



IRF24/1831

## Gateway determination report – PP-2023-581

Rezone part of Lot 694 DP 1294243, 243 Green Park Parade,  
Woongarah from Zones MU1 Mixed Use and E1 Local Centre  
to Zone R1 General Residential (51 homes)

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 - Reports and plans supporting the proposal**

Relevant reports and plans
Attachment A1 - Planning Proposal for Gateway Determination (Central Coast Council, May 2024)
Attachment A2 - Flora and Fauna Assessment (Evolve Ecology, Mar 2023)
Attachment A3 - Traffic Impact Assessment (Aus Wide Consulting, Nov 2022)
Attachment A4 - Geotechnical Investigation Report (Douglas Partners, Dec 2022)
Attachment A5 - Bushfire Assessment Report (Bushfire Environmental Management Consultancy, Sep 2022)
Attachment A6 - Retail Need Assessment (IQ, Aug 2022)
Attachment A7 - Aboriginal Heritage Due Diligence Assessment (Ecological Australia, Mar 2023)
Attachment A8 - Site Audit Report (Ramboll, Nov 2021)
Attachment A9 - Site Audit Statement (NSW EPA, Nov 2021)
Attachment A10 - Crime Prevention Through Environmental Design Report (Beveridge Williams, Feb 2022)
Attachment A11 - Proponent Planning Proposal (Beveridge Williams, Apr 2024)
Attachment A12 - Infrastructure and Servicing Report (Beveridge Williams, Mar 2023)
Attachment B1 – Local Planning Panel Minutes (6 June 2024)
Attachment B2 – Local Planning Panel Report (6 June 2024)
Attachment B3 – Council resolution (25 June 2024)
Attachment B4 - Report to Council (25 June 2024)

# 1 Planning proposal

## 1.1 Overview

Table 2 - Planning proposal details

LGA	Central Coast
PPA	Central Coast Council
NAME	Rezone part of Lot 694 DP 1294243, 243 Green Park Parade, Woongarra from Zones MU1 Mixed Use and E1 Local Centre to Zone R1 General Residential (51 homes)
NUMBER	PP-2023-581
LEP TO BE AMENDED	Central Coast Local Environmental Plan 2022
ADDRESS	243 Green Park Parade, Woongarra
DESCRIPTION	Part of Lot 694 DP 1294243
RECEIVED	11/07/2024
FILE NO.	IRF24/1831
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal (**Attachment A1**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to rezone the site to enable additional residential uses within the Warnervale Town Centre to support population growth in the area and to support the changed direction of the Warnervale Town Centre.

The objective and intended outcomes of the planning proposal are clear and adequate. However, the street address and property description should be corrected throughout from 2 Woongarra Road to 243 Green Park Parade and from Lot 1 DP 1275060 to the most up to date Lot and DP. It is noted subdivision applications for the Warnervale Town Centre are being assessed by Council/being prepared in parallel to this planning proposal. As such, the Gateway determination includes a condition for the site details to be updated in the planning proposal (**Attachment Gateway**).

## 1.3 Explanation of provisions

The planning proposal seeks to facilitate the delivery of approximately 51 dwellings by amending the Central Coast Local Environmental Plan (LEP) 2022 Land Zoning Map to change the zoning of the site from partly MU1 Mixed Use and partly E1 Local Centre to R1 General Residential.

The planning proposal does not seek to change any other provisions applicable to the subject site, being the 18m maximum Height of Buildings, nil Floor Space Ratio and nil Minimum Lot Size.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The 2.7 hectare (approx.) site comprises heavily vegetated land within Lot 694 DP 1294243 and is located at the northern extent of the Warnervale Town Centre (see **Figure 1**), approximately 5 kilometres north of Wyong. The site is known as 'Stage 10' within the overall masterplan for the site at 2 Woongarra Road, Woongarra (see **Figure 2**).

The site has frontage to Hakone Road to the north and access via Sparks Road to the south. The planning proposal states that access is reliant on the continued subdivision of residential land to the south, and the construction of Hakone Road as part of a future development application.

**Figure 3** shows the existing land zoning of the site and its surrounds. Land to north is zoned RU6 Rural Transition and is developed for rural residential housing interspersed with areas of zoned C2 Environmental Conservation. Residential subdivisions under construction and residual zoned MU1 Mixed Use land adjoin to the east. An expansive area of public open space, known as Hilltop Park, and undeveloped residential lands are located to the south; and vacant zoned E1 Local Centre land, with plans for future commercial and retail development, adjoin to the west.

Further west is the Northern rail corridor which separates the western portion of the Town Centre from the remainder of the precinct.

The site is mapped as category 1 bushfire prone land with a slither of vegetation buffer along part of the northern boundary (see **Figure 4**).

The planning proposal notes that the vegetation on the site has been approved for clearing in accordance with a Biodiversity Certification issued for the Warnervale Town Centre by the Minister for the Environment on January 30, 2014.



**Figure 1 – Aerial image of the subject site (source: Planning proposal)**



**Figure 2 –Masterplan stages (source: Planning proposal)**

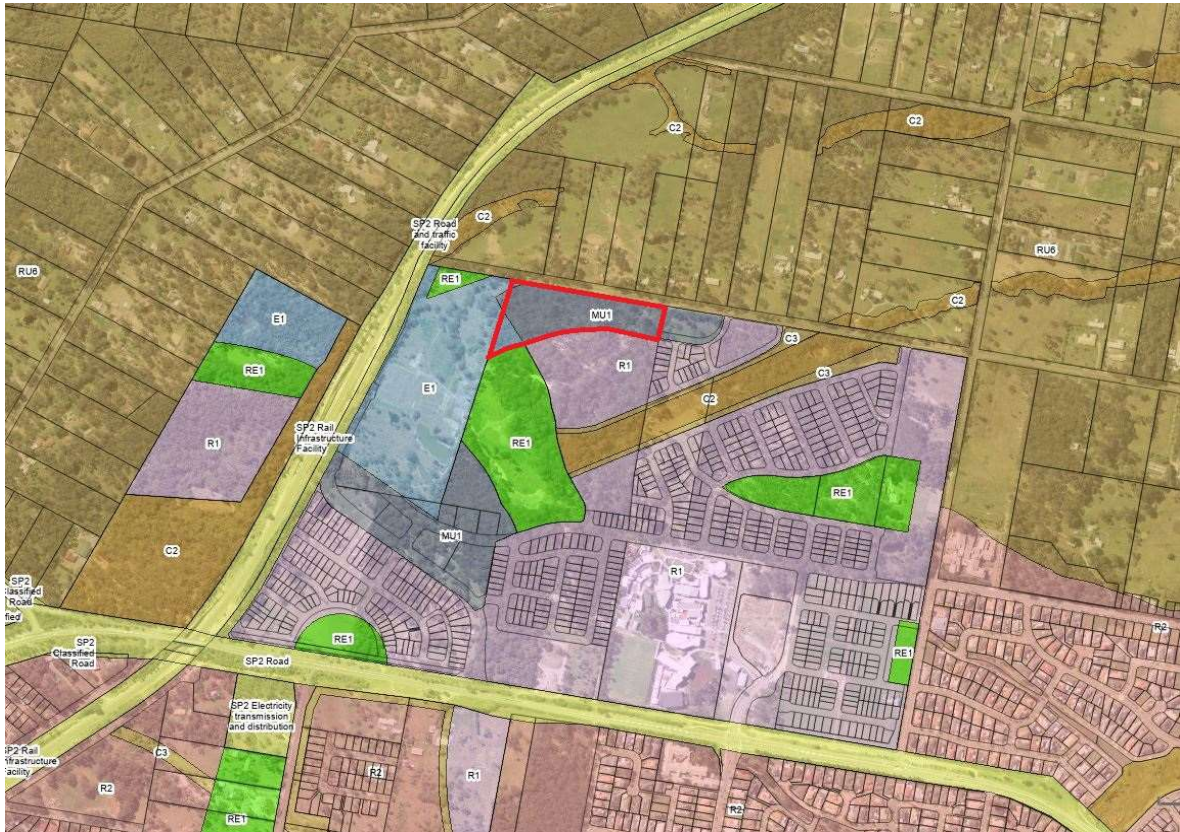


Figure 3 – Existing land zoning (source: DPHI ePlanning spatial viewer)

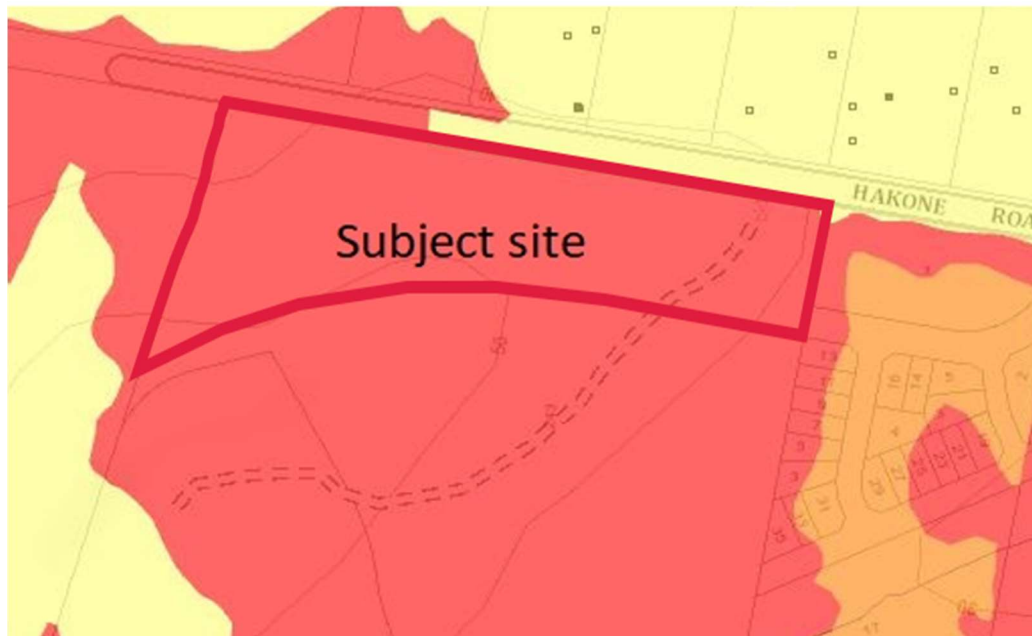


Figure 4 – Bushfire prone land (source: DPHI ePlanning spatial viewer)

## 1.5 Mapping

The planning proposal (**Attachment A1**) includes mapping showing the site and proposed changes to the Central Coast LEP 2022 Land Zoning Map (**Figure 5**).

The mapping is considered suitable for agency and community consultation. It is noted subdivision applications for the Warnervale Town Centre are being assessed by Council/being prepared in parallel to this planning proposal. As such, planning proposal maps may need to be updated on prior to community consultation to reflect up to date allotment boundaries. The Gateway determination (**Attachment Gateway**) includes a condition requiring maps be updated as needed.

Further, it is noted mapping that complies with the Standard Technical Requirements for Standard Instrument LEP Maps will need to be prepared before finalising the LEP amendment.

Existing Land Use Zones



Proposed Land Use Zones



**Figure 5 – Existing and Proposed Land Use Zones (source: Proponent's planning proposal (Attachment A11))**

## 1.6 Background

The original plan for the Warnervale Town Centre intended to provide commercial, civic and community services aligned with the previously proposed North Warnervale train station. As the North Warnervale train station is no longer progressing, Council has re-evaluated the centre's priorities and the need for a new approach. This has led to Council's decision to establish two local centres instead of a single town centre to serve these functions across the broader Warnervale area.

The Warnervale Town Centre is now identified as a local centre, and a second local centre is proposed to be located within the Warnervale Village precinct, which has an existing railway station. The change to a local centre for this site acknowledges the proposed train station was a major driver of growth, well above the local population demand.

The Greater Warnervale Structure Plan 2041 (refer to **Figure 6**), reflecting this change in the role of the Warnervale Town Centre and centres hierarchy, was adopted by Council at its July 2024 Ordinary Meeting.

The planning proposal notes the Structure Plan was prepared in consultation with the Department and the Greater Cities Commission. The adopted Structure Plan has been submitted to the Department for approval and was endorsed by the Department on 18 September 2024.

It is noted Council endorsed the subject planning proposal to proceed to Gateway at the Ordinary Council Meeting on 25 June 2024 (**Attachments B3 and B4**).

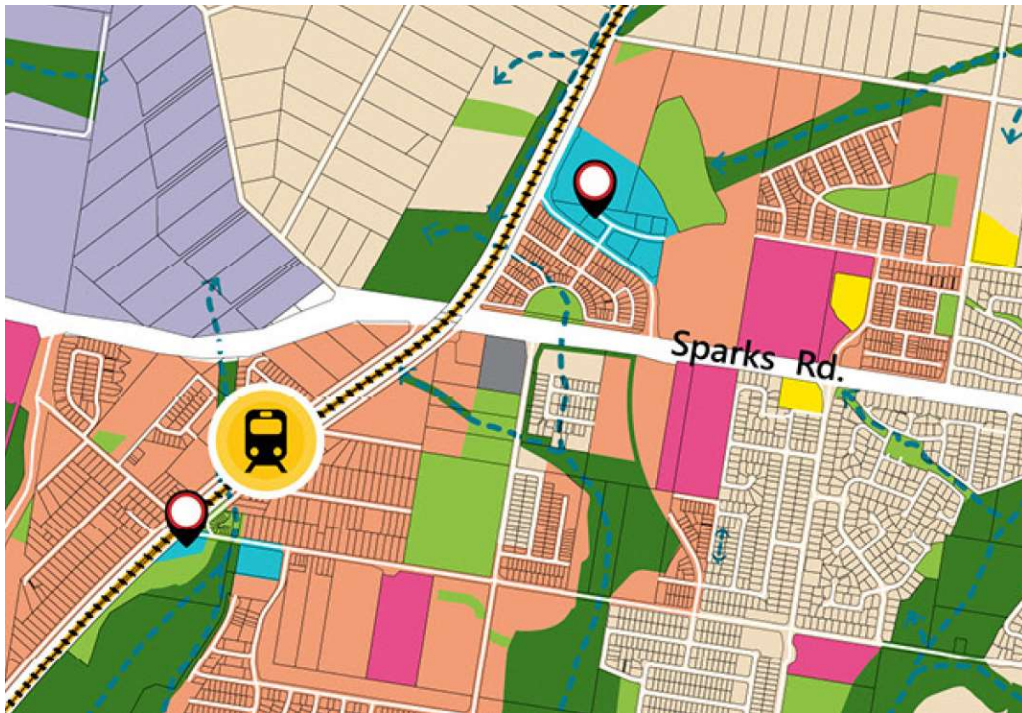


Figure 6 – Extract from Structure Plan showing Local Centres (in blue) (source: Central Coast Council Greater Warnervale Structure Plan)

## 1.7 Need for the planning proposal

The planning proposal is not a result of a specific study, an endorsed local strategic planning statement, or an approved local strategy, study, or report.

The proposal has been initiated by the landowner and is supported by Council as a strategic response to the State government's decision not to proceed with the North Warnervale train station. The proposal aligns with the Warnervale Structure Plan 2041 which emphasises less commercial space and more diverse housing options within the Local Centre, supported by infrastructure.

The planning proposal has been informed by various reports and specialist studies (**Attachments A2-A12**), as listed in Table 1, and is considered to be the best means of achieving the objectives and intended outcomes.

## 2 Strategic assessment

### 2.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central Coast Regional Plan 2041.

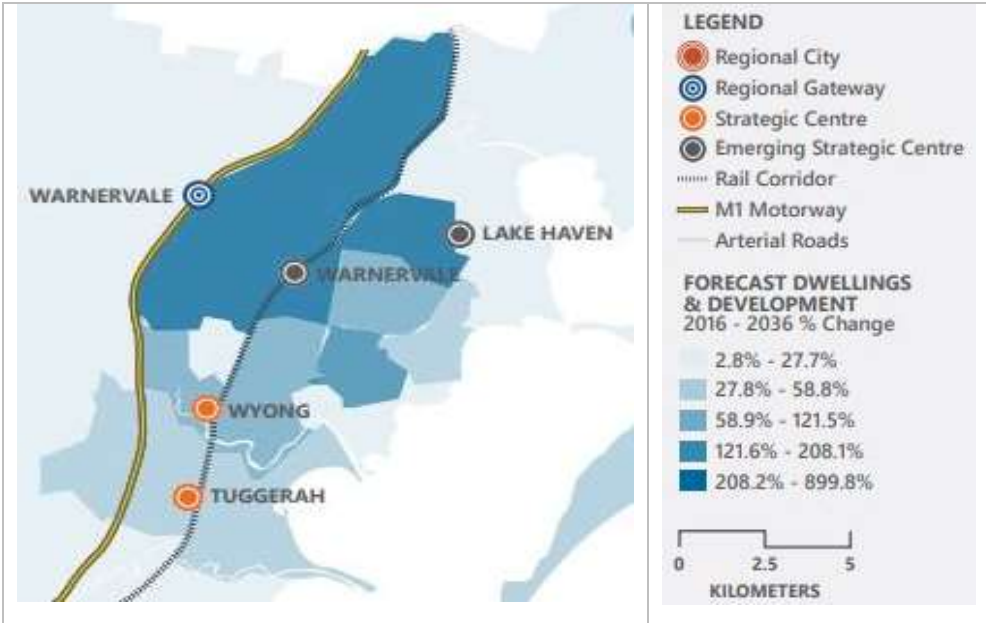
**Table 3 Regional Plan assessment**

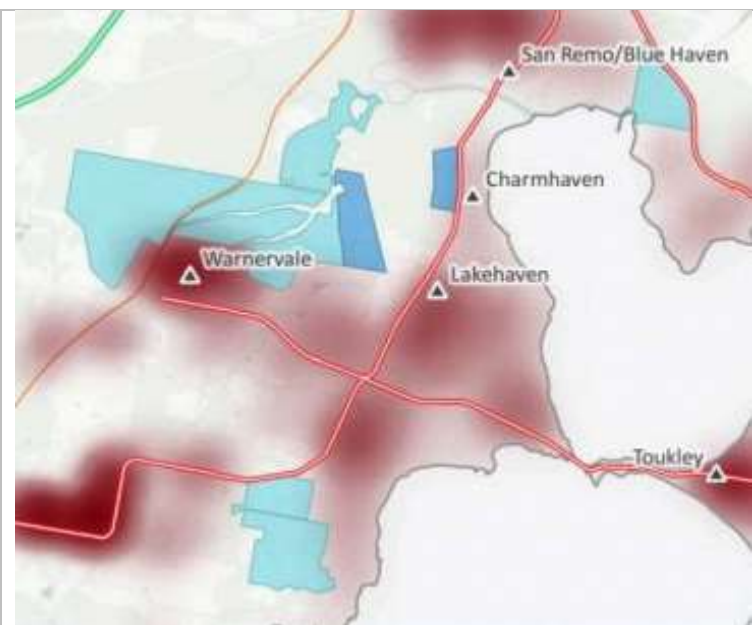
Regional Plan Objectives	Justification
Objective 3: Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities	<p>The planning proposal complies with the strategies listed under this objective, except for strategy 3.1 which states that planning proposals that propose a residential, local centre or commercial centre zone are not to prohibit a range of land uses within urban core, general urban, inner suburban and general suburban contexts.</p> <p>Under the Central Coast LEP 2022 the R1 General Residential zone prohibits some of these uses being, business premises, supermarkets, restaurants and cafes, take-away food and drink premises, health services facilities, and markets.</p> <p>The planning proposal states that supermarkets and food establishments are directed to employment zones to safeguard the structure and function of centres. Further, the planning proposal notes that R1 General Residential permitted uses such as shop top housing enable smaller non-residential services to supplement local centres without compromising the integrity of employment lands. The planning proposal is supported by a Retail Needs Assessment (<b>Attachment A6</b>).</p> <p>It is considered that the planning proposal is appropriate as the site is located in a central area of the Warnervale Local Centre in proximity to existing E1 Local Centre zoned land and future residential development will be in a 15-minute neighbourhood.</p>
Objective 5: Plan for 'nimble neighbourhoods', diverse housing and sequenced development	<p>Strategy 5.3 states that planning proposals will not prohibit a range of housing typologies within residential zones that apply to urban core, general urban, inner suburban and general suburban contexts.</p> <p>All housing typologies/listed land uses under Strategy 5.3 are permitted in the R1 General Residential zone and as such, consistency with this section is achieved.</p>
Part 3: District and planning growth areas – Central Lakes District	<p>Warnervale is located within the Central Lakes District which is emerging as the primary growth front between the Central Coast and Greater Newcastle.</p> <p><i>Planning Priority 1: Accelerate housing and employment growth in identified precincts</i></p> <p>This section states that local strategic planning will coordinate infrastructure provision to support the timely and efficient release of land for development, including inter-regional infrastructure and service delivery in Warnervale. The planning proposal is consistent with this part.</p>

## 2.2 Local

The following local plans and endorsed strategies are relevant to the proposal.

**Table 4 Local strategic planning assessment**

Local Strategies	Justification
Central Coast Interim Local Strategic Planning Statement 2020 (LSPS)	<p>Warnervale is identified as an emerging strategic centre located in the Tuggerah to Warnervale Growth Corridor and is noted as having considerable opportunities for new housing development.</p> <p><b>Figure 7</b> provides an excerpt from the LSPS which identifies forecast dwellings and development in Warnervale and surrounding areas during 2016 to 2036. The LSPS states that during this period, Woongarah is forecast to have the greatest increase in the development of new dwellings in the Central Coast.</p> <p>It is considered that the planning proposal will facilitate provision of residential uses to cater for part of this growth.</p>  <p><b>Figure 7 – Forecast dwellings and development 2016-2036 excerpt (Source: Central Coast LSPS 2020)</b></p>
Central Coast Local Housing Strategy 2024 (LHS)	<p>The Central Coast LHS was adopted on 28 May 2024 and was endorsed by the Department on 6 September 2024. The LHS identifies Warnervale as a key growth area within the Northern Corridor activity centre, extending from Tuggerah to the release areas around Warnervale.</p> <p><b>Figure 8</b> provides an excerpt from the LHS which shows the Warnervale Local Centre, including the subject site, as a greenfield residential investigation area (coloured pale blue).</p> <p>The planning proposal is considered to align with housing priority 3 of the LHS which aims to facilitate infill opportunities for housing in proximity to jobs and services, and strategy 3.1 which aims to introduce greater housing diversity.</p>



**Figure 8 - Housing Opportunities Map excerpt (Source: Central Coast LHS)**

Greater  
Warnervale  
Structure Plan  
2041 (GWSP)

The GWSP was adopted by Council on 23 July 2024 and endorsed by the Department on 18 September 2024. The Greater Warnervale area is expected to accommodate the majority of housing and employment growth in the Central Coast to 2041 with a projected increase in population from approximately 26,846 to 64,044 people.

The GWSP identifies an area of land south of the subject site as employment land for the local centre (see **Figure 9**). Detailed analysis of the amount of land necessary for the local centre has not been undertaken. The Retail Need Assessment (**Attachment A6**) includes analysis of local needs and higher order retail needs. The Analysis justifies a reduction in the MU1 Mixed Use and E1 Local Centre zone in this location. It is noted that more economic analysis is required to provide a greater certainty of the size and location of the local centres identified in the Structure Plan.

The GWSP also identified the subject site as suitable for medium density residential development as part of Precinct 4 Warnervale Centre (see **Figure 8**).

The planning proposal also notes that revisions to Council's Development Control Plan (DCP) 2022 are being undertaken to update chapter 4.1 Warnervale Town Centre to reflect the Structure Plan's vision and strategic direction for the Warnervale Local Centre.

The planning proposal discusses the Draft GWSP. In accordance with the Gateway determination (**Attachment Gateway**), prior to agency and community consultation the planning proposal should be updated to refer to the endorsed Structure Plan.



**Figure 9 – Extract from Warnervale Structure Plan showing Warnervale Local Centre (coloured blue) and medium density housing (coloured peach)**

Central Coast  
Community  
Strategic Plan  
2018 (CSP)

The proposal is considered to align with Council's CSP particularly:

- Objective 12 *Ensure all new developments are well planned with good access to public transport, green space and community facilities to support active transport; and*
- Objective 14 *Provide a range of housing options to meet the diverse and changing needs of the community including adequate affordable housing.*

## 2.3 Local planning panel (LPP) recommendation

The planning proposal was considered at the Central Coast LPP's meeting on 6 June 2024 (**Attachments B1 and B2**). The planning panel supported the staff recommendation and considered the planning proposal to have merit.

It is noted the planning proposal does not make reference to the LPP report and the Gateway determination (**Attachment Gateway**) is conditioned to require the planning proposal be updated to make references to the LPP report as required.

## 2.4 Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with all relevant section 9.1 Directions, except as discussed below:

**Table 5 section 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Justifiably inconsistent	<p>This direction states that planning proposals must be consistent with a Regional Plan.</p> <p>As discussed in section 2.1 of this report, the planning proposal is inconsistent with strategy 3.1 of the Regional Plan as LEP 2022 prohibits business premises, supermarkets, restaurants and cafes, take-away food and drink premises, health services facilities, and markets in the proposed R1 General Residential zone.</p> <p>This inconsistency is considered to be of minor significance as the site is located in a central area, is in proximity to existing E1 Local Centre zoned land and future residential development will be in a 15-minute neighbourhood.</p>
3.2 Heritage Conservation	Consistent	<p>This direction states that a planning proposal must contain provisions that facilitate the conservation of heritage and Aboriginal cultural significance.</p> <p>The LEP contains existing provisions to manage and consider conservation of heritage and Aboriginal cultural significance. It is noted that the site does not contain or adjoin any items of European heritage and an Aboriginal Heritage Due Diligence Assessment (Mar 2023) submitted to support the proposal did not identify any Aboriginal cultural heritage values on the site (<b>Attachment A7</b>).</p>
4.3 Planning for Bushfire Protection	Unresolved	<p>This direction is relevant to the proposal as the land is mapped as bushfire prone (<b>Figure 4</b>).</p> <p>A report assessing the risk of bushfire (Sep 2022) has been submitted to support the proposal indicating that residential development would be suitable for the site, subject to an offsite Asset Protection Zone (<b>Attachment A5</b>). The planning proposal also notes that should the NSW Rural Fire Service (RFS) not support this approach an alternative stage scenario is proposed.</p> <p>This direction requires that Council must consult with the Commissioner of the NSW RFS. Until this consultation has occurred, the inconsistency of</p>

		the proposal with this direction remains unresolved. The Gateway determination ( <b>Attachment Gateway</b> ) includes a condition requiring consultation with NSW RFS.
7.1 Business and Industrial Zones	Justifiably inconsistent	<p>This direction seeks to encourage employment in suitable locations, protect employment land, and support the viability of centres. The planning proposal is inconsistent with this direction as it will reduce existing employment land by rezoning E1 Local Centre and MU1 Mixed Use lands to R1 General Residential.</p> <p>This inconsistency is considered to be of minor significance as the proposal involves a relatively small reduction to an existing employment area (approx. 2.7 ha) and aligns with the Central Coast Regional Plan 2041 requirement for a new direction for the Warnervale Local Centre (formerly Town Centre), which takes into account the objectives of this direction.</p> <p>Furthermore, a Retail Need Assessment (Aug 2022) submitted to support the proposal indicates that the remaining employment land within the Warnervale Local Centre is anticipated to sufficiently cater for employment needs in the locality for the foreseeable future (<b>Attachment A6</b>).</p>

## 2.5 State environmental planning policies (SEPPs)

The planning proposal is considered to be generally consistent with all relevant SEPPs.

## 3 Site-specific assessment

### 3.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 6 Environmental assessment**

Directions	Consistent/ Not Applicable
Biodiversity	<p>The site is currently heavily vegetated land and is supported by a Flora and Fauna Assessment (<b>Attachment A2</b>). However, it is noted the planning proposal confirms that the Warnervale Local Centre, including the subject site, has been granted biodiversity certification by the Minister for the Environment on 30 January 2014. The proposal notes that all impacts from the approved clearing of the site have therefore been adequately considered.</p> <p>The subject land is already zoned MU1, with environmental impacts being considered when the land was first zoned for urban uses. Biodiversity impacts will</p>

	be further considered under the <i>Biodiversity Conservation Act 2016</i> when a development application is submitted to subdivide and develop the land.
Bushfire	A bushfire hazard assessment ( <b>Attachment A5</b> ) has been submitted in support of the proposal. The assessment has considered bushfire risk and has recommended appropriate mitigation measures that are able to be applied as conditions of consent at the development application stage. As previously noted, consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unable to be resolved until consultation with the NSW RFS has occurred and forms a condition of the Gateway determination ( <b>Attachment Gateway</b> ).
Land contamination	The planning proposal notes that land contamination has been assessed as part of a Detailed Site Audit (Nov 2021) prepared to support the proposal together with additional audits carried out in 2024 ( <b>Attachments A8 and A9</b> ). Council is satisfied that the site can be made suitable for an R1 zoning subject to further detailed assessment at the development application stage.

## 3.2 Social and economic

The planning proposal is not considered likely to result in any adverse social or economic impacts. The location of the site within the Warnervale Local Centre provides opportunities for higher densities in proximity to local open space and employment lands and will complement existing residential lands to the east. The proposal also has the potential to generate local job opportunities during the construction phase which will directly benefit the local economy.

Council's DCP 2022 will ensure that future development is of an appropriate scale and design and that any potential for visual and residential amenity impacts are considered and addressed as needed during the development application stage.

## 3.3 Infrastructure

The planning proposal did not identify any new State infrastructure requirements as a result of the proposal. Transport for NSW will be consulted seeking their advice on infrastructure needs.

The planning proposal states that local services are available to the site and that a new sewer pump station and associated sewer rising main will be required to service future residential development (**Attachment A12**). The proposal notes that upgrades will be funded by the lead developer.

A Traffic Impact Assessment (Nov 2022) prepared to support the proposal concluded that there are no traffic engineering related matters that would prevent future residential development of the site (**Attachment A3**).

# 4 Consultation

## 4.1 Community

Council states that community consultation will be undertaken in accordance with the Gateway determination.

An exhibition period of 20 working days is considered appropriate, consistent with the *Department's LEP Making Guideline (August 2023)* for a standard LEP and forms the conditions of the Gateway determination (**Attachment Gateway**).

## 4.2 Agencies

It is recommended the following agency be consulted on the planning proposal and given 30 working days to comment:

- NSW Rural Fire Service

## 5 Timeframe

Council proposes a 15 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 13 June 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 6 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is of local significance, and generally consistent, or justifiably inconsistent with the State, regional and local planning framework, it is recommended that Council be authorised to be the local plan-making authority for this proposal.

## 7 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal is consistent or justifiably inconsistent with all relevant section 9.1 directions (other than 4.3 Bushfire Protection which requires consultation with NSW RFS), SEPPs, the Central Coast Regional Plan 2041, and the Central Coast Local Strategic Planning Statement;
- the proposal is consistent with the Greater Warnervale Structure Plan 2041 and supports to envisioned Warnervale Local Centre and expansion of the Warnervale Village; and
- the proposal will enable the delivery of diverse housing within the Warnervale Local Centre to meet current and future demand.

Based on the assessment outlined in this report, the proposal must be updated prior to agency and community consultation to:

- amend the street address and property description throughout from 2 Woongarrah Road to 243 Green Park Parade and to reflect the most up to date Lot and DP description;
- revise mapping throughout to align the boundary of the subject site;
- update discussion regarding the Draft Greater Warnervale Structure Plan and Local Housing Strategy, noting the Department's endorsement of the Structure Plan and Local Housing Strategy;
- include a summary of the comments provided by the Local Planning Panel; and
- amend the Project Timeline to reflect the Gateway determination finalisation date.

## 8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.1 Implementation of Regional Plans and 7.1 Employment Zones are minor or justified; and
- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated prior to agency and community consultation to:
  - amend the street address and property description throughout from 2 Woongarra Road to 243 Green Park Parade and to reflect the most up to date Lot and DP description;
  - revise mapping throughout to align the boundary of the subject site;
  - update discussion regarding the Draft Greater Warrervale Structure Plan and Local Housing Strategy, noting the Department's endorsement of the Structure Plan and Local Housing Strategy;
  - include a summary of the comments provided by the Local Planning Panel; and
  - amend the Project Timeline to reflect the Gateway determination finalisation date.
2. Consultation is required with the following public authorities and given 30 working days to comment:
  - NSW Rural Fire Service
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Given the nature of the planning proposal, Council should be authorised to be the local plan-making authority.
5. The proposal should be completed by 13 June 2025.



31.10.2024

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4 November 2024

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