



Wyong
Shire
Council
CENTRAL COAST

Planning Proposal

**Australia China Theme Park - Planning Proposal and Concept
Masterplan - Lot 3, DP1007500, Sparks Road, Warnervale - to
change the zone and height control (also known as Chappypie China
Time)
File No. RZ/10/2014**

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Part 1 Objectives or Intended Outcomes

Objectives or Intended Outcomes

The Planning Proposal seeks to amend Wyong LEP 2013 by:

- Rezoning the subject land from IN1 – General Industrial Zone to SP3 – Tourist Zone in order to accommodate a cultural theme park – ‘Chappypie China Time’, with various tourist and entertainment uses.
- Rezoning existing E2 Environmental Conservation land located to the north and south of the subject IN1 – General Industrial Zone land to SP3 – Tourist Zone to accommodate bushfire APZ and stormwater management functions required to service the theme park.
- Adding a schedule to include a Place of Worship as a permissible use in the SP3 Tourist Zone
- Seeks to increase the maximum height limit that applies under WLEP 2013 to facilitate the proposed iconic development up to 50 metres.
- Include an additional permissible use for ‘place of public worship’ in the SP3 Tourist Zone to facilitate a Buddhist Temple.

Introduction

A Planning Proposal has been developed to commence the rezoning in relation to a 15.7 hectare land parcel, which forms part of Lot 3, DP1007500, 150 Sparks Road, Warnervale.

The Planning Proposal seeks to rezone the subject land from IN1 – General Industrial Zone to SP3 – Tourist Zone in order to accommodate a cultural theme park – ‘Chappypie China Time’, with various tourist and entertainment uses. The Chinese theme park will incorporate a series of themed precincts reflecting the key Provinces of the Republic, as well as specific cultural facilities including an opera theatre, exhibition centre and an operating Buddhist Temple. Each precinct will include shops, restaurants and tourist accommodation in a traditional setting reflecting the culture and architecture of each Province. The theme park will have 12 main sections, highlights include the Meridian Gate, Thanksgiving Temple, Zheng He’s Treasure Ship, Arts and Crafts Workshop, Spring Festival Square, Panda Paradise. The theme park will be developed in a traditional Chinese landscape and will present as “sophisticated Chinese cultural village”. (A copy of the Concept Masterplan is included as Enclosure 2)

The Planning Proposal also seeks to facilitate appropriate zoning to accommodate bushfire protection and stormwater management measures outside of the 15.7Ha parcel. Final details and extent will be established through the completion of technical studies.

Then planning proposal also seeks to enable a Place of Worship as a permissible use in the SP3 - Tourist Zone. This is proposed to be achieved by adding a schedule to include a Place of Worship as a permissible use under the SP3 - Tourist Zone.

The Planning Proposal also seeks to amend the maximum achievable height limit to 50 metres. the Key Sites provisions of Clause 7.11 under WLEP 2013 which permits a maximum building height of up to 20 metres from 20m 12 metre height limit that applies under WLEP 2013 to facilitate the proposed iconic development.

In relation to the change to the height provision, the site is part of the Warnervale Airport Iconic Development Site and is therefore currently the Key Sites provisions of Clause 7.11 under WLEP 2013 which permits a maximum building height of up to 20 metres. The proposed theme park however, proposes heights of up to 50 metres, therefore it is proposed to increase the maximum height provision on the Key Sites Map to 50 metres in the LEP and DCP.

Key features of the proposal are as follows:

- Expected generation of approximately 1000 operational jobs.
- Development is proposed to be staged from the southern portion of the site will be redeveloped in four stages with completion targeted for 2020.
- The proposed theme park will have 12 main sections, highlights include the Meridian Gate, Thanksgiving Temple, Zheng He's Treasure Ship, Arts and Crafts Workshop, Spring Festival Square, Panda Paradise. The theme park will be developed in a traditional Chinese landscape and will present as "sophisticated Chinese cultural village".

The applicant has prepared a preliminary Concept Plan showing staging, indicative road layouts and development pattern including building location and detail. (Refer to Enclosure 2). It is recognised that the Concept Plan will change as it is informed by further technical studies and liaison with Council staff as the Planning Proposal is progressed.

This Planning Proposal has been prepared having regard to the requirements of Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and associated guidelines to demonstrate the strategic merit of the proposed LEP proceeding to a Gateway determination. In accordance with the guidelines, it is considered to be sufficient for initial referral to Gateway. The proposal will need to be supported by further specialist studies and agreement reached on infrastructure funding arrangements prior to placing the plans on public exhibition.

Accordingly, this planning proposal is submitted to the Minister or his delegate for a Gateway determination under Section 56 of the EP&A Act.

Site Location

The site comprises a 15.7 hectare part of Lot 3 in DP1007500 See Figure 1 below.

The land is currently zoned IN1 – General Industrial under WLEP 2013 (See Attachment 1a).

The site is largely flat with a gentle gradient falling from north to south. Much of the site is cleared with some vegetation located at the north and east of the site. Site works associated with a subdivision approval have been undertaken in relation to soil and water management.

The site is located within the Wyong Employment Zone (WEZ) and more specifically within the Warnervale Business Park, which is located to the east of the M1 Motorway and to the south of Sparks Road. Immediately to the east of the site is a vegetated corridor and then beyond is the Warnervale Aerodrome which provides primarily for charter flights and scenic joy rides. Immediately to the north of the site is a vegetated corridor and then Sparks Road. To the south of the Warnervale Business Park is the Porters Creek Wetland. Immediately to the west of the site is the Woolworths Distributions Centre and Warren Road which provides access both to Woolworths and the subject site.

Figure 1: Study Area Locality Map



Background

In November 2012, Council formally approved the sale of 15.7 hectares of land at Warnervale to the Australia Chinese Theme Park Pty Ltd (ACTP) for \$10 million, for the purpose of constructing a \$500 million "Chinese Theme Park". The subject site at No. 150 Sparks Road, Warnervale forms a 15.7 hectare portion of the 200 hectare allotment known as Lot 3, DP 1007500, Sparks Road Warnervale.

A subdivision approval (DA/899/2012) to create the 15.7 hectare parcel was approved on 3 July 2013. Prior to the creation of the proposed lot, the conditions of the consent will need to be satisfied and a Subdivision Certificate issued.

In November 2010 Council considered a report that identified Iconic Development Sites within the Shire that have the potential to create economic growth and development confidence. Council resolved to add an additional site, Warnervale Airport. The site of the proposed theme park, being part of the Warnervale Airport site, was therefore included in the list of Iconic Development Sites at this time. Both the Wyong LEP 2013 and Wyong DCP 2013 came into effect in late December 2013, and included planning provisions in respect to Key (Iconic Development) Sites. The LEP provides for a 'baseline' maximum building height of 12 metres and a maximum 'Key Site' height of 20 metres. Under Wyong DCP 2013, Chapter 6.1 Key Sites outlines guidelines for each of the 28 sites. Section 3.28 applies to Warnervale Airport, but makes no specific reference to the Australia China Theme Park.

On 10 December 2014 Council resolved the following:

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979.
- 2 That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.
- 3 That Council require, subject to the "Gateway Determination," the applicant/landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 4 That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.
- 5 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".
- 6 That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Part Lot 3 in DP1007500.
- 7 That Council consider a further report on the results of community consultation.

A copy of this Council report is included as Attachment 2.

Part 2 Explanation of Provisions

The proposed outcome will be achieved through an amendment to Council's Wyong Local Environmental Plan 2013 (Wyong LEP 2013). The principle provisions will include:

- Land Zoning Map by rezoning the subject land from IN1 – General Industrial Zone to SP3 – Tourist Zone.
- Land Zoning map by rezoning some adjacent E2 - Environmental Conservation Zone land to SP3 – Tourist Zone.
- A schedule to include a Place of Worship as a permissible use in the SP3 Tourist Zone.
- Deleting the maximum height limit achievable under Clause 7.11 from 20 metres and replacing it with a maximum of 50 metres on the subject land.
- The Key Site Height Map, which contains this height provision, will be amended to reflect the revised height of 50 metres on the subject land.

It is expected that the boundaries of proposed zones will be refined as technical studies are completed and a Structure Plan is developed to support the rezoning proposal in the lead up to public exhibition. In this regard it is likely that in order to accommodate the theme park proposal some land adjacent to the 15.7Ha parcel will need to be utilised for bushfire protection and stormwater management. This is likely to warrant a change to the development boundary and therefore rezoning of a portion of the E2 - Environmental Conservation land to SP3 - Tourist Zone or another appropriate zone. A copy of the proposed land use zone and key sites (height) maps are attached for reference (Attachments 1c and 1d)

Part 3 Justification

Section A – Need for the Planning Proposal

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

The planning proposal is consistent both the Central Coast Regional Strategy and the North Wyong Shire Structure Plan and the key employment targets that are identified in these strategic documents.

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS), released in June 2008, provides the base planning framework for the growth of the Central Coast Region over the next 25 years (2006-2031).

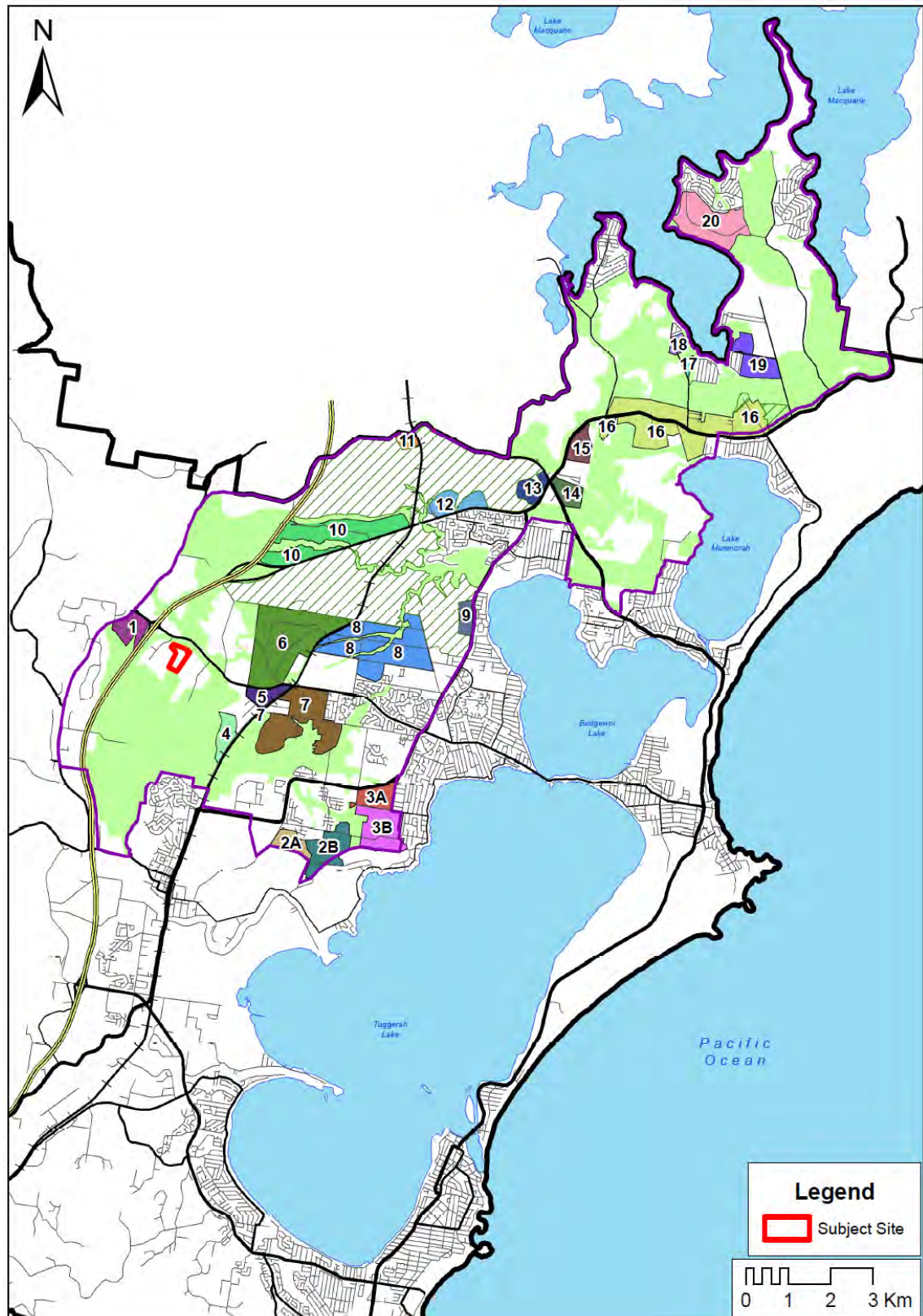
The CCRS identifies that an additional 39,500 dwellings will be required to accommodate an anticipated population growth of 71,100 persons. 16,000 of these new dwellings will be required to be accommodated within new release or 'Greenfield' areas. In terms of job numbers, the CCRS identifies for the North Wyong Shire Structure Plan Area a target of 12,000 jobs by 2013, including 6,000 in the WEZ.

North Wyong Shire Structure Plan

The NWSSP was adopted in October 2012 and provides the framework to accommodate the growth targets set within the CCRS.

The North Wyong Shire Structure Plan (NWSSP) shows the area in which the site is located as being an existing urban area and in particular an employment area. The Planning Proposal is consistent with this broad objective.

Figure 2 – Site context with respect to North Wyong Shire Structure Plan



Settlement Strategy

The Wyong Settlement Strategy was conditionally endorsed by the Department of Planning and Infrastructure on 17 September 2013.

Council's Settlement Strategy and the NSW State Government's North Wyong Shire Structure (NWSSP) incorporate the development staging of land within the medium and long term categories. The current site is part of the Wyong Employment Zone (WEZ) and is identified as "Short Term".

Regional Economic Development and Employment Strategy (REDES) 2010

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

The proposal has the potential supply significant employment numbers both during construction and also ongoing with an estimate of around 1000 operational jobs.

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

Option 1 Discontinue the Proposal (Not Recommended)

Various levels of Government have acknowledged the need to establish employment on the Central Coast to reduce the number of residents that commute daily to Sydney and to Newcastle. The Employment Land Study identified a number of employment sectors that Wyong Shire should build on, which included the tourism sector. This Planning Proposal will facilitate further development of the tourism sector with up to 1000 permanent jobs projected not included those in the construction sector during the construction phase. Discontinuing the process will prevent these outcomes from being achieved.

Option 2 Proceed with the Proposal as an Amendment to the Draft SI WLEP 2013 (Recommended)

Preparation of a Planning Proposal will facilitate the establishment of a significant tourist theme park and underpin the State Government's aim to establish more jobs on the Central Coast.

Section B – Relationship to strategic planning framework**3. (a) Where a sub-regional strategy is in place:**

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)?

Central Coast Regional Strategy (CCRS) 2006-2031 and North Wyong Shire Structure Plan, October 2012

As discussed above, the proposal has been assessed against and is generally consistent with the employment targets and objectives of the CCRS and the NWSSP and is considered to be generally consistent with these documents. An assessment of Central Coast Regional Strategy Actions is detailed in Attachment 3.

Regional Economic Development and Employment Strategy (REDES) 2010

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

The proposal has the potential supply significant employment numbers both during construction and also ongoing with an estimate of around 1000 operational jobs.

3. (b) Where there is no sub-regional strategy in place:

(i) *Does the proposal have strategic merit and*

- *Is consistent with a relevant local strategy endorsed by the Director General, or*
- *Is consistent with the relevant regional strategy or metropolitan plan, or*
- *Can it otherwise demonstrate strategic merit, giving consideration to the relevant Section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc.)*

(ii) *Does the proposal have site specific merit and it is compatible with the surrounding land uses, having regard to the following:*

- *the natural environment (including known significant environmental values, resources or hazards); and*
- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and*
- *the services and infrastructure that are or will be available to meet the demand arising from the proposal and any proposed financial arrangements for infrastructure provisions.*

Not applicable as there is a sub-regional strategy (see NWSSP) in place.

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

The Wyong Shire Community Strategic Plan (2030) was adopted by Council in September 2009 and revised in 2013. This document establishes a strategic vision over the next twenty years. The document identifies 8 priority objectives which have been created to improve the area.

1. Communities will be vibrant, caring and connected.

The Planning Proposal will facilitate the development of the Australia Chinese Theme Park which will introduce opportunities for rich cultural entertainment and education.

2. There will be ease of travel.

Bus services operate along Sparks Road. The proposed development also intends to have charter bus services from the Sydney region. The site is accessed from Warren Road via Burnet Road. It is likely that the intersection of Burnet and Sparks Roads will need to be upgraded.

3. Communities will have a range of facilities and services.

The proposed Australia Chinese Theme Park will contribute a range of new uses of and entertainment, recreational and cultural nature.

4. The community will be educated, innovative and creative.

The proposed Theme Park will contribute significantly to education in relation to Chinese culture.

5. Areas of natural value will be enhanced and maintained.

Nearby environmental wildlife corridors and wetlands will be protected.

6. There will be a sense of community ownership of the natural environment.

Opportunities for the development to support this priority objective may need to be discussed and negotiated.

7. There will be a strong sustainable business sector.

The proposed Theme Park will contribute significantly to employment in the building industry during the construction phase. It is projected that the development when operational, will contribute approximately 1000 jobs.

8. Information and communication technology will be consistent with world's best practice.

It is recommended that future development of the land facilitate the provision of high speed broadband services.

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

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs).

State Environmental Planning Policy No. 14 – Coastal Wetlands

The aim of SEPP 14 is to ensure coastal wetlands are preserved and protected for environmental and economic reasons. The SEPP requires the concurrence of the Director for any development which will clear land, construct a levee, drain or fill land within a coastal wetland.

The site does not contain any identified SEPP 14 Wetlands, however is located within close proximity to some areas to the south (see Figure 3). The impacts of upstream development will need to be carefully managed to ensure hydrological and water quality impacts are managed to protect downstream wetlands.

Figure 3 – SEPP 14 – Coastal Wetlands Map



State Environmental Planning Policy No. 26 – Littoral Rainforests

The site does not contain any identified Littoral Rainforests.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

Subject to the findings of further investigative fauna studies, consideration of the proposal against SEPP 44 – Koala Habitat Protection may be required.

State Environmental Planning Policy No.55 – Remediation of Land

It is considered that the proposal can be consistent with SEPP 55 – Remediation of Land. Further studies may not be warranted due to the existence of existing information which may prove adequate.

State Environmental Planning Policy – (Major Projects) 2005

The subject site is affected by SEPP (Major Projects) 2005 with zoning; noise exposure forecast (ANEF) and obstacle limitation surface (OLS) layers applying due to neighbouring airport. The Planning Proposal proposes to change the existing zone and the ANEF and OLS layers do not adversely impact the proposal.

A full assessment of these SEPPs is contained within Attachment 4 of this report.

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

The proposal has been assessed on a preliminary basis against relevant Section 117 Ministerial Directions.

The consistency of the proposal against a number of Section 117 Directions is subject to the outcomes of a number of additional updated studies required to be undertaken by the proponent. The assessment is contained within Attachment 5 of this report.

A summary of consistency with all Section 117 Directions follows:

Number	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	Yes	Possible
1.2	Rural Zones	No	N/A
1.3	Mining, Petroleum Production and Extractive Industries	No	N/A
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
Environment & Heritage			
2.1	Environmental Protection Zones	Yes	Possible
2.2	Coastal Protection	No	N/A

Number	Direction	Applicable	Consistent
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	No	N/A
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	No	N/A
3.2	Caravan Parks and Manufactured Home Estates	No	N/A
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use & Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	Yes	Yes
3.6	Shooting Ranges	No	N/A
Hazard & Risk			
4.1	Acid Sulfate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	No	N/A
4.3	Flood Prone Land	No	N/A
4.4	Planning for Bushfire Protection	Yes	Possible
Regional Planning			
5.1	Implementation of Regional Strategies	Yes	Yes
5.2	Sydney Drinking Water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.8	Sydney Second Airport: Badgerys Creek	No	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	No	N/A
6.2	Reserving Land for Public Purposes	No	N/A
6.3	Site Specific Provisions	No	N/A
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	N/A	N/A

Section C – Environmental, Social and Economic Impact**7. *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?***

Whilst much of the area proposed to be rezoned is cleared, there is likely to be some areas of native vegetation which will require removal in certain locations notably the north and east of the site. These impacts will need to be carefully examined and offset with appropriate conservation measures. There are some historical studies and reports which were undertaken in conjunction with the State Significant Site Study undertaken to support the rezoning of the WEZ in 2008. This supported the rezoning of the site to IN1 – General Industrial.

Wyong Council is currently working on the Bio Certification of a wide area that includes this site to secure a framework to allow development of this site.

The main ecological issues with the proposal are discussed under the following sub-headings.

Threatened species, populations and Endangered Ecological Communities (EECs)

A targeted flora and fauna survey will need to be conducted to inform the rezoning process. This will also need to be supported by detailed vegetation and habitat mapping. This program will need to target relevant threatened species listed in Commonwealth and State legislation.

Wildlife Corridors

An indicative green corridor runs adjacent to the northern boundary of the site to the south of Sparks Road. This green corridor linkage is identified in a number of documents e.g. NWSSP; and WDCP 2013 - Chapter 3.4 – Conservation Areas for Northern Wyong. The exact placement and dimensions of this corridor are yet to be finalised, however it is nominally located outside of the subject site. If it is determined that any site access arrangements or other services/functions to the north of the site will be required, then investigation of the environmental quality of the indicative green corridor will need to be determined.

Biodiversity Certification and Offsetting

Whilst most of the area proposed to be rezoned is cleared, there is likely to be some areas of native vegetation which will require removal in certain locations. These impacts will need to be carefully examined and offset with appropriate conservation measures.

Preliminary conversations with the applicant have indicated that they are interested in pursuing a Biobanking Outcome to support the rezoning. The area is considered to be a suitable location for this to be pursued. This will result in significant cost savings for Council and developers as threatened species assessments/Species Impact Statements will not be required to support future DAs if it can be achieved.

More importantly, biobanking will remove the risk of developable land being sterilised to protect threatened species habitat, as the number of threatened species and the impact of future listings will continue to be a risk going forward in Council's Urban Land Release Program. Biobanking removes this risk and provides a solid conservation framework to underpin the rezoning proposal.

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

Flooding and Stormwater

The existing 1 year AEP Flood boundaries and riparian zones (blue lines) are shown in Figure 4. The site is not affected by the 1 year AEP Flood boundaries.

Part of the site has been cleared and bulk earthworks have been undertaken over the proposed Lot 2 as detailed on the subdivision layout as approved on 8 April 2013 as DA/3130/2004/D. The works have basically benched the site level with the provision of minor drainage structures to control generated stormwater run-off, erosion and downstream sedimentation. It is noted that the entire site adjoins the Porters Creek Wetland.

Councils "Integrated Water Cycle Management Strategy (WEZ) (IWCM)" dated November 2006 prepared by the consultant Ecological Engineering locates a constructed wetland and an adjoining storm water storage facility immediately downstream of the ACTP (Australia China Theme Park) designated area. Both facilities were positioned within this sub-catchment area to collect, treat and temporarily store generated catchment storm water flows to be drawn down via pumping to Wyong River. The IWCM Strategy was developed to manage excess stormwater run-off from the future developments within the WEZ catchments and to preserve the natural flow regime with the Porters Creek Wetland. The IWCM Strategy is currently under review and it is uncertain which IWCM elements and facilities will be funded and constructed.

A 'Concept Master plan' prepared by HIS Design & Cardno P/L indicates that the development of ACTP will incorporate Water Sensitive Urban Design (WSUD) practices (Design Elements-Water) throughout the Park to control the quality and quantity of water leaving the site. Examination of the supporting documentation provides limited information of any Integrated Water Cycle Management system or strategy. The concept plans include numerous water features throughout the park which could possibly include stormwater treatment systems however it may prove difficult to suitably clean and treat stormwater discharges from the Park within the designated downstream area of the site due to the proposed extensive impervious surfaces and large building structures (Thanksgiving Temple).

It is noted that the design of the ACTP doesn't facilitate the integration of stormwater Management facilities such as large constructed wetlands incorporating GPT's, sacrificial zones and Wet Detention Basins in accordance with Council's current Civil Works Design and Construction Specifications.

The concept also includes an Implementation & Staging Program which indicates that the lowest part of the site (Thanksgiving Temple) will be the first phase with the later phases further upstream within the site. This sequence may suit the applicant's development and ultimate progressive use of the site but may hinder the on-going stormwater management for the site.

The development of a comprehensive Integrated Stormwater Management Strategy prepared by a suitably qualified consultant specializing in stormwater treatment, collection and re-use systems will be required to support the proposal. The Integrated Stormwater Management Strategy must consider the layout of the ACTP, water features and future uses to ensure the treatment of any generated and discharged storm water flows with the latest available technology.

Figure 4: Existing 1Year AEP Flood Map and Blue Lines



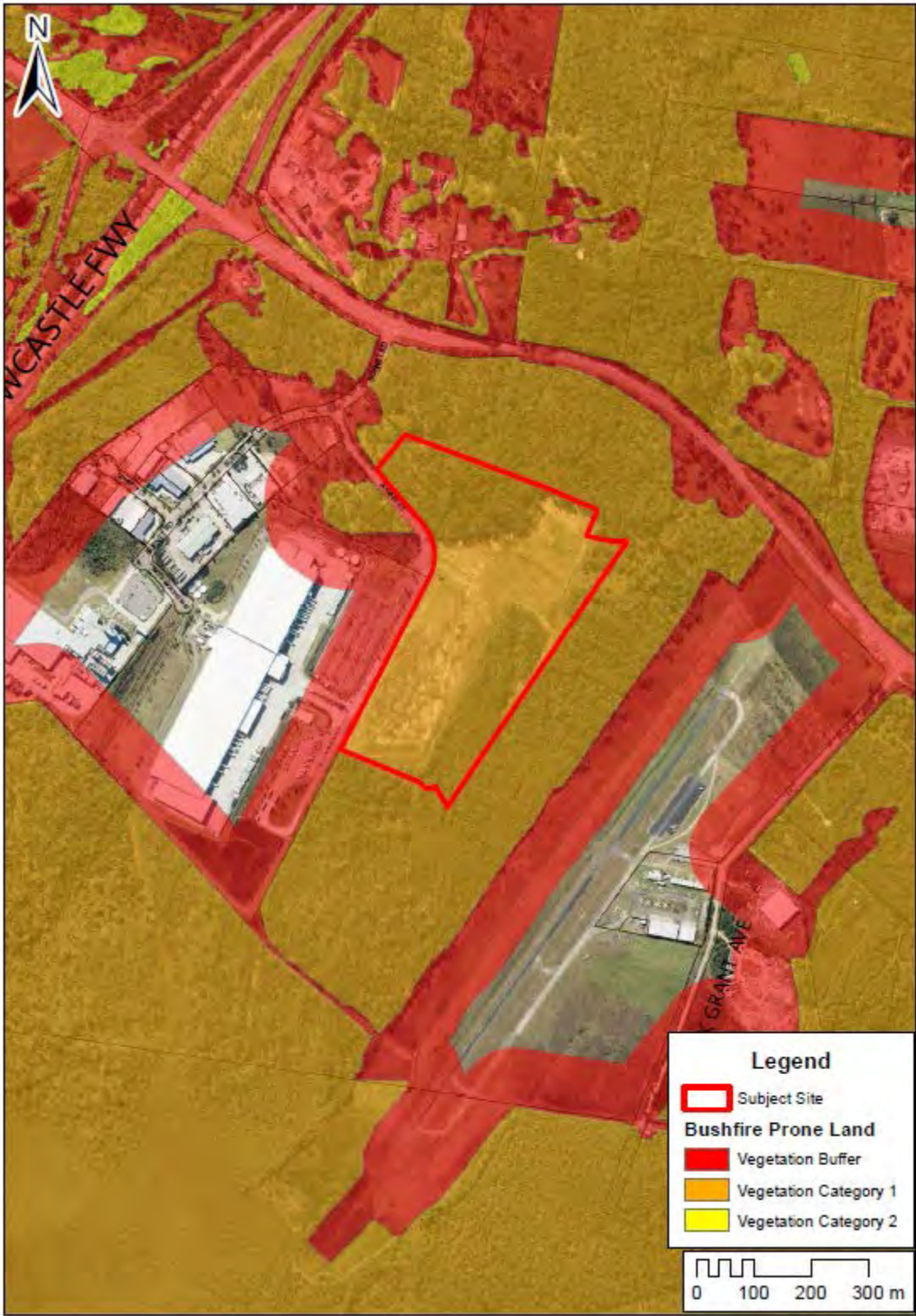
Bushfire

Large areas of the study area are classified as “bushfire prone land” (See figure 5). The location, adjacent bushland and topography mean there will remain a very significant fire threat to all residents and users of any tourist facility proposed for this location. Preliminary assessment of the Concept Proposal, which accompanies the Planning Proposal, indicates that the concept design form and options need to be explored in order to manage the bushfire issues. A comprehensive bush fire assessment by a suitably qualified and experienced consultant will be required to identify necessary Asset Protection Zones (APZ’s). Options are as follows:

1. Enclose the development behind a significant fire-rated masonry wall (probably to the height of adjacent buildings at least) for the entirety of the boundary facing a bush fire hazard.
2. Undertake a complete redesign of the project, locating only features such as car parking, stormwater management and suitable landscaping only within the APZ areas.
3. Locate the necessary APZs from the edge of the footprint shown on the concept plans – this would necessitate locating all APZs on adjoining Council land zoned E2 Conservation.

An assessment of the proposal against Planning for Bushfire Protection 2006, and other relevant guidelines will be required post Gateway Determination as master plans of the site are developed.

Figure 5 – Bushfire Prone Land Map



Acid Sulfate Soils and Contaminated Land Assessment

Acid sulphate soil (ASS) mapping conducted by the Department of Conservation and Land Management (1993) indicates a potential presence of ASS under the low lying parts of the WEZ. The majority of the Airport Supplier Park is considered by Coffey (2006) to have low potential for ASS due to the low elevation of the area. A detailed ASS assessment would be recommended to be conducted prior to any significant works that would disturb the subsurface profile. If ASS are identified at those particular locations / development areas then an ASS management plan would need to be prepared to manage the disturbances.

A preliminary contaminated lands assessment was conducted by Coffey Geosciences Pty Ltd (2006) of the WEZ. The objectives of the study were to identify all past and present potentially contaminating activities, identify potential contamination types, assess and discuss the existing site conditions, provide a preliminary assessment of site contamination, and provide preliminary advice on remediation and management of any identified site contamination. While this study identified a number of areas of potential contamination within the WEZ, it did not identify any potential contamination on the subject Site.

Mine Subsidence

The subject site is located outside the Mine Subsidence District.

9. *Has the planning proposal adequately addressed any social and economic effects?*

Social Effects

Visual Impact

The future development of the theme park will involve some structures approaching 50 metres. Given that this will be a significant change to the character of the existing landscape it is recommended that some visual analysis be conducted. This should primarily focus on views from various locations along Sparks Road.

Internal Layout

The proponent has prepared a preliminary Concept Master Plan showing indicative internal road layouts and development pattern (See Enclosure 1). This plan will change as it is informed by technical studies and stakeholder input.

Aboriginal Archaeology and European Cultural Heritage

Archaeological investigations have been undertaken within the study area by Archaeological Surveys and Reports Pty Ltd (ASR) in March 2004 and April 2005 in order to support the rezoning of the WEZ. These were undertaken with the assistance of the Darkinjung Local Aboriginal Land Council. Aboriginal sites and relics that might be present were identified as part of this survey program. No artifacts were recorded on or near the subject site.

The main findings of those studies were:

- Evidence of Aboriginal occupation of the site was found by virtue of the Aboriginal artefacts which were located as part of the survey. The evidence of Aboriginal occupation is not archaeologically significant.
- There is the potential for significant archaeological materials to be buried around the margins of wetland areas.

- The Darkinjung LALC has recommended that a representative of Darkinjung LALC should be present to monitor any earthworks. For practical purposes, ASR recommends that such monitoring would only be necessary above the 10m AHD contour, and would take place when the initial clearing of those areas occurs.

The Office of Environment and Heritage (OEH) will need to be consulted through the Planning Proposal process.

No items of European heritage significance are within or adjacent to the Subject Site.

Economic Effects

Job creation

The proposed Theme Park is expected to generate of approximately 1000 operational jobs. Development is proposed to be staged from the southern portion of the site will be redeveloped in four stages with completion targeted for 2020. Additional jobs will also be created through construction and trade related services, during construction.

Impact on Industrial Land Supply

The planning proposal would result in approximately 15.7 hectares of existing IN1 General Industrial land being rezoned to SP3 Tourist. This represents 4% of the approximately 340 hectares of existing industrially zoned land in the WEZ. While it could be argued that the loss of 4% of existing industrial land in the WEZ would be offset by the subsequent significant employment opportunities and associated economic and social benefits for the region, the Planning Proposal should provide further justification of this impact this impact by referencing REDES and the Wyong Employment Lands Study. It is recommended that this be addressed post Gateway determination.

Existing and Future Airport Considerations

The proposed Australia Chinese Theme Park will be subject to height imitations imposed by the Obstacle Limitation Surfaces (OLS) associated with the operation of Warnervale Airport. A copy of the relevant Warnervale OLS drawings are attached for information (Attachment 6).

Attached also is the Warnervale Aerodrome ANEF Report which provides forecast aircraft noise exposure contours. At the current level of activity at Warnervale Aerodrome, aircraft noise impacts on the proposed ACTP proposal would be considered minimal and will impose no planning constraints with respect to restrictions on habitation provided under Australian Standard AS2021 'Acoustics—Aircraft noise intrusion—Building siting and construction'. A copy of the ANEF noise exposure contours is attached (Attachment 7)

Current planning for the Central Coast Regional Airport (CCRA) is still in the feasibility stage, however it would be expected that the OLS for the proposed CCRA will not have an impact on the ACTP, other than imposing an overall horizontal surface height limitation of approximately RL 70m AHD.

Aircraft noise modelling for the CCRA has not yet commenced, however, noise impacts from the proposed CCRA operation would be expected to have minimal impact on the ACTP, which will be well outside the ANEF 20 contour within which residential development is prohibited. Whilst some background noise from airport operations would be able to be heard at the ACTP site being approximately 2km from the runway, the actual noise levels will be quite low. No flight paths will directly affect the ACTP site.

Section D – State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal?*

Water and Sewer

Existing water and sewerage services are available to the existing industrial lots, with extension of existing services required for the theme park. Overall servicing of the site is achievable due to the proximity of existing infrastructure.

Water Supply

Water supply can potentially be achieved by a connection to the existing 200mm water main in Warren Road.

The 200mm 'reticulation' main is connected to large diameter trunk mains in Sparks Road that can be fed from either Kanwal Reservoir or via the Hunter Connection if required. Ability to supply from either trunk main provides security of supply to the area (See Figure 1).

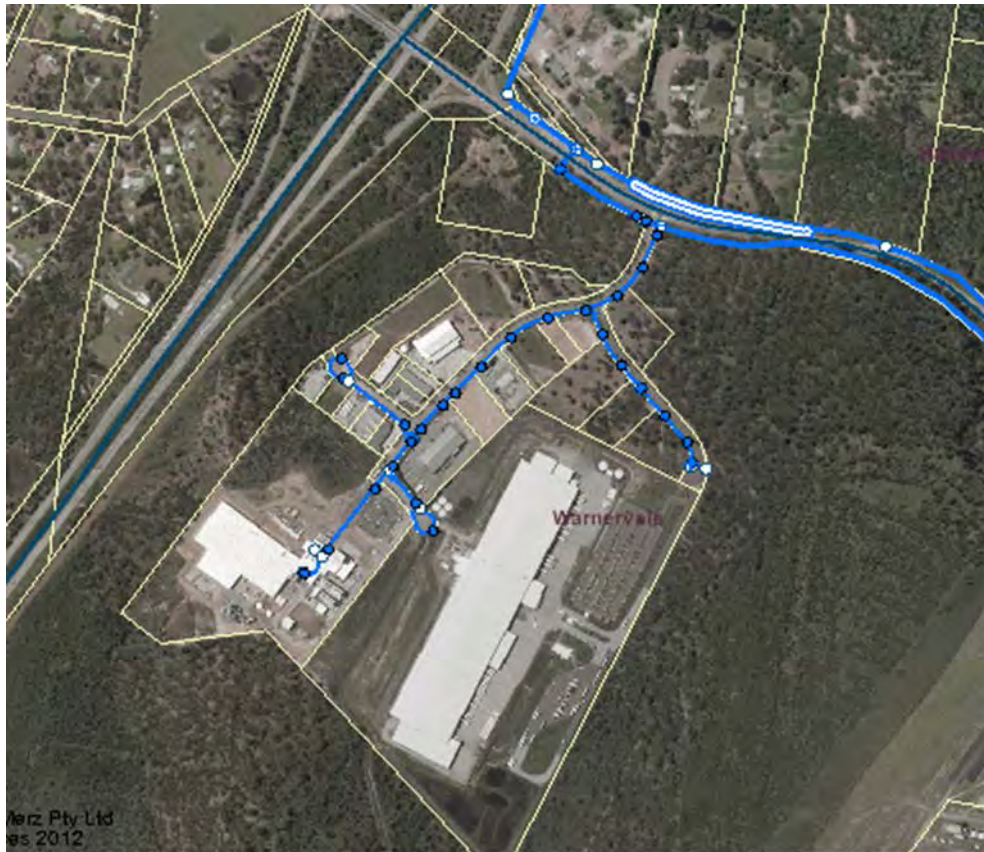


Figure 6 Water mains in the locality

Sewer

The site will require the installation of a new sewer gravity main (shown in green in Figure 2) to connect to the existing 300mm trunk sewer main which runs along the southern side of the Woolworths site and into a Sewage Pumping Station located at the end of Jack Grant Avenue.

This main will also need to extend north around/through the site as the industrial area on the northern side of sparks road will be serviced by a pump station that will discharge into this gravity main.

The applicant would need to design and construct the gravity mains under a works in kind agreement which will go towards offsetting any sewerage contributions that are payable. Costs associated with private plumbing connections are at the developers cost. As the proposed development includes hotel accommodation a more detailed assessment of site loadings is required to confirm sizes of proposed infrastructure. Future servicing investigations will be completed by the developer's consultant.

Indicative Layout

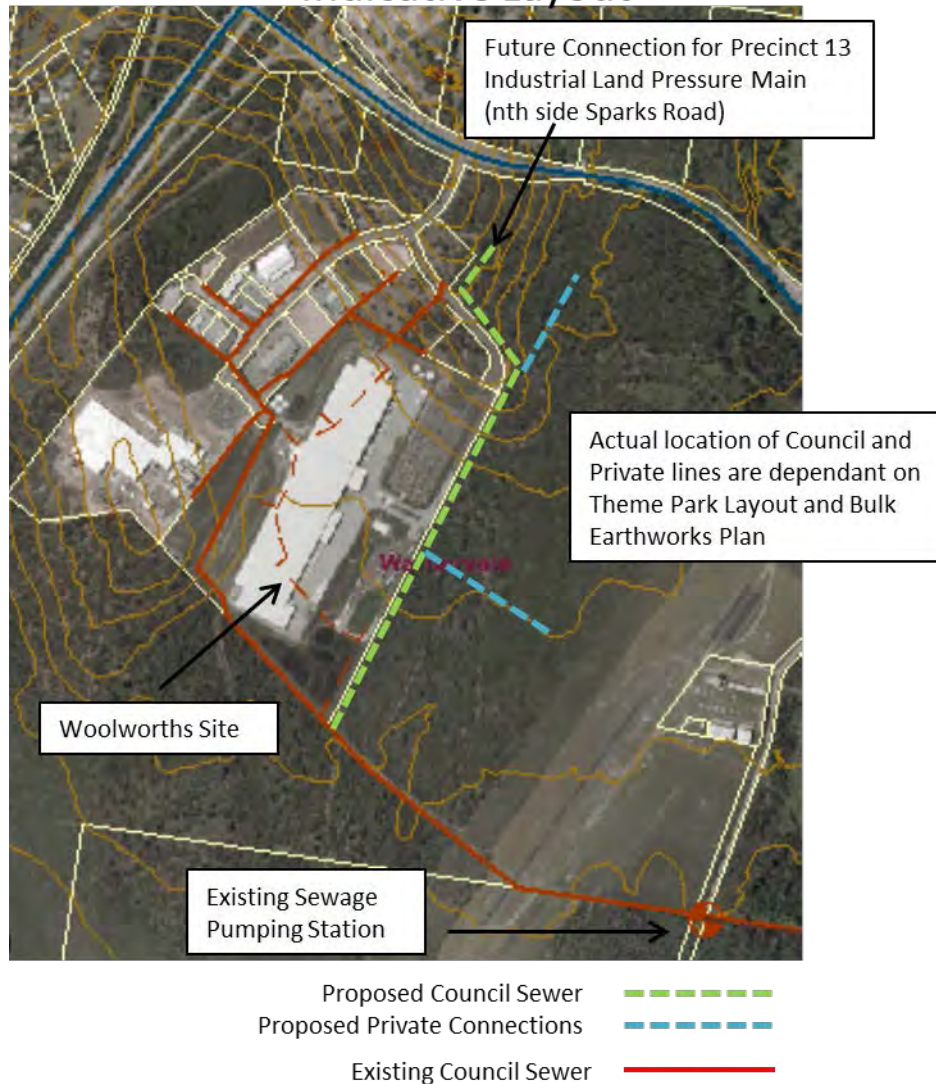


Figure 2 Sewer Infrastructure

Road Infrastructure and Traffic

In order for the Planning Proposal to progress beyond Gateway Determination, a detailed Traffic Assessment Report has been identified as necessary to determine the impact of the proposal of the Local, State and Federal road networks. The traffic report is to include detailed analysis of the intersection of the M1 Pacific Motorway and Sparks Road (Warnervale Interchange) and the intersection of Sparks Road and Burnett Road. The analysis is to include a base case using current traffic volumes and a 10 year projection with 1.5% background traffic growth including potential traffic generated by the Warnervale Town Centre, Precinct 7A, Wyong Employment Zone (WEZ) and the proposed regional airport.

The report will need to also undertake a detailed parking assessment for the site based on the anticipated uses and surveys of similar sized theme parks in Australia and overseas.

The proposed re-zoning should be referred to Roads and Maritime Services for comment as there will be significant impacts on the State Road network.

Electricity and Telecommunications

Both electricity and telecommunication infrastructure is located in the adjacent Warnervale Business Park. This will be able to service the subject site. The proponent will need to liaise with the relevant providers to arrange appropriate infrastructure needs and connection.

Stormwater and Drainage

As discussed above in this report the proposed development is in the upstream of Porters Creek Wetland. Stormwater infrastructure is likely to be required to manage water quality and hydrology impacts. A comprehensive Integrated Stormwater Management Strategy prepared by a suitably qualified consultant specializing in stormwater treatment, collection and re-use systems will be required to support the proposal.

Infrastructure Funding

Infrastructure for the proposal will be funded by the proponent through the appropriate DSP and Section 94 Contribution Plans. An alternative the proponent may wish to enter into a Voluntary Planning Agreement.

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

State and Commonwealth public authorities will be consulted following the outcomes of the Gateway Determination. Consultation will be carried out in accordance with Section 57 of the EP&A Act.

Part 4 Mapping

The following maps are provided in Attachment 1 to support the Planning Proposal

Map No.	Map Title
A	Current Land Use Zoning - Wyong LEP 2013
B	Study Area with Aerial Locality Plan
C	Proposed Land Use Zoning Map
D	Proposed Key Site Map

Part 5 Community Consultation

Future community and government agency consultation requirements will be outlined by the Gateway Determination, should a positive Gateway Determination be made. Preliminary discussions have been held by the proponent with Council prior to consideration of the proposal by Council.

It is anticipated that community consultation will be undertaken in accordance with the relevant provisions of the EP&A Act and Regulation which includes newspaper advertisement, public exhibition at Council offices and on Council's website, and notification letters to adjoining property owners.

As the subject site is currently owned by Council and as such the consultation will also need to comply with the Department's Guidelines for Rezoning of Council Owned Land.

Part 6 Project Timeline

Action	Period	Start Date	End Date
Anticipated commencement date (date of Gateway Determination)	n/a	6 April 2015	30 April 2015
Anticipated timeframe for the completion of technical reports and develop Structure Plan/Masterplan/DCP (an indicative list of technical studies required to support the rezoning is included in Attachment 8).	12 months	30 Feb 2015	30 August 2015
Timeframe for government agency consultation (pre exhibition as required by Gateway determination)	28 days	1 Sept 2015	1 Oct 2015
"In principle" Agreement on infrastructure and servicing arrangements – report to Council	Prior to exhibition	1 Aug 2015	30 Aug 2015
Commencement and completion dates for public exhibition (including government agency consultation during public exhibition)	28 days	1 Sept 2015	30 Sept 2015
Dates for public hearing (if required)	1 day	TBA	TBA
Timeframe for consideration of submissions, resolve issues with government agencies, make adjustments to Planning Proposal / DCP/ supporting documentation	6 weeks	30 Sept 2015	15 Nov 2015
Report to Council on results of public exhibition- request endorsement of Planning Proposal	4 weeks	15 Nov 2015	15 Dec 2015
Date of submission to the Department to Planning and Infrastructure to finalise LEP	n/a	n/a	22 Dec 2015
Anticipated date RPA will make the plan (if delegated)	n/a	n/a	n/a
Anticipated date RPA will forward to the Department for notification	n/a	n/a	n/a

NOTE: This is an indicative timeframe for the project.

Timeframes for the project will be dependent on agreement being reached on infrastructure and servicing requirements for the project. Failure to complete technical studies within timeframes will result in timeframes being expanded.

A more detailed schedule of times and tasks will be developed with the proponent once funding arrangements for the project have been agreed with Council.

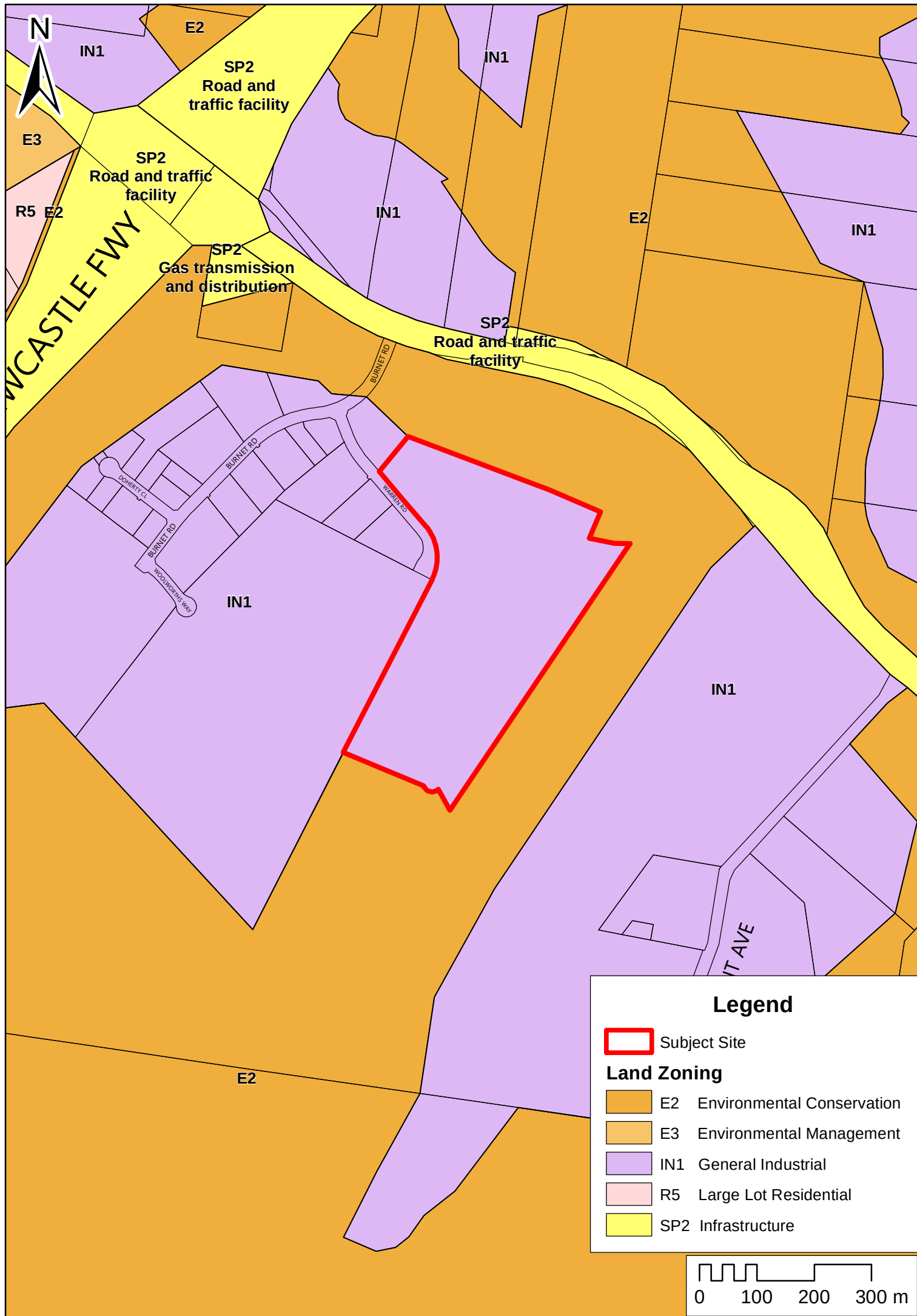
Attachments and Supporting Documentation

Document	Attached
1. Plans a) Current Land Use Zoning - Wyong LEP 2013 b) Study Area with Aerial Locality Plan c) Proposed Land Use Zoning Map d) Proposed Key Site Map	Yes
2. Council reports a) Council report and minutes – 10 December 2014 – Australia China Theme Park - RZ/10/2014 - Planning Proposal and Concept Masterplan - Lot 3, DP1007500, Sparks Road, Warnervale	Yes
3. Central Coast Regional Strategy Actions	Yes
3a. WSC Community Strategic Plan	Yes
4. State Environmental Planning Policy Assessment	Yes
5. Ministerial Section 117 Direction Assessment	Yes
6. Obstacle Limitation Surface (OLS) Map	Yes
7. Aircraft Noise Exposure Forecast (ANEF) Map	Yes
8. List of Technical Studies recommended to Support Rezoning	Yes
9. Planning Proposal Submission - Cardno	Enclosure 1
10. Australia and China Theme Park Conceptual Planning Scheme (Masterplan) - ACTP	Enclosure 2

Attachment 1a

Current Land Use Zoning

WLEP 2013



Attachment 1b

Study Area with Aerial Locality Plan



Legend



ACTP Site

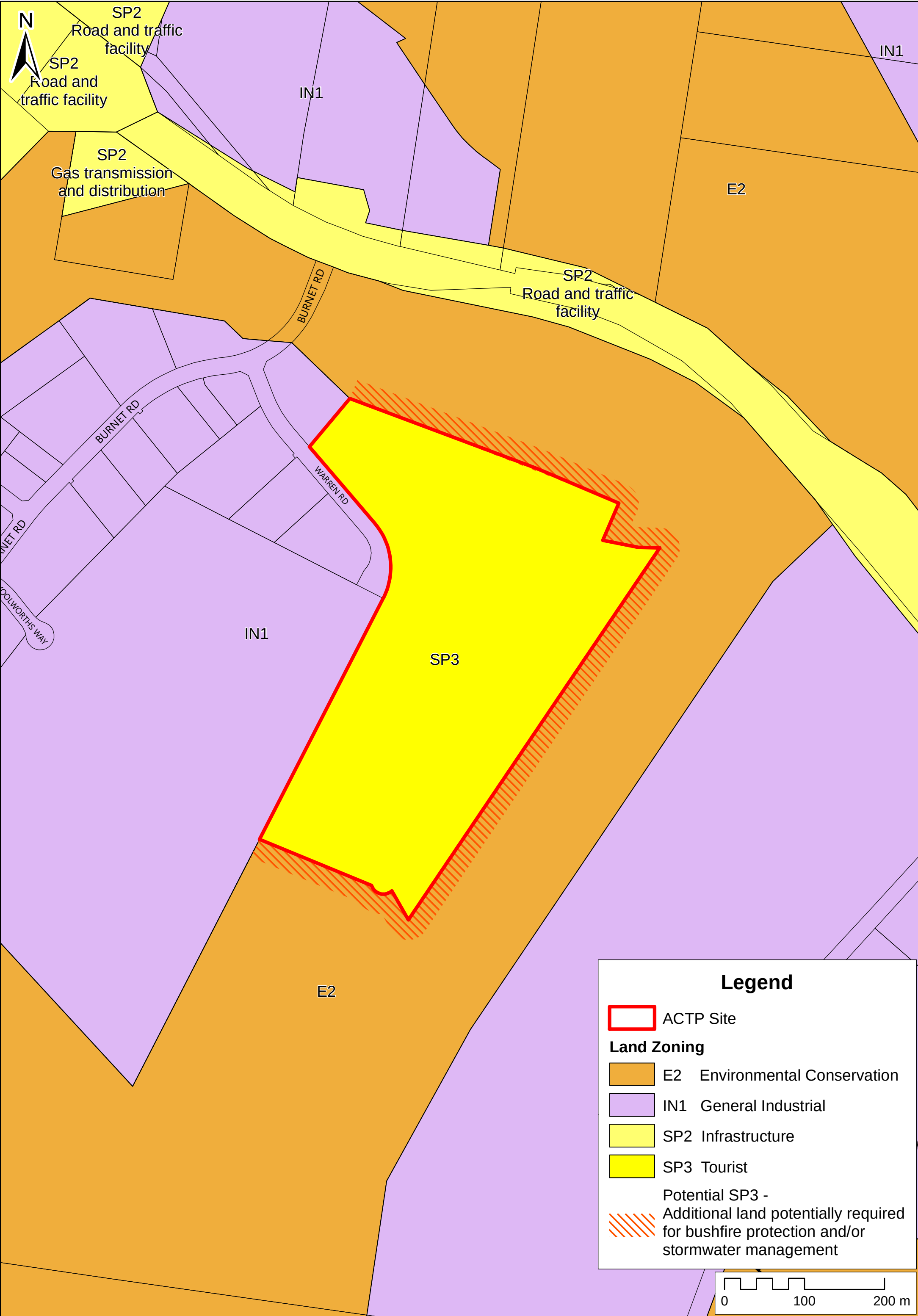


Additional land potentially required
for bushfire protection and/or
stormwater management

0 100 200 m

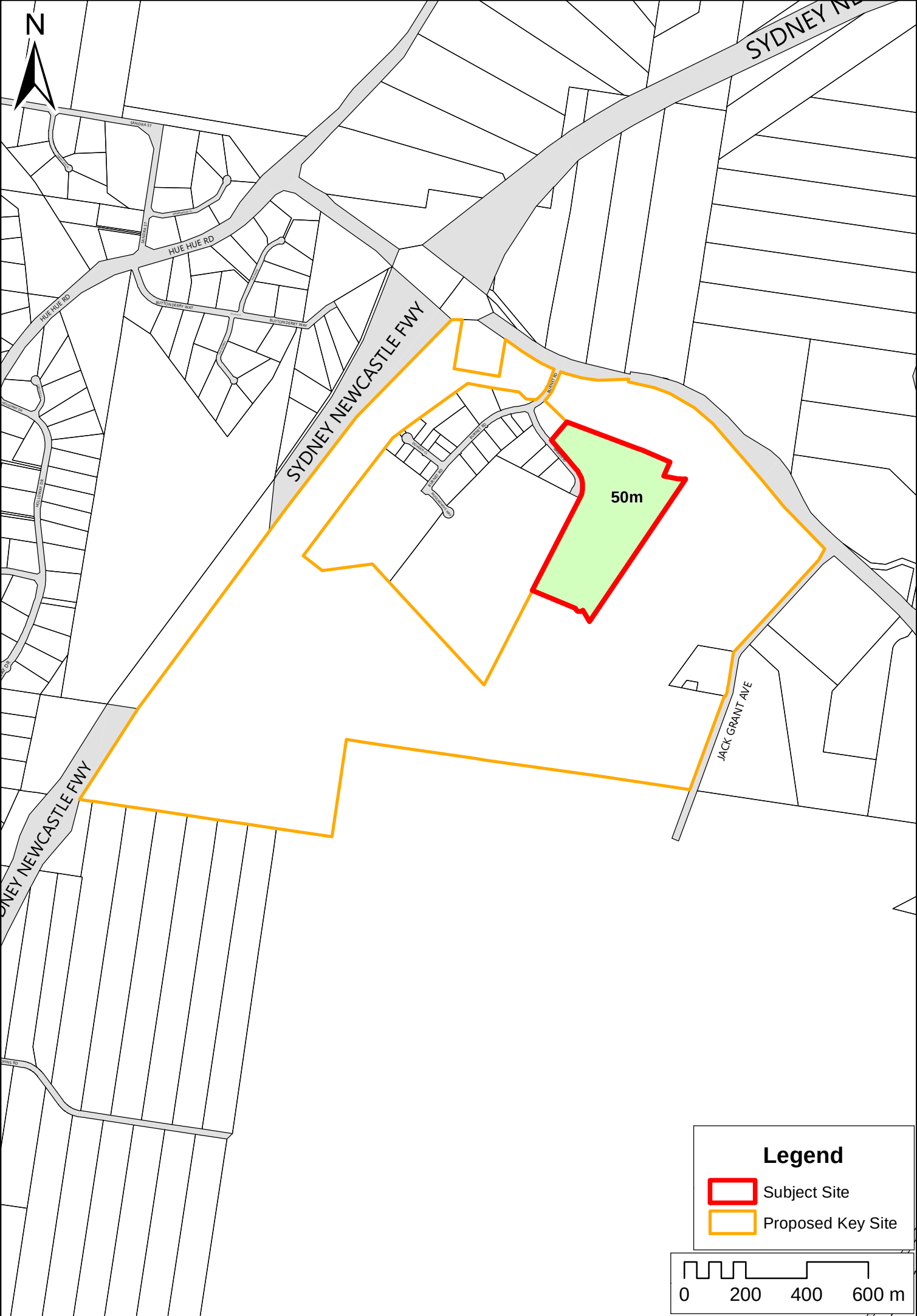
Attachment 1c

Proposed Land Use Zoning



Attachment 1d

Proposed Key Site Map



Attachment 2

Council Report

10 December 2014

2.6 RZ/10/2014 Commence preparation of Planning Proposal for Australia China Theme Park at Warnervale

TRIM REFERENCE: RZ/10/2014 - D11764121

MANAGER: Tanya O'Brien, Manager

AUTHOR: Jonathan Luke; Senior Strategic Planner

SUMMARY

This report seeks Council's endorsement to commence the rezoning in relation to a 15.7 hectare land parcel, which forms part of Lot 3, DP1007500, 150 Sparks Road, Warnervale. The Planning Proposal seeks to rezone the land from IN1 – General Industrial Zone to SP3 – Tourist Zone in order to accommodate a cultural theme park – 'Chappypie China Time', with various tourist and entertainment uses. The Planning Proposal also seeks to remove the existing 12 metre height limit that applies under WLEP 2013 (WLEP2013).

The combined value of investment created by this rezoning is estimated to be in the vicinity of \$500 million and will generate significant employment in the local construction industry during construction and the tourism industry during operation. It is estimated that the development will lead to approximately 1,000 ongoing jobs.

An assessment of the proposal has been undertaken, which identifies that the concept has merit 'in principle', and that Council should initiate the rezoning process by preparing a Planning Proposal and referring it to the Department of Planning and Environment (DP&E) for a "Gateway" determination.

Real Description:	Part of Lot 3, DP1007500
Street Address:	150 Sparks Road, Warnervale
Applicant:	Cardno
Owner/s:	Australia China Theme Park Pty Ltd (ACTP)
Site Area:	15.7 Hectares
Current Zoning:	IN1 – General Industrial Zone.
Current Land use:	Vacant
Estimated Value:	\$500 million
Employment number:	Approximately 1000 ongoing jobs

RECOMMENDATION

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979.
- 2 That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.

- 3 That Council require, subject to the "Gateway Determination," the applicant/landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 4 That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.
- 5 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".
- 6 That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Part Lot 3 in DP1007500.
- 7 That Council consider a further report on the results of community consultation.

ORDINARY MEETING 10 DECEMBER 2014

Councillor Matthews left the meeting at 7.08 pm and returned to the meeting at 7.10pm during consideration of this item.

RESOLVED on the motion of Councillor EATON and seconded by Councillor BEST:

- 1394/14 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979.**
- 1395/14 That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.**
- 1396/14 That Council require, subject to the "Gateway Determination," the applicant/landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.**
- 1397/14 That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.**
- 1398/14 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".**
- 1399/14 That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Part Lot 3 in DP1007500.**
- 1400/14 That Council consider a further report on the results of community consultation.**

DRAFT

FOR: COUNCILLORS BEST, EATON, NAYNA, TROY AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

BACKGROUND AND CURRENT STATUS

In November 2012, Council formally approved the sale of 15.7 hectares of land at Warnervale to the Australia Chinese Theme Park Pty Ltd (ACTP) for \$10 million, for the purpose of constructing a \$500 million "Chinese Theme Park". The subject site at No. 150 Sparks Road, Warnervale forms a 15.7 hectare portion of the 200 hectare allotment known as Lot 3, DP 1007500, Sparks Road Warnervale.

A subdivision approval (DA/899/2012) to create the 15.7 hectare parcel was approved on 3 July 2013. Prior to the creation of the proposed lot, the conditions of the consent will need to be satisfied and a Subdivision Certificate issued.

In November 2010 Council considered a report that identified Iconic Development Sites within the Shire that have the potential to create economic growth and development confidence. Council resolved to add an additional site, Warnervale Airport. The site of the proposed theme park, being part of the Warnervale Airport site, was therefore included in the list of Iconic Development Sites at this time. Both the Wyong LEP 2013 and Wyong DCP 2013 came into effect in late December 2013, and included planning provisions in respect to Key (Iconic Development) Sites. The LEP provides for a 'baseline' maximum building height of 12 metres and a maximum 'Key Site' height of 20 metres. Under Wyong DCP 2013, Chapter 6.1 Key Sites outlines guidelines for each of the 28 sites. Section 3.28 applies to Warnervale Airport, but makes no specific reference to the Australia China Theme Park.

STUDY AREA

The site comprises a 15.7 hectare part of Lot 3 in DP1007500. The land is currently zoned IN1 – General Industrial under WLEP 2013. (See Attachment 1).

The site is largely flat with a gentle gradient falling from north to south. Much of the site is cleared with some vegetation located at the north and east of the site. Site works associated with a subdivision approval have been undertaken in relation to soil and water management.

The site is located within the Wyong Employment Zone (WEZ) and more specifically within the Warnervale Business Park, which is located to the east of the M1 Motorway and to the south of Sparks Road. Immediately to the east of the site is a vegetated corridor and then beyond is the Warnervale Aerodrome which provides primarily for charter flights and scenic joy rides. Immediately to the north of the site is a vegetated corridor and then Sparks Road. To the south of the Warnervale Business Park is the Porters Creek Wetland. Immediately to the west of the site is the Woolworths Distributions Centre and Warren Road which provides access both to Woolworths and the subject site.

PLANNING PROPOSAL

The Planning Proposal seeks to rezone the subject land from IN1 – General Industrial Zone to SP3 – Tourist Zone in order to accommodate a cultural theme park – ‘Chappypie China Time’, with various tourist and entertainment uses. The Chinese theme park will incorporate a series of themed precincts reflecting the key Provinces of the Republic, as well as specific cultural facilities including an opera theatre, exhibition centre and an operating Buddhist Temple. Each precinct will include shops, restaurants and tourist accommodation in a traditional setting reflecting the culture and architecture of each Province. The theme park will have 12 main sections, highlights include the Meridian Gate, Thanksgiving Temple, Zheng He’s Treasure Ship, Arts and Crafts Workshop, Spring Festival Square, Panda Paradise. The theme park will be developed in a traditional Chinese landscape and will present as “sophisticated Chinese cultural village”. (A copy of the Concept Masterplan is included as Enclosure 2)

The Planning Proposal also seeks to remove the existing 12 metre height limit that applies under WLEP 2013 to facilitate the proposed iconic development.

In relation to the change to the height provision, the site is part of the Warnervale Airport Iconic Development Site and is therefore currently the Key Sites provisions of Clause 7.11 under WLEP 2013 which permits a maximum building height of up to 20 metres. The proposed theme park however, proposes heights of up to 50 metres, therefore it is proposed to remove the maximum height provision from the key sites provisions in the LEP and DCP. Outside of the Warnervale Airport site, industrially zoned land in the locality is not subject to a statutory height control in the LEP. The proposed removal of the height control from this site will provide for a consistent approach across the locality.

KEY ISSUES

A Planning Proposal submission was prepared by Cardno which outlines relevant planning issues (see Enclosure1). This document acknowledges that a number of specialist reports will be required to further progress the development of this rezoning proposal. The Planning Proposal and associated documentation has been referred to relevant Council Officers for review.

The main issues are outlined below, these and other issues will be expanded upon and informed as further technical studies are done to the further develop the Planning Proposal.

Stormwater Management and Engineering requirements

Part of the site has been cleared and bulk earthworks have been undertaken over the proposed Lot 2 as detailed on the subdivision layout as approved on 8 April 2013 as DA/3130/2004/D. The works have basically benched the site level with the provision of minor drainage structures to control generated stormwater run-off, erosion and downstream sedimentation. It is noted that the entire site adjoins the Porters Creek Wetland.

Councils "Integrated Water Cycle Management Strategy(WEZ) (IWCM)" dated November 2006 prepared by the consultant Ecological Engineering locates a constructed wetland and an adjoining storm water storage facility immediately downstream of the ACTP (Australia China Theme Park) designated area. Both facilities were positioned within this sub-catchment area to collect, treat and temporarily store generated catchment storm water flows to be drawn down via pumping to Wyong River. The IWCM Strategy was developed to manage excess stormwater run-off from the future developments within the WEZ catchments and to preserve the natural flow regime with the Porters Creek Wetland. The IWCM Strategy is currently under review and it is uncertain which IWCM elements and facilities will be funded and constructed.

The Concept Master plan prepared by HIS Design & Cardno P/L indicates that the development of ACTP will incorporate Water Sensitive Urban Design (WSUD) practices (Design Elements-Water) throughout the Park to control the quality and quantity of water leaving the site. Examination of the supporting documentation provides limited information of any Integrated Water Cycle Management system or strategy. The concept plans include numerous water features throughout the park which could possibly include stormwater treatment systems however it may prove difficult to suitably clean and treat stormwater discharges from the Park within the designated downstream area of the site due to the proposed extensive impervious surfaces and large building structures (Thanksgiving Temple).

It is noted that the design of the ACTP doesn't facilitate the integration of stormwater Management facilities such as large constructed wetlands incorporating GPT's, sacrificial zones and Wet Detention Basins in accordance with Council's current Civil Works Design and Construction Specifications.

The concept also includes an Implementation & Staging Program which indicates that the lowest part of the site (Thanksgiving Temple) will be the first phase with the later phases further upstream within the site. This sequence may suit the applicant's development and ultimate progressive use of the site but may hinder the on-going stormwater management for the site.

The development of a comprehensive Integrated Stormwater Management Strategy prepared by a suitably qualified consultant specializing in stormwater treatment, collection and re-use systems will be required to support the proposal. The Integrated Stormwater Management Strategy must consider the layout of the ACTP, water features and future uses to ensure the treatment of any generated and discharged storm water flows with the latest available technology.

Topography

The study area is largely flat with a gentle gradient falling from north to south. Much of the site is cleared with some vegetation located at the north and east of the site. Some site works associated with a subdivision approval have been undertaken in relation to soil and water management.

Bushfire

The proposed rezoning provides an opportunity to provide a facility/destination with great cultural and tourism potential. The location, adjacent bushland and topography mean there

will remain a very significant fire threat to all residents and users of any tourist facility proposed for this location.

Council's Senior Planner – Property Management has advised that the proposed rezoning cannot be supported in its current concept design form and options need to be explored as soon as possible to manage the bushfire issues. A full bush fire assessment by a suitably qualified and experienced consultant will be required to identify necessary Asset Protection Zones (APZ's). Options are as follows:

1. Enclose the development behind a significant fire-rated masonry wall (probably to the height of adjacent buildings at least) for the entirety of the boundary facing a bush fire hazard.
2. Undertake a complete redesign of the project, locating only features such as car parking, stormwater management and suitable landscaping only within the APZ areas.
3. Locate the necessary APZs from the edge of the footprint shown on the concept plans – this would necessitate locating all APZs on adjoining Council land zoned E2 Conservation.

These options would be fully investigated as part of preparation of the Planning Proposal.

Ecological

Whilst much of the area proposed to be rezoned is cleared, there is likely to be some areas of native vegetation which will require removal in certain locations notably the north and east of the site. These impacts will need to be carefully examined and offset with appropriate conservation measures. There are some historical studies and reports which were undertaken in conjunction with the State Significant Site Study undertaken to support the rezoning of the WEZ in 2008. This supported the rezoning of the site to IN1 – General Industrial.

Wyong Council is currently working on the Bio Certification of a wide area that includes this site to secure a framework to allow development of this site.

The main ecological issues with the proposal are discussed under the following sub-headings.

Threatened species and meeting legislative requirements

A targeted flora and fauna survey will need to be conducted to inform the rezoning process. This will also need to be supported by detailed vegetation and habitat mapping. This program will need to target relevant threatened species listed in Commonwealth and State legislation.

Biodiversity Certification and Offsetting

Preliminary conversations with the applicant have indicated that they are interested in pursuing a Biobanking Outcome to support the rezoning. The area is considered to be a suitable location for this to be pursued. This will result in significant cost savings for Council and developers as threatened species assessments/Species Impact Statements will not be required to support future DAs if it can be achieved.

More importantly, biobanking will remove the risk of developable land being sterilised to protect threatened species habitat, as the number of threatened species and the impact of future listings will continue to be a risk going forward in Council's Urban Land Release Program. Biobanking removes this risk and provides a solid conservation framework to underpin the rezoning proposal.

Environmental Corridors

An indicative green corridor runs adjacent to the northern boundary of the site to the south of Sparks Road. This green corridor linkage is identified in a number of documents e.g. NWSSP; and WDCP 2013 - Chapter 3.4 – Conservation Areas for Northern Wyong. The exact placement and dimensions of this corridor are yet to be finalised, however it is nominally located outside of the subject site. If it is determined that any site access arrangements or other services/functions to the north of the site will be required, then investigation of the environmental quality of the indicative green corridor will need to be determined.

Visual Impact

The future development of the theme park will involve some structures approaching 50 metres. Given that this will be a significant change to the character of the existing landscape it is recommended that some visual analysis be conducted. This should primarily focus on views from various locations along Sparks Road.

Acid Sulfate Soils and Contaminated Land Assessment

Acid sulphate soil (ASS) mapping conducted by the Department of Conservation and Land Management (1993) indicates a potential presence of ASS under the low lying parts of the WEZ. The majority of the Airport Supplier Park is considered by Coffey (2006) to have low potential for ASS due to the low elevation of the area. A detailed ASS assessment would be recommended to be conducted prior to any significant works that would disturb the subsurface profile. If ASS are identified at those particular locations / development areas shown in Figure 4.2 then an ASS management plan would need to be prepared to manage the disturbances.

A preliminary contaminated lands assessment was conducted by Coffey Geosciences Pty Ltd (2006) of the WEZ. The objectives of the study were to identify all past and present potentially contaminating activities, identify potential contamination types, assess and discuss the existing site conditions, provide a preliminary assessment of site contamination, and provide preliminary advice on remediation and management of any identified site contamination. While this study identified a number of areas of potential contamination within the WEZ, it did not identify any potential contamination on the subject Site.

Aboriginal Archaeology and European Cultural Heritage

Archaeological investigations have been undertaken within the study area by Archaeological Surveys and Reports Pty Ltd (ASR) in March 2004 and April 2005 in order to support the rezoning of the WEZ. These were undertaken with the assistance of the Darkinjung Local Aboriginal Land Council. Aboriginal sites and relics that might be present were identified as part of this survey program. No artifacts were recorded on or near the subject site.

The main findings of those studies were:

- Evidence of Aboriginal occupation of the site was found by virtue of the Aboriginal artefacts which were located as part of the survey. The evidence of Aboriginal occupation is not archaeologically significant.
- There is the potential for significant archaeological materials to be buried around the margins of wetland areas.
- The Darkinjung LALC has recommended that a representative of Darkinjung LALC should be present to monitor any earthworks. For practical purposes, ASR recommends that such monitoring would only be necessary above the 10m AHD contour, and would take place when the initial clearing of those areas occurs.

The Office of Environment and Heritage (OEH) will need to be consulted through the Planning Proposal process.

No items of European heritage significance are within or adjacent to the Subject Site.

Concept Plan

The applicant has included a 'Conceptual Planning Scheme' with the Planning Proposal documentation which provides a detailed concept plan showing proposed building locations, detailed architectural drawings, parking areas, canals, squares etc.

It will however be necessary for this to be further developed following the completion of necessary studies identified in this report. Studies will help identify any required reconfiguration of the concept due to matters such as bushfire protection, storm water management, traffic and access management and ecological management. It is also necessary that this plan clearly identify the key building heights, particularly those which propose to exceed the 12 and 20 metre building heights. The master plan should also clearly show the building uses and how these fit into the definitions of the WLEP 2013 to ensure that the proposed zone changes appropriately capture the proposed uses.

DRAFT

Mine Subsidence

The subject site is located outside the Mine Subsidence District. As discussed later there are some linkages to a proposed Coal Mine (Walarah Coal) which is currently seeking environmental approvals.

Water and Sewer

Existing water and sewerage services are available to the existing industrial lots, with extension of existing services required for the theme park. Overall servicing of the site is achievable due to the proximity of existing infrastructure.

Water Supply

Water supply can potentially be achieved by a connection to the existing 200mm water main in Warren Road.

The 200mm 'reticulation' main is connected to large diameter trunk mains in Sparks Road that can be fed from either Kanwal Reservoir or via the Hunter Connection if required. Ability to supply from either trunk main provides security of supply to the area (See Figure 1).

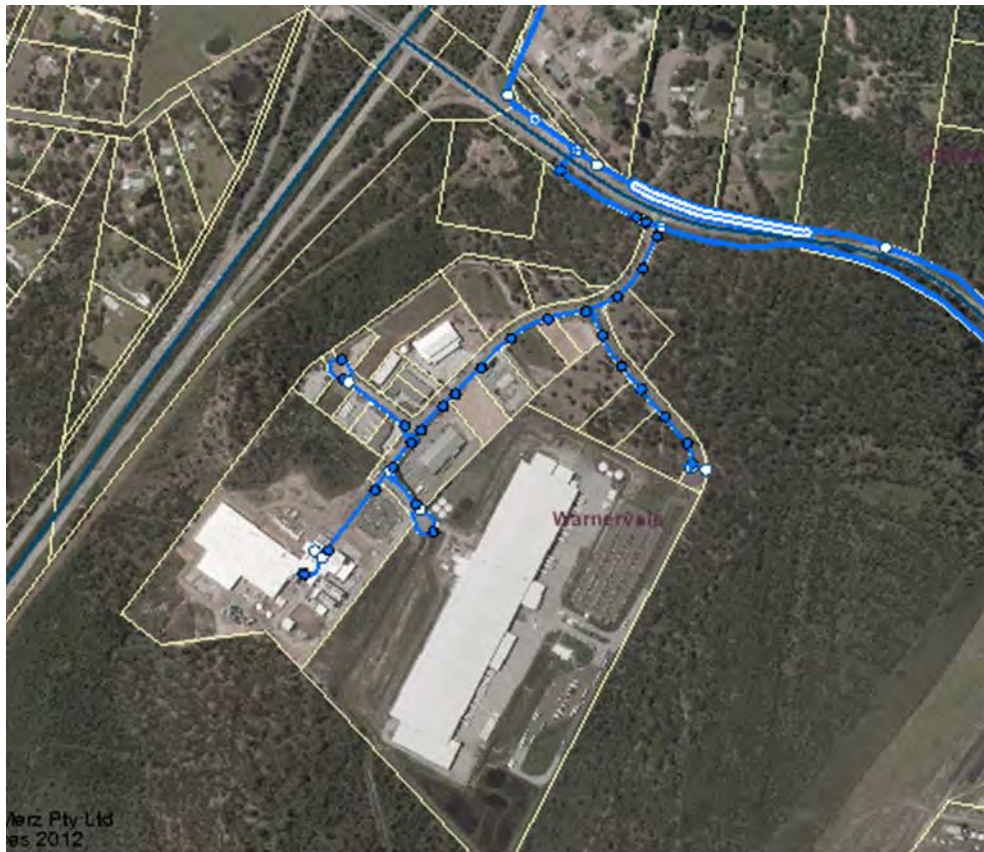


Figure 1 Water mains in the locality

Sewer

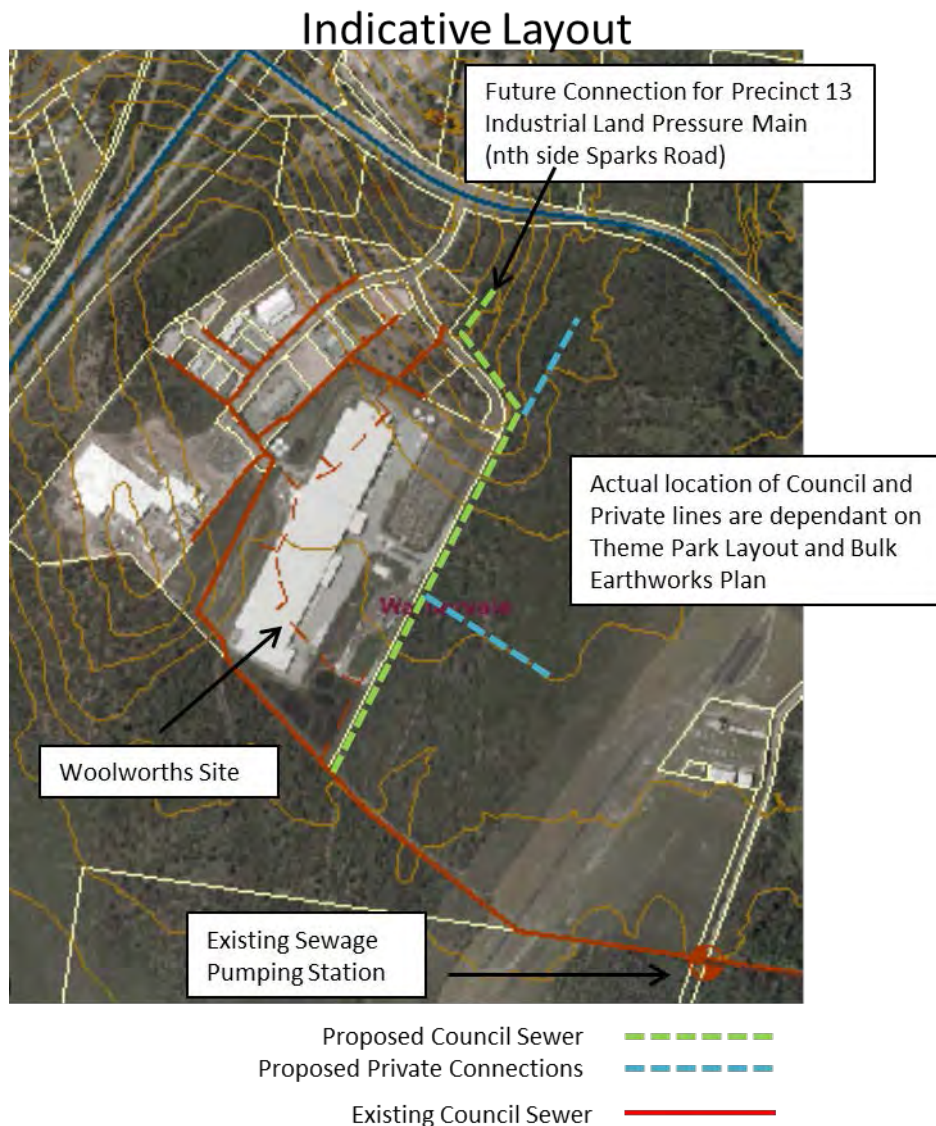
The site will require the installation of a new sewer gravity main (shown in green in Figure 2) to connect to the existing 300mm trunk sewer main which runs along the southern side of the Woolworths site and into a Sewage Pumping Station located at the end of Jack Grant Avenue.

This main will also need to extend north around/through the site as the industrial area on the northern side of Sparks Road will be serviced by a pump station that will discharge into this gravity main.

The applicant would need to design and construct the gravity mains under a works in kind agreement which will go towards offsetting any sewerage contributions that are payable. Costs associated with private plumbing connections are at the developers cost. As the proposed development includes hotel accommodation a more detailed assessment of site loadings is required to confirm sizes of proposed infrastructure. Future servicing investigations will be completed by the developer's consultant.

DRAFT

Figure 2



DRAFT

Road infrastructure and traffic impacts

In order for the Planning Proposal to progress beyond Gateway Determination, a detailed Traffic Assessment Report is required to determine the impact of the proposal of the Local, State and Federal road networks. The traffic report is to include detailed analysis of the intersection of the M1 Pacific Motorway and Sparks Road (Warnervale Interchange) and the intersection of Sparks Road and Burnett Road. The analysis is to include a base case using current traffic volumes and a 10 year projection with 1.5% background traffic growth including potential traffic generated by the Warnervale Town Centre, Precinct 7A, Wyong Employment Zone (WEZ) and the proposed regional airport.

The report will need to also undertake a detailed parking assessment for the site based on the anticipated uses and surveys of similar sized theme parks in Australia and overseas.

The proposed re-zoning should be referred to Roads and Maritime Services for comment as there will be significant impacts on the State Road network.

Impact on Industrial Land Supply

The planning proposal would result in approximately 15 hectares of existing IN1 General Industrial land being rezoned to SP3 Tourist. This represents 4% of the approximately 340 hectares of existing industrially zoned land in the WEZ. While it could be argued that the loss of 4% of existing industrial land in the WEZ would be offset by the subsequent significant employment opportunities and associated economic and social benefits for the region, the Planning Proposal should reference this impact in the context of the Wyong Employment Lands Study.

Impact on Retail and Commercial Centres

The Planning Proposal has been considered alongside the recommendations contained within Wyong Retail Centres Strategy 2013.

The Planning Proposal indicates that it could have a negative impact on the retail trade for Warnervale Town Centre, further investigation of the proposed 'retail' component should be supplied. That is, what types of goods are expected to be merchandised within the site? The net community benefit test for retail uses should also include the following

- Whether the proposal is compatible with agreed State and regional strategic directions.
- Whether the proposal is likely to create a precedent.
- What the cumulative effects of the proposal might be.
- Whether it is likely to facilitate employment opportunities.
- Whether it will impact on the supply of residentially zoned land.
- Whether there is sufficient infrastructure in place or planned for to service the development.
- Whether it is sustainable.
- Whether it is in the public interest.
- Whether the proposal will impact on the availability of retail and commercial services in the area.
- Whether the proposal (if a single entity commercial development) has the capacity to develop into a centre in the future and if so, what the impacts of that might be.

The applicant should provide additional information that can support the application in regard to the actual retail component in order to assist in the assessment of this application.

STUDY PROCESS

A number of technical studies will need to be conducted to provide the required level of documentation to support the proposed rezoning of land.

DRAFT

An indicative list of reports to support the Planning Proposal is outlined below.

- Funding agreement (including examination of different funding models) to enable ACTP to fund Council and State Government infrastructure. This will be based on a *“principle of no cost to government”*.
- Water and sewer servicing plan (which will include details on who will design and build infrastructure. Details will also be required on the timing of the provision of funds to provide these services)
- Services Review (gas, telecommunications, electricity provision etc.)
- Ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy)
- Integrated Storm water Management Strategy study
- Visual impact analysis
- Economic Impact Assessment
- Bush fire assessment by a suitably qualified and experienced consultant
- Updated Aboriginal archaeological assessment
- Traffic Report (which will also examine car parking, public transport and pedestrian planning issues)
- Concept Plan integrating the findings of the specialist studies
- Draft VPA and possibly Section 94 Contribution Plan (dependent on type of infrastructure model adopted).
- Updated Planning Proposal/Planning Controls (rezoning)

The detailed scope of works statements will be prepared by the applicant upon receipt of a Gateway Determination with input from Council staff and relevant Government agencies.

Council staff will provide a review role on all technical studies to ensure that all relevant issues and community concerns are addressed.

Council will require the applicant to enter into a Funding Agreement to ensure that Council staff costs are recovered as per Council's Planning Proposal Policy Procedure.

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STATE PLANS, POLICIES AND STRATEGIES

Wyong Settlement Strategy

Council's Wyong Shire Settlement Strategy identifies this site as part of the WEZ as a short-term priority with land use of 'Employment'. While the Planning Proposal seeks to amend the existing IN1 General Industrial Zone to SP3 Tourist the proposed development of a theme park will generate significant employment numbers consistent with the underlying objective for encouraging the WEZ to serve as an employment hub.

Wyong DCP 2013: Development Provisions for Wyong Shire

Any development of the subject site being undertaken as a result of the rezoning will be required to be consistent with the relevant controls in Wyong DCP 2013, in particular, the following Chapters:

Wyong DCP 2013
Chapter 2.11: Parking and Access
Chapter 2.15: Public Art
Chapter 3.1: Site Waste Management
Chapter 3.3: Floodplain Management
Chapter 3.4: Conservation Areas for Northern Wyong Shire
Chapter 3.6 Tree and Vegetation Management
Chapter 5.1: Retail Centres
Chapter 6.1: Key Sites
Chapter 6.18: Warnervale – Business Park

DRAFT

Central Coast Regional Strategy and North Wyong Shire Structure Plan

The Central Coast Regional Strategy (CCRS), released in June 2008, provides the base planning framework for the growth of the Central Coast Region over the next 25 years (2006-2031).

The CCRS identifies that an additional 39,500 dwellings will be required to accommodate an anticipated population growth of 71,100 persons. 16,000 of these new dwellings will be required to be accommodated within new release or 'Greenfield' areas. In terms of job numbers, the CCRS identifies for the North Wyong Shire Structure Plan Area a target of 12,000 jobs by 2013, including 6,000 in the WEZ.

The North Wyong Shire Structure Plan (NWSSP) shows the area in which the site is located as being an existing urban area, and in particular an employment area. The Planning Proposal is consistent with this broad objective.

Regional Economic Development and Employment Strategy (REDES) 2010

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

The proposal has the potential supply significant employment numbers both during construction and also ongoing with an estimate of around 1000 operational jobs.

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs). The assessment in full is contained within Attachment 6 of this report.

SEPP 44 – Koala Habitat

Subject to the findings of further investigative fauna studies, consideration of the proposal against SEPP 44 – Koala Habitat may be required.

SEPP 55 – Contaminated Land

It is considered that the proposal can be consistent with SEPP 55 – Contaminated Land. Further studies may not be warranted due to the existence of existing information which may prove adequate.

SEPP – Major Projects (2005)

The subject site is affected by SEPP Major Projects (2005) with zoning, noise exposure forecast (ANEF) and obstacle limitation surface (OLS) layers applying due to neighbouring airport. The Planning Proposal proposes to change the existing zone and the ANEF and OLS layers do not adversely impact the proposal.

Section 117 Directions

The proposal has been assessed on a preliminary basis against relevant Section 117 Ministerial Directions. The assessment in full is contained within Attachment 7 of this report.

The consistency of the proposal against a number of Section 117 Directions is subject to the outcomes of a number of additional updated studies required to be undertaken by the proponent.

DRAFT

2.6 RZ/10/2014 Commence preparation of Planning Proposal for Australia China Theme Park at Warnervale (contd)

The following table identifies the applicability and consistency of the proposed rezoning with the current Section 117 Directions:

Number	Direction	Applicable	Consistent
Employment and Resources			
1.1	Business and Industrial Zones	Yes	Possible
1.2	Rural Zones	No	N/A
1.3	Mining, Petroleum Production and Extractive Industries	No	N/A
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
Environment and Heritage			
2.1	Environmental Protection Zones	Yes	Possible
2.2	Coastal Protection	No	N/A
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	No	N/A
Housing, Infrastructure and Urban Development			
3.1	Residential Zones	No	N/A
3.2	Caravan Parks and Manufactured Home Estates	No	N/A
3.3	Home Occupations	Yes	Yes
3.5	Development Near Licensed Aerodromes	Yes	Yes
3.6	Shooting Ranges	No	N/A
Hazard and Risk			
4.1	Acid Sulphate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	No	N/A
4.3	Flood Prone Land	No	N/A
4.4	Planning for Bushfire Protection	Yes	Possible
Regional Planning			
5.1	Implementation of Regional Strategies	Yes	Yes
5.2	Sydney Drinking Water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.8	Second Sydney Airport: Badgerys Creek	No	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	No	N/A
6.2	Reserving Land for Public Purposes	No	N/A
6.3	Site Specific Provisions	No	N/A
7.1	Implementation of the Metropolitan Plan for Sydney 2036	No	N/A

OPTIONS**Option 1 Proceed with the Proposal as a Planning Proposal (Recommended)**

It is recommended to proceed with the Planning Proposal as it has the potential to generate significant economic activity particularly in the tourism sector and will generate a significant number of jobs both in the construction and operational phases. Issues that have been identified will need to be examined following 'Gateway' determination with appropriate targeted studies being undertaken to clarify the impacts.

Option 2 Discontinue the Proposal (Not Recommended)

The proposal will create significant local employment opportunities both during the construction phase and continuing operation. The proposal will create a significant tourist attraction drawing tourism both from within Australia and internationally. This has the potential to have positive 'knock-on' effects to other allied and service industries

STRATEGIC LINKS**Wyong Shire Council Strategic/ Annual Plan**

The proposal is consistent with Wyong Shire Council's Strategy Annual Plan.

Long term Financial Strategy and Asset Management Strategy

Subject to a positive determination being received from the Gateway, the Proponent will be requested to further investigate additional management options for any necessary ecological management requirements, stormwater management facilities and or bushfire APZ requirements.

Link to Community Strategic Plan (2030)

Out of the eight priority objectives of the Community Strategic Plan, 3 are relevant:

- There will be ease of travel;
- Communities will have a range of facilities and services; and
- Areas of natural value will be enhanced and maintained.

The development of rezoning plans for the Wadalba East Precinct will need to take into account the above objectives.

Budget Impact

There are no immediate budget impacts, as progress of the Planning Proposal is being funded by payment of a Phase 1 Rezoning Fee. Further assessment work conducted by Council staff and all of the required supporting technical studies will be funded by the proponent.

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CONSULTATION

The proposal was referred to the following internal Council units for comment:

- Development Assessment - Design Engineering and Storm water Management
- Development Assessment – Development Assessments
- Development Assessment – Ecology
- Contracts and Project Management - Hydrology
- Property Management - Bushfire
- Property Development – Transportation Engineering
- Strategic Development - Property Development – (Planning)
- Strategic Development – Section 94
- Water and Sewer Planning

Comments received were utilised to assess the proposal and determine the need for additional investigative studies. Future community and government agency consultation requirements will be outlined by the Gateway Determination as the assessment of the Planning Proposal is progressed.

GOVERNANCE AND POLICY IMPLICATIONS

There are no known Government Policy implications.

CONCLUSION

This report seeks Council's endorsement to commence the rezoning for the ACTP. The combined value of investment created by this rezoning is estimated to be in the vicinity of \$500 million. It is estimated that the development will lead to approximately 1,000 ongoing jobs and creation of a significant tourism asset.

An assessment of the Planning Proposal has been undertaken which identifies that the concept has merit 'in principle' and that Council should initiate the rezoning process by referring it to the DP&I for a Gateway Determination. Further supporting studies will need to be done by the applicant on behalf of ACTP. These will be requested if a positive Gateway Determination is received.

ATTACHMENTS

1	WLEP 2013 Proposed Zone Map	D11767891
2	State Environmental Planning Policy Assessment	D11768137
3	Section 117 Ministerial Directions Assessment	D11768139
4	Planning Proposal Wyong Local Environmental Plan, 2013	D11705201
5	ACTP Concept Masterplan Section 1	D11705198
6	ACTP Concept Masterplan Section 2	D11705199

Attachment 3

Central Coast Regional Strategy Sustainability Assessment

Criteria	Requirements	Consistency (Y/N)	Comment
Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.	Development is consistent with the CCRS, the relevant residential strategy, North Wyong Structure Plan (NWSSP), applicable regional infrastructure plan, Metropolitan Strategy and relevant section 117 directions. The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure contribution. Preparedness to enter into development agreement	TBD	All development sites are subject to the NWSSP. The proposal is in close proximity to major road networks. Further assessment to ensure consistency with applicable Sections 117 Directions will be subject to outcomes of additional investigative studies.
Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	Accessibility of the area by public transport and appropriate road access in terms of: Location/land use: to existing networks and related activity centres. Network: the areas potential to be serviced by economically efficient public transport services. Catchment: the area's ability to contain or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals No net negative impact on performance of existing sub regional road, bus, rail, ferry and freight management.	Y	The site is accessible to Sparks Road via Burnet and Warren Roads. Public transport in the form of bus services run along Sparks Road and the existing Warnervale Railway Station is located within two kilometres of the site. The proposed use of the site as a Chinese Theme Park is proposed to be serviced by coaches originating in Sydney.

Criteria	Requirements	Consistency (Y/N)	Comment
Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	Contributes to the geographic market spread of housing supply, including any government targets established for housing for the aged or disabled or affordable housing.	NA	
Employment Lands Provide regional/local employment opportunities to support the Central Coast's expanding role in the wider regional and NSW economies.	Maintains or improves the existing level of subregional employment self-containment. Meets subregional employment capacity targets.	Y	The proposed zone will replace industrial zoning with tourist zoning. While this will result in a loss of industrial zoned land this is small in percentage terms. Furthermore the proposed zoning will facilitate the development of a theme park which proposed approximately 1000 jobs.
Avoidance of Risk Land use conflicts and risk to human health and life is avoided.	Where relevant, available safe evacuation route (flood and bushfire). No residential development within the 1:100 floodplain. Avoidance of physically constrained land. High Slope Highly erodible Avoidance of land use conflicts with adjacent, existing or future land use and rural activities planned under the	Y	Thorough investigative studies will be undertaken to determine constraints, e.g. bushfire and traffic assessments, stormwater management studies will be undertaken to further support the Planning Proposal.

Criteria	Requirements	Consistency (Y/N)	Comment
	Regional Strategy.		
Natural Resources Natural resource limits are not exceeded/environmental footprint minimised.	Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows. Demonstrates most efficient/suitable use of land Avoids identified significant agricultural land Avoids impacts on productive resource lands, extractive industries, coal, gas and other mining, fishing and aquaculture. Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy. Requires demonstration of efficient and sustainable supply solution.	Y	The land has access to water and sewer servicing, however assessment will be required to determine what upgrade will be necessary to cater for potential additional load. No significant agricultural production will be affected by the proposal.
Environment Protection Protect and enhance biodiversity, air quality, heritage and waterway health.	Consistent with the approved Regional Conservation Plan. Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitat. Maintains or improves existing environmental conditions for air quality. Maintains or improves existing environmental conditions for water quality and quantity.	Y	Thorough investigative studies will be undertaken to determine the extent of constrained land within the study area in addition to land of high conservation value. It is noted that the majority of the site is cleared and extensive studies have been previously undertaken. Consultation will be required with the OEH to discuss biodiversity, threatened species and ecological community considerations. Seasonal surveys for certain species will be

Criteria	Requirements	Consistency (Y/N)	Comment
	Consistent with community water quality objectives for recreational water use and river health. Consistent with catchment and stormwater management planning. Protects areas of Aboriginal cultural heritage values.		required. Aboriginal Archaeological Assessment have previously been undertaken and these may be relied upon. A stormwater management strategy will also be developed to ensure downstream wetlands (Porters Creek) are not adversely impacted by future urban expansion.
Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	Available and accessible services.	Y	The proposed use of the site for a Chinese Cultural Theme Park will contribute to education and cultural enrichment in the region and beyond.

Attachment 3a

WSC Community Strategic Plan

Wyang Shire Community Strategic Plan

Objectives & Actions	Applicable (Y/N)	Assessment/Comment
1. Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood		
1a - Expanding and supporting programs that increase participation among all ages	N	Not Applicable
1b - Expanding and supporting programs and activities that encourage and enhance neighbourhood connections	N	Not Applicable
1c - Encouraging and valuing genuine youth and seniors participation in the community	N	Not Applicable
1d - Expanding and resourcing children and family service programs	N	Not Applicable
1e - Developing and implementing the Wyong Shire-wide Settlement Strategy	N	Not Applicable
1f - Improving the effectiveness of the system of connections that tie towns/suburbs and facilities of the Shire together as well as connecting to the wider region	N	Not Applicable
1g - Implementing the Regional Strategy for the Central Coast that will guide appropriate development, maintain the lifestyle and environment and include Government intervention to provide more than 45,000 jobs in the next 25 years (Regional Strategy)	Y	The proposal is broadly consistent with the CCRS and will assist Council in meeting the employment targets for the Central Coast.
1h - Planning and delivering a new Town Centre at Warnervale including a new railway station and transport interchange (Regional Strategy)	N	Not Applicable

Objectives & Actions	Applicable	Assessment/Comment
1i – Having residents as active participants in setting the direction of their communities	N	Not Applicable
1j – Ensuring communities are safe and have a clear perception of security	N	Not Applicable
1k – Providing individuals with access to a variety of housing types that enable residents to buy or rent accommodation locally	N	Not Applicable
1l – Taking a long-term integrated approach to the provision of both new and existing infrastructure	Y	The proposed theme park will need to upgrade some existing infrastructure and provide new infrastructure also.
2a - Ensuring public and private bus services are timely, clean, safe and affordable	N	Not Applicable
2b - Upgrading train and public transport services between Newcastle and Sydney Central ensuring the service is safe, timely and reliable	N	Not Applicable
2c - Improving and linking the bicycle/shared pathway network and related facilities to encourage more cycling opportunities	N	Not Applicable
2d - Improving commuter parking at railway stations	N	Not Applicable
2e - Improving commuter hubs along the freeway	N	Not Applicable
2f - Creating a better public transport system including new outer suburban train carriages, upgrades of the Tuggerah station, rail maintenance upgrades and better local bus services (Regional Strategy)	N	Not Applicable
2g - Ongoing upgrading of roads in the region including The Entrance	N	Not Applicable

Objectives & Actions	Applicable	Assessment/Comment
Road and Pacific Highway (Regional Strategy)		
2h - Improving the M1 links to Sydney to three lanes in each direction in partnership with the Federal Government (Regional Strategy)	N	Not Applicable
2i – Providing an integrated transport system that satisfies users’ needs	Y	Future development of the site for a Theme Park will need to provide for a mix of transport options including car parking facilities for private vehicles and also bus services.
2j – Supporting commuters and their families	N	Not Applicable
2k – Supporting the development of a regional airport within the Shire	Y	The planning proposal will lift the profile of the Shire and add weight to the establishment of a regional airport within the Shire.
3a - Providing and maintaining local and regional community facilities for recreation, culture, health and education	Y	The proposal will see the establishment of a new regionally significant cultural and recreational facility.
3b - Providing and maintaining a range of community programs focused on community development, recreation, culture, environment, education and other issues	Y	Establishment of the theme park will potentially see the establishment of cultural programs.
3c - Providing recurrent funding for community support and development services	N	Not applicable
3d - Promoting community facilities to help maximise their benefits and use	N	Not applicable
3e - Balancing the varying provision of facilities and amenities between	N	Not applicable

Objectives & Actions	Applicable	Assessment/Comment
towns/suburbs to enhance the quality of life in the Shire		
3f - Maximising the access to, and potential for, new and existing facilities/infrastructure to support growth	Y	Improvement to access and parking will assist in the growth of the proposed use.
3g – Supporting people in the community to lead healthy, active lifestyles	N	Not applicable
3h – Providing access to basic and specialist health care services to all community residents	N	Not applicable
4a - Generating community awareness and behavioural change about the value of ongoing education	N	Not applicable
4b - Creating programs that encourage lifelong learning for everyone	N	Not applicable
4c - Creating and maintaining programs to actively encourage community involvement in educational institutions	N	Not applicable
4d - Establishing and maintaining a committed network of education, community, business and government representatives	N	Not applicable
4e - Providing programs and services which respond to changes in the field of education in Wyong Shire	N	Not applicable
4f – Accessing a range of post school, tertiary, and degree based educational facilities. Promote innovation in areas important to the local and regional economy	N	Not applicable
4g – Providing education, training and skills development that reflect the region's specific employment needs	N	Not applicable

Objectives & Actions	Applicable	Assessment/Comment
4h – Ensuring that all students and educational institutions have access to high quality services and technological resources	N	Not applicable
5a - Preserving threatened and endangered species as well as ecological communities and biodiversity	Y	To the east of the site is located a key wildlife corridor which will be preserved and protected.
5b - Expanding and continuing programs focused on restoring degraded natural areas in our community	N	Not applicable
5c - Ensuring all development areas create or maintain tree covered ridgelines and waterways	N	Not applicable
5d - Developing and implementing strategies to reduce the Shire's Environmental Footprint	Y	Stormwater management and reuse will be encouraged to minimise contribution to the Shire's environmental footprint.
5e - Developing and implementing a Natural Resource Management Strategy for Wyong Shire	N	Not applicable
5f – Ensuring sustainable development that is sympathetic to the local setting and reflects community values	Y	A framework of development guidelines will be established to ensure sustainable development which is sympathetic to the local context.
6a - Improving and promoting public access to environmental areas	N	Not applicable
6b - Establishing and maintaining projects and programs to encourage more active participation in community based environmental activities	N	Not applicable

Objectives & Actions	Applicable	Assessment/Comment
6c - Creating and promoting a network of renowned bush trails	N	Not applicable
6d - Establishing a community event based around our lakes and beaches	N	Not applicable
6e - Developing and implementing a tree planting program	N	Not applicable
6f - Creating, maintaining and promoting a series of community gardens	N	Not applicable
6g - Supporting and encouraging volunteer groups and champions	N	Not applicable
6h – Maintaining and making available information about the environment and environmental change	N	Not applicable
6i – Community awareness of sustainability and environmental issues impacting Wyong Shire	N	Not applicable
7a - Providing a coordinated approach to business generation, employment and development for the region		
7b - Identifying and leveraging the competitive advantages of Wyong Shire	Y	The proximity of this site to key transport corridors leading to Sydney and Newcastle and the size of the land holding make this site optimal for the nature of the proposal.
7c - Supporting the growth of the Shire as a competitive major business sector while reducing the alienation of towns/ suburbs that can result from regional pressures		
7d - Actively promoting the business benefits of Wyong Shire. Creating a single executive level voice to attract employment generating development to the Central Coast and negotiating in liaison with all	N	Not applicable

Objectives & Actions	Applicable	Assessment/Comment
relevant agencies		
7e - Establishing and maintaining a strategic database on business and economic trends on the Central Coast	N	Not applicable
7f - Establishing and maintaining key industry networking roundtables	N	Not applicable
7g - Regularly identifying Central Coast businesses that are innovative and creative with high growth potential ("gazelles")	N	Not applicable
7h - Supporting the development of a major Conference Centre in the Shire	N	Not applicable
7i - Ensuring adequate and appropriate employment land in the Shire	Y	The proposal is expected to generate employment for approximately 1000 positions.
7j - Sourcing tourist attractions across the Shire	Y	The proposal will facilitate the development of a regionally and potentially nationally significant tourist attraction in the form of the Chinese Theme Park.
8a – Advocating for the provision of high speed broadband throughout Wyong Shire	N	Not applicable
8b - Developing and implementing guidelines to ensure all residences and businesses as well as commercial and educational centres can be quickly linked to fibre-optic telecommunications networks	N	Not applicable

Attachment 4

State Environmental Planning Policy Assessment

State Environmental Planning Policy Assessment

SEPP	Comment
SEPP No. 44 – Koala Habitat Protection	
Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline: (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones	As the area subject to the proposal is greater than 1 hectare, the provisions of State Environmental Planning Policy 44 – Koala Habitat Protection are triggered. Should the proposal be supported by the Gateway, an assessment under SEPP 44 will be required to be undertaken by the proponent.
SEPP No. 55 – Remediation of Land	
Aims: to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment (a) by specifying when consent is required, and when it is not required, for a remediation work, and (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and (c) by requiring that a remediation work meet certain standards and notification requirements.	A preliminary contaminated lands assessment was conducted by Coffey Geosciences Pty Ltd (2006) of the WEZ. The objectives of the study were to identify all past and present potentially contaminating activities, identify potential contamination types, assess and discuss the existing site conditions, provide a preliminary assessment of site contamination, and provide preliminary advice on remediation and management of any identified site contamination. While this study identified a number of areas of potential contamination within the WEZ, it did not identify any potential contamination on the subject Site. Should the proposal proceed beyond a Gateway determination, the proponent will be required to undertake a preliminary contaminated land assessment to comply with the provisions of SEPP 55.

SEPP	Comment
SEPP (Major Projects) 2005	
The aims of this Policy are as follows: (a), (b) (Repealed) (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State, (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes. (e), (f) (Repealed)	The subject site is affected by SEPP (Major Projects) 2005 with zoning, noise exposure forecast (ANEF) and obstacle limitation surface (OLS) layers applying. The Planning Proposal proposes to change the existing zone and the ANEF and OLS layers do not adversely impact the proposal.

Attachment 5

Ministerial Section 117

Directions

Section 117 Ministerial Directions Assessment

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	Yes. The proposal does involve the rezoning of affect land within an existing or proposed business or industrial zone. The proposed change in zone to SP3 – Tourist will facilitate significant new employment opportunities. It is unlikely to have an adverse impact on the uptake of industrial land in the locality and further the proposed themed retail uses will be tourist focused and therefore unlikely to adversely impact existing and proposed business centres in the locality. It is recommended that further economic imp[act assessment be undertaken post ‘Gateway’ determination.
1.2 Rural Zones	
Aims to protect the agricultural production value of rural land. Applies when a planning proposal affects land within an existing or proposed rural zone.	Not Applicable. The Planning Proposal is not located in rezone land from a rural to an urban purpose.
1.3 Mining, Petroleum Production and Extractive Industries	
Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which	Not applicable. Consultation will be undertaken with the MSB on how the proposal will impact on resource extraction in the future. It is considered that the site will have development similar to that of land to the west therefore mineral extraction will not adversely affect the site, or the proposal. It is considered that the proposal is consistent with this direction.

Direction	Comment
are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	
1.4 Oyster Aquaculture	
Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers. Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	Not Applicable. The Planning Proposal is not located in Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)
1.5 Rural Lands	
Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.	Not Applicable. This direction does not apply to the Wyong LGA.
Environment & Heritage	
2.1 Environmental Protection Zones	
Aims to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The site is located adjacent to an identified green corridor in the NWSSP. Further consultation with OEH will be required to agree on any edge management treatments that may impact the sizing and function of the wildlife

Direction	Comment
	corridor. A small amount of indigenous vegetation will be removed. These impacts will need to be carefully examined and offset with appropriate conservation measures. The applicant has indicated that they are interested in pursuing a Biobanking Outcome to support the rezoning. A more detailed examination of the consistency of the proposal will be required as the proposal is developed post Gateway Determination.
2.2 Coastal Protection	
Aims to implement the principles in the NSW Coastal Policy. Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.	Not Applicable. The site is not within the Coastal Zone.
2.3 Heritage Conservation	
Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Applies when the relevant planning authority prepares a planning proposal.	Applicable. Previous studies which included the subject site were undertaken in 2004 and 2005. No artifacts were recorded on or near the subject site. The Office of Environment and Heritage (OEH) will need to be consulted through the Planning Proposal process and are likely to require the existing study to be updated in respect to this site to reflect the updated information and revised community consultation requirements. Further assessment of Aboriginal archaeological heritage matters will be required post Gateway Determination. No items of European heritage significance are within or adjacent to the Subject Site. It is therefore considered that the proposal is likely to be consistent with this Direction (subject to this being confirmed by further Aboriginal heritage assessment).

Direction	Comment
2.4 Recreational Vehicle Areas	
Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. Applies when the relevant planning authority prepares a planning proposal.	Not applicable.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	Not applicable.
3.2 Caravan Parks and Manufactured Home Estates	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. Applies when the relevant planning authority prepares a planning proposal.	Not applicable.
3.3 Home Occupations	
Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a planning proposal.	Not applicable.
3.4 Integrating Land Use & Transport	
Aims to ensure that urban structures, building forms, land use locations, development designs,	Applicable.

Direction	Comment
subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight. Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	The proposal is in close proximity to Sparks Road and the M1 Motorway and therefore the proposal will be accessible to private and public transport. The proposed theme park also proposes to be serviced by coaches transporting patrons from the Sydney region. It will be necessary for a detailed traffic, transport and car parking report to be prepared and provided following Gateway determination. It is therefore considered that the proposal can consistent with this Direction.
3.5 Development Near Licensed Aerodromes	
Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.	Applicable. The proposal within 200 metres of the Warnervale Aerodrome. The runway runs north-south parallel to the subject site therefore flightpaths will not be impacted by the proposal and visa-versa. The OLS and ANEF contours do not preclude the proposed development. Future development approvals will need to take into account the airport related constraints.
3.6 Shooting Ranges	
Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an	Not Applicable. The proposal is does not propose to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.

Direction	Comment
existing shooting range.	
Hazard & Risk	
4.1 Acid Sulphate Soils	
Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.	Applicable. Acid sulphate soil (ASS) mapping conducted by the Department of Conservation and Land Management (1993) indicates a potential presence under the low lying parts of the WEZ. The majority of the Airport Supplier Park is considered by Coffey (2006) to have low potential for ASS due to the low elevation of the area. A detailed ASS assessment would be recommended to be conducted prior to any significant works that would disturb the subsurface profile. If ASS are identified then an ASS management plan would need to be prepared to manage the disturbances. It is therefore considered that this proposal can be consistent with this Direction.
4.2 Mine Subsidence & Unstable Land	
Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence. Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.	Not applicable. The subject site is located outside the Mine Subsidence District. It is considered that the proposal is consistent with this direction.
4.3 Flood Prone Land	
Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include	Not Applicable. The site of the proposal is not identified as being flood prone land.

Direction	Comment
consideration of the potential flood impacts both on and off the subject land. Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.	
4.4 Planning for Bushfire Protection	
Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.	Applicable. The site of the proposal contains bushfire prone vegetation. A bushfire threat assessment report for the land proposed to be rezoned will need to be prepared identifying appropriate APZs and necessary amendments to the Concept Masterplan. This will be required following Gateway determination. It is therefore considered that the proposal can be consistent with this Direction.
Regional Planning	
5.1 Implementation of Regional Strategies	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies. Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.	<i>Applicable.</i> The site has been identified as short term employment land in the NWSSP. The rezoning proposal while removing 15.7 hectares of IN1 - General Industrial land, (approximately 5% of the WEZ) the proposed SP3 – Tourist zone will facilitate a proposal that has the potential to contribute significant employment numbers (approximately 1,000 operational jobs). Further assessment and consultation will be required before consistency with this Direction can be demonstrated. More information is required following Gateway determination including an economic impact assessment.
5.2 Sydney Drinking Water Catchments	
Aims to protect water quality in the hydrological catchment. Applies when a relevant planning authority	Not Applicable. The proposal is not located within Sydney's

Direction	Comment
prepares a planning proposal that applies to Sydney's hydrological catchment.	hydrological catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas. Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.	Not Applicable. The proposal is not located within the Far North Coast Region.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
Aims to manage commercial and retail development along the Pacific Highway, North Coast. Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.	Not Applicable. The proposal is not located between Port Stephens and Tweed Shire Councils.
5.8 Second Sydney Airport: Badgerys Creek	
Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.	Not Applicable. The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.
Local Plan Making	
6.1 Approval and Referral Requirements	
Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. Applies when the relevant planning authority	Applicable. The planning proposal does not seek to include provision which require concurrence from other agencies.

Direction	Comment
prepares a planning proposal.	It is therefore considered the proposal is consistent with this Direction.
6.2 Reserving Land for Public Purposes	
Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition. Applies when the relevant planning authority prepares a planning proposal.	Not applicable. At this stage the proposal does not seek to create land for public purposes. However if land external to the subject site is required for stormwater or bushfire threat management purposes, then the proponent will be required to negotiate with Council via a VPA and land management commitments for a period of time. It is therefore considered the proposal can be consistent with this Direction.
6.3 Site Specific Provisions	
Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	Not applicable. The proposal does not seek to enable a specific use on the site. It is therefore considered the proposal is consistent with this Direction.
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.	Not Applicable. This Direction does not apply to Wyong LGA.

Attachment 6

Obstacle Limitation

Surface OLS



WCASTLE FWY



BURNING RD

WINDING WAY

WINDING WAY

WINDING WAY

WINDING WAY

WINDING WAY

WINDING WAY

WINDING WAY

WINDING WAY

WINDING WAY

WINDING WAY

WINDING WAY

52.6

50

40

30

20

10.4

10

6.0

3.0

1.5

0.75

0.375

0.1875

0.09375

0.046875

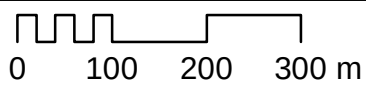
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0.01171875

Legend

 Subject Site

 Obstacle Limitation Surface



Attachment 7

Aircraft Noise Exposure Forecast ANEF



Attachment 8

List of Technical Studies recommended to Support Rezoning

Technical studies required to support the rezoning

A number of technical studies will need to be conducted to provide the required level of documentation to support the proposed rezoning of land.

An indicative list of reports to support the Planning Proposal is outlined below.

1. Funding agreement (including examination of different funding models) to enable ACTP to fund Council and State Government infrastructure. This will be based on a *“principle of no cost to government”*.
2. Water and sewer servicing plan (which will include details on who will design and build infrastructure. Details will also be required on the timing of the provision of funds to provide these services)
3. Services Review (gas, telecommunications, electricity provision etc.)
4. Ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy)
5. Integrated Storm Water Management Strategy study
6. Visual impact analysis
7. Economic Impact Assessment
8. Bush fire assessment by a suitably qualified and experienced consultant
9. Updated Aboriginal archaeological assessment
10. Traffic Report (which will also examine car parking, public transport and pedestrian planning issues)
11. Concept Plan integrating the findings of the specialist studies
12. Draft VPA and possibly Section 94 Contribution Plan (dependent on type of infrastructure model adopted).