

Central Coast Council

Planning Proposal Lot 1 DP 385242, Lots 1, 2 & 3 DP 1101086, Lot 1 DP 1018444 and Lots 73, 74, 75 & 76 DP 7091 (15-35 Warnervale Road & Part of 95-105 & 107-171 Virginia Road) Warnervale File No: RZ/6/2016; PP_2017_CCOAS_010_00 May 2021



Planning Proposal

Lot 1 DP 385242, Lots 1, 2 & 3 DP 1101086, Lot 1 DP 1018444 and Lots 73, 74, 75 & 76 DP 7091 (15-35 Warnervale Road & Part of 95-105 & 107-171 Virginia Road, Warnervale

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Backgro	und & Locality Context	1
Part 1	Objectives or Intended Outcomes	2
Part 2	Explanation of Provisions	3
Part 3	Justification	5
Section A –	Need for the Planning Proposal	5
Section B –	Relationship to strategic planning framework	6
Section C -	Environmental, Social and Economic Impact	15
Section D –	State and Commonwealth Interests	18
Part 4	Mapping	22
Part 5	Community Consultation	24
Part 6	Project Timeline	33
Support	ing Documentation	34

Background

This Planning Proposal applies to Lot 1 DP 385242, Lots 1, 2 and 3 DP 1101086 and Lots 73, 74, 75 and 76 DP 7091, No. 15-35 Warnervale Road and Part 95-105 and 107-171 Virginia Road, Warnervale.

The site is zoned RE1 Public Recreation, R2 Low Density Residential, RU6 Transition and E3 Environmental Management. The total area is approximately 210 hectares (ha) which includes approximately 150 ha of floodplain. The land is predominately clear and used for grazing livestock.

The site is located south of Warnervale Road and west of Virginia Road and is referred to as the southern portion of Precinct 7A, now identified as Precinct 7 in the *North Wyong Shire Structure Plan* (NWSSP). The main Northern Railway line adjoins the site to the west and North Wyong Industrial area is located to the south.

The Planning Proposal covers a small part of a prior rezoning known as 'Precinct 7A' that rezoned 540 ha of land from 10(a) Investigation zone to R1 General Residential zone, R2 Low Density Residential zone, B1 Neighbourhood centre, B7 Business Park zone, E2 Environmental Conservation zone, E3 Environmental Protection zone, RE1 Public Recreation and RE2 Private Recreation in 2013 under *Wyong Local Environmental Plan 2013* (WLEP 2013).



Figure 1 Contextual Locality Plan

Following assessment and consideration of the Request to Amend the *Wyong Local Environmental Plan 2013*; Council resolved on 26 July 2017 to prepare the planning proposal for the land to be rezoned and to forward the Planning Proposal to the Department of Planning and Environment for Gateway Determination. Gateway Determination has issued on 17 October 2017; two further Gateway extensions were issued on 17 September 2018 and 25 July 2019.

Part 1 Objectives or Intended Outcomes

The objective of this proposal is to amend the Wyong Local Environmental Plan 2013 or the Central Coast Local Environmental Plan (whichever is in effect) by rezoning the land from E3 Environmental Management to R1 General Residential and R2 Low Density Residential, RE1 Public Recreation to R1 General Residential, R2 Low Density Residential to R1 General Residential and from RU6 Transition to R2 Low Density Residential and E3 Environmental Management.

The intended outcome of the proposal is to enable the subdivision and development of the land to accommodate a variety of housing types from single dwellings to medium density housing. The inclusion of the R1 General Residential zone will allow a mixture of housing types, providing greater housing diversity in the Warnervale area.

Part 2 Explanation of Provisions

The subject site is currently zoned E3 Environmental Management, RU6 Transition, R2 Low Density Residential and RE1 Public Recreation as shown in Figure 2 below:



Figure 2 – Current Zone

The amendment proposes the following changes to the *Wyong Local Environmental Plan 2013* or the *Central Coast Local Environmental Plan:*

- Increase the amount of residential zoned land as indicated in Figure 1 "Land to be Rezoned"
- Rezone part of the R2 Low Density Residential land to R1 General Residential to accommodate additional medium density housing.
- Rezone land zoned RU6 Transition to R2 Low Density Residential and E3 Environmental Management;
- Rezone land zoned RE1 Public Recreation to R1 General Residential to accommodate additional medium density housing.
- Amend the Minimum Lot Size Map to remove the minimum lot size requirements for land proposed to be zoned R1 General Residential and amend the minimum lot size on land to be rezoned from RU6 Transition to R2 Low Density Residential to 450m².

- Amend the Land Reservation Acquisition Map to reflect the new zone boundaries of the E3 Environmental Management zone.



Figure 3 – Proposed Zoning

Council is preparing the Central Coast Local Environmental Plan (CCLEP) to consolidate the former Gosford and Wyong planning instruments. If the CCLEP is in force prior to this request to amend the LEP being made, an amendment will be made to the Central Coast LEP, rather than the *Wyong Local Environmental Plan 2013*.

Part 3 Justification

Section A – Need for the Planning Proposal

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

Yes, the site is identified as part of Precinct 7 within the North Wyong Shire Structure Plan (NWSSP) and nominated for residential development. The NWSSP estimates 1470 dwellings will be accommodated in Precinct 7.

The Planning Proposal is a refinement of an earlier rezoning known as Precinct 7A (Precincts 4, 5 and 7 in the NWSSP). The Precinct 7A study area was defined within the former Wyong Shire Council's *Residential Development Strategy* as a priority area for urban development. The Planning Proposal for Precinct 7A rezoned land at Hamlyn Terrace and Warnervale for residential, environmental, recreation and employment purposes.

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

The Planning Proposal is the only means of achieving the objectives and intended outcomes. The Planning Proposal process allows Council and the community to be directly involved in the decision-making process for the site.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes – see below

North Wyong Shire Structure Plan

The site is identified as part of Precinct 7 within the North Wyong Shire Structure Plan (NWSSP) and designated for residential development. The NWSSP estimates 1470 dwellings will be accommodated within Precinct 7.

The planning proposal is likely to result in an additional 180 residential dwellings, above what was estimated in the NWSSP.

The site also forms part of the NWSSP 'Green Corridor and Habitat Network'. The exact location of the green corridor and its linkages are currently not specified in any level of detail. However, for this site, the mapped extent of the corridor is commensurate with the existing E2 Environmental Conservation zone and the proposed variation to the E3 Environmental Management zone on the subject site.

The site is identified as an Urban Release Area (URA) therefore must satisfy any infrastructure requirements of the state government prior to consent being granted for any future development. A Special Infrastructure Contribution rate has been set by the NSW Department of Planning for the residential component of Precinct 7A at a rate of \$70,945.00 per net developable hectare.

Central Coast Regional Plan (2036)

The *Central Coast Regional Plan 2036* (CCRP) identifies the site as Urban land. The proposal is consistent with the CCRP, in particular, the directions relating to the provision of housing supply.

Central Coast Regional Plan Direction Assessment

Direction	Applicable	Consistent	Comment
Grow Gosford City Centre as the region's capital	No	N/A	N/A
Focus economic development in the Southern and Northern Growth Corridors	No	N/A	N/A
Support priority economic sectors	No	N/A	N/A
Strengthen inter- regional and intra-	No	N/A	N/A

Direction	Applicable	Consistent	Comment
regional connections for business			
Support new and expanded industrial activity	No	N/A	N/A
Strengthen the economic self- determination of Aboriginal communities	No	N/A	N/A
Increase job containment in the region	No	N/A	Whilst the proposal will not directly supply long term employment opportunities, local economic benefits could be realised by in- direct secondary expenditure
Recognise the cultural landscape of the Central Coast	No	N/A	
Protect and enhance productive agricultural land	Yes	Yes	The subject site has been historically utilised for agricultural activities (grazing and rose farm). Whilst the current zoning enables some agricultural land uses (e.g. extensive agriculture, horticulture etc.), the site is not recognised as Biophysical Strategic Agricultural Land (BSAL). The precinct is identified in the North Wyong Shire Structure Plan (NWSSP) for future development. Further comment regarding the agricultural potential of the site may be provided through the agency consultation process should the proposal proceed.
Secure the productivity and capacity of resource lands Sustain and balance	Yes	Yes	The mining SEPP permits underground mining, with consent. In this context the proposal is considered consistent with this direction.
productive landscapes west of the M1	No	N/A	N/A
Protect and manage environmental values	Yes	Yes	The proposal is likely to be able to suitably manage and protect

Direction	Applicable	Consistent	Comment
			environmental values. This will be able to be confirmed by appropriate technical information required post Gateway determination. The ecological assessment prepared to support the proposal recommends additional actions to enhance the draft Conservation Management Plan for the floodplain which will provide additional enhancement to the environmental lands remaining.
Sustain water quality and security	Yes	TBC	Proper storm water management during construction and upon completion will be required to ensure stormwater quality and quantity does not adversely impact the flood plain and downstream wetlands such as Porters Creek.
Protect the coast and manage natural hazards and climate change	No	N/A	The area of the site nominated for rezoning is not identified as being located within a flood hazard area however filling of the floodplain is proposed in this location. Downstream and upstream impacts and implications need to be quantified to determine the form under which this proposal should proceed.
Create a well-planned, compact settlement pattern	Yes	Yes	The proposal provides for logical infill development, has ability to connect to existing water and sewer infrastructure in addition to having accessibility to public transport.
Grow investment opportunities in the region's centres	No	N/A	N/A
Align land use and infrastructure planning	Yes	Yes	The proposal provides for logical greenfield development, as nominated by the North Wyong Shire Structure Plan.
Create places that are inclusive, well-designed and offer attractive	No	N/A	N/A

Direction	Applicable	Consistent	Comment
lifestyles			
Accelerate housing supply and improve housing choice	Yes	Yes	The request is considered consistent with Action 19.3. The proposed zone change to increase the area of residential zoned land will assist in accelerating the delivery of new dwellings in order to support the projected housing demand.
Grow housing choice in and around local centres	Yes	Yes	In terms of Action 20.1, the proposal will satisfy the direction to improve housing choice by supporting housing delivery in and near the growth corridors and local centres. In this regard. The land release from the proposal will support housing delivery in the NWSSP area.

4. Is the planning proposal consistent a local Council's local strategy or other local strategic plan?

Community Strategic Plan

The Community Strategic Plan (CSP) 'One Central Coast' adopted in 2018 applies to the subject land and the proposed rezoning.

Central Coast Community Strategic Plan 2018-2028 Assessment

Objective/Requirement	Comment	
Belonging Focus Areas: Our community spirit is our strength Creativity, connection and local identity	The proposal will provide a variety of housing types to suit a diverse population and with the proposed new large park will provide opportunities for the new residents to gather and strengthen community assets	
Smart Focus Areas A growing and competitive region A place of opportunity for people	The B1 Neighbourhood Centre will provide the opportunity for employment in the locality, strengthening opportunities for employment.	
Green Focus Areas Environmental resources for the future Cherished and protected natural beauty.	A large portion of the site will be reserved for environmental purposes and mush of the existing floodplain will be revegetated and enhanced as a result of this development.	
Responsible	The proposal considers all aspects of	

Objective/Requirement	Comment
Focus Areas Good governance and great partnerships Delivering essential infrastructure Balanced and sustainable development	sustainability, liveability and safety for the new residents by providing safe roads and play areas, an environmental asset with the ongoing management of the floodplain.
<i>Livable</i> Focus Areas Reliable public transport and connections Out and about in the fresh air Healthy lifestyles for a growing community	The large park is intended to be the meeting place and to ensure the promotion of a healthy lifestyle for the new residents, it will provide for all age groups and abilities. The bus network will be extended to include the new roads within the estate to ensure the local residents can continue to enjoy other interests.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP) as detailed below.

State Environmental Planning Policy	Comment
SEPP (Coastal Management) 2018	
 Aims: The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with objects of the <i>Coastal Management Act 2016</i>, including the management objectives for each coastal management area, by: a) managing development in the coastal zone and protecting the environmental assets of the coast, and b) establishing a framework for land use planning to guide and decision-making in the coastal zone, and c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016. 	A small portion of the site is within the proximity area for Coastal Wetlands and therefore the provisions of SEPP (Coastal Management) 2018 are applicable. The portion of the site within the proximity area will be used for a road and will not have dwellings constructed on it. Areas adjoining the coastal wetland are zoned for conservation purposes and further protected by the implementation of stormwater management facilities to minimise stormwater and urban runoff into sensitive receiving environments. It is considered that the proposal is able to satisfy the requirements of SEPP (Coastal Management) 2018.
SEPP (Koala Habitat Protection) 2019	
The Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a	The subject site is greater than one (1) hectare in area and is identified on the Koala Development

State Environmental Planning Policy	Comment
permanent free-living population over their present range and reverse the current trend of	Application Map; therefore, the provisions of the SEPP are applicable.
koala population decline.	Ecological investigations were undertaken at the time of the Precinct 7A rezoning which revealed that no koala or koala scats were present. The site is generally cleared with scattered vegetation and it is unlikely that any of the areas to be rezoned will be suitable for koala habitat.
	More site specific investigations will occur at the DA stage to ensure compliance with the requirements of the SEPP and guideline.
SEPP 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	Detailed contamination investigations were undertaken by Douglas Partners as part of the Precinct 7A rezoning, where it was established that the subject site contained no
 (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 	"areas of concern". It is unlikely that contamination has occurred since that time other than by possible illegal dumping. A letter received from the current owners has confirmed that no other contamination has occurred since the Douglas Partners Study was undertaken in 2009.
 (c) by requiring that a remediation work meet certain standards and notification requirements. 	
SEPP (Vegetation in Non-Rural Areas) 2017	
Aims:	Any clearing of vegetated areas will require to be
 (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation 	Any clearing of vegetated areas will require to be managed in accordance with this SEPP. It is considered the proposal is consistent with requirements of this SEPP

Table 2: SEPP Assessment

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The proposal has been considered against the relevant Ministerial Section 9.1 Directions as summarised below. The full assessment of these Directions is contained within the Attachments of this proposal.

No.	Direction	Applicable	Consistent
Emplo	oyment & Resources		
1.1	Business & Industrial Zones	Ν	N/A
1.2	Rural Zones	Y	Y
1.3	Mining, Petroleum Production and Extractive Industries	Y	Υ
1.4	Oyster Aquaculture	Ν	N/A
1.5	Rural Lands	Ν	N/A
Enviro	onment & Heritage		
2.1	Environmental Protection Zones	Y	Y
2.2	Coastal Management	Ν	N/A
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	Y	Y
2.5	Application of E2 & E3 Zones and Environmental Overlays in the Far North Coast LEPS	Ν	N/A
Housi	ng, Infrastructure & Urban Development		
3.1	Residential Zones	Y	Y
3.2	Caravan Parks and Manufactured Home Estates	Y	Y
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Regulated Airports and Defence Airfields	Y	Y
3.6	Shooting Ranges	Ν	N/A
3.7	Reduction in non-hosted short-term rental accommodation period	Ν	N/A

No.	Direction	Applicable	Consistent
Hazaro	l & Risk		
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	Ν	N/A
4.3	Flood Prone Land	Y	Y
4.4	Planning for Bushfire Protection	Υ	Υ
Regior	nal Planning		
5.1	Implementation of Regional Strategies	N/A	N/A
5.2	Sydney Drinking Water Catchments	Ν	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Ν	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Ν	N/A
5.5	Development in the vicinity of Ellalong, Paxton, Millfield (Cessnock LGA) (Revoked 18 June 2010	NA	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008)	N/A	N/A
5.7	Central Coast (Revoked 10 July 2008)	N/A	N/A
5.8	Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	N/A	N/A
5.9	North West Rail Link Corridor Strategy	Ν	N/A
5.10	Implementation of Regional Plans	Y	Y
5.11	Implementation of Aboriginal Land Council Land	Y	Y
Local F	Plan Making		
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Ν	Y
6.3	Site Specific Provisions	Y	Y
Metro	politan Planning		
7.1	Implementation of A Plan for Growing Sydney	Ν	N/A

No.	Direction	Applicable	Consistent
7.2	Implementation of Greater Macarthur Land Release Investigation	Ν	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	Ν	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Ν	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Ν	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Ν	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Ν	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Ν	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	N	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	N	N/A

 Table 3:
 S9.1 Ministerial Direction Compliance

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?

As this rezoning is a refinement of and earlier ament to the Wyong Local Environmental Plan, the majority of the land included within this Planning Proposal is zoned residential. The areas which are proposed to be rezoned are cleared or have scattered/modified native vegetation, with low ecological value and poor connectivity. Ecological investigations have been undertaken for the site for the previous Precinct 7A rezoning and again in 2018. A Conservation Management Plan (Umwelt 2014) was prepared for the Precinct 7A Ecological Assessment, completed in 2013. The CMP provides management commitments (to be completed by AV Jennings) required for development within Precinct 7A, AV Jennings have also committed to a number of other management actions (Squirrel Glider Poles and revegetation works), to address residual impacts from the development of the study area.

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

Bushfire

The land proposed to be rezoned comprises Category 1 bushfire prone vegetation and bushfire buffer areas. Preliminary bushfire information submitted with the planning proposal made key recommendations in relation to Asset Protection Zones and road design. The assessment concluded that if the recommendations in the Bushfire Threat Assessment are duly considered and incorporated into the future design the bushfire hazard present should be reduced to a level considered necessary to provide an adequate level of protection to life and property on the site.



Figure 4 Bushfire Prone Land

Aboriginal and European Cultural Heritage Items

In 2008 Archaeological Surveys and Reports Pty Ltd (ACR) were appointed to prepare an Aboriginal and European Archaeological Study as part of the Precinct 7A rezoning. No items of European Cultural Heritage on the site have been identified on the portion of the site which is proposed to be rezoned. It should be noted that Warnies Railway Café and General Store located at No. 1 Warnervale Road is listed as a Heritage Item in Schedule 5 of WLEP 2013 and is located to the west of the site.

The area which is currently zoned RE1 Public Recreation contains 11 Aboriginal heritage artefacts. The applicant engaged Extent Heritage Advisors who submitted a letter of advice. This advice included information confirming initial discussions involving the proponent the Darkinjung Local Aboriginal Land Council (DLALC) and Guringai Tribal Link Aboriginal Land Council (GTLALC). It has been indicated that an appropriate solution can be developed to manage any impacts at the Development Application stage.

A further Aboriginal Cultural Heritage Assessment Report was prepared by Extent Heritage in March 2018 in consultation with the relevant stakeholders. The assessment has been undertaken in accordance with the NSW Office of Environment and Heritage investigation, assessment and reporting guidelines, inclusive of relevant consultation with indigenous groups. The recommendations have concluded that an Aboriginal Heritage Impact Permit would be required during the Development Application stage. Development of the site has commenced in the northern parts of the site.

Contaminated Land and Acid Sulfate Soils

Detailed land contamination investigations were undertaken by Douglas Partners as part of the Precinct 7A rezoning process, where it was established that the subject site contained no "areas of

concern". A letter received from the current owners has confirmed that no illegal dumping or other contamination has occurred since the Douglas Partners Study was undertaken in 2009.

Flooding and Drainage

A Flood Study and modelling to support the Precinct 7A rezoning was conducted by Cardno in 2013 with an update completed in 2017. The study concluded that downstream impacts could be minimised by raising the existing levee along the rear property boundaries located in Wyong Industrial area to 6.5m AHD. The 2017 study concluded that the proposed rezoning will have no additional increase in downstream impacts than was identified under the 2013 Precinct 7A LEP Amendment.

Further consultation was undertaken with Biodiversity Conservation Division in December 2021 based on a reduced development footprint to ensure there is no filling of the floodplain or increase in downstream impacts the development. Biodiversity Conservation Division reviewed the revised development footprint and did not raise any concerns with relation to flooding.

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

Social Issues

The proposal to increase residential densities is considered beneficial to satisfying the needs of people at different life stages. Smaller lot sizes and medium density dwellings are proposed near the neighbourhood centre precinct and surrounding the central park.

The proposed rezoning is in close proximity to the neighbourhood centre which will provide local shopping and amenity to the future residents. An analysis on the impacts of the additional population on the B1 Neighbourhood Centre zoned land was undertaken by MacroPlan Dimasi, in 2017.

The analysis concluded the existing B1 Neighbourhood centre would be sufficiently sized to serve the future population in the Warnervale area. The additional 128 dwellings will only generate a small amount of additional neighbourhood centre demand (approximately 180m²), representing approximately 1-2 specialty tenants/businesses, which could easily be accommodated into the existing zoned land in a physical sense, as it is just 1.5% of the 1.15 hectares of the AV Jennings B1 Neighbourhood Centre site and 1% of all neighbourhood centre zoned land in Warnervale (MacroPlan Dimasi, 2017).

The proposal also includes reducing the size of the land zoned RE1 Public Recreation from 5.72 hectares to 3.17 hectares. Although the size of the park land will be reduced it will still be embellished to a standard suitable to accommodate the residents of the additional 128 dwellings proposed under this rezoning. The additional funds received through Councils s7.11 Contribution Plan will be used to acquire and embellish additional open space land in the Warnervale area to offset the shortfall in open space from this development.

Economic Impacts

The proposal will provide employment opportunities during the construction phase of the development. The proposed Neighbourhood Centre located at the north-west corner of the site will provide additional retail jobs once constructed.

Section D – State and Commonwealth Interests

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

Traffic

Access to the site is obtained from Warnervale and Virginia Roads with two additional south access roads proposed from Warnervale Road east and west of the existing B1 Neighbourhood Centre Zone.

A Traffic Impact Assessment and a road safety audit has been carried out on the masterplan layout to make revisions to revise road layouts and identify any major road safety issues. The traffic assessment considered the higher residential densities proposed under the revised masterplan and identified any required traffic and transport upgrades required as a result. The study concluded that due to the small increase in the number of vehicles, the existing road network has sufficient spare capacity without adversely impacting of the current levels of service currently experienced by motorists utilising the roads. The study further concluded that the proposal can be supported from a traffic perspective as it will not adversely impact on the local and state road network and complies with all relevant Central Coast Council, Australian Standard and RMS requirements.

Water, Sewer and other Services

Adequate capacity exists for the servicing of the site with water and sewer, subject to connection at the cost of the developer of the site. Electricity, gas and the National Broadband Network is also available.

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

Consultation with the following agencies has been carried out, based on the conditions of the Gateway Determination:

Agency	Comment	Council Response
Department of Primary Industries - Agriculture	 Coordinated Branch Response: No objection to proposal Suggest Virginia Road (Crown Road) transferred to Council 	The sections that will provide access can be transferred into Council's care and control at the Subdivision Construction
Department of Primary Industries - Office of Water		Certificate stage of the development.
NSW Rural Fire Service	No objection to the Planning Proposal. At future subdivision stage compliance with the provisions of Planning for Bushfire Protection 2006, in particular Table A2.4 (Asset Protection Zones), Section 4.1.3 in regard to access and service provision.	Noted
Planning & Environment – Resources and Geoscience	No issues with the proposal considered consistent with S.9.1 Direction 1.3 – Mining, Petroleum Production and Extractive Industries	Noted

Agency	Comment	Council Response
Office of Environment and Heritage	 OEH recommends that Council addresses the inconsistency with Direction 2.1 of Section 9.1. 	Following review of comments received from OEH, additional information was provided to OEH to address concerns with the proposal.
	 OEH recommends that the planning proposal avoids impacts to the North Wyong Shire Structure Plan Green Corridor. 	OEH issued a second letter to Council (dated 2 October 2018) advising that:
	• OEH recommends that the potential impacts of the water quality basins on the vegetation between the basins and the residential zones is assessed and considered as part of the planning proposal.	• OEH Is satisfied that the rezoning will not impact on the biodiversity of the site, as the proponent has stated that there are no environmental values on the land.
	• Assessment using the Biodiversity Offset Scheme of the <i>Biodiversity</i> <i>Conservation Act 2016</i> will be required at the development application stage.	 OEH Is satisfied that the increase in residential development in the rezoning proposal will not reduce the connectivity values of the
	 Aboriginal Cultural Heritage OEH is satisfied with the Aboriginal cultural heritage assessment 	North Wyong Shire Structure Plan green corridors.
	provided and no further assessment is required for the planning proposal.	 OEH Is satisfied That any water quality basins will be placed to avoid
	Flooding and Flood Risk	impacts on vegetation.
	 OEH recommends that mapping be provided which shows the extent of encroachment of the planning proposal into the flood planning area and the land affected by the NSW Coastal Management SEPP. The mapping should clearly indicate the additional area that forms part of this proposal when compared to the currently approved area. 	• OEH recommends that any rezoning be restricted to the area outside of the flood planning area in accordance with Section 9.1 Directions.
	• OEH recommends that mapping be revised to clearly indicate the extent of the flood planning area and rezoning should be restricted to the area outside of the flood planning area in accordance with the Section 9.1 Directions.	

Agency	Comment	Council Response
	Roads and Maritime consider that there will be an impact on the state network from this and other proposals within the area, which form a larger catchment affecting the Pacific Highway and Sparkes Road.	Noted
	Roads and Maritime recommend Council to undertake an update of the S7.11 plans informed by a Traffic Impact Assessment in consultation with Roads and Maritime, to determine appropriate upgrades to the state road network and funding mechanisms.	
Transport for NSW / Roads and Maritime Services	The Traffic Impact Assessment is to consider the cumulative impacts of the Urban Release Area's (URA) on the state road network, and include the following lands defined within the WLEP 2013 (URA) maps:	
	 Warnervale South A, Warnervale South B, Warnervale Town Centre, Wyong, Hamlyn Terrace, Louisiana Road Hamlyn Terrace East, Louisiana Road Hamlyn Terrace West, 137 Johns Road Wadalba, Johns Road Wadalba, and Louisiana Road Wadalba. 	
Planning & Environment	• Address Minor Inconsistency with Section 9.1 Direction, 2.1 Environment Protection Zones. There will be a small increases in the residential zone, thus reducing the amount of land zoned for environmental protection.	 This has been addressed. The ecological assessment prepared to support the proposal recommends additional actions to enhance the draft Conservation Management Plan for the floodplain. These actions will be implemented by AV Jennings. The proposal also proposed to rezone land from RU6 to E3 Environmental Management.
Darkinjung Local Aboriginal Land	- Recommend archaeological salvage excavation prior to soil excavation,	- An Aboriginal Cultural Heritage Assessment

Agency	Comment	Council Response
Council (DLALC)	surface collection of artefacts, monitoring earth movement, reburial and assemblage of aboriginal objects and interpretation of Aboriginal Cultural Heritage within the public spaces	Report was prepared by Extent Heritage in March 2018. Report recommendations an Aboriginal Heritage Impact Permit would be required during the Development Application stage. Development of the site has commenced in the northern parts of the site.
Guringai Tribal Link Aboriginal Corporation (GTLAC)	 A comprehensive Aboriginal Cultural Heritage Impact Assessment be conducted 	 An Aboriginal Cultural Heritage Assessment Report was prepared by Extent Heritage in March 2018. Report recommendations an Aboriginal Heritage Impact Permit would be required during the Development Application stage. Development of the site has commenced in the northern parts of the site.

Table 4: Agency Consultation

* NOTE: Section 3.25A of the EP&A Act requires the RPA to consult with the Director-General (Secretary) of the Department of Environment, Climate Change and Water (OEH) if, in the opinion of the RPA, critical habitat or threatened species, populations or ecological communities, or their habitats may be adversely affected by the proposed instrument.

- The consultation is to commence after a Gateway Determination is issued unless the Regulations specify otherwise.
- The period for consultation is 21 days unless agreed differently between the RPA & the DG or by the Regulations.

Part 4 Mapping

Мар	Map Title	
А.	Locality Plan	
Existing Provisions		
В.	Land Reservation Acquisition Map 8550_COM_LRA_007A_020_20151116	
C.	Land Zoning Map 8550_COM_LZN_007A_020_20160117	

Мар	Map Title	
D.	Lot Size Map 8550_COM_LSZ_007A_020_20140512	
Proposed Provisions		
E.	Land Reservation Acquisition Map 8550_COM_LRA_007A_020_2021xxxx	
F.	Land Zoning Map 8550_COM_LZN_007A_020_2021xxxx	
G.	Lot Size Map 8550_COM_LSZ_007A_020_2021xxxx	

 Table 5:
 Existing and Proposed Provisions

Part 5 Community Consultation

The Planning Proposal, draft DCP Chapter and relevant supporting information were publicly exhibited for 28 days between 20 May and 17 June 2020.

The exhibition was undertaken in accordance with the Gateway Determination (as amended) the DPIE's A Guide to Preparing Local Environmental Plans and the Environmental Planning and Assessment Act 1979 (EP&A Act).

The exhibition material was available on Council's Your Voice Our Coast website during the above dates, a notice of the exhibition was also placed on the Public Notices page on Council's website and surrounding landowners were notified by mail.

Two submissions were received during the exhibition period; one from a community member and one from the applicant of the Planning Proposal (ADW Johnson). Responses were also received from Transport for NSW, Rural Fire Service and Heritage NSW, no other issues were raised as part of the Planning Proposal Exhibition.

Submission Number	Point Raised in Submission	Response
1	• filling of part of the land presently zoned E2 Environmental and this area is within the Porters Creek flood plain. This flood plain is critical to the detention of waters in major storm events and the filtering of nutrients and silt from water before it enters Wyong Creek and subsequently the lake system. Any reduction of this natural filter and storage system must be discouraged by Council to protect the long term health of the waterways.	The proposal does not propose to rezone or fill land that is zoned E2 Environmental Conservation. The development footprint was amended (post Gateway) to significantly reduced the encroachment of both the proposed residential land into the flood planning area and proposed filling into the floodplain. The amended footprint also ensured land zoned E2 Environmental Conservation was not rezoned as part of the Planning Proposal.
	 reduction of the presently zoned Recreation area by 2.55 Ha or some 45%. To increase population in the area and then reduce the people's opportunity for recreation, both passive and active, is nothing short of folly. There is little enough recreation area available now, with sporting clubs in the area constantly calling for more ovals and residents seeking passive open space area for 	The Planning Proposal is reducing the size of the land zoned RE1 Public Recreation from 5.72 hectares to 3.17 hectares. Although the size of the park land will be reduced it will still be embellished to a standard suitable to accommodate the residents of

A summary of submissions is provided below:

Submission Number	Point Raised in Submission	Response
Number	simple sunlight and exercise, all opportunities to increase or at least retain open space must be preserved.	the additional dwellings proposed under this rezoning. The additional funds received through Councils s7.11 Contribution Plan will be used to acquire and embellish additional open space land in the Warnervale area to offset the shortfall (if required) in open space from this development.
2	AV Jennings site masterplan includes a mix of standard Torrens Title 450m2+ lots, plus smaller "rear loaded" lots down to sub 300m2. It is requested that the Planning Proposal be amended to facilitate the masterplan vision.	Noted – this issue will be further investigated and considered through the preparation of the Central Coast Comprehensive Local Environmental Plan.
	 Under the current Draft Central Coast Local Environmental Plan, Clause 4.1F restricts dual occupancy development as follows: Dual Occupancy (attached) 550 square metres Dual Occupancy (detached) 700 square metres Can a site specific provision allowing dual occupancy development on sites of at least 400m2 be adopted for the site? The above control is contrary to the Low Rise Medium Density Housing Code which allows dual occupancy development on lots down to 400m2. This is also in line with Council's own Affordable and Alternative Housing Strategy. 	Noted – this issue will be further investigated and considered through the preparation of the Central Coast Comprehensive Local Environmental Plan.
	 <u>Draft Development Control Plan</u> Include a provision within the Draft DCP to allow for development in accordance with the Low Rise Medium Density Housing Code with the following exclusions: Allow manor homes (2 storey building, 2 dwellings in each storey) and multi dwelling development (3 dwellings) on corner lots or those with rear land access only. This will facilitate housing choice in accordance with the Low Rise Medium Density Housing Code which is in line with Council's own Affordable and Alternative Housing Strategy. The exclusion is requested to prevent third parties from building low 	Noted – this issue will be considered through the preparation of the Central Coast Comprehensive Local Environmental Plan and Central Coast Comprehensive Development Control Plan.

Submission Number	Point Raised in Submission	Response
	quality manor or multi dwellings on lots which don't access a laneway or have a dual street frontage.	
	<u>Multi-Generational Housing</u> Multi-generational housing includes a three (3) storey building including one (1) dwelling on each level to cater for families including three (3) generations. Include a provision within the Draft DCP to allow three (3) storey construction for multi-generational housing opposite the park to the north. AVJennings wish to explore this type of development opposite the future park within the	Noted – this issue will be further investigated and considered through the preparation of the Central Coast Comprehensive Local Environmental Plan.
	"arc" to the north across R1 zoned land. Current and draft multi-dwelling housing controls restrict this type of development to two (2) storeys.	
	<u>Corner Lots</u> Include a provision within the Draft DCP to allow the creation of corner lots to 450m2. The Low Rise Medium Density Housing Code, allows for dual occupancy development on lots down to 400m2. Council's current lot size standards are out of line with current planning policy and therefore do not facilitate affordable housing or efficient use of residentially zoned land.	This is a broader issue and will require a review of controls within multiple DCP chapters. This will be considered as part of the Comprehensive LEP and DCP.
	New Road Type Add a new Road Type - Park Edge Road (A&B) around the park which provides formal parking on the park side every 100m as well as placing the 2.5m wide shared pathway within the park as shown overleaf. To provide formal parking on the park side of the road for visitors of the park given that it will be a destination and not just used by residents of the subdivision. The shared pathway will also be within the parkland rather than the road reserve as this gives an opportunity to meander the pathway around the park for improved amenity.	Noted – The draft DCP will be updated to include the new road type.
	<u>Setbacks</u>	This is a broader issue and will require a review of controls

Submission Number	Point Raised in Submission	Response
	Include provision to allow a reduced front setback to 3m for rear-loaded lots off a laneway. To provide better street appeal given that a large setback is not needed to accommodate garage/driveways, as these will be located off the laneway. Allow zero setback for garages and secondary dwellings atop garages facing laneways. Current controls under the Dwelling DCPs don't include setbacks for secondary dwellings to laneways, and garages can only have 50% of frontage with a zero setback.	within multiple DCP chapters. This will be considered as part of the Comprehensive LEP and DCP.
	Figure 3 Park and Open Space locationsFigure 3 shows a small formalised park in NW cornerand the colour used for the remaining area lookslike "recreation/playfields" as shown within thecorresponding legend.Increase the formalized park to add area shown inred below and amendcolour for remaining area to be consistent with thekey colour for "parkland".This will provide flexibility in the location of theformalized park and to ensure the remaining area isdeveloped as parkland only.	The draft DCP will be updated to increase the flexibility in the location of the formalised park.
	Figure 4 Indicative road layout and hierarchyFigure 4 is based on an old layout. The current masterplan which has been conceptually approved by Council's Development Assessment staff (July 2020) removes various laneways and roads which are no longer proposed. Amend Figure 4 to remove the roads "crossed out" in black.	Noted – draft DCP will be updated to include new layout.
	Figure 5 Indicative Pedestrian and cycleway routes Figure 5 requires on road cycleways (shown in purple), amend to off road shared pathway. Reason: Council's Engineers prefer off road cycleways.	Noted – draft DCP will be updated to include new layout.
	 <u>43m Asset Protection Zone (APZ) and 10m building</u> <u>setback</u> Request the following provision be deleted: 2.4f A 43m wide asset protection zone (APZ) 	Noted – the draft DCP has been updated to meet current Bushfire Legislation.

Submission Number	Point Raised in Submission	Response
	 bushfire buffer is provided on park edge roads and to the edge of the Porters Creek wetland adjacent to the employment precinct. A 10 metre building setback requirement will form part of this APZ. And, 3.2 e A 10 metre building setback requirement forming part of the Bushfire Asset Protection Zone is to apply on property adjoining park edge roads. 	
	Based on Planning for Bushfire Protection 2019 and the latest bushfire studies undertaken for the site, the maximum APZ required for future development where the perimeter road applies is now only 10m, not 43m (see Figure below).	
	The 43m APZ came from a basic vegetation assessment using the maximum fuel load vegetation when Precinct 7A was rezoned. The existing and future vegetation (noting the E3 Zone is to be rehabilitated to a wetland state) requires significantly reduced APZs. Further, the bushfire assessment methodology adopted for the AVJ development uses a "Method 2" system, whereby a refined slope assessment is undertaken to get a more realistic hazard assessment.	
	Further to the above, no APZ is required opposite the park due to separation from other vegetation.	
	Taking the above into consideration, these controls are no longer applicable and if enforced would have the effect of unnecessarily losing developable land.	
	Draft DCP Chapter 5.25 Request: Draft DCP Chapter 5.25 does not include the Type 11 – Perimeter Road which is included within Draft DCP 6.5.	Noted – Draft DCP Chapter 5.25 has been updated.

The Planning Proposal was reported to Council for endorsement on 28 September 2020, the report was deferred for a Councillor Inspection (undertaken 19 October 2020) and the Planning Proposal was reported back to Council for endorsement (19 October 2020). The Council resolution of the 19 October 2020 requires the Planning Proposal be amended following further consultation with Biodiversity Conservation Division prior to the plan being made. A copy of the Council resolution of 19 October 2020 is provided below:

Council Resolved

- 992/20 The Planning Proposal to rezone Lot 1 DP 385242, Lots 1, 2 & 3 DP 1101086, Lot 1 DP 1018444 and Lots 73, 74, 75 & 76 DP 7091 (15-35 Warnervale Road & Part of 95-105 & 107-171 Virginia Road, Warnervale to R1 General Residential, R2 Low Density Residential and E3 Environmental Management under Wyong Local Environmental Plan 2013 or the Central Coast Local Environmental Plan (whichever is in effect), is to be amended to be consistent with the advice received from Biodiversity and Conservation Division dated 5 August 2020 (ref:DOC20/580922-5) in relation to the inconsistency with Section 9.1 Ministerial Direction 4.3 Flood Prone Land.
- 993/20 The amended Planning Proposal is forwarded to Biodiversity and Conservation Division seeking concurrence that the revised proposal is consistent with Section 9.1 Ministerial Direction 4.3 Flood Prone Land.
- 994/20 That Council request, upon the receipt of concurrence from Biodiversity Conservation Division requested by resolution 2, the Chief Executive Officer to exercise the delegation issued by the Department of Planning, Industry and Environment for Planning Proposal (PP_2017_CCOAS_010_00; RZ/6/2016) to proceed with the steps for drafting and making of Amendment No. 35 to Wyong Local Environmental Plan 2013 or an amendment to the Central Coast Local Environmental Plan (whichever is in effect).
- 995/20 That Council advise all those who made a submission of the decision.
- 996/20 That Council adopt amendments to Chapter 6.5 Warnervale South (Attachment 2) as an:
 - a Amendment to chapter 6.5 within Wyong Development Control Plan 2013, or as new Chapter 5.25 within the Central Coast Development Control Plan (whichever is in effect), which shall come into effect upon notification of the plan.
 - *b Amended as per the following items outlined in response to the exhibition period incorporating the following changes: 2.1 Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale*
 - i Inclusion of an additional road type (Park Edge)

- ii Updating of bushfire requirements to meet current legislation
- *iii* Updating of maps to be consistent with approved development on the site
- *iv* Minor alterations to wording, terminologies and references to ensure consistency with legislation updates.
- c That further amendments be made to the DCP maps and figures to reflect the amended Planning Proposal layout/subdivision design as outlined in resolution 1.
- 997/20 That Council publish a public notice of its decision regarding the adoption of the Development Control Plan within 28 days.
- 998/20 That Council provide the Planning Secretary with a copy of the Development Control Plan within 28 days.
- 999/20 That Council staff finalise the Transfer of Lands as nominated under the Deed of Agreement 2007 and Deed of Agreement 2010 between Wyong Shire Council and the land owner with a report back if not finalised by March 2021.

Council staff met with Biodiversity Conservation Division (BCD) on 8 December 2020 to further discuss their submission made during the exhibition period of the Planning Proposal. BCD provided advice on required amendments to the development footprint to enable the proposal to be consistent with Section 9.1 Ministerial Direction 4.3 Flood prone land. A revised proposal was submitted to BCD for their review on the 24 February 2020; BCD provided further advice back to Council on the 24 April 2021. BCD raised two issues to be addressed prior to the release of each future stage of the development, the advice no longer raised the inconsistency with the Section 9.1 Ministerial Direction 4.3 Flood Prone Land.

The Planning Proposal has been amended to be consistent with the Council resolution, advice from Biodiversity Conservation Division and to ensure consistency with the Gateway Determination and intended outcomes of the Planning Proposal.

The following changes have been made:

• Reduction in the development footprint to remove all filling and development within the floodway

 Minor change in zone to increase the land to be rezoned from R2 Low Density Residential to R1 General Residential. The amendment is consistent with the intended outcomes of the Planning Proposal and allows a development footprint that is consistent with the Section 9.1 Ministerial Direction 4.3 Flood Prone Land. The proposed number of lots has reduced from 526 to 518.

The changes to the R1 General Residential and R2 Low Density Residential zone boundaries are provided below:



Figure 5 - Exhibited Zone Boundaries

Figure 6 - Changes to zone boundaries following consultation with Biodiversity Conservation Division



Part 6 Project Timeline

Table 6:	Kev Project	Timeframes
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Action	Period	Start Date	End Date
Anticipated commencement date (date of Gateway Determination)	6 weeks	17/8/17	28/9/17
Anticipated timeframe for the completion of required technical information	12 months	29/9/17	29/9/18
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	21 days	1/10/19	22/10/19
Internal consultation and resolution of issues raised in agency consultation	7 months	23/10/19	19/5/20
Commencement and completion dates for public exhibition	28 Days	20/5/2020	17/6/2020
Timeframe for consideration of a proposal post exhibition (including resolution of issues raised, reporting to Council, Council inspection and post Council resolution actions)	10 months	22/6/2020	22/5/2021
Anticipated date RPA will make the plan (if delegated)	7 Day	07/06/21	13/06/21
Anticipated date RPA will forward to the Department for notification	1 Day	25/06/21	25/06/21

Supporting Documentation

No.	Document		
01 Assess	01 Assessment and Endorsement		
А.	Council Report and Minutes – 26 July 2017		
В.	Section 9.1 Ministerial Direction Assessment		
С.	Gateway Determination 17 October 2017		
D.	Confirmation of SIC for Precinct 7A 30 March 2015		
02 Land U	Ise Provisions		
Α.	Land Use Tables		
03 Mappi	ng		
Α.	Locality Plan		
Existing P	rovisions		
В.	Land Reservation Acquisition Map 8550_COM_LRA_007A_020_20151116		
C.	Land Zoning Map 8550_COM_LZN_007A_020_20160117		
D.	Lot Size Map 8550_COM_LSZ_007A_020_20140512		
Proposed Provisions			
E.	Land Reservation Acquisition Map 8550_COM_LRA_007A_020_2021xxxx		
F.	Land Zoning Map 8550_COM_LZN_007A_020_2021xxxx		
G.	Lot Size Map 8550_COM_LSZ_007A_020_2021xxxx		
03 Agenc	y Comments		
Α.	Department of Primary Industries - Agriculture		
В.	NSW Rural Fire Service		
С.	Department of Planning and Environment - Resources and Geoscience		
D.	Office of Environment & Heritage (Planning)*		
E.	Department of Education and Communities		
F.	Transport for NSW / Roads and Maritime Services		

No.	Document	
G.	Darkinjung Local Aboriginal Land Council (DLALC)	
Н. с	Guringai Tribal Link Aboriginal Corporation (GTLAC)	
04 Supporting Studies		
A.	Warnervale Masterplan Report – 2017 (OCULUS)	
В.	Flood Impact Assessment – 2017 (Cardno)	
С.	Aboriginal Heritage – 2018 (Extent)	
D.	Ecological Assessment 2017 (Umwelt)	
E.	Bushfire Threat Assessment 2017 (Bushfire Planning Australia)	
F.	Landowner Letter – No Illegal Dumping (2017)	
G.	Open Space and Recreation Analysis (2018) ADW Johnson	
H.	Traffic Impact Assessment (2018) Intersect Traffic	
I.	Warnervale Neighbourhood Centre Demand (2017) MacroPlanDimasi	

 Table 7:
 Supporting Documentation to the Planning Proposal