



Planning Proposal RZ/11/2014

Section 117 Ministerial Direction Assessment

Direction	Comment
1 Employment & Resources	
1.1 Business & Industrial Zones	
- Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. - Applies when a draft LEP affects land within an existing or proposed business or industrial zone.	- Applicable - The draft LEP is a potential major employment generator for the Shire. The full implementation of the masterplan including the university and business zones would create over 1500 jobs and would further reinforce the strategic importance of the Warnervale Precinct.
1.2 Rural Zones	
- Aims to protect the agricultural production value of rural land. - Applies when a draft LEP affects land within an existing or proposed rural zone.	- Not applicable. - This component of the draft LEP does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	
- Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. - Applies when a draft LEP would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials,	- Not applicable. - The draft LEP will not have the effect of: - prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials; - restricting the potential development of resources of coal, other minerals,

OR restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

petroleum or extractive materials.

1.4 Oyster Aquaculture

- Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.
- Applies when a draft LEP could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.
- Not applicable.
- The draft LEP does not affect Priority Oyster Aquaculture Areas and other aquaculture outside areas identified in the *NSW Oyster Industry Sustainable Aquaculture Strategy (2006)*.

2 Environment & Heritage

2.1 Environmental Protection Zones

- Aims to protect and conserve environmentally sensitive areas.
- Applies when Council prepares a draft LEP.
- Applicable.
- A portion of the study area comprises of E2 Environmental Conservation land. This portion of land was derived from the outcomes of the previous Planning Proposal for Precinct 7A Warnervale and the location of the B7 Business Park land. The masterplan recommends that the E2 Conservation should be part of the open space for the site. At present Council has engaged the services of Ecological (August 2014) to undertake a 12 month flora and fauna assessment to ascertain present ecological conditions of the site which will be used to form part of any approval process. The PP will be required to be forwarded to OEH as part of the post – Gateway determination process.

2.2 Coastal Protection

- Aims to implement the principles in the NSW Coast Policy.
- Applies when a draft LEP applies to land in the coastal zone as defined in the *Coastal Protection Act 1979*.
- Applicable
- The draft LEP is consistent with the provisions of the *NSW Coastal Policy; Coastal Design Guidelines 2003* and *section 733 of Local Government Act 1993*.
- The draft LEP is considered to be of minor significance.
-

2.3 Heritage Conservation

- Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.
- Applies when council prepares a draft LEP.
- Applicable.
- A desktop review was undertaken of the site that included aboriginal heritage.

2.4 Recreational Vehicle Areas

- Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.
- Applies when council prepares a draft LEP.
- Applicable.
- The draft LEP is consistent with *Direction No. 2.4 Recreation Vehicle Areas*, as:
 - The draft plan does not enable land to be developed for the purpose of a recreation vehicle area.

3 Housing, Infrastructure and Urban Development

3.1 Residential Zones

- Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.
- Applies when a draft LEP affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.
- Applicable.
- The proposed residential accommodation proposed is for the use of student accommodation. The masterplan targets a total student accommodation at 1,500 students. It is envisaged that the target market is primarily for integration students utilising the university.
- It is considered that the student accommodation uses will be ancillary to the university and thus should be located as close as practical within the precinct.
- The masterplan has earmarked two sites for student accommodation. The land area earmarked for student accommodation is based upon 30m² per student. As such it is expected that ~45,000m² is required. To cater

	for this, the two nominated locations will require 6 storey envelopes. ▪ The site is located adjacent to the existing Stage 1 Link Road with the anticipation of construction of Stage 2 that will directly link the site to Wyong Town Centre by direct route. Noted that the URA mapping may need to extend over the site.
3.2 Caravan Parks and Manufactured Home Estates	
▪ Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. ▪ Applies when council prepares a draft LEP.	▪ Applicable. ▪ The draft LEP is consistent with this direction as it does not: - Rezone land to 'Village' or 'Tourist Zone;' and - Propose to rezone land to provide for caravan parks or MHEs. The draft LEP is to enable the extension of an existing car park.
3.3 Home Occupations	
▪ Aims to encourage the carrying out of low impact small business in dwelling houses. ▪ Applies when council prepares a draft LEP.	▪ Applicable. ▪ The draft LEP is consistent with Direction No. 3.3 Home Occupations, as: - Dwelling houses, and therefore home occupations, are prohibited within the proposed 5 (a) Special Uses. - Dwelling houses, and therefore home occupations, are prohibited within the proposed 5 (a) Special Uses.
3.4 Integrating Land Use & Transport	
▪ Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.	▪ Applicable. ▪ The draft LEP is inconsistent with Direction No. 3.4 Integrating Land Use and Transport, as: - The draft plan has had consideration for the principles and guidelines outlined within the document <i>Improving Transport Choice</i>: 1. Principle 1 Concentrate in Centres. The study area is located out of centre. The site has been chosen in that it had the required land area to provide for both educational and business park uses that is already zoned for. Under the Major Urban Centres – Great Metropolitan Region Wyong- Tuggerah is identified as a nearby centres that combine to provide a range of

- Applies when a draft LEP creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

higher order uses. In this instance there is insufficient land area for the proposed uses and space requirements. Given that the site is already zoned for educational and business uses (including previous planning for a potential Japanese University in the early 1990's) that this site is best fit for this purpose.

2. Principle 2 Mix Use in Centre. The draft LEP would initiate development and help facilitate development in the greater Warnervale area that has been earmarked for larger scale developments including a regional airport, Chinese Theme Village and close to Warnervale Town Centre and also Precinct 7A. It is proposed to develop the site similar to the UWS campus at Campbelltown but also ensure some synergises with business/light industrial uses. A report completed by SGS Economics and Planning for the site indicated that to ensure feasibility and viability over the longer term that it should be integrated. Investigations into development footprints of other tertiary sites indicate at least 20ha of land would be required. This is neither viable nor practical in a centre.
3. Principle 3 Align Centres within Corridors. Whilst not a designated corridor, Sparks Road has been the subject to significant capital investment for upgrades (currently underway). This is combined with the proposed construction of Stage 2 of Link Road that is a direct route to Wyong Town Centre (~4km away).
4. Principles 4 Link Public Transport with land Use Strategies. The draft LEP site is located within walking distance (~800m) to the existing Warnervale Train Station. This is on the fringe of the acceptable walking distance to strategic centres.
5. Principle 5 Connect Streets. The proposal does not connect local streets. The masterplan has been designed to ensure the most practical road configuration for the site.
6. Principle 6 Improve Pedestrian Access.

The masterplan has been developed to orientate around two pedestrian spines within the site. Whilst it is acknowledged that a significant number of students, workers and visitors would drive to the site, consideration of walkability within the precinct has been undertaken with both a north-south spine as well as east-west spine that are linked to the fulcrum that is the proposed SMARTS Hub.

3.5 Development Near Licensed Aerodromes

- Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.
- Applies when a draft LEP creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.
- Applicable
- The draft LEP is located ~1.5km from the existing Warnervale Airstrip. The site is subject to WLEP 2013 – Obstacle Limitation Surface Map – Sheet OLS_007A. The current Obstacle Height Limit is 52.5m. The Planning proposal seeks a Maximum height of 24m that is well below the prescribed height limit.



4 Hazard & Risk

4.1 Acid Sulphate Soils

- Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.
- Applies when a draft LEP applies to land having a probability of containing acid sulphate soils on the Acid Sulphate Soils Planning Maps.
- Not applicable.
- The draft LEP does not affect land identified as having a probability of containing acid sulphate soils.

4.2 Mine Subsidence & Unstable Land

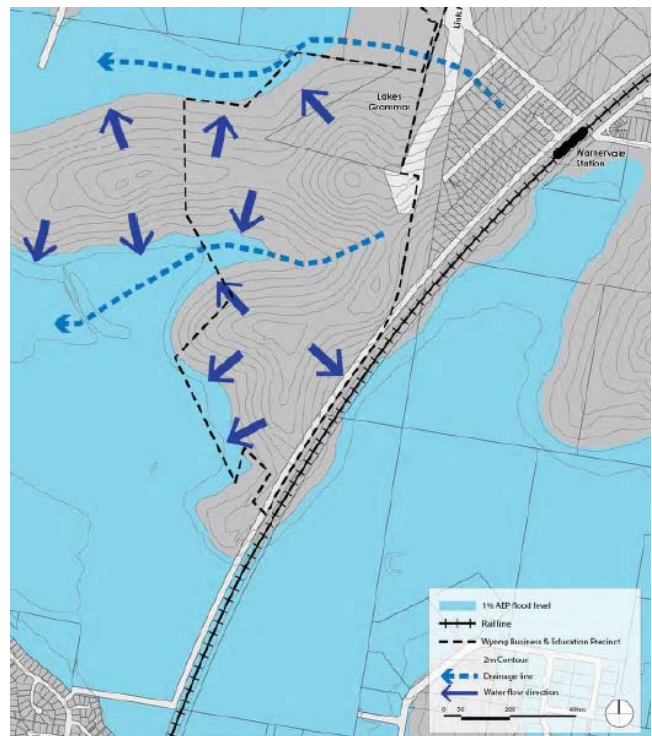
- Aims to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.
- Applies when a draft LEP permits
- Not applicable.
- Long Jetty is not located within a Mine Subsidence District proclaimed pursuant to Section 15 of the Mine Subsidence Compensation Act, 1961 or on

development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of Council or other public authority and provided to Council.

unstable land.

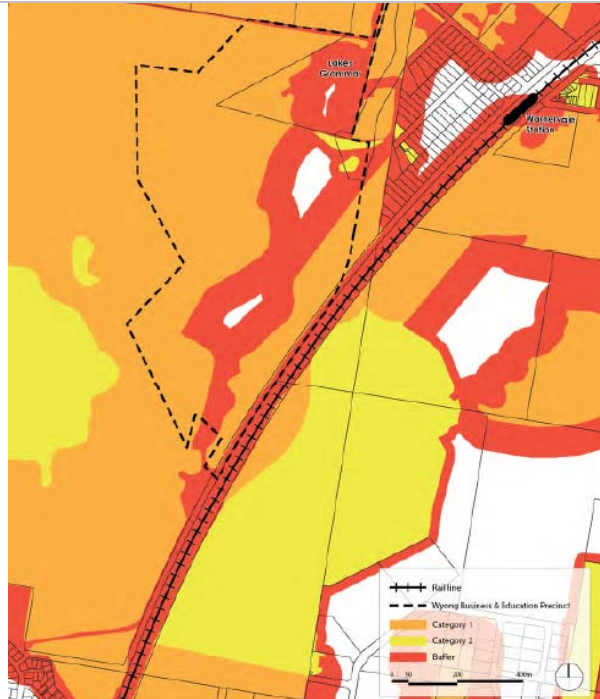
4.3 Flood Prone Land

- Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the *Floodplain Development Manual 2005*; and provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.
- Applies when a draft LEP creates, removes or alters a zone or provision that affects flood prone land.
- Applicable
- The overall subject site (comprising of the full 455ha) contains land that is flood affected but not that portion which is the study area.
- Flooding impacts for a 1% AEP event are largely non-existent above RL 6m. The existing ridge lines are well above a significant annual flooding event. Refer to Page 14 of draft Masterplan



4.4 Planning for Bushfire Protection

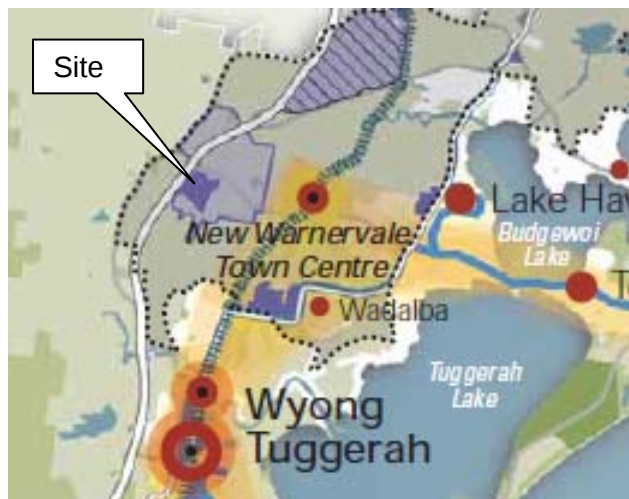
- Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.
- Applies when a draft LEP affects or is in proximity to land mapped as bushfire prone land.
- Applicable
- The site affected by bushfire risk and relevant state planning provisions in relation to bushfire protection apply.
- APZs would form part of engineered solutions where required.
- Consultation with NSW Rural Fire Service required.



5 Regional Planning

5.1 Implementation of Regional Strategies

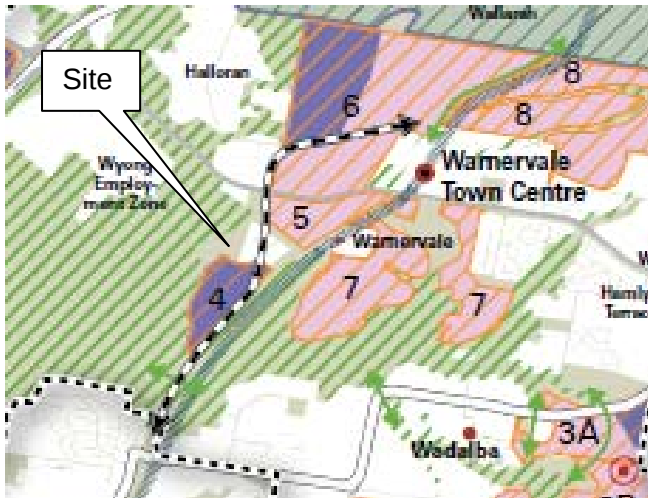
- Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.
- Applies when council prepares a draft LEP.
- Applicable and not consistent.
- The draft LEP is affected by the Central Coast Regional Strategy.
- The draft LEP is inconsistent with the Central Coast Regional Strategy in that the site has not been earmarked in the Strategy as a Centre. It is argued however that it should be expected that the site would be developed for a larger scale development that would impact upon the regional centres strategy due to the size of the land holding (combined B7 and SP2 – 65ha).



It is considered that the site would not jeopardise the longer term viability of Warnervale Town Centre in

that the proposed uses are predominately educational that is not earmarked for the new town centre. By attracting a larger number of students into the Warnervale Area it might indeed help facilitate the town centre with increased car movements in the precinct.

The North Wyong Structure Plan identifies the site as Precinct 4 for Proposed Employment Area. Located immediate to the east and north east are several major proposed residential precincts that are earmarked for over 5,000 homes including Warnervale Town Centre. Given the existing Stage 1 Link Road, the site is well located close to emerging new major residential precincts that extend further north into the southern portions of Lake Macquarie.



The map displays the Warnervale area with various precincts numbered 4, 5, 6, 7, 8, and 3A. Precinct 4 is highlighted in blue and labeled 'Site' with a callout box. Precinct 5 is orange, 6 is green, 7 is pink, 8 is light green, and 3A is purple. The 'Warnervale Town Centre' is marked with a red dot. The 'Wyong Employment Zone' is indicated by a green hatched area. Other labels include 'Halloran', 'Warnervale', 'Wadalba', and 'Hemby Terrace'. A dashed line represents a road or boundary, and a solid line with an arrow points towards the 'Site'.

5.2 Sydney Drinking Water Catchments	▪ Aims to protect water quality in the hydrological catchment. ▪ Applies when council prepares a draft LEP that applies to the hydrological catchment.	▪ Not applicable. ▪ This direction does not apply to Wyong LGA.
---	---	--

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

▪ Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment	▪ Not applicable. ▪ This direction does not apply to Wyong LGA.
---	---

-

into farming areas.

- Applies Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

- Aims to manage commercial and retail development along the Pacific Highway, North Coast.
- Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.
- Not applicable.
- This direction does not apply to Wyong LGA.

5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

- Aims to ensure that development in the vicinity of the villages of Ellalong, Paxton and Millfield is consistent with the Cessnock City Wide Settlement Strategy and Lower Hunter Regional Strategy.
- Applies to land in the vicinity of the villages of Ellalong, Paxton and Millfield in the Cessnock LGA.
- Not applicable.
- This direction does not apply to Wyong LGA.

5.6 Sydney to Canberra Corridor

- Aims to ensure that draft LEPs are prepared in accordance with the Sydney to Canberra Corridor
- Applies to land within the local government areas described as the 'Sydney to Canberra Corridor'
- Not applicable.
- This direction does not apply to Wyong LGA.

5.7 Central Coast

- Aims to ensure that land is zoned in accordance with the appropriate regional strategy for the Central Coast.
- Applies to Wyong Shire Council when council prepares a draft LEP.
- Applicable.
 - The land has already been zoned as both B7 Business Park and also SP2 – Educational Uses under the Wyong Local Environmental Plan – 2013.

5.8 Second Sydney Airport: Badgerys Creek

- Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.
- Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government
- Not applicable.
- This direction does not apply to Wyong LGA.

Areas.

6 Local Plan Making

6.1 Approval and Referral Requirements

- Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.
- Applies when council prepares a draft LEP.
- Applicable.
- The draft LEP is consistent with Direction No. 6.1 Approval and Referral Requirements, as:
 - The draft plan does not propose amendments which require concurrence, consultation, or the referral of development applications to an appropriate Minister or public authority; and
 - The draft plan does not identify any development as designated development.

6.2 Reserving Land for Public Purposes

- Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.
- Applies when council prepares a draft LEP.
- Not Applicable.
- The draft does not does seek to reclassify land or impede upon land for public purposes.

6.3 Site Specific Provisions

- Aims to discourage unnecessarily restrictive site specific planning controls.
- Applies when council prepares a draft LEP to allow particular development to be carried out.
- Not applicable.