

**WARNERVALE, Education and Business Precinct, 30 Jack Grant Avenue, Part Lot 26, DP 1159349**

|                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |                 |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------|
| Proposal Title :   | <b>WARNERVALE, Education and Business Precinct, 30 Jack Grant Avenue, Part Lot 26, DP 1159349</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |               |                 |
| Proposal Summary : | <p><b>The proposal's stated objective is to support development of an Education and Business Precinct on a 65 hectare site being part Lot 26 DP 1159349 30 Jack Grant Avenue Warnervale.</b></p> <p><b>The Council-owned land is currently zoned SP2 Infrastructure (Educational Establishment), B7 Business Park and E2 Environmental Conservation.</b></p> <p><b>Educational establishments are already permitted in the SP2 and B7 zones and business park and most other proposed uses are already permitted in the B7 zone. The effect of Council's planning proposal is therefore to:</b></p> <ul style="list-style-type: none"> <li><b>- significantly increase floor space capacity for approximately 27 hectares in the north and east of the site by mapping maximum building height at 24 metres (currently 12 metres in B7 and no limit in SP2 or E2) and FSR at 2.75:1 (currently 0.8:1 in B7 and no limit in SP2 or E2)</b></li> <li><b>- add additional permitted uses of retail development (up to 2000 m2) and highway service centre (up to 6000 m2).</b></li> </ul> |               |                 |
| PP Number :        | <b>PP_2014_WYONG_012_00</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Dop File No : | <b>14/17084</b> |

**Proposal Details**

|                                   |                    |                      |                               |
|-----------------------------------|--------------------|----------------------|-------------------------------|
| Date Planning Proposal Received : | <b>01-Jan-2015</b> | LGA covered :        | <b>Wyong</b>                  |
| Region :                          | <b>Hunter</b>      | RPA :                | <b>Wyong Shire Council</b>    |
| State Electorate :                | <b>WYONG</b>       | Section of the Act : | <b>55 - Planning Proposal</b> |
| LEP Type :                        | <b>Precinct</b>    |                      |                               |

**Location Details**

|               |                                |        |            |
|---------------|--------------------------------|--------|------------|
| Street :      |                                |        |            |
| Suburb :      |                                | City : | Postcode : |
| Land Parcel : | <b>Part Lot 26, DP 1159349</b> |        |            |

### **DoP Planning Officer Contact Details**

Contact Name : **G P Hopkins**  
Contact Number : **0243485002**  
Contact Email : **garry.hopkins@planning.nsw.gov.au**

### **RPA Contact Details**

Contact Name : **Gary Hamer**  
Contact Number : **0243505561**  
Contact Email : **gary.hamer@wyong.nsw.gov.au**

### **DoP Project Manager Contact Details**

Contact Name :  
Contact Number :  
Contact Email :

### **Land Release Data**

|                                       |                                                            |
|---------------------------------------|------------------------------------------------------------|
| Growth Centre :                       | Release Area Name :                                        |
| Regional / Sub<br>Regional Strategy : | Consistent with Strategy :                                 |
| MDP Number :                          | Date of Release :                                          |
| Area of Release<br>(Ha) :             | Type of Release (eg<br>Residential /<br>Employment land) : |
| No. of Lots : <b>0</b>                | No. of Dwellings<br>(where relevant) : <b>0</b>            |
| Gross Floor Area : <b>0</b>           | No of Jobs Created : <b>0</b>                              |

The NSW Government Yes  
Lobbyists Code of  
Conduct has been  
complied with :

If No, comment :

Have there been **No**  
meetings or  
communications with  
registered lobbyists? :

If Yes, comment :

### **Supporting notes**

Internal Supporting Notes : **The site**

**The planning proposal applies to a 65 hectare site in the north east of Lot 26 DP 1159349.  
The total size of Lot 26 DP 1159349 is 455 hectares.**

**The site is currently zoned SP2 Infrastructure (with a notation of Education Establishment on the zoning map) (28.5 ha), B7 Business Park (34.5 ha) and E2 Environmental Conservation (2 ha). (Based on estimates from information provided - exact areas not provided).**

Within the 65 hectare site, approximately 27 hectares in the north and east has been identified as developable with the remainder proposed as open space including playing fields. The proposed height and FSR map amendments apply to this approximately 27 hectares.

#### **Location**

The site is bounded to the south and west by the remainder of Lot 26 DP 1159349 including part of SEPP 14 wetland number 896a, to the north by land zoned SP2 Infrastructure (Educational Establishment) including the existing Lakes Grammar School, to the north east by land zoned R2 and currently containing low density residential housing and to the east by the northern railway line.

Adjacent to the eastern boundary of the site is the proposed Link Road, a proposed connection from the Pacific Highway, Watanobbi to Sparks Road, Warnervale. The location of the proposed Link Road adjacent to the site is identified by Council as a key factor in support of the proposal. The first section of the Link Road has been constructed but there is no State commitment for funding of Stage 2.

Warnervale rail station is approximately 900 metres to the north east (source: planning proposal). The proposed Warnervale Town Centre station is approximately 2.4 kilometres to the north east. The Concept Master Plan submitted with the planning proposal introduces another potential future rail station adjacent to the site.

The site is several kilometres (by road) from the Wyong Employment Zone, 2.4 kms from the Warnervale Town Centre and is adjacent to the residential component of 'Precinct 7A' which has been rezoned and is estimated to deliver over 2000 dwellings.

There are a number of other development proposals in the area including a proposed Theme Park and a proposed Regional Airport.

#### **Recent rezoning history**

The B7 area was rezoned as part of Precinct 7A which was finalised on 23 December 2013. When first submitted for a Gateway determination, the Precinct 7A planning proposal included 37 ha of B4 Mixed Use (7 ha) / B7 Business Park (30 ha) zoned land. Concerned with the potential for this to undermine the development of the new Warnervale Town Centre and adversely affect existing centres like Gosford and Wyong, the Gateway issued on 4 July 2012 removed this component from the planning proposal.

A revised planning proposal was submitted by Council which removed the B4 component, prohibited business premises and retail premises and proposed a restriction on stand-alone office space in the (then) 34.5 ha B7 zone to 30% of total floor space available within the proposed B7 land. A revised Gateway was issued on 17 September 2012. Clause 7.14 of Wyong LEP 2013 deals with the cap on office floor space.

#### **Basis for the planning proposal**

Council cites three documents in support of the proposal:

- Allen Consulting Group (2011) A feasibility study for a university on the Central Coast, Prepared for the Central Coast Regional Development Corporation
- SGS Economics and Planning (2013) Warnervale business and education precinct Final report, prepared for Wyong Shire Council
- JBA and Cox Richardson (2014) Wyong Education and Business Precinct Concept Master Plan prepared for Wyong Shire Council

The Concept Master Plan has been submitted with the planning proposal.

These documents are considered later.

#### Discussions with Council

The planning proposal was first received on 8 October 2014. Following preliminary review Council and the regional team met and a number of matters were documented for Council's consideration. Two further iterations of the planning proposal were received and on 18 December 2014 Council requested the planning proposal be considered for a Gateway determination with blanket height and FSR.

(NB. Because the proposal was lodged two days before the Department's Xmas close-down and the LEP tracking system does not make allowances for this period, the 'Date Received' has been recorded as 1 January 2015, two days before resumption of business. This will mean the Tracking System more accurately reflects how many days the proposal has been under consideration).

A further discussion with Council was held on 12 February 2015 where Council emphasised its primary intention was to introduce flexibility into the planning controls. Following this meeting an alternative option was proposed and this report recommends a conditional Gateway be issued for that preferred option.

Options considered are documented under 'Should the matter proceed?' towards the end of this report. Note however that the assessment in the intervening pages is of the proposal submitted by Council.

#### Maps

A set of maps has been collated and is attached to illustrate the site and proposal:

##### Concept Master Plan

- Figures 1 and 4 showing location and other proposed development in the area
- Figure 48 - ultimate stages
- Figure 38 - sub-precincts and areas
- Figure 39 - heights and FSR proposed in Concept Master Plan

##### Land zoning

- Map showing existing zones overlain by site area

##### Planning Proposal Maps

- Proposed height map
- Proposed FSR Map
- Proposed additional permitted use map

External Supporting  
Notes :

## Adequacy Assessment

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

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

Comment :

The statement of objectives could be written more clearly to clarify how the proposal assists in achieving intent.

The objective of developing an integrated educational and business precinct could potentially be achieved without the planning proposal given both educational and business uses are permitted on the site. Other proposed uses are mostly already permitted or ancillary.

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

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

Comment : **The explanation of provisions proposes an FSR of 2.5:1 but the map provided shows 2.75:1.**

**The explanation of provisions proposes additional permitted uses of retail development and highway service centre in land zoned B7 Business Park but the Additional Permitted Use map maps an area outside the area zoned B7 Business Park.**

**Justification - s55 (2)(c)**

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

b) S.117 directions identified by RPA :

**1.1 Business and Industrial Zones**

**2.1 Environment Protection Zones**

\* May need the Director General's agreement

**2.2 Coastal Protection**

**2.3 Heritage Conservation**

**2.4 Recreation Vehicle Areas**

**3.1 Residential Zones**

**3.2 Caravan Parks and Manufactured Home Estates**

**3.3 Home Occupations**

**3.4 Integrating Land Use and Transport**

**3.5 Development Near Licensed Aerodromes**

**4.3 Flood Prone Land**

**4.4 Planning for Bushfire Protection**

**5.1 Implementation of Regional Strategies**

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

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

d) Which SEPPs have the RPA identified?

**SEPP No 44—Koala Habitat Protection**

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

**117 directions**

**1.1 Business and Industrial Zones - the scale of capacity proposed is currently inconsistent and the inconsistency has not been justified. The viability of centres has not been sufficiently considered and the extent of the proposed new employment area is not in accordance with a strategy approved by the Secretary.**

**2.1 Environmental Protection Zones - the proposal is currently inconsistent and the inconsistency has not been justified. The Concept Master Plan appears to show playing fields on land zoned E2 Environmental Conservation.**

**2.2 Coastal Protection - the planning proposal states this applies but the site is not within the coastal zone.**

**2.3 Heritage - the desktop review referred to has not been supplied. Referral to OEH would need to occur and consistency with the 117 direction revisited.**

**3.1 Residential Zones - the proposal is currently inconsistent and the inconsistency has not been justified. The planning proposal proposes significant residential development (in the form of student accommodation) but has not yet shown how it makes efficient use of existing infrastructure and services and/or ensures that new housing has appropriate access to infrastructure and services.**

**3.4 Integrating Land Use and Transport - the proposal is currently inconsistent and the inconsistency has not been justified. Some components of the proposal (eg SMARTS Hub and commercial development) could be located in existing centres consistent with current strategy and infrastructure spending. 'The Right Place for Business and Services - Planning Policy' (DUAP, 2001), referred to in this 117 direction, states where**

space for higher order facilities may not be feasibly located within centres, they should be located close to regional centres and link with them using local transport corridors. It is not clear whether other sites have been considered.

Council proposes development of a SMARTS Hub/Smart Work Centre as the focal point and gateway to the Precinct. The Concept Master Plan quotes a document prepared by the Institute for Sustainable Futures (ISFS (2014) Smart Work centres: An Analysis of Demand in Western Sydney). The ISFS document considers that telework centres should be located in commercial activity districts with public transport, coffee and lunches, as well as general retail, grocery, medical and dental services and personal services.

Smart Work Centres at Wyong (several kilometres to the south) and Gosford are part of a State pilot program administered through NSW Trade and Investment. Further consideration should be given to the best location for a SMARTS Hub including discussion with NSW Trade and Investment.

**3.5 Development Near Licensed Aerodromes** - the proposal is in the vicinity of Warnervale Airstrip and may require consultation with the Commonwealth Department responsible for aerodromes and the lessee of the aerodrome.

**4.1 Acid Sulphate Soils** - the planning proposal states this does not apply but it does. Although potential impact on acid sulfate soils is unlikely, the 117 direction needs to be considered.

**4.4 Planning for Bushfire Protection** - Referral to RFS would need to occur and consistency with the 117 direction revisited.

**5.1 Implementation of Regional Strategies** - the proposal is currently inconsistent and the inconsistency has not been justified. Considered further later.

**6.3 Site Specific Provisions** - further discussion on the need for the proposed additional permitted uses is required.

SEPP 55 should also be addressed in the planning proposal.

The proposal is consistent with other 117 directions and SEPPs or they do not apply.

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

If No, explain : **Considered above**

### **Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment : **The proposal is to include new heights and FSRs and additional permitted uses.**

**The heights and FSRs are to apply to a developable area identified in the Concept Master Plan. The developable area roughly coincides with the existing B7 zoned land plus some of the SP2 zoned land.**

**There are a number of issues with mapping requiring further consideration and/or amendment. The maps need to be able to be compared and to more clearly reflect the intention of the planning proposal. For example:**

**- the site boundary overlain on the Land Zoning map, the site boundary on Map Two in the planning proposal and the site boundary on Map Three in the planning proposal are all different**

**- a map showing the relationship between the existing zones and height and FSR map should be prepared to allow comparison**

- the boundary of the Additional Permitted Use map extends outside the site boundary and this should be corrected
- the proposed Additional Permitted Uses would not be appropriate within all the area mapped on the APU map. For example, the area zoned E2 would not be appropriate for inclusion on the APU map without justification. Permitting highway service centres throughout the site also appears inappropriate given intention to locate next to proposed Link Road off ramp.
- the maps need to match the text in the planning proposal (eg. FSR is mapped as 2.75:1 yet referred to as 2.5:1 throughout the PP)
- consideration needs to be given to the appropriateness of basing the height and FSR maps on the sub-precincts in the Concept Master Plan. At present the height and FSR maps show areas with no height and FSR (conceptual roads?) and if future development did not match this layout a further planning amendment would be required. Note also that the text in the planning proposal refers to 'blanket heights and FSRs across the site' but the maps show height and FSR only in the 'developable area' (and within this there are breaks for the conceptual roads).

#### **Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **28 days proposed**

#### **Additional Director General's requirements**

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

If Yes, reasons : **Delegation**

**Council has sought delegation to finalise the local environmental plan amendment and has included a completed 'Evaluation criteria for the delegation of plan making functions. Council's request for delegations is not supported.**

#### **Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? **No**

If No, comment : **As submitted by Council the planning proposal is not suitable for public exhibition. However if amended as detailed in the recommendation the proposal could continue.**

**The planning proposal would benefit from editing to aid comprehension.**

#### **Proposal Assessment**

##### **Principal LEP:**

Due Date :

Comments in  
relation to Principal  
LEP :

**The planning proposal amends the height, FSR and additional permitted use maps and adds additional permitted use entries to Schedule 1. The site is affected by clause 7.14 Office premises on land at Warnervale in Zone B7, but this has not been sufficiently considered in the planning proposal.**

##### **Assessment Criteria**

Need for planning  
proposal :

**Background reports - basis for the planning proposal**

**Council cites three documents in support of the proposal:**

- **Allen Consulting Group (2011) A feasibility study for a university on the Central Coast,**

**Prepared for the Central Coast Regional Development Corporation**

- **SGS Economics and Planning (2013) Warnervale business and education precinct Final report, prepared for Wyong Shire Council**
- **JBA and Cox Richardson (2014) Wyong Education and Business Precinct Concept Masterplan prepared for Wyong Shire Council**

The purpose of the Allen Consulting report was 'to discern whether a sound policy argument exists for the establishment or otherwise of a new university on the Central Coast'. While the report found there were lower higher education participation rates than in Sydney, 'there is not sufficient evidence for the Committee to invest additional resources in a full business case for a new university on the Central Coast'. However there was 'a strong case for extension of higher education provision on the Central Coast' including 'potential demand for a viable campus based in the Gosford CBD ...' (Allen Consulting Group, 2011: vii-viii). A subsequent report was produced by Allen Consulting to this end (both documents are available on the Central Coast Regional Development Corporation's website).

The SGS report is an economic viability and feasibility analysis of a proposed integrated education & business/industry precinct at Warnervale. In regard to shortfalls in university places in the region, SGS states 'This additional university market is probably not large enough to warrant a new greenfield campus and is likely to be hotly contested with University of Newcastle currently in the 'box seat' to take a share of it' (SGS, 2013:2).

SGS considered pros and cons of three scenarios for the subject site (Business Park only (81,180m<sup>2</sup>), Business Park (75,180 m<sup>2</sup>) plus training facilities and Business Park (20,000 m<sup>2</sup>) plus university plus ancillary) and different ownership options (land sold or a joint venture).

The JBA and Cox Richardson report presents a high level indicative concept plan for:

- a university campus for 7000 students
- a residential college for 1500 students
- Community, Sports Institute and Recreation Facilities including a SMARTS hub
- Integrated Business/Industrial Park
- Associated infrastructure requirements.

The Concept Master Plan states it should be read with an earlier Desktop Review however the Desktop Review has not been provided.

Council states the initial driver for investment will focus on securing a university to anchor the development in order to attract complementary service providers and businesses. Council envisages preparing a brochure to target national and international investors including university providers.

**Link between Concept Master Plan and planning proposal**

Although the planning proposal is said to 'increase heights and FSR components which (to?) better align with the implementation of the masterplan' the proposed heights and FSR amendments in the planning proposal exceed those in the Concept Master Plan (figure 39 of Concept Master Plan). The potential increase in density is attributed to a need for flexibility and to provide certainty for investors but the potential adverse effects on other centres are not fully considered.

**Height (refer Concept Master Plan figure 39 and proposed Height map):**

**WLEP 2013:**

**B7 = 12 metres  
SP2 and E2 = 0**

**Concept Master Plan:**

**B7 = Mix of 1 storey & 13,16,19,24 m. (24 m. is for 3.2 ha only)  
SP2 = 16 and 19 metres within development precincts and 0 outside  
E2 = 0**

**Planning proposal:**

**B7 = 24 metres within development precinct, 0 outside (roads)  
SP2 = 24 metres within development precinct, 0 outside (roads and outside development  
precincts in south west)  
E2 = 0**

**FSR (refer Concept Master Plan figure 39 and proposed FSR map):**

**WLEP 2013:**

**B7 = 0.8:1  
SP2 and E2 = 0**

**Concept Master Plan:**

**B7 = Mix of 2:1, 2.5:1, 3:1, 3.5:1  
SP2 = 2.5:1 and 3:1 within development precincts and 0 outside  
E2 = 0**

**Planning proposal:**

**B7 = 2.75:1 within development precinct, 0 outside (roads)  
SP2 = 2.75:1 within development precinct, 0 outside (roads and outside development  
precincts in south west)  
E2 = 0**

**Projected floor space capacity**

**WLEP 2013:**

**SGS estimates capacity based on current zoning/development standards capacity  
estimated at 81,180 m<sup>2</sup> (SGS, 2013:32). (32 ha of B7 less 15% for infrastructure multiplied  
by FSR of 0.3:1). (DP&E revision: 32 ha less 20 % for infrastructure multiplied by FSR of  
0.8:1 = 204,800 m<sup>2</sup>. Stand-alone office space 30% of this = 61,440 m<sup>2</sup> (cl. 7.14 of Wyong  
LEP 2013)).**

**Concept Master Plan (figure 39):**

**Business Park floor space under Concept Master Plan envisaged as 84,138 m<sup>2</sup> for 2 storey  
buildings and 126,207 m<sup>2</sup> for 3 storey buildings.**

**Planning proposal:**

**Actual proposal now is for 8 storey buildings. Using Concept Master Plan figures floor  
space = 336,000 m<sup>2</sup> for the business park component alone.**

**There is a significant difference in potential floor space from what had previously been  
envisaged for the site and the potential adverse impact on centres (and transport) has not**

been considered.

Note also indicative development timing in Wyong Employment Lands Study (also prepared by SGS) was 2026 – 10,000 m<sup>2</sup>, 2036 – 25,000 m<sup>2</sup>, 2046 – 50,000 m<sup>2</sup> and 2046+ – 80,000 m<sup>2</sup>. The effect of providing upfront capacity to the extent proposed has not been considered.

Transport movements:

NWSSP (DP&I, 2012) estimates 273-546 jobs from Warnervale South West (table 2, page 23) and 0 dwellings. WSS includes this figure. The SGS study (2013) cites a figure for jobs capacity in the B7 Business Park as 1080 (40 jobs per hectare x 27 net developable hectares).

This planning proposal is for:

- University: 7000 students (EFTS of 4,620\*) with 1500 accommodated on site, unknown staff (may be included in figures below?)
- Business Park: Job estimates from Concept Master Plan (p. 43) of 2404 (2 storey) to 3606 (3 storey) but proposal is for 8 storey = 9,616.
- Unquantified number of people using SMARTS Hub, hotel, highway service centre.

(\* NB. For comparison, University of Newcastle Central Coast Equivalent Full Time Student Load (EFTSL) was 3310 in 2013 (source: UON Annual Report 2013))

There is a significant difference in potential movements in this locality to what had previously been envisaged. There are also cumulative impacts from other new & emerging proposals within proximity of the site (Theme Park, Airport) that are yet to be considered.

Permissibility of uses & need for the planning proposal:

While ostensibly the planning proposal is to enable the development of an integrated educational and business precinct, it is not evident that the increase in development potential in the planning proposal is necessary to achieve this outcome. Educational establishments are already permitted in the SP2 and B7 zones and business park uses are already permitted in the B7 zone by way of the Infrastructure SEPP. Other proposed uses such as student accommodation and hotels are either permitted or ancillary. The proposed retail development could be required were the university to develop but it may be also be ancillary to that use.

The need for the proposed highway service centre is based on the proposed Link Road which is yet to be constructed. It is unclear why 'highway service station' would be selected as a use rather than 'service station' and it is not clear why 6000 m<sup>2</sup> is proposed. This should be reconsidered.

Notwithstanding the objective to enable the development of an integrated educational and business precinct, the planning proposal represents a significant increase in commercial floor space in an out of centre location.

Consistency with  
strategic planning  
framework :

**Central Coast Regional Strategy (CCRS) and Regional Growth Plan (RGP)**

The CCRS does not identify this site as a centre. Given the proposed development standards and proposed scale of use of the site for educational and business purposes, there is potential for this proposal to threaten the development of the Warnervale Town Centre and other Central Coast centres. This matter is not adequately considered in the planning proposal.

The planning proposal states 'It is expected that the site will be nominated within the new regional growth Plan for the Central Coast as a university site.' The draft RGP is in preparation but it is premature to confirm at this stage whether the site will be identified as suggested.

**Wyong Settlement Strategy**

The Wyong Settlement Strategy (WSS) was conditionally endorsed by the Director-General on 17 September 2013 as part of the finalisation of the WLEP 2013. It was intended for the WSS to provide the strategic basis for local planning in Wyong in the short to medium term.

A proposal of this scale is not identified in the Settlement Strategy. Some reference to the WSS is included in the planning proposal including that the proposal is consistent with Key Considerations and associated actions however the degree of consistency may be overstated. For example, the proposed SMARTS Hub is said to be consistent with the WSS's promotion of co-location of community facilities to create 'hubs'. However WSS also proposes implementation of Council's Community Facilities Strategy and this Strategy recognises the importance of providing district level community facilities in the Warnervale Town Centre including a new library as part of a Community Hub. The relationship between the SMARTS Hub proposed under this planning proposal and the proposed Warnervale Town Centre is not made clear in the planning proposal however the recently exhibited draft contributions plan for the Warnervale District shows Council's intention is to now build a smaller facility at Warnervale Town Centre and build the larger SMARTS Hub on the education site.

The Economy and Employment chapter of the WSS sets out key planning considerations for commercial and retail centres including to:

- Protect and reinforce the existing hierarchy of commercial and retail centres – Manage commercial and retail development so that new development does not cause adverse economic or social impacts on the existing hierarchy of commercial and retail centres, and
- Encourage the co-location of civic and recreational facilities in or near the Tuggerah-Wyong Major Centre and Town Centres to improve the vitality of these centres, as well as enabling multi-purpose trips.

The planning proposal has not given sufficient consideration to these matters. For example, the significant increase in commercial development potential proposed by the planning proposal may adversely affect Warnervale Town Centre and other centres and the potential for the proposed SMARTS Hub to be located at Warnervale Town Centre or elsewhere has not been considered.

In conditionally endorsing the WSS, the Director-General expressed some concern about the potential adverse effects on existing centres of out of centre commercial development. At present this proposal does not contain sufficient consideration of such potential adverse effects.

**Wyong Retail Centres Strategy**

The proposal would create a new centre not identified in the CCRS or Wyong Retail Centres Strategy (WRCS). The WRCS is referenced in the planning proposal but there is

little in the way of the assessment envisaged in Chapter 13 of the Strategy eg. demonstration that alternatives within existing centres and edge of centre locations were not suitable for the proposal.

In regard to the Warnervale Town Centre the WRCS said 'As the population within the North Wyong area grows, it is recommended that opportunities to expand the role and functions of the Warnervale town centre be investigated as this centre will be a major focus of activity for the incoming population' (Don Fox Planning, 2013: 51).

Comparison with the Warnervale Town Centre in the planning proposal is restricted to consideration of retail uses but not whether the emergence of a new centre on the site could threaten the potential growth of the Warnervale Town Centre as the thriving multi-purpose centre endorsed by local and State governments after decades of planning.

Environmental social  
economic impacts :

Beneficial impacts would arise from the development of the site for employment and educational purposes however significant potential adverse effects may also arise:

#### Potential effect on centres

The planning proposal has not given sufficient consideration to the potential adverse effect on other centres and further assessment is required.

#### Sparks Road corridor and Warnervale district

The Sparks Road area is the location of a number of approved developments that have been the subject of local and State planning over a number of years (Wyong Employment Zone, Warnervale Town Centre, precinct 7A urban release). Infrastructure planning and commitments have been informed through assessment and approval of these developments.

There are also a number of new and emerging proposals in this area (Education and Business Precinct, Theme Park, Airport, Link Road). While some of these align with the strategic intent for the area, their scale is unprecedented as are their potential impacts on servicing, traffic movement etc. As there is a reliance on a shared infrastructure network, they cannot be considered or assessed without consideration of each other.

As the scale of the proposed education and business precinct generates transport needs in excess of those previously considered, the cumulative effects of this and other new development need to be considered by Transport for NSW and the RMS together with Wyong Council. Investigations should consider the existing transport infrastructure, planned upgrades to support known development plans (WEZ, WTC and precinct 7A), proposed new infrastructure (eg. proposed Link Road, new rail stations) and other new development proposed for this area (eg. Theme Park, proposed Airport, proposed University). Staging and priorities for development in the Warnervale district must be identified so that transport planning and provision aligns with development as it occurs.

### Assessment Process

|                                                   |                                                                                                                                                                                                                                                 |                                    |                |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----------------|
| Proposal type :                                   | <b>Inconsistent</b>                                                                                                                                                                                                                             | Community Consultation<br>Period : | <b>28 Days</b> |
| Timeframe to make<br>LEP :                        | <b>12 months</b>                                                                                                                                                                                                                                | Delegation :                       | <b>DDG</b>     |
| Public Authority<br>Consultation - 56(2)<br>(d) : | <b>Ambulance Service of NSW</b><br><b>Office of Environment and Heritage</b><br><b>Department of Trade and Investment</b><br><b>Transport for NSW</b><br><b>Fire and Rescue NSW</b><br><b>NSW Police Force</b><br><b>NSW Rural Fire Service</b> |                                    |                |

**University of Newcastle  
Other**

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

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

If no, provide reasons : **Further assessment of the effect on centres and transport is required before the submitted proposal can be supported. However, given Council's desire for flexibility on the site, alternatives were considered to allow the planning proposal to progress.**

**Alternative 1**

**An alternative was considered to tie the increased floor space to use (eg. education establishments) as this could allay some concerns about the adverse effect the significant potential in commercial office development represents were a university not to develop. However, as it still seems likely that any future university provider would seek modifications to the planning controls, given the need for centres assessment and transport investigations, and given the approach of tying floor space to use has not been supported by Council, it is considered preferable to wait until a sufficient level of detail and commitment is in place.**

**Alternative 2**

**Another alternative would be to issue a conditional Gateway determination requiring further assessment and resubmission before exhibition. However this is not favoured because the questions to be resolved (justification for scale of out of centre development in terms of effect on other centres and on transport planning) are fundamental to providing support for the proposal.**

**Alternative 3**

**A further alternative would be to amend the proposal so it matched the Concept Master Plan. However this is not supported - centres and transport assessment would still be required and the status of the Concept Master Plan - as a concept - is not sufficiently advanced to confidently set development standards.**

**Preferred Alternative**

**Following a meeting with Council on 12 February 2015 where Council's primary objective of flexibility was enunciated, it is recommended that a conditional Gateway be issued as follows:**

- Height 24 metres and FSR of 2.5:1 in the area shown on the draft maps**
- Cap on floor space in B7 of 205,000 m2 (based on yield from current controls)**
- Control on stand-alone offices in B7 to still apply**
- No additional permitted uses (these are either ancillary or not yet justified)**

**This provides the flexibility Council seeks while maintaining floor space at levels similar to that already permitted. An education establishment could be constructed across the SP2 and B7 with the remainder of the B7 being used for the mix of uses permitted under the B7. While this partly allays concerns about potential adverse affects on centres it will still be necessary to provide a more thorough assessment of this issue and to consult with transport agencies to address the cumulative impact of new development proposals in this area.**

**Nothing prevents Council from submitting a revised planning proposal once the needs of a future university are better known and committed. Floor space caps can also be reviewed in future.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

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

If Yes, reasons : **It is unclear whether any consultation with agencies has occurred as part of the preparation of the Concept Master Plan. Consultation on transport planning and with other infrastructure providers will be required to determine how future infrastructure needs can be met.**

## Documents

| Document File Name                                                                        | DocumentType Name        | Is Public |
|-------------------------------------------------------------------------------------------|--------------------------|-----------|
| Cover letter and Council minutes.pdf                                                      | Proposal Covering Letter | Yes       |
| Report to Council.pdf                                                                     | Proposal                 | Yes       |
| Planning Proposal v 3.docx                                                                | Proposal                 | Yes       |
| Section 117 directions.docx                                                               | Proposal                 | Yes       |
| HOB map.pdf                                                                               | Map                      | Yes       |
| FSR map.pdf                                                                               | Map                      | Yes       |
| APU map.pdf                                                                               | Map                      | Yes       |
| LZN map with site overlaid.pdf                                                            | Map                      | Yes       |
| JBA Cox (2014) Wyong Education and Business Precinct - Concept Master Plan part 1.pdf     | Study                    | Yes       |
| JBA Cox (2014) Wyong Education and Business Precinct - Concept Master Plan part 2.pdf     | Study                    | Yes       |
| SGS (2013) Warnervale business and education precinct.pdf                                 | Study                    | Yes       |
| Allen Consulting Group (2011) Feasibility study for a university on the Central Coast.pdf | Study                    | Yes       |
| Collated maps.pdf                                                                         | Map                      | Yes       |

## Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
  - 2.1 Environment Protection Zones
  - 2.2 Coastal Protection
  - 2.3 Heritage Conservation
  - 2.4 Recreation Vehicle Areas
  - 3.1 Residential Zones
  - 3.2 Caravan Parks and Manufactured Home Estates
  - 3.3 Home Occupations
  - 3.4 Integrating Land Use and Transport
  - 3.5 Development Near Licensed Aerodromes
  - 4.3 Flood Prone Land
  - 4.4 Planning for Bushfire Protection
  - 5.1 Implementation of Regional Strategies

Additional Information : **Recommendation**

**1. Prior to undertaking public exhibition Council is to update the Planning Proposal to:**

- Amend the explanation of provisions to remove items 3 and 4 relating to additional uses (retail development and highway service centre);
- Include a new point in explanation of provisions to introduce a floor space cap of 205,000 m<sup>2</sup> in the B7 zone at Warnervale;
- Include a new point in explanation of provisions confirming the provisions of cl. 7.14 of Wyong LEP 2013 limiting stand-alone office premises continues to apply;
- Update the FSR map to reflect the FSR of 2.5:1 as stated throughout the planning proposal (map is currently 2.75:1);
- Amend the draft height and FSR maps to remove the roads shown on the Concept Master Plan within the site to allow flexibility;
- Reference satisfactory arrangements and the provision of designated State public infrastructure in the explanation of provisions and amend the urban release area map to include the SP2 area;
- Remove the draft additional permitted use map and references to additional permitted uses in the planning proposal;
- Ensure site boundary on maps within the planning proposal are accurate and consistent;
- Rewrite objectives or intended outcomes to remove references to additional permitted uses and enabling of educational and business uses (as they are already permitted) and include reference to main objective which is to provide flexibility;
- Remove references in need for the planning proposal to expected inclusions in Central Coast Regional Growth Plan – a planning proposal is not the appropriate place to dictate the content of a regional strategy;
- Confirm the appropriateness of uses proposed for the E2 zone within the Concept Master Plan; and
- Ensure wording of planning proposal is consistent with Gateway conditions.

2. Council is to update its consideration of the consistency with the following S117 Directions in line with the amended planning proposal after additional information has been prepared and public authority consultation has been undertaken:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies.

3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013).

**5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:**

- Ambulance Service of NSW - infrastructure requirements
- Department of Education and Communities - infrastructure requirements
- Office of Environment and Heritage – biodiversity and Aboriginal heritage
- Trade and Investment – teleworking centres
- Fire and Rescue NSW – infrastructure requirements
- Department of Health – infrastructure requirements
- NSW Police Force – infrastructure requirements
- NSW Rural Fire Service - 117 direction 4.4 Planning for Bushfire Protection
- Transport for NSW – rail services and infrastructure requirements
- Transport for NSW - Roads and Maritime Services – traffic and infrastructure requirements

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Agencies being consulted on infrastructure requirements should be advised of the context of the site within a broader precinct.

**6. Cumulative transport impacts in the locality are to be considered by Council in consultation with Transport for NSW and Roads and Maritime Services including existing transport infrastructure, planned upgrades to support known development plans (WEZ, WTC and precinct 7A), proposed new infrastructure (eg. proposed Link Road, new rail stations) and other new development proposed for this area (eg. proposed Theme Park, proposed Airport, proposed University). Staging and priorities for development in the Warnervale district must be identified so that transport planning remains current and transport provision aligns with development as it occurs.**

**7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**

**8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.**

Supporting Reasons :

\*

Signature:

  
\_\_\_\_\_

Printed Name:

G P HOPKINS Date: 19.2.2015