysis
- economic impact assessment
- bushfire assessment
- preliminary contaminated lands study if required.
- Aboriginal cultural heritage
- traffic report including examination of regional impacts on traffic and transport, infrastructure, public transport, pedestrian and cycleway planning issues.
- draft VPA
- draft Development Control Plan and Section 94 contributions plan, if required.

3. Cumulative transport impacts in the locality are to be considered by Council in consultation with Transport for NSW and Roads and Maritime Services including existing transport infrastructure, planned upgrades to support known development plans (Wyong Employment Zone, Warnervale Town Centre and Precinct 7A), proposed new infrastructure (e.g. proposed Link Road, new rail stations) and other new development proposed for this area. Staging and priorities for development in the Warnervale district should be identified so that transport planning remains current and transport provision aligns with development as it occurs.

4. Prior to undertaking public exhibition, update the planning proposal to consider consistency with SEPP 44 Koala Habitat Protection.

5. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land and demonstrate the site is suitable for rezoning once information on contamination has been obtained.

6. Council is required to demonstrate consistency with the following S117 Directions after supporting information has been obtained and/or following agency consultation:

- 1.1 Business and Industrial Zones
- 1.3 Mining, Petroleum Production and Extractive Industries -Trade & Investment - Resources and Energy;
- 2.1 Environment Protection Zones - Office of Environment and Heritage; National Parks and Wildlife Service.
- 2.3 Heritage Conservation - Office of Environment and Heritage - Heritage Branch
- 3.4 Integrating Land Use and Transport - Transport NSW - RMS
- 3.5 Development Near Licensed Aerodromes - Lessee of Warnervale Aerodrome
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection - NSW Rural Fire Service
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

7. Consultation is required with the following bodies:

- Office of Environment and Heritage
- NSW Trade & Investment - Resources and Energy
- Transport for NSW - Roads and Maritime Services
- Transport for NSW
- Guringai Tribal Link
- Darkinjung Local Aboriginal Land Council
- NSW Rural Fire Service
- State Emergency Service
- NSW Ambulance Service
- NSW Police Force
- Fire and Rescue NSW
- Wyong Employment Zone Landholders

8. The planning proposal must be made publicly available for 28 days.

9. The timeframe for completing the LEP is to be 12 months.

10. The Department retains delegation to make the plan.

Supporting Reasons : *

Signature:



Printed Name:

G P HOPKINS

Date:

4.5.2015