

Enclosure 1

Planning Proposal Submission - Cardno

Our Ref N:\Projects\899\FY14\050
Contact John O'Grady

20 August 2014

The General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Sir,

**PLANNING PROPOSAL – AMENDMENT TO WYONG LOCAL
ENVIRONMENTAL PLAN, 2013 TO CHANGE ZONING AND HEIGHT
CONTROLS AT LAND AT SPARKS ROAD, WARNERVALE**

Australia China Theme Park Pty Ltd (ACTP) is the Proponent for a major international tourist facility on land at Lot 3, DP1007500, Sparks Road, Warnervale. The land is currently zoned IN1-General Industrial under *Wyong Local Environmental Plan, 2013* (LEP). It is also subject to a 12.0 metre height limit under the LEP.

We propose an amendment to the LEP to change the zoning on the subject land to SP3 – Tourist and to relax the height control in order to permit structures at various heights above the 12 metres Development Standard, subject to design quality and an appropriate response to local visual character.

Attached to this letter is a Planning Proposal prepared in accordance with the NSW Department of Planning and Environment guidelines. We request that Council now consider this Proposal for submission to the Department under the Gateway Process.

If Council requires additional information or clarification, please contact John O'Grady on direct line 94967761 or email: john.ogradey@cardno.com.au. In the meantime, we look forward to Council's response.

Yours sincerely,



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Encl: Planning Proposal

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Planning Proposal to amend Wyong Local Environmental Plan, 2013

Lot 3, DP1007500, Sparks Road,
Warnervale

N:\Projects\899\0000\NA89913055_Chinese Cultural Village



On behalf of
Australia China Theme Park Pty Ltd

August 2014

Document Information

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Document Control

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1 *Introduction*

1.1 **Basis**

Australia China Theme Park Pty Ltd (**ACTP**) is in negotiations with Wyong City Council to purchase 15 hectares of land that forms part of a larger land parcel known as Lot 3, DP1007500 (No.150) Sparks Road, Warnervale. The Company plans to establish and operate a large scale tourist facility on the land. The proposed Australia China Theme Park will be a high end international tourist destination that will showcase the culture and cuisine of China. It will incorporate a series of themed precincts reflecting the key Provinces of the Republic, along with specific cultural facilities such as an opera theatre, exhibition centre and an operating Buddhist Temple. Each precinct will offer shops, restaurants and tourist accommodation in a traditional setting reflecting the culture and architecture of the Province it represents. The entire facility will be developed in a traditional Chinese landscape setting and will present as a sophisticated Chinese cultural village.

The proposed market for the facility will be the local, national and international tourist trade, specifically, the rapidly growing Chinese tourist trade in Australia. It is expected that the facility will become a major international tourist destination and will be a significant source of employment as well as a highly attractive asset for the Central Coast. Follow on economic and social benefits are likely to flow from a raised awareness of the locality and the region and corresponding increased investor interest.

The purpose of this Submission is to request that the draft *Wyong Local Environmental Plan, 2012* be amended to permit Tourist Uses on the subject land, so that ACTP can progress with lodgement of development applications for the proposal.

1.2 **Format**

The Planning Proposal is in the format set by “*A Guide to Preparing Planning Proposals*” and “*A Guide to Preparing Local Environmental Plans*” (NSW Department of Planning, July 2009).

The guidelines set out specific requirements that the Director-General has issued in accordance with s55(3) of the EPA Act concerning matters that must be addressed in the justification of planning proposals.

In response, this submission has been set out in two sections:

Section 1 - Introduction describes the purpose of the Planning Proposal and provides a description of the existing property and its use in the local context together with background information including current zoning controls within the locality.

Section 2 – Planning Proposal Report contains four subsections prepared in accordance with the Department of Planning’s guidelines as follows:

Part 1 - A Statement of the Objectives of the Proposed zoning.

Part 2 - An Explanation of the Provisions that are to be included in the proposed amendment to the draft LEP.

Part 3 - The Justification for the Objectives and Provisions of the LEP provides an assessment of the specific requirements issued by the Director-General in accordance with s55(3) of the EPA Act. This section of the statement also addresses the Local Planning Directions issued under Section 117 of the Act that are relevant to the proposed rezoning of the land.

Part 4 - The Community Consultation Program provides information on potential consultation requirements associated with this submission.

1.3 Purpose of the Planning Proposal

This Planning Proposal forms a request to Wyong Shire Council and the NSW Department of Planning and Environment to amend the *Wyong Local Environmental Plan, 2013* (LEP) by changing the zoning of part of Lot 3 in DP1007500 Sparks Road, Warnervale in order to permit Tourist Facilities and Tourist Accommodation. Specifically, the Planning Proposal seeks to change the zoning on the land from *IN1 – General Industrial* to *SP3 – Special Purposes, Tourist*. The Proposal also seeks to revoke the current Building Height Development Standard that applies to the land.

1.4 Site and Surrounding Area

The subject site is located at No.150 Sparks Road, Warnervale (**Figure 1.1**). It forms a 15 hectare portion of the 200 hectare allotment known as Lot 3 in DP1007500, Sparks Road, Warnervale. The final boundaries of the site are subject to current negotiations between Council and the ACTP. When defined, the site will be separated from the larger land parcel by subdivision and then transferred to ACTP.

The site is largely flat with a gentle gradient generally towards the south (slope is a maximum 5%). The majority of the land has been cleared of vegetation in accordance with a biodiversity offset program negotiated between Wyong Council and the NSW Office of Environment and Heritage. Engineering works have been carried out for soil and water management but apart from that, the site is currently undeveloped and supports no structures.

The site is located within the Warnervale Business Park, which is adjacent to the F3 Freeway and Sparks Road. To the east of the Warnervale Business Park is the Warnervale Aerodrome, which is mostly used for charter flights and scenic joy rides. To the north of the Business Park is rural land, while to the west, on the western side of the F3 freeway is rural residential development. The Porters Creek wetland sits to the south of the Business Park.

More specifically the site is bounded by a vegetated wildlife corridor, then Sparks Road to the North, a vegetated wildlife corridor to the East, then Warnervale Aerodrome, remnant bushland to the South and Warren Road/Woolworths Way with a Woolworths Distribution Centre to the West.



Figure 1-1 Subject site - context

1.5 Planning Context and History

The land occurs within the Wyong Employment Zone (**WEZ**) New Release Area. Under this Instrument, the subject site is zoned IN1 – General Industrial (see Figure 1-2). Land adjacent to the site on its northern boundary is zoned E2 – Environmental Conservation. With respect to the subject land, the exhibited draft of the *Wyong LEP, 2012* adopts the IN1 and E2 zonings as per the SEPP (see Figure 1.3).

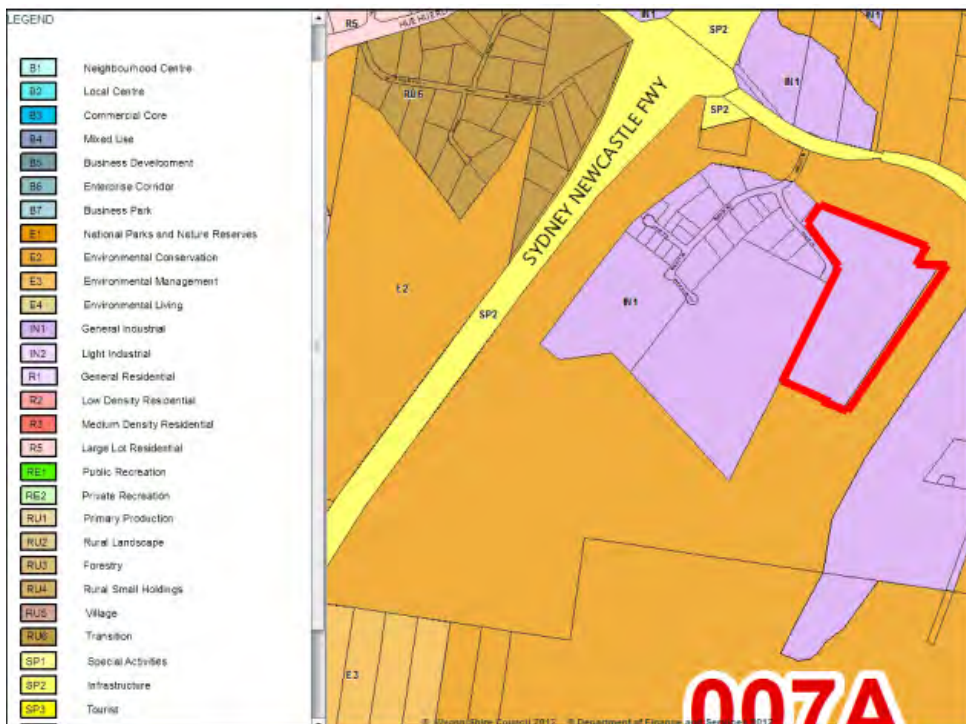


Figure 1-2 Zoning under Wyong LEP, 2013 (approximate extent of site bordered red)

The IN1 General Industrial Zone specifically prohibits the following uses that would be consistent with the desired uses of the subject land as a major international tourist facility:

- Entertainment facilities;
- Food and Drink Premises;
- Function centres;
- Information and education facilities;
- Kiosks;
- Recreation facilities (major);
- Shop-top housing
- Tourist and visitor accommodation.

The intention of ACTP to have the land zoned to permit Tourist facilities is the principle objective behind this submission.

1.6 Tourist Activities

Under the NSW government LEP template (**the Standard LEP**), the following relevant definitions apply:

“entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

recreation facility (major) means 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.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,*
- (b) bed and breakfast accommodation,*
- (c) farm stay accommodation,*
- (d) hotel or motel accommodation,*
- (e) serviced apartments,*

but does not include:

- (f) camping grounds, or*
- (g) caravan parks, or*
- (h) eco-tourist facilities."*

It is likely that the proposed Cultural Theme Park will incorporate many, if not all of these uses as defined. All are prohibited under the current and proposed IN1 – General Industrial Zone.

2 Planning Proposal

2.1 Statement of objectives of the proposed amendment to the draft LEP

The principal objective of this proposed amendment to the Wyong Local Environmental Plan, 2013 (Wyong LEP) is to provide for the rezoning of the subject land in order to enable its future development for the purposes of Entertainment facilities; Function centres; Information and education facilities; Recreation facilities (major) and Tourist and visitor accommodation. The rezoning will create a planning regime that will permit with consent the proposed development of the Australia China Cultural Theme Park (ACTP), a unique international tourist attraction and cultural resource with potential to return major benefits to the Central Coast region. A secondary objective is to permit structures at heights above 12.0 metres to be constructed as part of the proposed ACTP. Accordingly the following is proposed:

To amend the zoning for the land indicated in Figure 2.1 from *IN1 – General Industrial*, as prescribed in the Wyong LEP, 2013, to *SP3 – Tourist*.

To amend *Cl.4.3 – Height of Buildings* within the Wyong LEP in order to relax the current 12.0 metre maximum height Development Standard pertaining to the subject site.



Figure 2-1 Land proposed to be zoned SP3 – Tourist (bordered red) - subject to definition by subdivision.

2.2 Explanation of the Provisions

The proposed mechanism for achieving the objective or intended outcome of this planning proposal is to place the land proposed to be developed for the Australian Chinese Cultural Theme Park (indicated in Figure 2.1) into the SP-3 Tourist Zone under *Wyong Local Environmental Plan 2013* and to amend the *Height of Buildings Map* referenced in Cl.4.3 of the Wyong LEP, 2013 in order to relax the Building Height Development Standard as it applies to the subject land.

2.3 Justification for the Objectives and Provisions of the LEP

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Wyang Council has been in negotiations with ACTP with regard to future use of the subject land for the purposes of a Cultural Theme Park for an extended time period. Initially, ACTP entered into a 'non-exclusive agreement' with Council to permit investigations of the land in order to establish its viability for the proposed use. An initial constraints analysis was carried out and Preliminary Concept Sketches were prepared (Cardno, February 2012). The outcome of the analysis exercise was that significant physical and environmental constraints to the development are unlikely. However, the report identified statutory planning constraints and established that the proposed land uses associated with the Cultural Theme Park would not be permissible under the current and draft zoning and that consequently, a re-zoning would be required. ACTP accepted the outcomes of the Cardno report and prepared a preliminary business case for the development which was presented to Council (Australia China Theme Park Pty Ltd, May 2012).

At the time of this submission, Council and ACTP have reached agreement regarding transfer of the land to ACTP. The transfer will occur progressively over an agreed time period.

At the request of Council, Cardno in association with Chinese architectural group HIS Design have prepared a Concept Masterplan for the ACTP. A copy of the Concept Masterplan is submitted with this Planning Proposal to provide detail of the proposed development.

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

Options for establishing a planning regime that will permit the proposed use of the subject land include:

- Preparation of a Planning Proposal to rezone the land under the State government 'Gateway Process'; or
- Retention of the existing and proposed IN1- General Industrial Zone on the land and inclusion of an 'Enabling Clause' to permit use of the subject land parcel for the purposes of a Theme Park.

Current advice from Council and Department of Planning and Environment favours a rezoning proposal under the Gateway Process. The Department's current attitude is that Councils should be zoning land to reflect the current and projected future use of the land based on appropriate planning studies. Enabling clauses are not considered to be consistent with this course and as a result, provisions for Enabling Clauses have not been carried across to the standard LEP template. A re-zoning application via the Gateway Process would be the most appropriate means of achieving surety for the Proponent, Council and the local community regarding the future use of the subject site for the purposes of developing the Australia China Cultural Theme Park.

3. Is there a net community benefit?

The proposal will provide a statutory planning platform for development of an international standard tourist facility with a capital investment value in the order of \$500million. The facility will be a major local employment source and will have flow on positive economic impacts at a local and regional level. Potentially, the development could provide a catalyst to attract further local and regional financial investment and contribute to stimulation of additional development within the Wyong Employment Zone, the Warnervale Town Centre and the greater NSW Central Coast region.

The proposal does, of course, have some potential for a number of negative community impacts. These are each briefly described and discussed below.

Loss of industrial land and employment opportunities.

The proposal would result in approximately 15 hectares of land currently zoned Industrial being changed to Tourist uses out of a total area of approximately 340 hectares of Industrial zoned land in the Wyong Employment Zone. It is considered that this small loss of industrial land (approximately 4% of the total zoned land in the release area) would be more than offset by the level of certainty of the proposed development

proceeding and the subsequent significant employment opportunities and other economic and social benefits that would be generated for the local and regional community.

Competition for retail trade with the Warnervale Town Centre.

The site of the proposed Warnervale Town Centre is approximately 3.5kms to the east of the subject land. The Town Centre precinct includes approximately 15 hectares of retail / commercial zoned land that is proposed to offer community and entertainment facilities in a mixed residential and commercial environment. The precinct is also partly zoned to support bulky goods retail outlets, business facilities and a range of housing opportunities in approximately 1,650 new dwellings.

Given the specific orientation of the proposed Cultural Theme Park towards tourism, it is considered that the facility will offer services and facilities that would be complementary to, rather than in competition with, retail activities in the developing Warnervale Town Centre. The facility will attract increased local tourist activity that will contribute to stimulation of the local economy. The substantial employment opportunities offered by the Theme Park would be likely to attract increased local residential populations which would, in turn, increase demand for the retail, commercial and community services that would be offered by the Town Centre. It is notable that these services would not be offered by the Theme Park. On that basis, it is considered that the proposal would have a net positive impact on retail trade in the developing Warnervale Town Centre.

Traffic impacts on the local and regional road network

Development under the proposed Tourist zoning would generate additional traffic movements on local and regional roads, as would development of the land for purposes permissible under the current and draft zonings. The extent of traffic movements and their impacts on the existing road system, as well as mitigating measures and possible upgrades to address any identified impacts, would be the subject of detailed traffic studies that would occur at the development application stage of the project. It is considered that any potential traffic impacts resulting from changes to a Tourist zoning would be manageable and can be addressed during assessment of development applications.

Impacts from construction works and traffic during the development phases.

The site is within an existing industrial area and is relatively isolated from existing or currently planned residential precincts. Construction processes are thus not likely to impact on residential populations. Construction traffic movements would also be unlikely to impact on residential areas. The site's proximity to Sparks Road and the Sydney – Newcastle Motorway would facilitate efficient movements of construction materials well away from residential areas.

In summary, the following significant community benefits are likely to emerge from the proposed Cultural Theme Park:

- A major capital investment in the local economy;
- A raised regional, national and international profile for Wyong;
- Highly significant local employment opportunities; and
- Potential for improved local infrastructure to cater for the new facility.

On balance, it is considered that these benefits would substantially outweigh any potential negative community impacts and the proposal would return a major net benefit to the community.

Section B – Relationship to strategic planning framework

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)?

Yes. The Planning Proposal is consistent with the objectives and actions contained in the *Metropolitan Plan for Sydney 2036* and the *Central Coast Regional Strategy 2006-31 (NSW Department of Planning, 2008)*.

Of specific relevance to this proposal, the Strategy:

- Identifies a demand for 56,000 dwellings to 2031 to accommodate the increased population and falling household occupancy levels in the Central Coast Region;

- Supports creating capacity for 45,000 new jobs in the Region to 2031 (6000 in Gosford, 5500 in Tuggerah-Wyong, 18000 in remaining centres, 5000 in employment lands and 10,500 in the area identified as the Wyong Structure Plan Area);
- Promotes Gosford as the regional city and Tuggerah-Wyong as the major regional centre;
- Identifies the North Wyong Shire Structure Plan Area, incorporating the Wyong Employment Zone and the new Warnervale Town Centre, as the focus for new employment lands and new Greenfield residential development (10,500 new jobs, 19,000 new dwellings)

This proposal will provide significant local employment opportunities within the facility and will stimulate local economic development that would be expected to contribute positively to economic development and employment growth on the Central Coast. This proposed amendment to the draft LEP will ensure that the use and future development of the site as a recreational, cultural and tourist orientated establishment is permitted into the future. It will correctly establish permissible use for the proposed activities in order to provide surety of outcome for the developer and security for future skilled staff within the facility, the local community and Wyong Council.

The Strategy identifies tourism as a key economic sector in the Region. Supporting and strengthening tourism opportunities is a key regional challenge. A key component of the Strategy's stated Vision is to facilitate an economy that effectively competes in a range of value adding activities including, inter alia, recreational / cultural pursuits, tourism and hospitality. This proposal is positively consistent with this component of the Vision.

Specific to the Wyong Employment Zone, the Strategy includes the following relevant objectives:

- Ensure LEP's do not rezone employment lands to residential or other uses, unless supported by a planning strategy agreed by the Department.
- Ensure future development occurring on employment land does not result in inappropriate fragmentation of that land.

It is considered that the proposal would not be inconsistent with either of these objectives. The zoning change proposed would provide surety of a high employment generating activity, consistent with the underlying intentions of the setting aside of land for employment purposes. Moreover, the proposal would not fragment employment land as it would be a major generator of employment.

The proposal is also positively consistent with the New South Wales Tourism Strategy, in particular with the China Tourism Strategy, 2102-2020 (Destination – NSW). The Strategy forecasts a doubling in size of the inbound Chinese tourist market in the period to 2020 to more than 1 million visitors to Australia and \$6.8 billion in total inbound economic value by 2020 (Destination – NSW, undated, p.6). On the back of this growth, NSW Strategy aims to maintain the current State market leadership up to 2020 *“by protecting and growing its share of visitors and visitor nights and continuing to attract higher levels of expenditure”*. One of eight identified Strategic Directions in the Strategy is:

“To improve the quality and range of visitor experiences”. (Destination – NSW, op cit, p.19).

The proposed ACTP will be a key contributor to achieving the outcomes of this Strategic Direction.

In summary, this proposal will provide for recreational, cultural and educational opportunities in the Region with opportunities for increased employment as the Cultural Theme Park develops. It will assist in achieving the intention of the Regional Strategy to capitalise on the Region's position between the global city of Sydney and the regional city of Newcastle, while strengthening its own identity as a Region. In this regard, it is entirely consistent with the objectives and actions in the Central Coast Strategy. The proposal will also contribute very positively to achievement of the NSW Government's stated objectives with regard to Chinese tourism as articulated in the China Tourism Strategy, 2012-2020.

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

Local strategic plans of relevance to this submission include:

- The Wyong Community Plan. 2008-2013;
- The Wyong Shire Retail Strategy, 2007; and
- The Warnervale Town Centre Development Control Plan, 2012.

Consistency of the proposed zoning amendment with each of these policies is discussed briefly below

Wyong Community Plan, 2008-2013

The proposal is consistent with the *Wyong Community Plan, 2008-2013*. Amongst the key challenges facing the Wyong Community, the Plan identifies:

- Local employment;
- Education, training and employment for young people;
- Entertainment and cultural facilities; and
- Local activities, programs and events.

The proposed Cultural Theme Park has a clear potential to contribute positively to all of these challenges.

The plan identifies ten themes or outcome areas:

- Our community
- Places and spaces
- Young people
- Diversity
- Health
- Habitat
- Communication, information and participation
- Community safety
- Achievements in life
- On the move.

Development of the Cultural Theme park would not be inconsistent with the objectives listed under any of these themes. It would contribute positively to the strength of the community with regard to a number of the themes including:

- Diversity - the proposal would provide a venue for events and activities that include celebration and build diversity.
- Community safety – through Crime Prevention in Environmental Design practices, the proposed development would be likely to contribute positively to community safety.
- Achievements in life – the proposal would contribute significantly to opportunities for local employment, a specific objective identified under this theme.

The Wyong Shire Retail Strategy, 2007

The Strategy recommends a hierarchy of retail centres across the Local Government Area. Tourist orientated retail, as would be available in the proposed Cultural Theme Park, is not specifically mentioned so this proposal is only of relevance to the Strategy with regard to its potential impacts on the development of retail centres.

The Strategy identifies Warnervale as a future District Retail Centre offering 25,000m² of retail floor space by 2031. It is considered that the proposal for a Cultural Theme Park at Warnervale would complement the planned development of the Warnervale Town Centre by attracting new interest in the area and providing an incentive for increases in the residential population through significant increases in local employment opportunities. Further, it is considered that the tourist based retail outlets offered by the proposed Theme Park would be unlikely to compete directly with the local retail services proposed in the Town Centre. On this basis, the proposal is considered not inconsistent with the Retail Strategy. Further studies at the Development Application stage of the proposed Theme Park would verify impacts on the Warnervale Town Centre and implement any required mitigation measures in development of the design.

The Warnervale Town Centre Development Control Plan, 2012.

The DCP indicates that the Town Centre will offer housing, jobs, services, community facilities and entertainment for the local and regional population. It includes a Structure Plan aimed at accommodating 4200 permanent residents in a range of housing forms from single to attached dwellings and apartments. With respect to commercial activity, the DCP aims to facilitate a range of retail, business, bulky goods and support uses to service local residents and the broader Warnervale area. Jobs are proposed in retail, community, entertainment, health and professional services. A network of community facilities including, inter alia, gathering places and high quality, connected open space is also proposed.

Again, it is considered that the Tourist orientated uses likely to occur in the proposed Cultural Theme Park would not be in competition with the objectives for the Warnervale Town Centre as articulated in the DCP. Rather, the increased local activity and regional interest that would be generated by the Theme Park would be likely to complement the development of the Town Centre in the manner envisaged by the DCP.

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

No State Environmental Planning Policies currently apply to the subject land.

4. Is the planning proposal consistent with applicable Ministerial Directions?

The proposed amendment has been tested against the applicable Ministerial Directions issued under S.117 of the *Environmental Planning and Assessment Act, 1979*, as detailed in **Appendix 1**. The proposed amendment has been found to be consistent with the Directions.

Section C – Environmental, social and economic impact

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?

A portion of the subject land occurs within the listed Endangered Ecological Community known as Riverflat Eucalypt Forest (see Figure 2.2). This community also adjoins the site to its north and south east, where it is protected by an E2- Environmental Conservation zone. The great majority of the forest on the site has been cleared by Wyong Shire Council, under a biocertification agreement, in preparation for industrial development. Consistent with the current and draft zoning of the land, the small area of bushland remaining is likely to be also cleared under the same agreement. Amendment of the zoning to Tourist will not affect the original agreement and the clearing of the remainder of the land is likely to proceed. The subsequent development of the land for Tourist purposes will need to be carried out in a manner that addresses any potential impacts on local ecological values including, specifically, the adjacent E2 zoned lands. It is considered that the development is capable of proceeding without an unacceptable impact on these values.

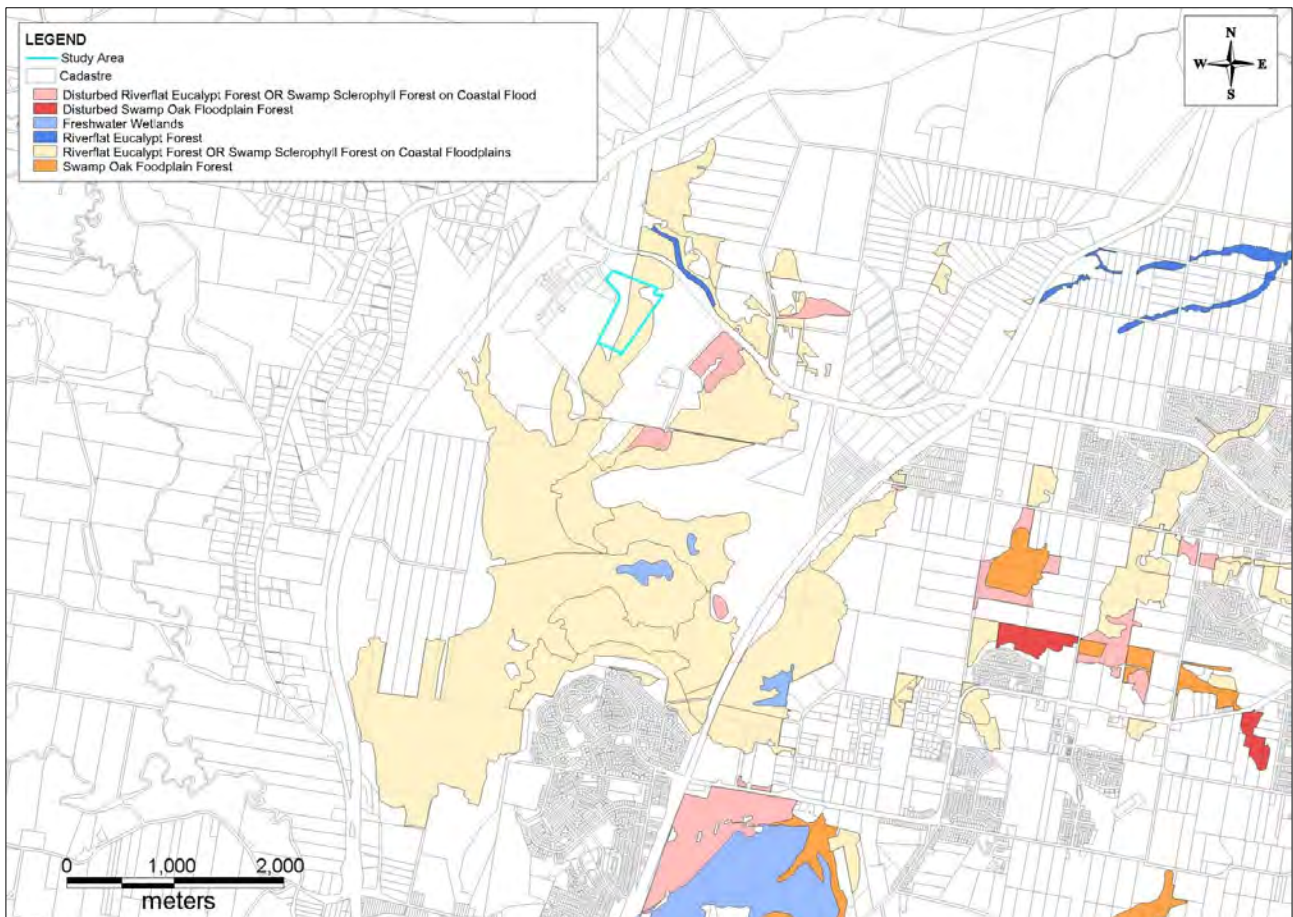


Figure 2-2 Endangered Ecological Communities within or in the vicinity of the subject land (subject site edged blue).

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

The zoning of the land for Tourist purposes would be unlikely to have any additional environmental effects to those that would result from its development for General Industrial uses under the current and draft zones. The development approval process consequent to the proposed re-zoning would ensure that these impacts are minimised and mitigated.

3. How has the planning proposal adequately addressed any social and economic effects?

The proposed zoning change will support the provision of cultural, recreational and educational services to the local and greater community. It will also generate significant local and regional employment opportunities and will raise the profile of the locality with subsequent potential positive social and economic effects.

Section D – State and Commonwealth interests

1. Is there adequate public infrastructure for the planning proposal?

The site is within an existing Urban Release Area. Comprehensive infrastructure has been provided in readiness for development of the land for employment purposes. This would be available for its future development as a Tourist facility and would be likely to cover all basic requirements. Any additional specific infrastructure required for the operation of a Tourist facility would be identified during the design development and approval process and provided as part of the development.

2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

No consultation has been carried out with State and Commonwealth public authorities in relation to this proposed zoning amendment. Formal consultation would occur if considered necessary by Council or the Minister.

2.4 Community Consultation

Subject to the consideration of this proposal by Council and the Minister, community consultation may involve an exhibition period of 28 days. Should an exhibition process proceed, notice of the public exhibition would be delivered to the community via a notice in the Central Coast Express Advocate, on the web-site of Wyong Shire Council and a letter will also be sent to the adjoining landowners.

The written notice will include:

- a brief description of the objectives or intended outcomes of the proposed amendment
- indicate the land affected by the proposed amendment
- state where and when the amendment proposal can be inspected
- give the name and address of Wyong Shire Council for receipt of submissions
- indicate the last date for submissions

3 *Conclusion*

The subject site is located at Lot 3, DP1007500 (No.150) Sparks Road, Warnervale. It is currently vacant land in the ownership of Wyong Shire Council. Council has signed an agreement to transfer the land to Australia China Theme Park Pty Ltd for the purposes of development of a major international tourist facility.

The Wyong LEP 2013 applies the IN1 – General Industrial Zone to the site. Entertainment, recreation and tourist facilities are prohibited in the proposed Zone. The LEP also applies a 12.0 meter maximum building height to the site.

This submission forms a request to Wyong Shire Council and the NSW Department of Planning and Infrastructure to approve an amendment to the Wyong LEP, 2013 to change the proposed zoning pertaining to the subject site (part of Lot 3, DP1007500) to SP3 – Tourist and to revoke the Maximum Building Height Development Standard within the LEP as it applies to the subject land. This amendment will enable the future development of the land for the purposes of the Australia China Cultural Theme Park (ACTP).

The proposed zoning would not result in any direct environmental impacts. Future development applications for the purpose of development of the ACTP on the subject land would be subject to scrutiny with regard to their impacts on the ecological, social and economic environment of the site and its environs.

It is considered that the proposed amendment to the current zoning of the subject land is acceptable on town planning and environmental grounds. Consequent development of the land as the Australia China Cultural Theme Park would return major social and economic benefits to the region without significant environmental impacts. On this basis, it is concluded that the proposed change to the zoning should proceed.

APPENDIX A – RESPONSE TO S.117 MINISTERIAL DIRECTIONS

Issue	Ministerial Direction	Compliance	Comment
1. Employment and Resources			
1.1 Business and Industrial Zones	A Planning Proposal shall encourage employment growth in suitable locations, protect employment lands and support the viability of “identified strategic centres”. A Planning Proposal LEP shall retain the areas and locations of existing business and industrial zones. A Planning Proposal shall not reduce the total potential floor space area for employment uses and related public services in business zones. A Planning Proposal shall not reduce the total potential floor space area for industrial uses in industrial zones. A Planning Proposal shall ensure that proposed new employment areas are in accordance with an approved strategy.	YES	The proposal would provide a planning approval path for development of a planned facility that will ensure substantial new employment opportunities in a locality that is currently not experiencing any meaningful uptake of industrial land. Potential floor space area for employment is likely to be increased by the proposal when compared with the likely employment floor space that would be generated by General Industrial development.
1.2 Rural Zones	A Planning Proposal shall not rezone rural land for urban purposes, including residential, business or industrial purposes. A Planning Proposal shall not contain provisions which will increase the permissible density of rural zoned land. A Planning Proposal shall not include provisions that control access from traffic generating developments to classified roads in rural zones.	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	Council shall consult the Director-General of the Department of Primary Industries (DPI) to identify any resources of coal, petroleum and extractive materials of State or regional significance and existing mines or extractive industries occurring in the area subject to the draft LEP. Council shall seek advice from the Director-General of the DPI on the development potential of the identified resources. Council shall consider any likely conflict between the development of existing mines or extractive industries, or identified resources and other land uses. Where a Planning Proposal prohibits or restricts development of identified resources or is likely to conflict with other land uses, Council shall consult with the Director-General of the DPI concerning the draft LEP and provide a copy of any comments received to the Director-General of the Department of Planning.	N/A	
1.4 Oyster Aquaculture	Council shall ensure the Planning Proposal is consistent with the NSW Oyster Industry Sustainable Aquaculture Strategy (2006). Council shall identify any Priority Oyster Aquaculture Areas (POAA) and oyster aquaculture leases outside such an area to which the Planning Proposal would apply. Council shall identify any proposed land uses which could adversely impact on a POAA and oyster aquaculture leases outside such an area.	N/A	

Issue	Ministerial Direction	Compliance	Comment
	Council shall consider any likely incompatibilities between oyster aquaculture and other land uses and evaluate ameliorative measures. Where a Planning Proposal could result in an impact on a POAA and oyster aquaculture leases outside such an area, Council shall consult the Director-General of the Department of Primary Industries (DPI) concerning the draft LEP and provide a copy of any comments received to the Director-General of the Department of Planning.		
1.5 Rural Lands	This direction applies when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.	N/A	
2.			
2.1 Environmental Protection Zones	A Planning Proposal shall include provisions that facilitate the protection and conservation of environmentally sensitive areas. A Planning Proposal that applies to environmental protection zoned land or land identified for environmental protection purposes shall not reduce the protection standards that apply to the land.	Yes	The proposal does not impact on adjoining Environmental Protection zones. These are not proposed to be amended. The small amount of remaining indigenous vegetation on the subject land will either be removed under an existing Biocertification Agreement between Wyong Council and the Office of Environment and Heritage or in part retained and protected in the development of the site.
2.2 Coastal Protection	A Planning Proposal shall be consistent with the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, the Coastal Design Guidelines 2003 and the NSW Coastline Management Manual 1990.	N/A	The site is not located in the Coastal Zone as identified in Figure 6 Coastal Zone – Newcastle to Ulladulla in the NSW Coastal Policy 1997.
2.3 Heritage Conservation	A Planning Proposal shall contain provisions to facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance. A Planning Proposal shall contain provisions that facilitate the conservation of areas, places, landscapes and objects identified of being of Aboriginal heritage significance.	Yes	Any potential areas of important heritage significance on the subject land will be protected through Council's normal legislative mechanisms.
2.4 Recreation Vehicle Areas	Planning Proposals shall not zone or enable land to be developed for a recreational vehicle area where the land is in an Environmental Protection Zone, is a beach or dune, or in other areas unless the council has taken into consideration relevant guidelines listed in the Direction.	N/A	

Issue		Ministerial Direction	Compliance	Comment
3.				
3.1	Residential Zones	A Planning Proposal shall include housing provisions that broaden the choice of building types and housing locations, make more efficient use of existing infrastructure and services, reduce urban sprawl and be of good design. A Planning Proposal shall contain a requirement that residential development is not permitted until land is adequately serviced with water and sewerage. Draft Plans shall not contain provisions which reduce the permissible density on residential zoned lands.	N/A	
3.2	Caravan Parks and Manufactured Home Estates	Planning Proposals shall retain existing zones of land or utilise an appropriate zone under the Standard Instrument to permit caravan parks in LEPs. When preparing Planning Proposals, Council shall consider the categories of land and principles in SEPP No. 36 to determine suitable zones, locations and provisions for Manufactured Home Estates.	N/A	
3.3	Home Occupations	Planning Proposals shall permit home occupations to be carried out in dwelling houses without the need for development consent.	N/A	
3.4	Integrating Land Use and Transport	A Planning Proposal shall locate zones for urban purposes in areas in accordance with the identified guidelines and policies to reduce travel demand, including the number of trips generated by development and the distances travelled.	YES	The subject site is in close proximity to the Warnervale Rail Station. Private and public bus services would also be available on Sparks Road. Charter bus services would be a substantial mode of transport for tourist visitors to the facility.
3.5	Development Near Licensed Aerodromes	For a Planning Proposal affecting land in the vicinity of a licensed aerodrome, the Council shall consult with the Department of Commonwealth responsible for aerodromes and the lessee of the aerodrome. A Planning Proposal shall take into consideration the Obstacle Limitation Surface (OLS) and for land affected by the OLS permit development compatible with the operation of an aerodrome and prepare appropriate development standards. A Planning Proposal shall not rezone land for certain purposes listed in the direction where the Australian Noise Exposure Forecast (ANEF) exceeds the levels specified in the direction. Draft LEPs which rezone lands for such purposes shall include a provision regarding interior noise levels.	YES	The site is located approximately 200 metres north west of the Warnervale Airport. The airport runway is orientated parallel to the south east boundary of the site so that the site is not affected by flight paths. Future development of the site will be required under the development approvals process to take account of all airport related constraints including but not limited to OLS and ANEF contours.
3.6	Shooting Ranges	A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of: a. permitting more intensive land uses than those which are permitted under the existing zone; or b. permitting land uses that are incompatible with the noise emitted by the existing shooting range.	N/A	

Issue	Ministerial Direction	Compliance	Comment
4.			
4.1 Acid Sulphate Soils	Council shall consider the <i>Acid Sulphate Soils Planning Guidelines</i> adopted by the Director-General of the Department of Planning when preparing a Planning Proposal that applies to any land identified on the Acid Sulphate Soils Risk Maps prepared by the Department of Natural Resources. Planning Proposals that regulate works in acid sulphate soils shall be consistent with the Acid Sulphate Soils Model LEP or such other provisions provided by the Director-General of the Department of Planning. Council shall not prepare a Planning Proposal that intensifies land uses on land having a probability of containing acid sulphate soils unless an acid sulphate soils study has been considered.	N/A	The site has a moderate potential to be affected by Acid Sulphate soils. It is considered that this potential is not of a level that would preclude development of the land for the proposed Australia China Theme Park. All required testing will be carried out as part of the development approval process and adequate measures will be put in place during the construction process.
4.2 Mine Subsidence and Unstable Land	Where the land is subject to mine subsidence, council shall consult the Mine Subsidence Board to ascertain if the Board has any objection to the Plan and the appropriateness of the development for the potential level of subsidence. A Planning Proposal shall not permit development on unstable land.	N/A	The site is not affected by mine subsidence
4.3 Flood Prone Land	A Planning Proposal shall include provisions that give effect to the <i>NSW Flood Prone Land Policy</i> and are consistent with the <i>Floodplain Development Manual 2005</i>. A draft LEP shall not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. A Planning Proposal shall not permit development in floodway areas, permit development that will significantly impact on other properties, permit a significant increase in development, result in a substantial increase in the need for government spending on flood mitigation, permit specified development without the need for consent. A Planning Proposal shall not impose flood related development controls above the flood planning level for residential development. In preparing a Planning Proposal, Council shall not determine a flood level inconsistent with the <i>Floodplain Development Manual 2005</i>.	N/A	Land within the site is not mapped as flood prone.
4.4 Planning for Bushfire Protection	Council shall consult with the Commissioner of the NSW Rural Fire Service in the preparation of any Planning Proposal following receipt of a gateway determination and prior to undertaking community consultation and take into account any comments made. A Planning Proposal shall have regard to Planning for Bushfire Protection 2006, avoid permitting inappropriate development in hazardous areas and ensure that hazard reduction is not prohibited in the asset protection zone (APZ). A Planning Proposal, where development is proposed, shall comply with specified provisions to minimise	Yes	Consultation would be undertaken as part of formal consultation following the Gateway Determination.

Issue		Ministerial Direction	Compliance	Comment
		bushfire hazard risk, as appropriate.		
5.				
5.1	Implementation of Regional Strategies	A Planning Proposal shall be consistent with a regional strategy released by the Minister for Planning.	Yes	See Section B
5.2	Sydney Drinking Water Catchments	A Planning Proposal shall be prepared in accordance with the general principle that water quality within the hydrological catchment must be protected and in accordance with specified principles. When preparing a Planning Proposal that applies to land within a hydrological catchment, Council, shall consider any strategic land and water capability assessment, or a settlement or rural residential strategy, consult the Sydney Catchment Authority (SCA) under Section 62 of the EP&A Act and zone SCA land in accordance with the specified zones from the Standard Instrument.	N/A	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	A Planning Proposal shall not rezone land identified as "State Significant Farmland", "Regionally Significant Farmland" or "Significant non-contiguous farmland" for urban or rural residential purposes.	N/A	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	A Planning Proposal that applies to land "within town" shall provide that new commercial or retail development shall be concentrated within distinct centres rather than spread along the Pacific Highway. A draft LEP that applies to land "out of town" shall provide that new commercial or retail development shall not be established near the Pacific Highway. Development with frontage to the Pacific Highway shall consider the impact the development has on the safety and efficiency of the Highway. A Planning Proposal shall permit a highway service centre beside the Pacific Highway where they are located close to the town bypassed, the local economy is considered and there is adequate separation from other service centres. A Planning Proposal shall limit the uses permitted in highway service centres to those specified in the Direction.	N/A	
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Council shall not prepare a Planning Proposal that is inconsistent with relevant agreements and strategies that apply to the area.	Revoked	
5.6	Sydney to Canberra Corridor	A Planning Proposal shall include provisions that give effect to, and are consistent with, the publication entitled The Sydney to Canberra Corridor Strategy 1995.	Revoked	
5.7	Central Coast	A Planning Proposal shall be consistent with the Gosford-Wyong Structure Plan except as amended by the Sydney Regional Environmental Plan No. 6 – Gosford Coastal Areas.	Revoked	

Issue		Ministerial Direction	Compliance	Comment
5.8	Sydney Second Airport: Badgerys Creek	Planning Proposals shall not contain provisions that enable development which could hinder the potential for development of a Second Sydney Airport.	N/A	
6.				
6.1	Approval and Referral Requirements	A Planning Proposal shall minimise provisions requiring concurrence, consultation or referral of development applications to a Minister or public authority. A Planning Proposal shall not identify development as designated development unless Council can satisfy the Director-General that such is warranted.	N/A	Development applications subsequent to amendment to the land zoning would be determined under Part 4 of the EPA Act. The Determining Authority would be either Council or the Joint Regional Planning Panel.
6.2	Reserving Land for Public Purposes	A Planning Proposal shall not create, alter or reduce existing reservations or zonings of land for public open space without the approval of the relevant public authority and the Director General. When a Minister or public authority requests a Council to reserve land for a public purpose, include provisions relating to the use of land reserved for a public purpose, rezone and/or remove a reservation, the Council shall accede to the request.	N/A	
6.3	Site Specific Provisions	A Planning Proposal that amends another LEP to allow a particular development to be carried out shall either: * allow that land use to be carried out in the zone; or * rezone the site to an existing zone without imposing any additional development standards or requirements applying to that zone; or * allow that land use on the land without imposing any development standards in addition to those already contained in the principal LEP being amended.	N/A	
7.				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	A Planning Proposal shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036 {published in December 2010} ("the Metropolitan Plan")	Yes	See Section B

Enclosure 2

Australia and China Theme Park Conceptual Planning Scheme Masterplan Section 1



澳洲

澳洲中华主题乐园
概念规划方案

AUSTRALIA CHINA THEME PARK

WARNERVILLE,
NSW, AUSTRALIA

CONCEPT MASTERPLAN

August 2014



AUSTRALIA CHINA THEME PARK CONCEPT MASTER PLAN

Prepared by:
HIS Design



For:
Australian China Theme Park Pty Ltd



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Town Planning, Engineering and Environment &
'Australian Peer Review'

Document Control

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AUSTRALIA AND CHINA
THEME PARK
CONCEPTUAL
PLANNING SCHEME

1.0 INTRODUCTION

Prepared for Australia China Theme Park Pty Ltd

1 Introduction

1.1 The Proposal

Australia China Theme Park Pty Ltd (ACTP Pty Ltd) proposes to develop a cultural theme park on land at Warnervale, on the New South Wales Central Coast. The Australia China Theme Park (ACTP) is proposed to be constructed on a 15.7 hectare parcel of land adjacent to the Warnervale Industrial Park at Sparks Road, Warnervale.

The development will incorporate a series of themed precincts reflecting the key Provinces of the Republic, along with specific cultural facilities such as an opera theatre, exhibition centre and an operating Buddhist Temple. Shops, restaurants and tourist accommodation will be available in a traditional setting reflecting the culture and architecture of China. The entire facility will be developed in a traditional Chinese landscape setting and will present as a sophisticated Chinese cultural village.

When complete, the facility is expected to be a world class tourist attraction showcasing many facets of Chinese culture and cuisine in a well designed and appointed environment inspired by traditional Chinese design and garden architecture. During the construction period and when completed, the development will be a major source of revenue and employment for the Central Coast Region.

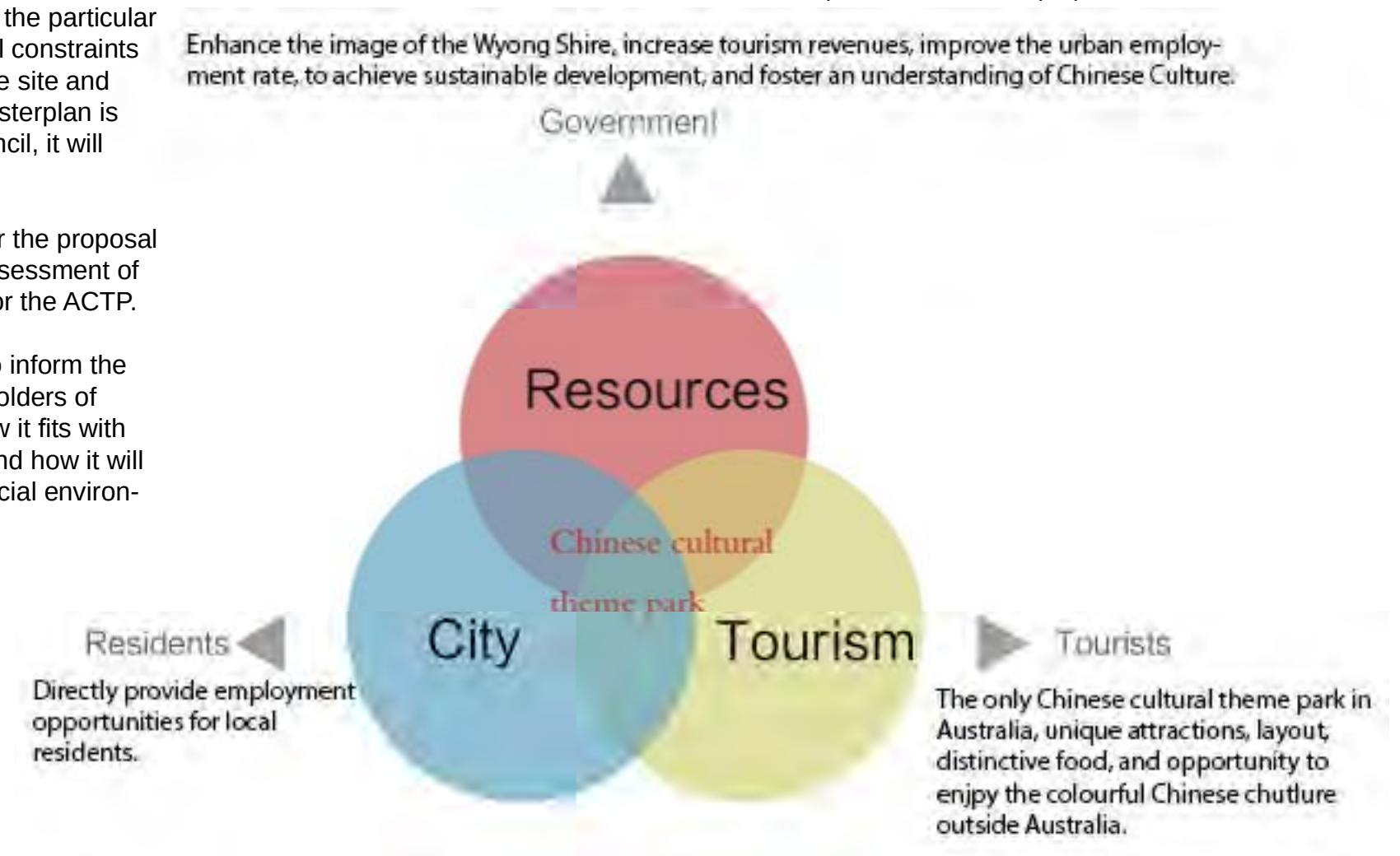
1.2 Purpose of the Concept Master Plan

The ACTP site is located within the Local Government Area of Wyong Shire. The proponent, Australian Chinese Theme Park Pty Ltd (ACTP Pty Ltd) has been working with Wyong Shire Council over a number of years to agree on a path for planning approval for the proposal. Out of these negotiations, it has been agreed that ACTP Pty Ltd will prepare a Concept Masterplan (the Concept) to illustrate the broad concepts for development of the ACTP and indicate how it will respond to the particular physical, social and environmental constraints and opportunities generated by the site and its environs. When a Concept Masterplan is agreed by ACTP Pty Ltd and Council, it will have two broad functions:

1. To provide a guiding concept for the proposal that can be used as a basis for assessment of future development applications for the ACTP.
2. To provide a consultation tool to inform the local community and other stakeholders of the nature of the proposal and how it fits with strategic planning for the region and how it will impact on the local natural and social environment.

The Concept Masterplan has been structured in order to:

- Articulate a Vision for the development of the Australia China Theme Park
- Describe the site and its context at the following levels:
 - o Strategic planning
 - o Statutory planning
 - o Physical attributes and character
 - o Constraints and opportunities
- Describe the proposal at a structural level and as a concept design
- Provide a plan for staging of the implementation of the proposal.



The Australia China Theme Park will provide an opportunity for visitors to experience the depth and width of China's five thousand year culture in an environment of premium design quality and amenity.

The Theme park will be a local and national attraction as well as an international destination. It will be a successful, vibrant and viable place that will enhance the built and environmental quality of its locality and become a National showpiece on the NSW Central Coast.

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2.0 THE VISION

2 The Vision



THE VISION

Australia and China enjoy a close and complimentary relationship on many levels. Economically, the two countries are linked by the need in China and supply in Australia of natural resources. This economic interaction is destined to develop and grow as Australia becomes a destination of choice for the emerging Chinese middle class. Culturally, China and Australia have been closely linked since Chinese immigrants began coming to the country in the early years of the nineteenth century. Likewise, the cultural links between the two nations will continue to develop parallel to the cross nation movements of people and the growing business relationship.

Building on this, the Australia China Cultural Foundation, via the Australia China Theme Park Pty Ltd, has developed a Vision to create the Australia China Theme Park at a site mid-way between Sydney and Newcastle on the NSW Central Coast.

The Theme Park, which is supported by many of the Regional Governments in china will showcase the history, culture and lifestyles of a number of Provinces across China.

AUSTRALIA AND CHINA
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3.0 THE SITE AND ITS CONTEXT

Prepared for Australia China Theme Park Pty Ltd

3 The Site and its context

3.1 Site and Locality



The site forms a 15 hectare portion of the 200 hectare allotment known as Lot 3 in DP1007500, Sparks Road, Warnervale. Prior to any development approval, it will be necessary to subdivide Lot 3 to create a new lot to support the proposed development.

It is within and adjacent to the Warnervale Business Park, which is in turn adjacent to the F3 Freeway to its west and Sparks Road to the north (Figures 1.1 & 1.2). Further to the east is the Warnervale Aerodrome, a low use airport facility used for charter flights and scenic joy rides. It is understood that the Aerodrome is

currently being phased out of operation and is likely in the near future to be rezoned for industrial purposes.

More specifically the site is bounded by a vegetated wildlife corridor, then Sparks Road to the North, a vegetated wildlife corridor to the East, then Warnervale Aerodrome, remnant bushland to the South and Warren Road/Woolworths Way with a Woolworths Distribution Centre to the West.

To the north of the Business Park is rural land, while to the west, on the western side of the F3 freeway is rural residential development.

The Porters Creek wetland sits to the south of the Business Park.

Engineering works have been carried out for soil and water management but apart from that, the site is currently undeveloped and supports no structures.

3.2 Context

In its broader context, the site of the proposed ACTP is located 70kms north of Sydney and 40kms south of Newcastle. The Wyong and Gosford Town Centres are respectively 6kms and 25kms to the south. The Pacific Ocean coastline is approximately 15kms to the east.

With respect to planned local development, the site is within the Wyong Employment Zone, an area earmarked for substantial employment based development. It is also located approximately 3kms west of the planned Warnervale Town Centre and 2kms south east of a site that has recently been selected for the future Central Coast Regional Airport.

3.2 Strategic Planning Context

Strategic planning for the Central Coast Region of NSW is articulated at the State level in the Metropolitan Plan for Sydney 2036 and the Central Coast Regional Strategy 2006-31 (NSW Department of Planning, 2008) and at the Local Government level in relevant Local Plans and Policies including:

- The North Wyong Shire Structure Plan;
- The Wyong Shire Retail Strategy, 2007; and
- The Wyong Community Plan. 2008-2013.

In essence, the planning for the region encapsulated in these Plans and Policies includes the following principles supported by the ACTP proposal:

- Central Coast Regional Strategy - Creation for 45,000 new jobs in the Central Coast Region to 2031;
- The North Wyong Shire Structure Plan - Wyong Employment Zone and the new Warnervale Town Centre, as the focus for new employment lands and new Greenfield residential development (10,500 new jobs, 19,000 new dwellings);
- Recreational / cultural pursuits, tourism and hospitality as a key economic driver in the Region with a vision to facilitate an economy that effectively competes in these areas;
- Future development of employment land is not to result in fragmentation of that land.

This proposal will provide significant local employment opportunities within the facility and will stimulate local economic development that would be expected to contribute positively to economic development and employment growth on the Central Coast. It is expected that the construction phase of the ACTP will generate 200 jobs. After completion, the ACTP is expected to employ the equivalent of 800 permanent staff.

3 The Site and its context

3.3 Statutory Planning Context (cont.)

The development will contribute positively to the objectives of the North Wyong Shire Structure Plan by introducing of a major employment source within identified Employment Lands. It will also constitute a major contributor to the tourist and hospitality resources on the Central Coast and potentially act as an anchor for associated growth in the service industry within the Region.

The Wyong Shire Retail Strategy, 2007 identifies Warnervale as a future District Retail Centre offering 25,000m² of retail floor space by 2031. The proposal for a Cultural Theme Park at Warnervale would complement the planned development of the Warnervale Town Centre by attracting new interest in the area and providing an incentive for redevelopment of planned new residential areas through significant increases in local employment opportunities offered by the Theme Park and associated supporting businesses.

The purely tourist based retail outlets offered by the proposed Theme Park would be unlikely to compete directly with the local retail services proposed in the Town Centre. On this basis, the proposal is considered not inconsistent with the Retail Strategy.

The Theme Park proposal is also consistent with the Wyong Community Plan, 2008-2013. It would contribute positively to the strength of the community with regard to a number of the themes in the Community Plan including:

- Diversity - the proposal would provide a venue for events and activities that include celebration and build diversity.
- Community safety – through Crime

Prevention in Environmental Design practices, the proposed development would be likely to contribute positively to community safety.

- Achievements in life – the proposal would contribute significantly to opportunities for local employment, a specific objective identified under this theme.

In summary, this proposal will provide for recreational, cultural and educational opportunities in the Region with opportunities for increased employment as the Theme Park develops. It will assist in achieving the intention of the Regional Strategy to capitalise on the Region's position between the global city of Sydney and the regional city of Newcastle, while strengthening its own identity as a Region. In this regard, it is entirely consistent with the objectives and actions in the Central Coast Strategy and the other plans and policies that apply to the region.

3.4 Statutory Planning Controls

The site is directly subject to or influenced by the following statutory controls:

- The Wyong Local Environmental Plan, 2013;
- The Wyong Development Control Plan, 2013; and
- The Warnervale Town Centre Development Control Plan, 2012.

The implications of these controls are summarised below.

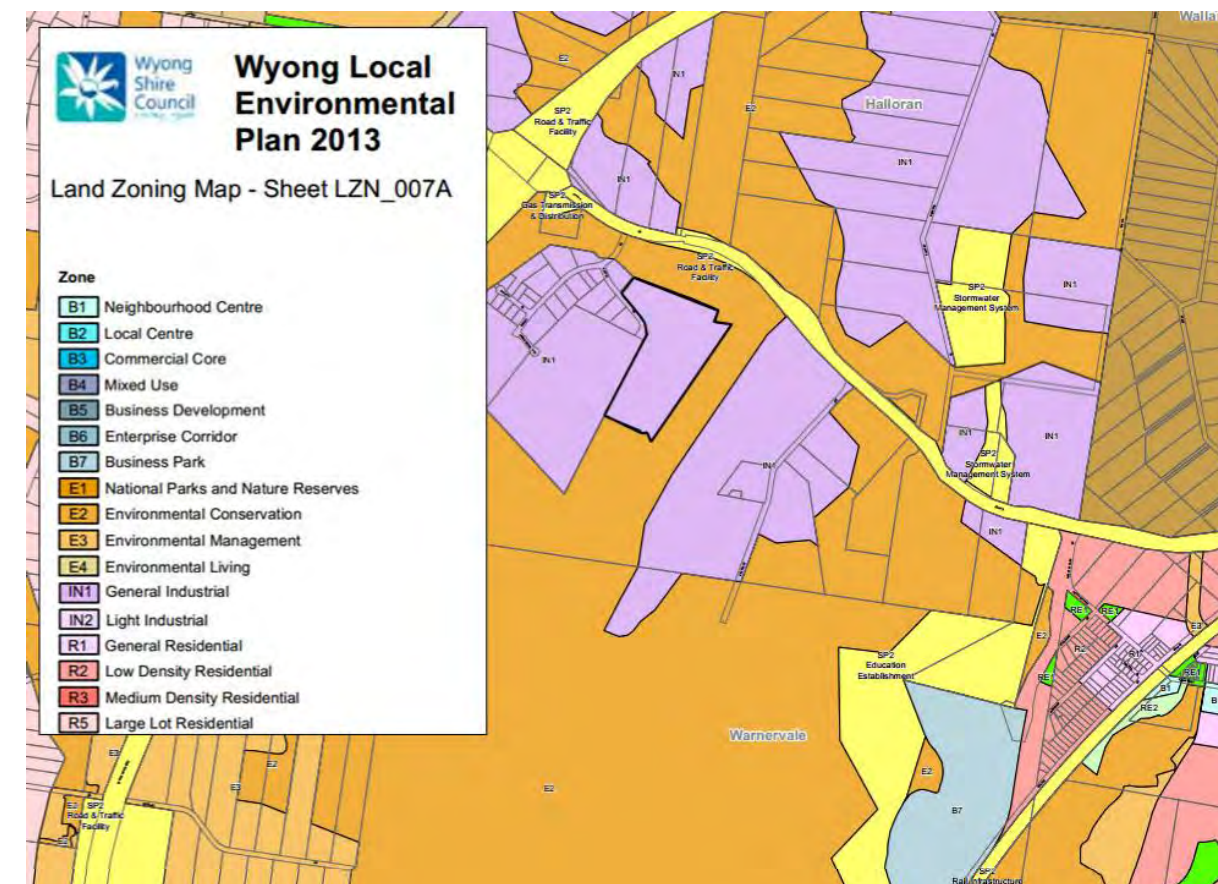
Wyong Local Environmental Plan, 2013 (WLEP, 2013)

Wyong Local Environmental Plan, 2013 (WLEP, 2013) is the principal Planning Instrument that guides development in the Wyong Local Government Area.

The land that is available for the development of the ACTP is zoned IN1 – General Industrial under WLEP, 2013 (below Figure). The proposed Theme Park is permissible with development consent under the zoning as a 'Recreational Facility (Major)'. (see figure below)

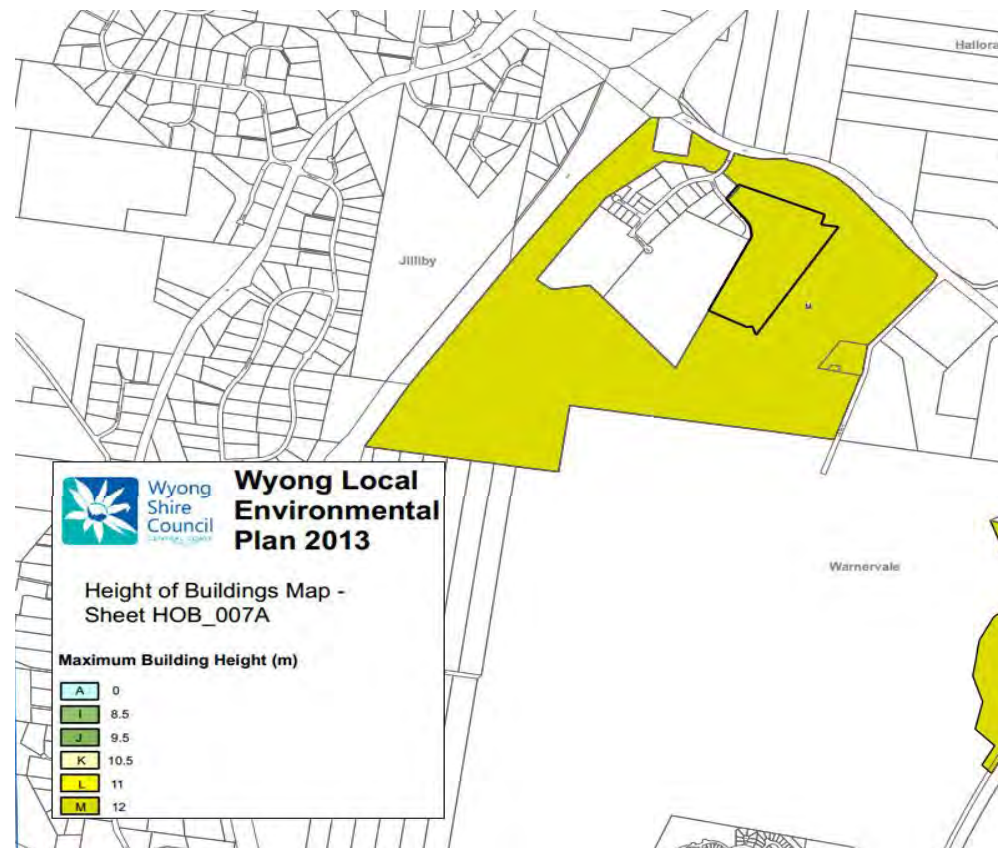
The WLEP, 2013 also places a 12 metre maximum building height restriction on the site, generally to control visual impacts from Sparks Road and the M1 Motorway. The proposed Theme Park will include a number of buildings above this height. It is considered as a general rule that the architectural quality of these buildings will counteract any potential negative impact on these views. Detailed visual impact assessments, including montages to depict views from local viewing points, will be included with individual development applications applying to the proposal. (see figure overleaf)

Wyong Local Environmental Plan, 2013 - Zoning



3 The Site and its context

Wyong Local Environmental Plan, 2013 - Height of Buildings Map



Wyong Development Control Plan, 2013

Under the Wyong DCP, part of the proposed development site is within the area designated as the Warnervale Business Park (see Figure on right). The DCP provides a series of Development Principles for industrial development within the Business Park. These relate to building siting and form, environmental impact and conservation and water management.

As a development form, the ACTP is not consistent with the industrial development forms that are contemplated by the DCP controls for the Warnervale Business Park.

In this regard, it is unreasonable to strictly apply many of the numerical requirements listed in the DCP. Consistency or otherwise of the ACTP proposal with the Wyong DCP will be addressed in detail in future Development Applications for the various stages of the proposal.

The Warnervale Town Centre Development Control Plan, 2012

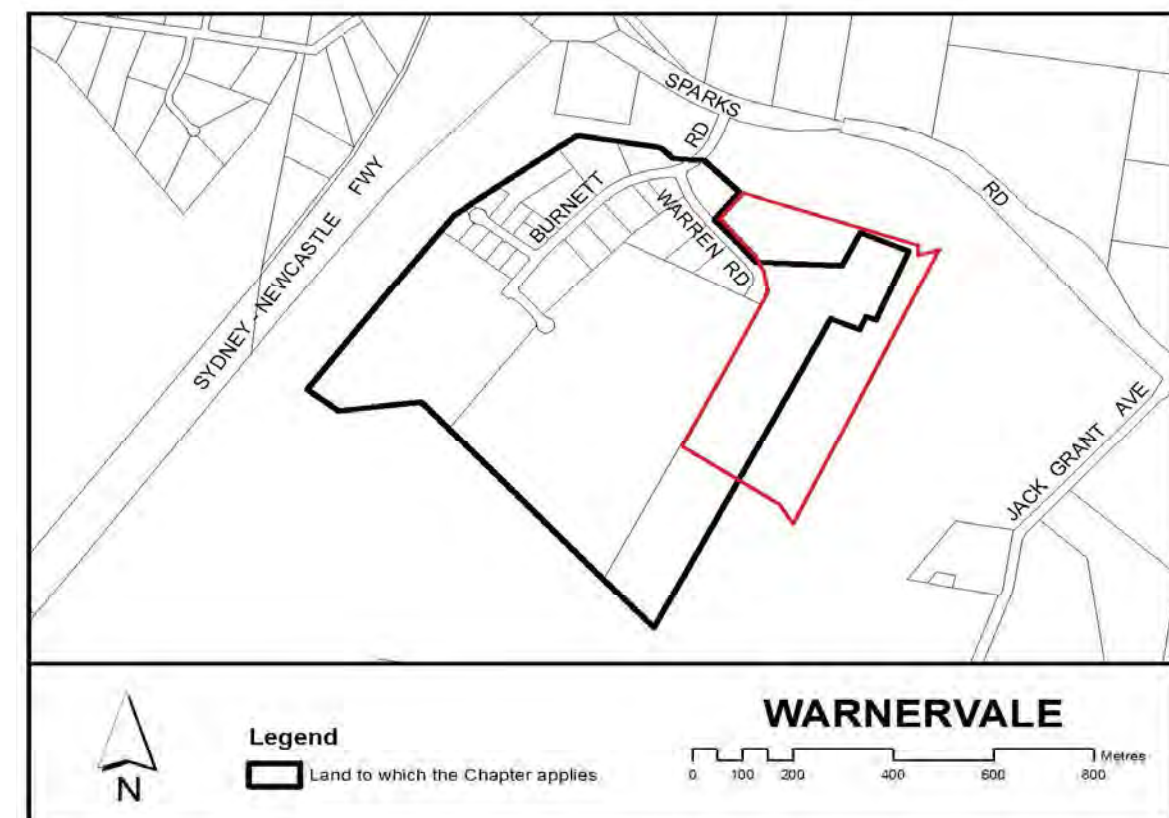
The site of the proposed Warnervale Town Centre in the Town Centre DCP indicates that the Town Centre will offer housing, jobs, services, community facilities and entertainment for the local and regional population. It includes a Structure Plan aimed at accommodating 4,200 permanent residents in a range of housing forms from single to attached dwellings and apartments. With respect to commercial activity, the DCP aims to facilitate a range of retail, business, bulky goods and support uses to service local residents and the broader Warnervale area. Jobs are proposed in retail, community, entertainment, health and professional services.

A network of community facilities including, inter alia, gathering places and high quality, connected open spaces is also proposed.

The Tourist orientated uses in the proposed Cultural Theme Park would not be in conflict-tion with the objectives for the Warnervale Town Centre as articulated in the DCP. Rather, the increased local activity and regional interest that would be generated by the Theme Park would be likely to complement the development of the Town Centre in the manner envisaged by the DCP.

The Theme Park should act as a much needed catalyst for the development of the Town Centre and residential areas in and around Warnervale.

Warnervale Business Park (Warnervale Town Centre DCP, 2013)



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4.0 SITE ANALYSIS

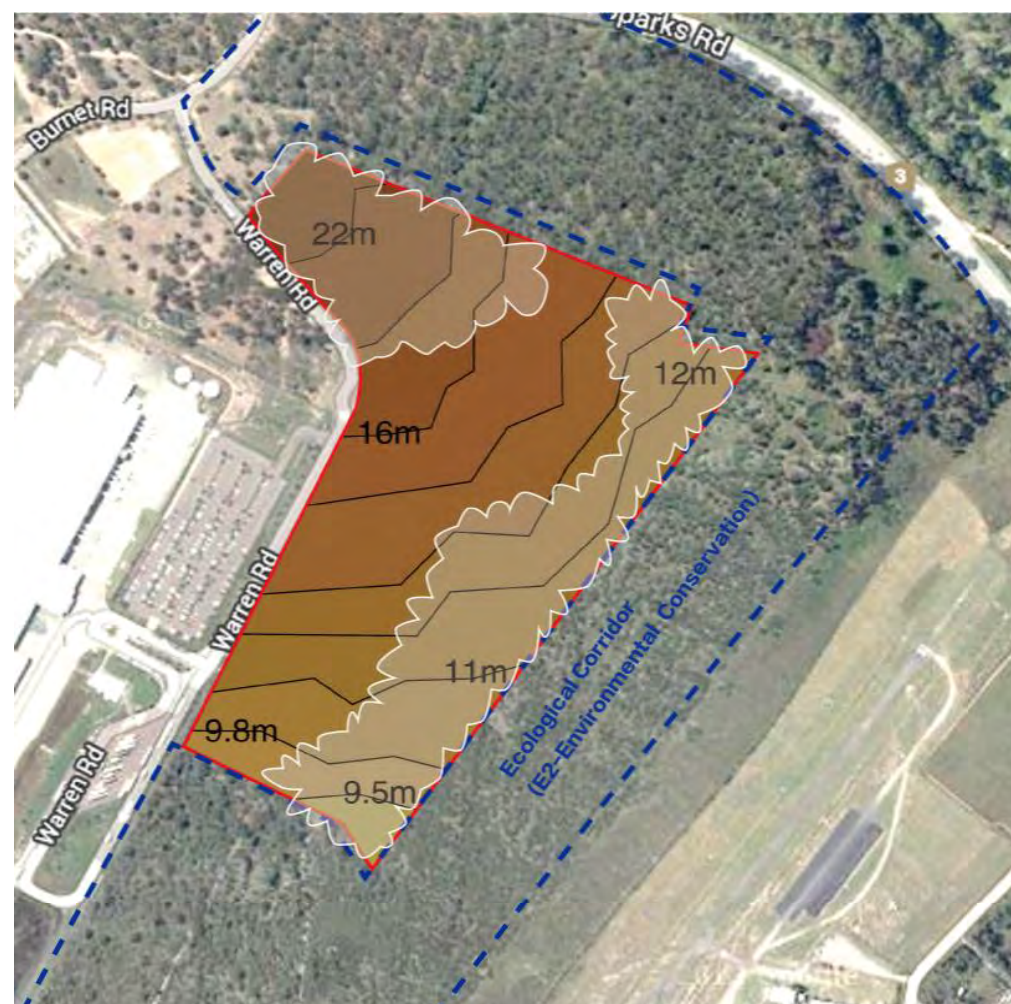
Prepared for Australia China Theme Park Pty Ltd

4 Site Analysis

4.1 Introduction

Cardno has carried out a high level review of existing physical and environmental conditions and availability of services to the ACTP site. The outcome of this analysis is that there are no substantial impediments raised by these conditions to the construction and operation of the proposed ACTP at the Warnervale site. Further detailed investigations and design will be required at the development application level to ensure proper management of environmental impacts and provision of services.

Topography and Vegetation



4.2 Topography and Drainage

The site is largely flat with a gentle gradient generally towards the south / south east (slope is a maximum 6%). The general aspect is towards the south, with the highest area in the northwest corner (approximately 25m AHD) and the lowest in the southwest (10m AHD).

In its existing state the site would retain most rainfall run-off, thereby reducing the volume of water delivered to downstream and adjacent environments through surface water flows.

Development of the site will require consideration of topography and drainage to retain and manage site run-off.

4.3 Water Courses

The site occurs within the Buttonderry Creek catchment which is in turn part of the Porters Creek Wetland catchment.

A number of important aquatic ecosystems are present downstream of the study area, including a mosaic of natural wetlands and heathlands that have formed within the flat, wide waterways of the region. Many of these systems are sensitive to changes in hydrology and there are indications within the Porters Creek Wetland that some of these wetland communities are suffering die-back due to wetter conditions associated with development in the catchment.

Potential flooding, hydraulics, erosion and sediment transport impacts will be considered in the design phase of the works. The proposed development would need to comply with Wyong Shire Council's Integrated Water Cycle Management Plan (Ecological Engineers, 2004) to mimic as much as practical the hydraulic behaviour of the natural catchment. This may require the provision of a drainage channel through the site and water sensitive urban design features. These issues will be addressed in the engineering design to accompany individual development applications for the proposal.

4.4 Environment and Ecology

The site occurs in the context of an area of substantial ecological significance. An ecological corridor adjoins the site on its northern and eastern boundaries and the Porters Creek Wetland, a scheduled Wetland under State Environmental Planning Policy No.14 – Coastal Wetlands, is situated downstream of the site. Development of the Theme Park will be required under planning legislation to consider impacts on these local ecological values. Matters to be addressed in the delivery of the various stages of the development will include edge impacts on the ecological corridor and impacts on environmental water flows with regard to the Porters Creek Wetland.

The majority of the subject site has been cleared of vegetation in accordance with a Biodiversity Offset program negotiated between Wyong Council and the NSW Office of Environment and Heritage. Existing vegetation within the boundaries of the site includes a small area the Riverflat Eucalypt Forest Endangered Ecological Community (also known as Swamp Sclerophyll Forest on Coastal Floodplains). It is understood that this will be removed under the existing Biodiversity Offset Agreement.

Additional detail on this agreement will also be required at the Development Application level. Development of the ACTP should limit disturbance of remnant vegetation and habitat and also give due consideration to edge effects on the surrounding wildlife corridors. Use of locally indigenous plant species should be considered, at least in part, in the landscape design for the ACTP.

4 Site Analysis

A recent database search by Cardno Environment of the NSW BioNet Atlas has identified three threatened flora species (Tetratheca juncea, Angophora inopina and Grevillia parviflora) to potentially be present in the area of the site. A flora / fauna impact assessment with regard to the presence of these species on the site or in the vicinity will be required to accompany future development applications for the ACTP. If identified on the site, measures may be required to protect the species during the development.

4.5 Geology and Soils

Soils are not considered likely to be a significant constraint to the development of the ACTP on the subject site.

Desktop assessment indicates that the risk of contamination or acid sulfate soils being present on the site is low.

Further information with regard to soil constraints will be required at individual Development Application level.

4.6 Heritage

Cardno has carried out a desktop review to identify local heritage values that may be impacted by the ACTP proposal. There are no listed recordings of European or Aboriginal heritage sites within the footprint of the proposed development. However given the proximity of the site to known Aboriginal sites there is a potential risk of unexpected finds during earthworks. **Accordingly, a management strategy for items of Aboriginal heritage if found on the site during construction will need to be provided at the development application stage.**

4.7 Hazard

The site is mapped as Bushfire Prone Land. Under the *NSW Rural Fires Act, 1997*, the proposal will need to comply with the requirements of the NSW guidelines document, *“Planning for Bush Fire Protection, 2006”*.

Subject to finalisation of the Biodiversity Offset Agreement mentioned in Section 4.5 of this report, the ACTP site will be cleared of all vegetation prior to development. The hazard from bushfire will thus come from bushland adjacent to the site. With regard to the Concept Masterplan, compliance can be illustrated by indicating adequate Asset Protection Zones (APZ's) on the boundaries of the proposed development.

An APZ is a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce potential radiant heat levels, flame, ember and smoke attack. The appropriate APZ is based on vegetation type, slope and levels of construction and the form of development. Existing roads, other buildings or managed properties can be considered as part of the APZ.

The NSW Rural Fire Service classifies tourist accommodation, which will be part of this proposal, as a Special Fire Protection Purpose (SFPP) Development. APZ's are required to be set and maintained for this form of development. Other forms of development proposed for the site (recreational, entertainment, gardens, places of worship and assembly) are not subject to the Rural Fires Act and do not require specific setbacks from fire sources (APZ's).

Asset Protection Zones applying to the ACTP site require that tourist or other forms of residential development require the following APZ's, to be included within the boundary of the site:

Table 1-1 Bushfire restrictions

PROPERTY BOUNDARY	SLOPE (in relation to Fire Source)	ASSET PROTECTION ZONE (APZ)
North Eastern	Upslope	60 metres (Includes 20 metre Outer Protection Zone)
North Western	Flat	Nil
South Western	0<5 degrees	70 metres (Includes 20 metre Outer Protection Zone)
South Eastern	0<5 degrees	70 metres (Includes 20 metre Outer Protection Zone)

The required APZ's on the site must be fully contained within the site boundaries. They can include buildings, roads and other forms of development but must not include continuous canopies of trees. The Concept Masterplan is consistent with these requirements for bushfire protection. All development with a residential component is located consistent with the required APZ setbacks.

Further detail on bushfire and other general hazard protection measures will be included with future development applications.

4 Site Analysis

Hazard management and other setback constraints



4.8 Transport, Traffic & Accessibility

The site is very well served by existing and planned public and private transport facilities. Road access to Sydney, Newcastle, Brisbane and the greater Central Coast is available via the M1 Motorway which is directly accessible from the site via Warren Road, Sparks Road and the Warnervale interchange. Passenger rail to these centres is accessible at Warnervale rail station. In the medium future, construction of a new rail station in the developing Warnervale Town Centre will further improve public transport access. Buses run regularly to the Warnervale Industrial Park from Warnervale Station and the main Central Coast centres.

The Warnervale Regional Airport currently operates adjacent to the ACTP site, providing mainly private and charter flight services. This facility is likely to be decommissioned in the medium term. However, Wyong Council is planning a new Central Coast regional airport adjacent to the M1 Motorway at a distance of approximately 2.0kms from the ACTP site. This will provide air access to Sydney and potentially other capital cities.

4.9 Airport Constraints

The Warnervale Regional Airport is located approximately 300 metres south east of the eastern boundary of the ACTP site. Restrictions on development on the site resulting from proximity to the airport are briefly discussed below. We note information from Wyong Council that the airport has been earmarked for decommission in the near future so that these restrictions may no longer apply at the time of construction of the ACTP.

4.9.1 Height of Structures

For safety purposes, land in proximity to air-ports in NSW is subject to height controls on all structures. These restrictions are separate are covered in Obstacle Limitation Surface (OLS) Contour maps that indicate maximum Reduced Levels for structures. The ACTP site is located within the RL 52.6 OLS contour. At the highest point on the site (approximate RL 22.0) this would restrict heights to approximately 30 metres above natural ground level.

OBSTACLE LIMITATION SURFACES

RUNWAY CLASSIFICATION: Non-Instrument Code 2

APPROACH SURFACES										
DIRECTION	CHARGE OF INNER EDGE	LENGTH OF INNER EDGE	HEIGHT OF INNER EDGE	DISTANCE TO INNER EDGE	DIVERGENCE	SLOPE 1ST SECTION	LENGTH 1ST SECTION	SLOPE 2ND SECTION	LENGTH 2ND SECTION	OVERALL LENGTH
02	0M	80M	6.0M AHD	60M	10%	4%	2500M	N/A	N/A	2500M
20	1080M	80M	10.4M AHD	60M	10%	4%	2500M	N/A	N/A	2500M

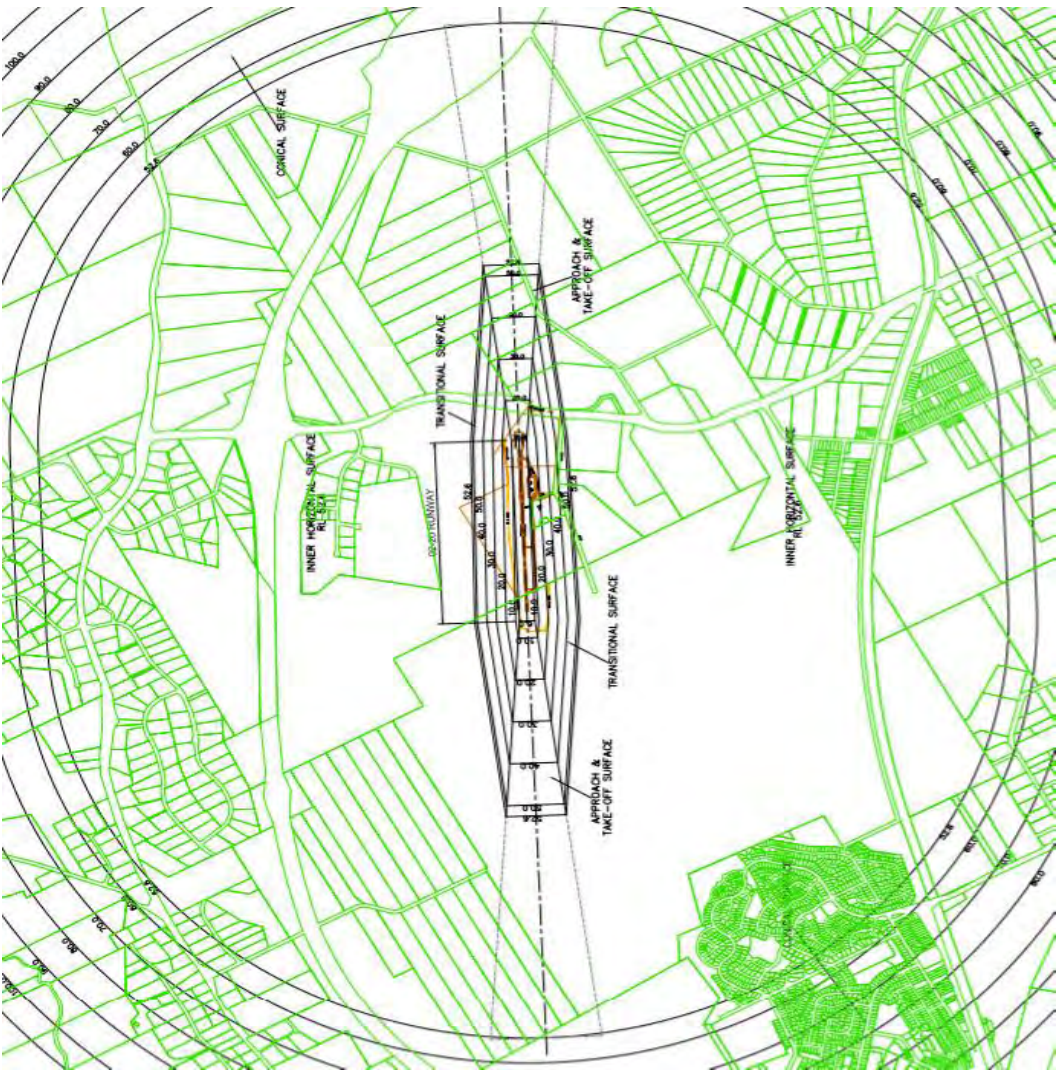
TAKE-OFF SURFACES										
DIRECTION	CHARGE OF INNER EDGE	LENGTH OF INNER EDGE	HEIGHT OF INNER EDGE	DISTANCE TO INNER EDGE	DIVERGENCE	SLOPE	FINAL WIDTH	OVERALL LENGTH		
02	0M	80M	6.0M AHD	60M	10%	4%	580M	2500M		
20	1080M	80M	10.4M AHD	60M	10%	4%	580M	2500M		

TRANSITIONAL SURFACE		
	SLOPE	20%

NOTES:
1. ALL ELEVATIONS ARE TO AUSTRALIAN HEIGHT DATUM
2. ASSUMED AERODROME REFERENCE LEVEL - ELEV 25 (7.62M)
AS PER ERSa - 24 NOVEMBER 2005.

0 200 400 600 800 1000
SCALE IN METRES 1:15,000 @ A1

Obstacle Limitation Surface (OLS) Contour Map - Warnervale Regional Airport

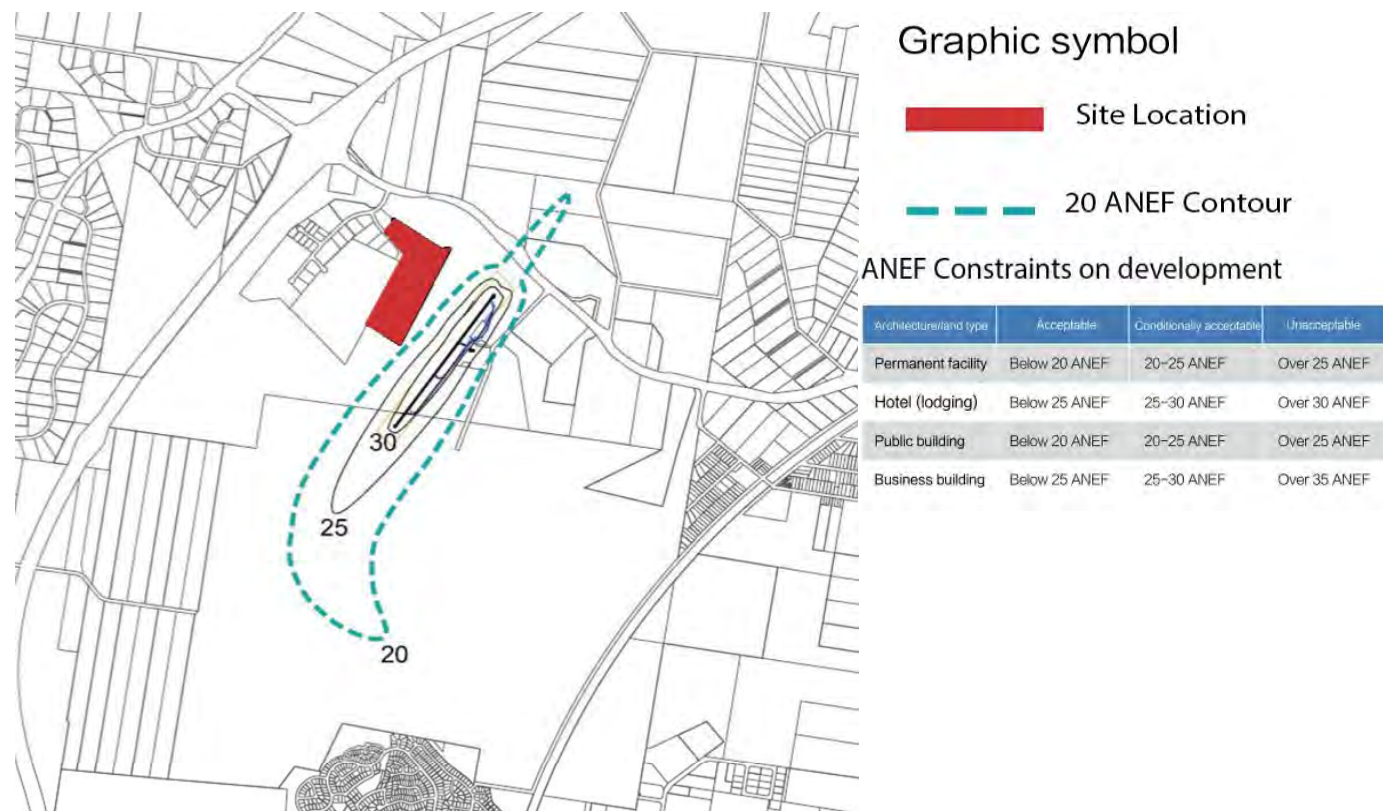


4 Site Analysis

4.9.2 Noise

For the protection and comfort of future users and occupants, development forms in proximity to airports in NSW are subject to varying requirements with regard to impacts of airport generated noise. Noise impacts from airport activities are conventionally mapped as Australian Noise Exposure Forecast (ANEF) noise contours. The ANEF contours around the Warnervale Airport are illustrated below. The map indicates that the ACTP site is beyond the 20 ANEF contour and the accompanying constraints table illustrates that development for the purposes proposed in the ACTP is all acceptable at this noise constraint contour.

ANEF Contour Map - Warnervale Regional Airport



4.9.3 Bird Attractants

Bird activity is considered a hazard to aviation. Section 6.8 of the Wyong Development Control Plan, 2013 requires management of bird attractants such as open water bodies and outdoor waste / food storage within airport influence areas. Bird management plans will be required to accompany any development application including these elements that would be implemented during the operation of the Warnervale Airport.

4.9.4 Lighting

Lighting within the ACTP would be required to be provided in accordance with the Civil Aviation Authority's guidelines entitled Lighting in the Vicinity of Aerodromes. Again, this constrain will only apply to development implemented while the Warnervale Airport remains operational.

4.9.5 Future Central Coast Regional Airport

Airport based constraints generated by the future Central Coast Airport will apply to the ACTP development. These are unavailable at the time of preparation of this report but will be considered in consequent development applications.

4.10 Services

There are existing utility services available to the site due to its inclusion within the Warnervale Industrial Park. A summary of existing available and potential future services follows:

4.10.1 Water

Council advice is that the site can be serviced with water via connection to an existing 200mm water main in Warren Road. An alternative supply is available via connection to existing 750mm and 375mm trunk mains in Sparks Road.

Issues to be considered with regard to detailed design for water supply include:

- Demands for the extensive ornamental water display system proposed for the ACTP;
- Potable water, irrigation and fire protection demands; and
- Demands from nearby development including the adjacent Woolworths site.

4.10.2 Sewer

The Warnervale Industrial Park is connected to a 300mm sewer main that extends along its southern boundary of the Park. Council advice is that the ACTP will be required to be connected to the trunk sewer system via a new gravity main to be constructed at the developer's expense, with an offset against sewerage

contributions to be provided via a works-in-kind agreement, this to be negotiated prior to issue of any planning approval for the development. Council also advises that the new sewer main will need to extend north of the site to service future industrial development north of Sparks Road.

Further advice is that any proposed sewer main to serve the ACTP would need to be designed to provide sufficient capacity to service the proposed Wallarah Coal Mine, currently being considered by NSW Planning and Environment.

4.10.3 Electricity

Electricity is available to the site via an existing high / low voltage service on Warren Road. The nearest existing substation is at Woongarah, 7.5kms east of the site.

Further investigations will be carried out at DA level to ensure adequate electricity supply for the cumulative requirements of the ACTP and other nearby development. The need or otherwise for augmentation, or an additional substation, will be identified at that time.

4.10.4 Gas

Natural gas is available in Sparks Road and Burnett Street. Currently no natural gas line exists in Warren Road.

Gas connections to the site, designed in consultation with Jemena, will form part of the Development Application process.

4.10.5 Telecommunications

Telephone and internet connection is available to the site via existing services to the Warnervale Industrial Park. Again, further investigations into Telco services will be carried out at the development application stage.

4 Site Analysis

Power

The electric power facilities of Warnervale have been investigated (from F3 expressway to Jack Grant Avenue), and we concluded the following:

- High and low voltage electrical service facilities exist along Warren Road in the vicinity of the site. Further investigation will be made to determine the existing capacity of the current system.
- The nearest substation is located within Woongarra, about 7.5km east of the site. Further investigations will be made to determine whether they have sufficient backup substation capacity.
- 2 x 11kv high voltage cables may be installed to meet the power needs. Each of these cables will be about 7.5km long (from the location to the nearest substation, if substation has the capacity).
- Existing electronic networks are located within the theme venue. Further investigations will be made to determine whether the existing infrastructure can be applied to the proposed development project.
- Discussions will be undertaken with TransGrid for further feasibility.

Natural Gas

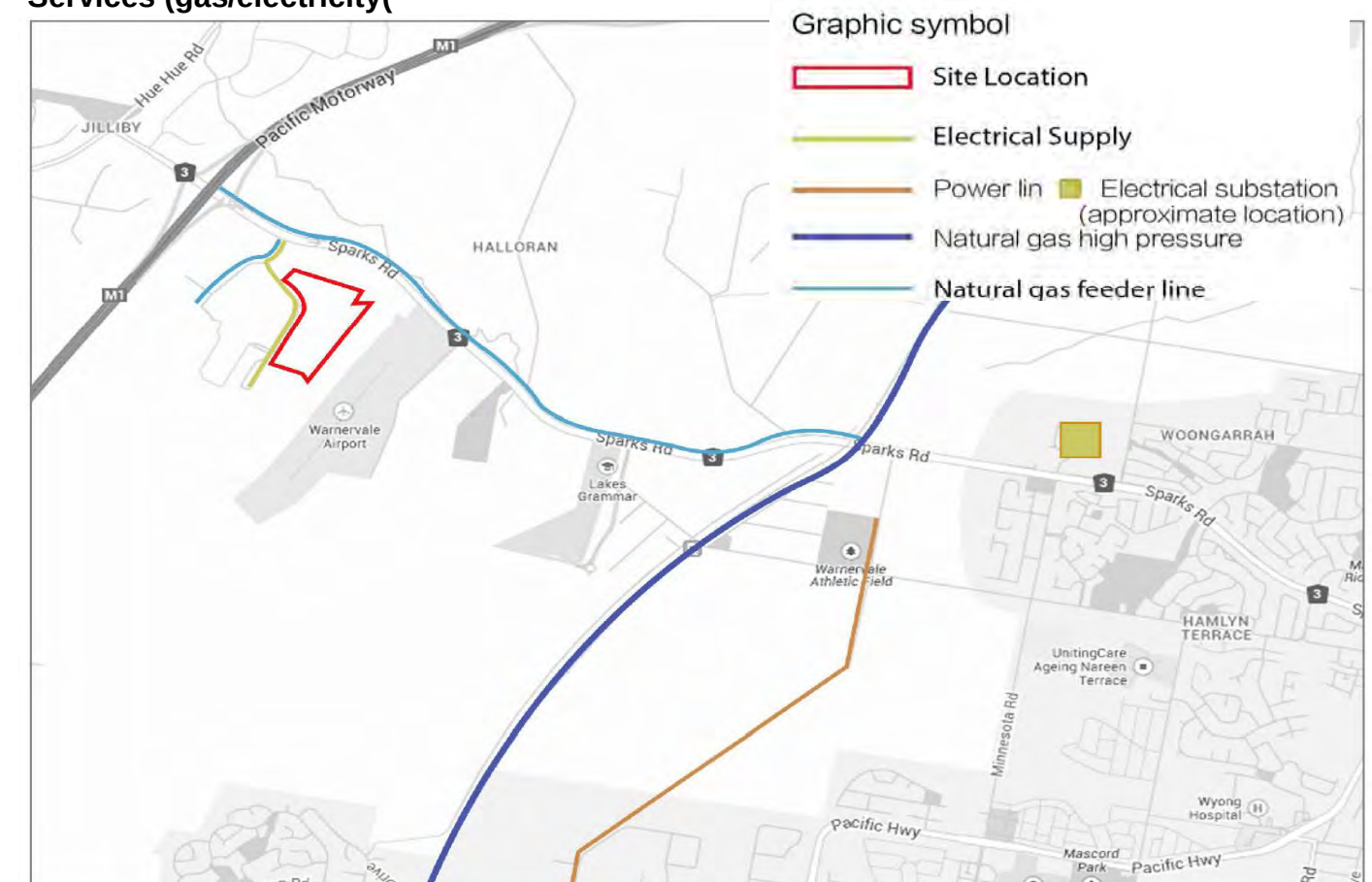
The Natural Gas facilities of Warnervale (from F3 expressway through Jack Grant Avenue) have been investigated. The following conclusions have been made:

- Gas facilities exist in Burnett Road and Sparks Road. There is a high pressure gas pipeline which runs parallel to the F3 expressway. Warren Road has no gas pipeline.
- The connections with existing systems may be at Burnett Highway.
- Requires further feasibility studies.

Services (water/sewer) and road access



Services (gas/electricity)



The concept for development of the Australia China Theme Park at Warnervale involves creation of a new environment that will showcase the culture of China in a walkable and people friendly environment. Design, materials and finishes will be of the highest order, the purpose being to create a world class attraction for local, national and overseas patrons.

The concept is presented in this report in the following format:

Structure – indicating the proposed broad arrangement of activities on the site and the connections between these.

Concept masterplan – design development of the structure plan to an illustrative plan showing the layout of facilities on the site in a series of connected precincts.

Precinct descriptions – overview descriptions of each precinct in the concept masterplan.

Design elements overview -

- Water
- Landscape
- Access, movement and parking
- Services

AUSTRALIA AND CHINA
THEME PARK
CONCEPTUAL
PLANNING SCHEME

5.0 THE CONCEPT

5 The Concept

5.1 Structure

The site is to be laid out in a formal, traditional manner founded in a central core connected to a series of activity nodes via major and minor visual axes.

The site entrance and address incorporates a replica of Beijing's Forbidden City and a traditionally designed City Wall extending down the western boundary from Warren Road. This is intended to make a dramatic architectural statement and screen the greater part of the Park from view in order to create a sense of anticipation and excitement in visitors.

As the main revenue generator within the site, the core tourist retail precinct occupies the northern portion of the site and is the first precinct after the entrance. The precinct will include shops, restaurants and some associated facilities for tourist accommodation.

Cultural, educational and religious based activities are planned across most of the site. These uses are to be strategically located to flank the retail area. A Buddhist temple complex is proposed at the southern edge of the site. It will be located in a quiet, contemplative environment, in the context of landscape gardens and the native bushland of the ecological corridor.

The main tourist and pilgrim accommodation centre will be established adjacent to the temple precinct.

Much of the eastern sector of the site is to be developed to accommodate tourist based facilities in a traditional Chinese landscape garden setting incorporating extensive ornamental water features, a landscape maze, tea houses and carefully designed ornamental gardens.



5 The Concept

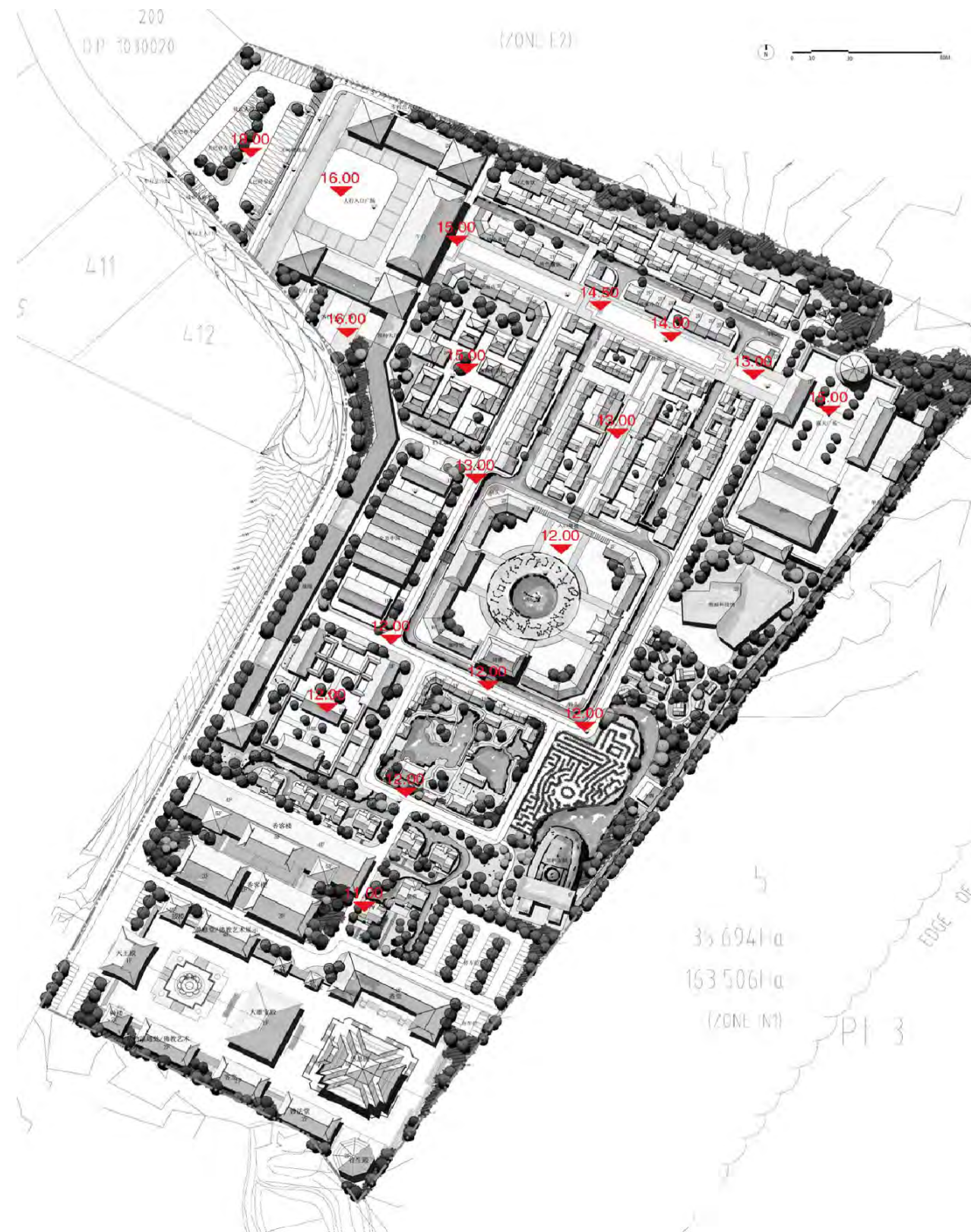
5.2 Concept Master Plan

- 1 Site Entry(Forbidden City)
 - Arrival experience
 - Conference centre
 - Major parking area
- 2 City Wall/Reception Hall
 - Extension of Site Entry/Arrival Zone
 - Solid Edge to Tourist Zone
- 3 Traditional Chinese Inn
 - Traditional restaurants & accommodation
- 4 Gourmet Culture Street
 - Chinese Cuisine
 - Traditional teahouse
- 5 Arts & Handcrafts Workshop
- 6 Great Theatre
 - Indoor /Outdoor performance space
 - Connection to Traditional corridor
- 7 Spring Festival Square
 - Central hub & gathering place for the ACTP
 - Central fountain, Entrance archway , stage of Bell Tower
- 8 China Panorama Tour
 - Showcase of Chinese landscape & Architecture
 - 3D historical/ cultural tour
- 9 Happy Chinese Characters Academy
- 10 Panda Paradise
- 11 Traditional landscape garden
 - Bamboo Hut
 - Labyrinth
 - Zheng He' s Treasure Ship
 - South Garden
- 12 Villa
- 13 Thankgiving Temple
 - Temple & pilgrims' accommodation



5 The Concept

Bulk Levels



Modelling of the site will follow the existing topography as closely as possible.

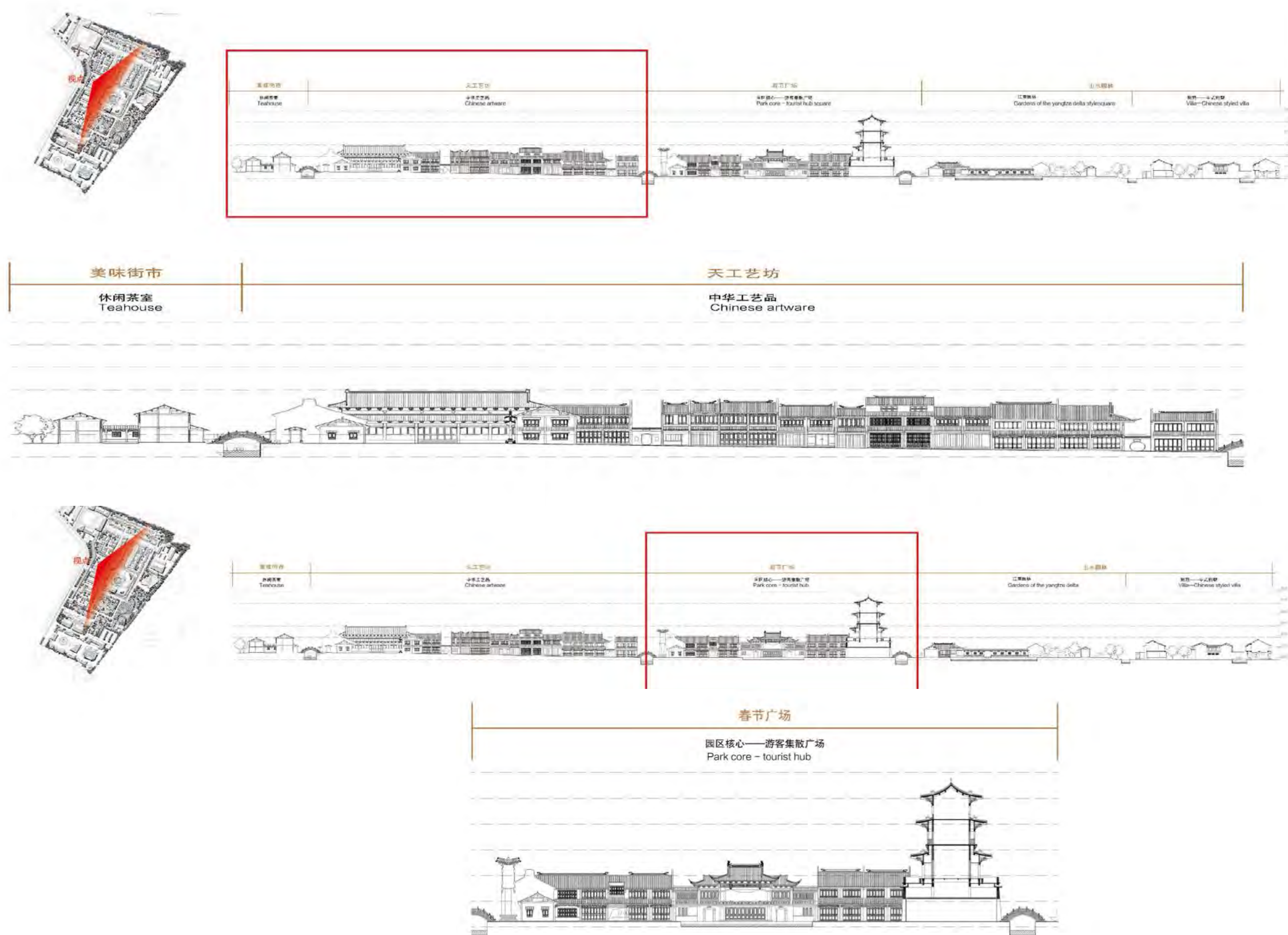
A 3.0 metre level change will be taken up by a retaining wall between the upper level carpark and the Site Entry ('Forbidden City') Precinct.

Levels change across the remainder of the site will be generally minimal, with a general fall to the south.

Significant cut will only be required for building foundations and basement parking.

5 The Concept

Illustrative Sections



主题乐园
划方案

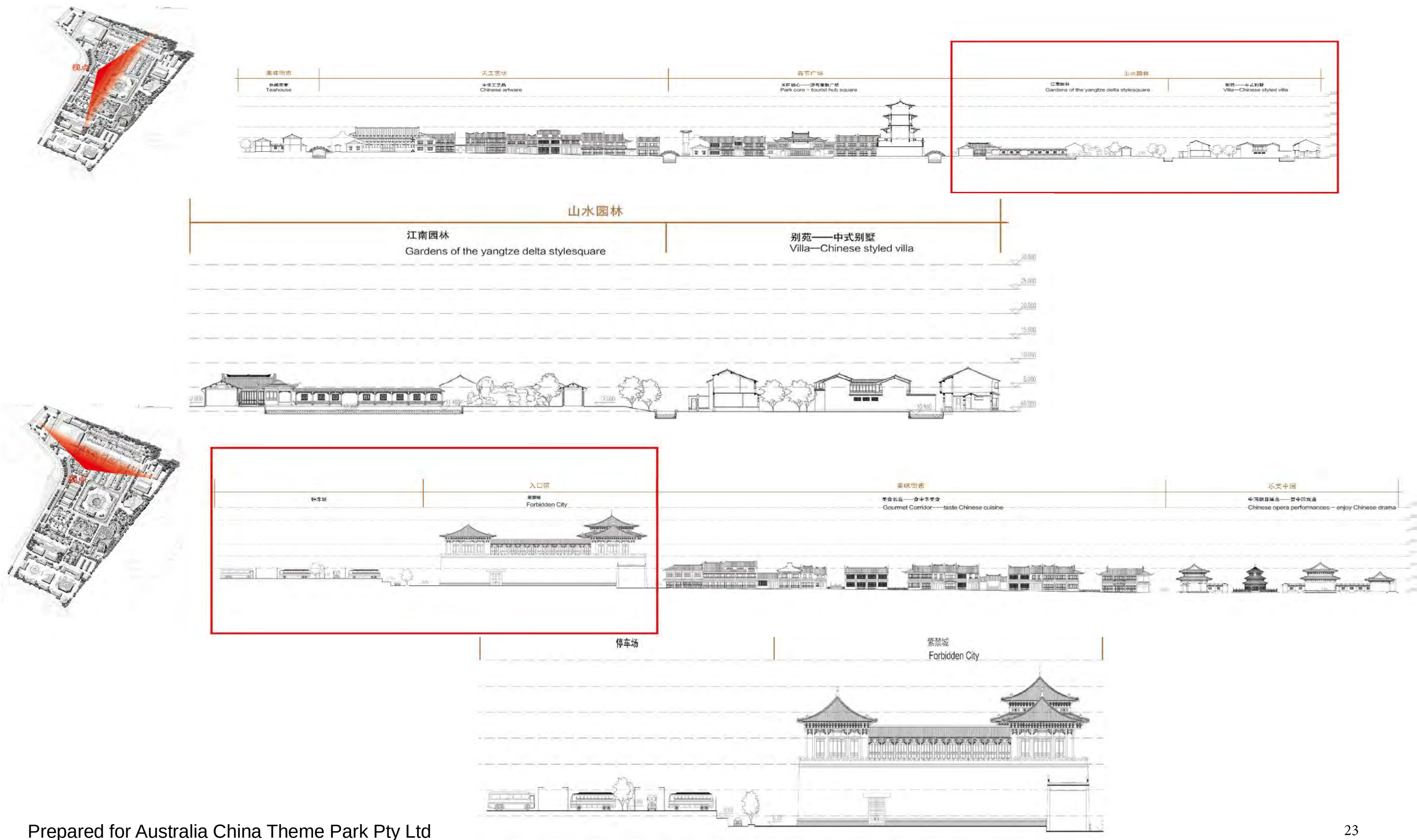
规划方案
Planning Scheme

AND CHINA
PLANNING SCHEME

主题乐园
划方案

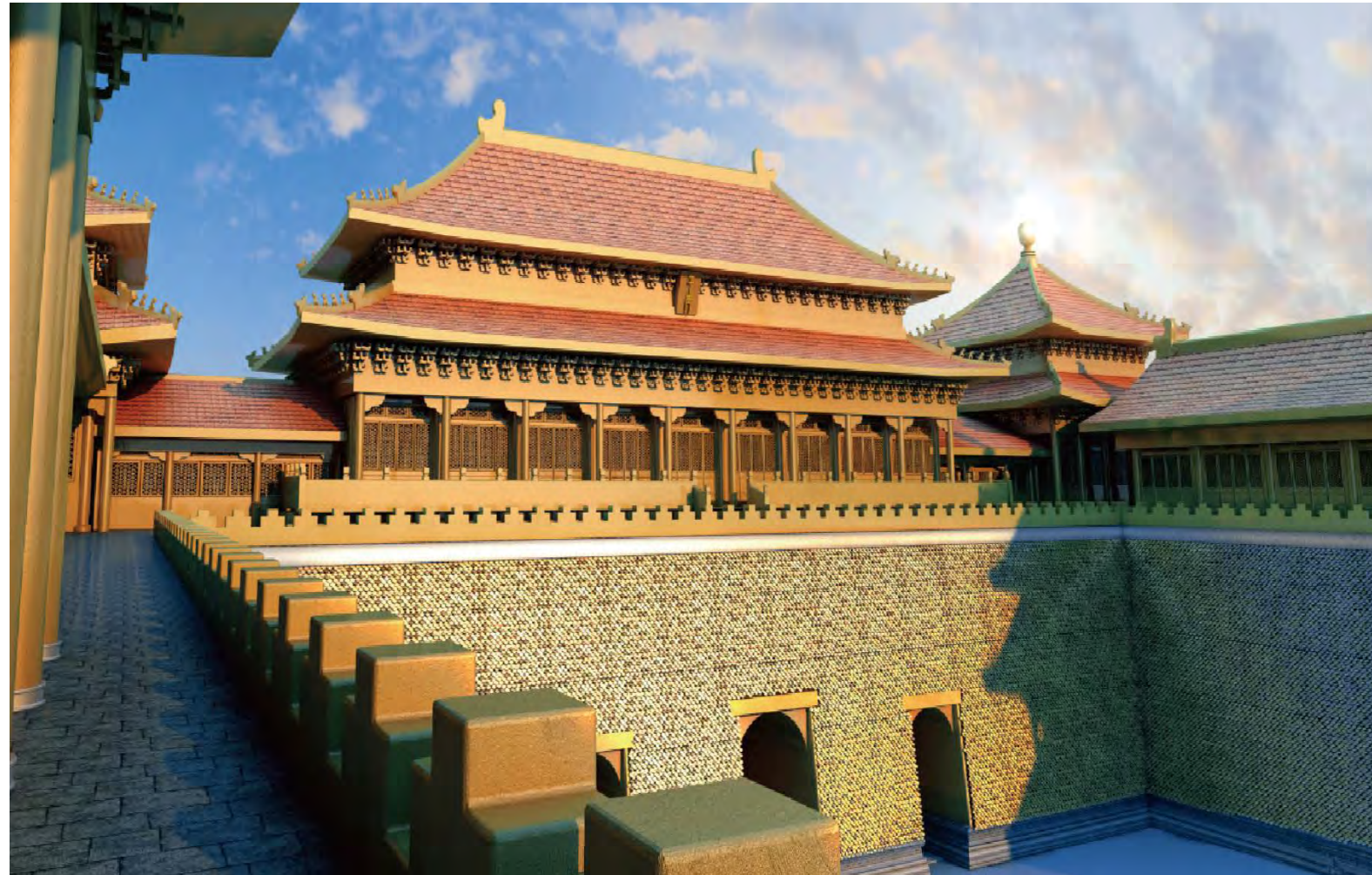
规划方案
Planning Scheme

5 The Concept
Illustrative Sections



1

Site Entry (Forbidden City)

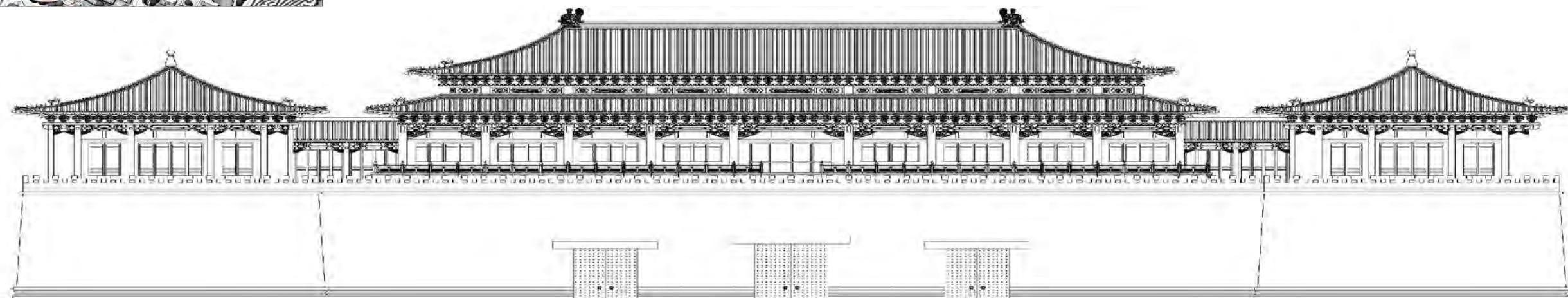


A dramatic entrance precinct modelled as a replica of the Meridian Gate to the Forbidden City, Beijing.

The area will accommodate:

- A major pedestrian square
- A convention centre
- Car and bus parking on grade and within the building structure

「紫禁城」
Forbidden City



Precinct area:
14,000m²

Floor space:
26,530m²

Built upon area:
6,490²

2

City Wall / Reception Hall



「城墙·玻璃段」

City Wall · glass section

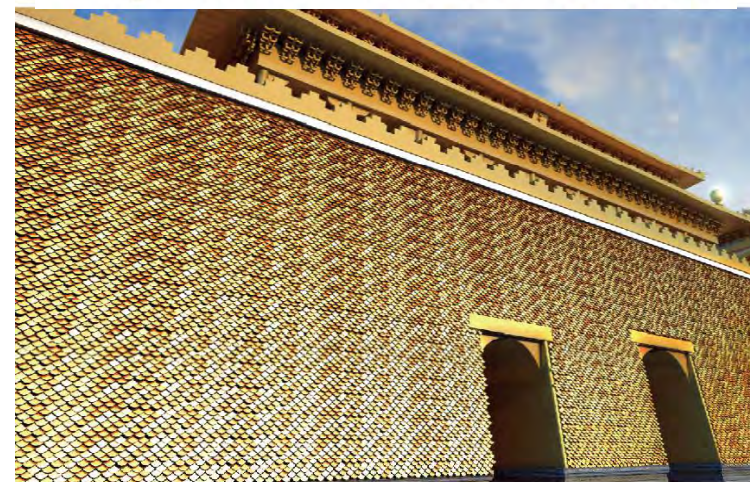
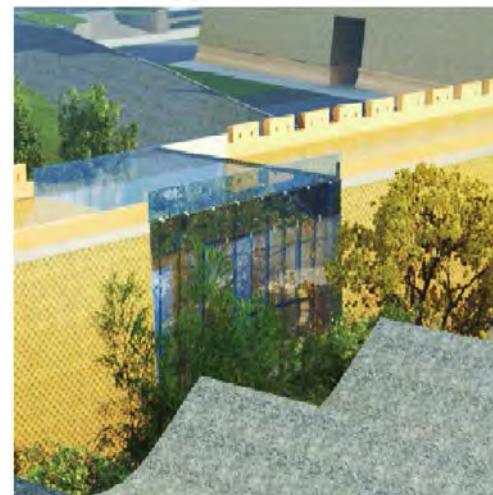
The City Wall will extend from the Meridian Gate structure down the western boundary of the site to create an imposing edge to the complex. Traditional architectural form will continue the dramatic character of the site entrance precinct.

The Wall will be 10 metres in height and will accommodate an internal exhibition space.

Three penetrations through the wall will be glass clad atriums of contemporary architectural form, contrasting and relieving the dominant traditional character and providing opportunities for visual and physical access to the Park. The most northerly of these penetrations will function as a Reception Hall to the Chinese Inn beyond.

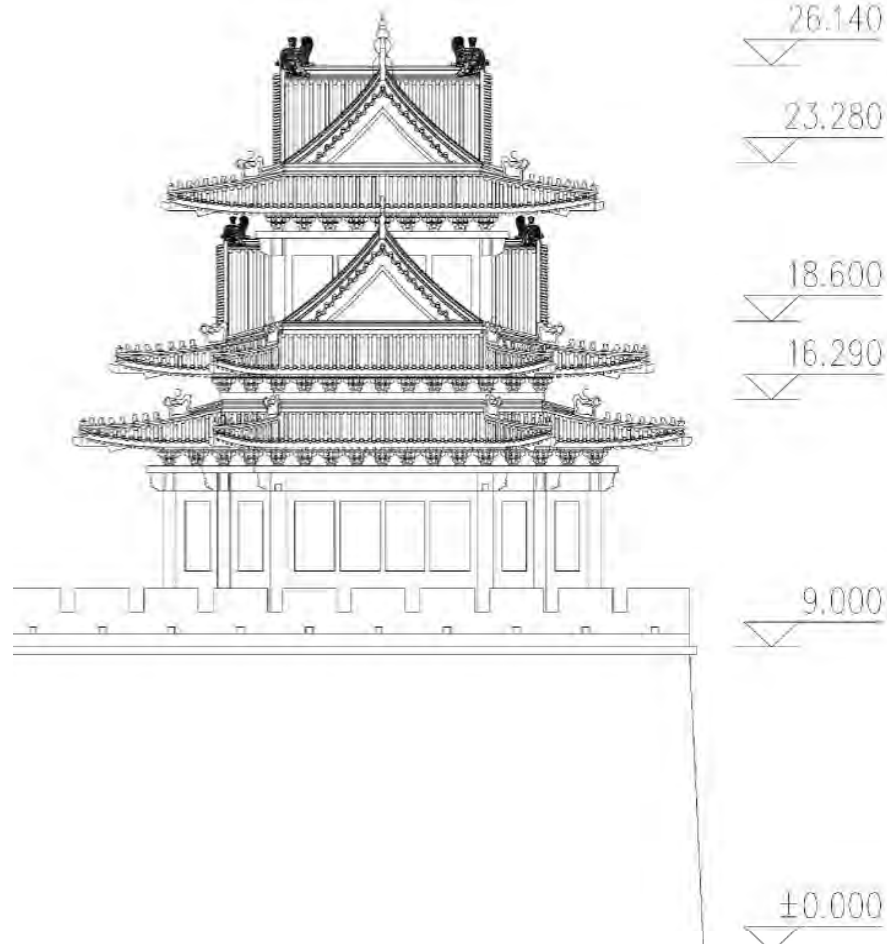
「城墙·实墙段」

City Wall · solid section



2

City Wall / Reception Hall

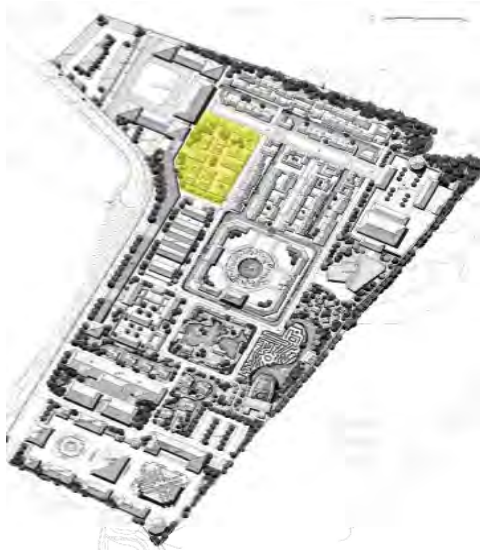


The southern end of the wall will be punctuated by a celebratory turret which will provide a place to overview the entire site.

「角楼」 Turret



Traditional Chinese Inn

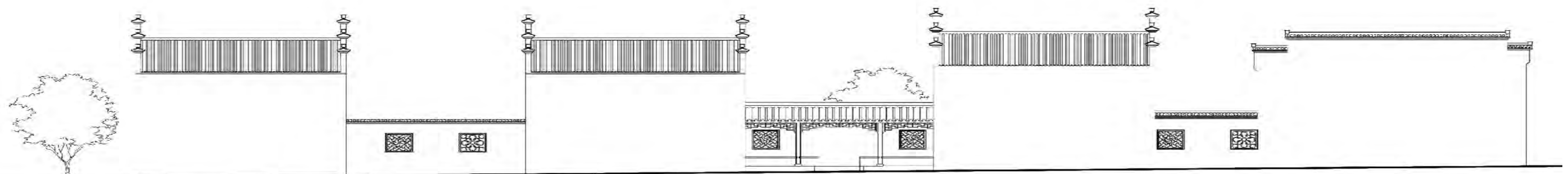


The Inn will reflect the character and function of a traditional Chinese residence. It will incorporate restaurants and accommodation facilities in a considered mix of traditional and contemporary Chinese architectural styles.

Precinct area:
6,220m²

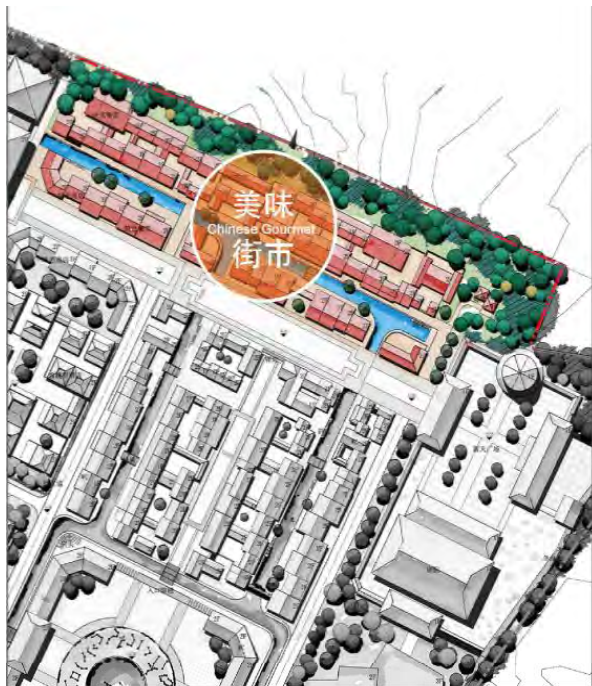
Floor space:
4,840m²

Built upon area:
2,550m²



4

Gourmet Culture Street

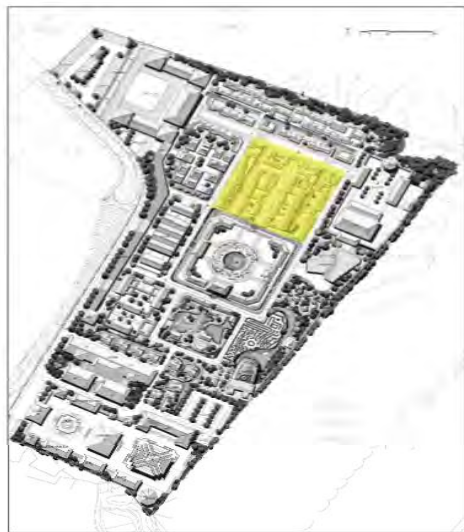


Precinct area:	Floor space:	Built upon area:
11,760m ²	8,860m ²	4,150 ²

The Precinct will establish an urban grid pattern of streets and artificial canals reminiscent of traditional Chinese urban form. Architecture will be contemporary with strong references to traditional design. Terrace style shop-fronts will address the streets and canals and opportunities for outdoor eating and gathering will be maximised. Combined with this, the fine grain development pattern will encourage a vibrant street character. The Precinct will provide opportunities to experience the eight major cuisines of China in a lively and intimate atmosphere.



Arts & Handcrafts Workshop



The Precinct will provide a working environment for artists and artisans to create, exhibit and retail contemporary and traditional Chinese arts and crafts.



Precinct area:
11,250m²

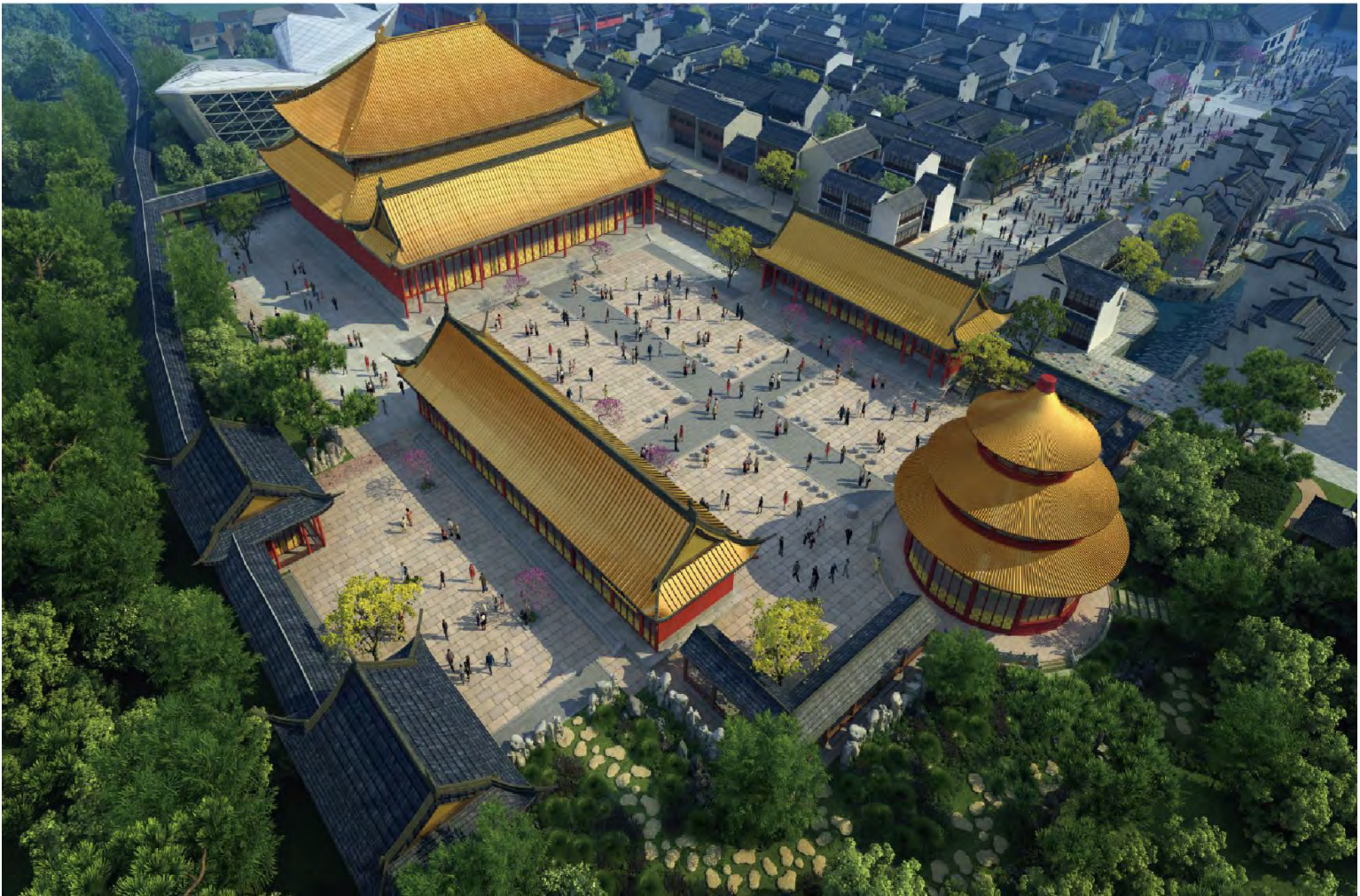
Floor space:
10,100m²

Built upon area:
5,270²



6

Great Theatre



A major indoor and outdoor performance facility modelled on the Hall of Supreme Harmony in the Forbidden City, Beijing.

A “Great Corridor” provides an edge to the Great Theatre on its eastern boundary. The Corridor creates a unifying edge to the Park and a highly stylised pedestrian connection between the various Precincts along its eastern edge.

Precinct area: 12,780m² Floor space: 4,100m² Built upon area: 4,100²

