

PRELIMINARY ENVIRONMENTAL ASSESSMENT REPORT



TOWN PLANNING
AND URBAN DESIGN

**Request under Clause 6 of State
Environmental Planning Policy (Major
Development) 2005 for a State Significant
Development**

**Proposed Project Application under Part 3A
of the Environmental Planning and
Assessment Act, 1979**

**Corner of Nikko Road and Hakone Road,
Warnervale**

for Fabcot Pty Ltd

October 2010

PROJECT NO: 210.065 RPT PEA

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SYDNEY OFFICE

Suite 1.02, 8 West Street
North Sydney NSW 2060

PO Box 1612
North Sydney NSW 2059

Telephone +61 2 9925 0444
Facsimile +61 2 9925 0055
www.tpgnsw.com.au

The Planning Group NSW Pty Ltd
ABN 90 100 209 265

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1 INTRODUCTION

1.1 PURPOSE OF THIS REPORT

This preliminary environmental assessment report has been prepared on behalf of Fabcot Pty Ltd (Proponent) which is a wholly owned subsidiary of Woolworths Limited, to request the Minister form the opinion under Clause 6 of *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP) that the proposed development at the corner of Nikko Road and Hakone Road, Warnervale is development of a kind described in Part 16 Warnervale Town Centre, Clause 6 of Schedule 3 of the Major Developments SEPP as a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies (Part 3A Project).

Clause 6 states:

6 Part 3A projects

Development for the purposes of retail premises within the Warnervale Town Centre that has a capital investment value of more than \$20 million and a floor space area of more than 5,000 square metres.

The proposed development for retail premises within the Warnervale Town Centre has a capital value of more than \$20 million, refer to the QS Certificate at **Appendix H** by Rider Levett Bucknell which indicates the Capital Investment Value of the proposed development is \$154.2 million and involves a floor space area of more than 5,000 square metres, being some 46,035 square metres refer to Table 1 in this report. As such, the proposed development is considered by Fabcot to be a Part 3A Project.

In the event that the Minister forms the opinion that the development is a Part 3A project, the Proponent seeks approval for a Project Application and requests the Director-General's Environmental Assessment Requirements (DGEARs) for the preparation of the Environmental Assessment report for the Project Application.

The purpose of this Preliminary Environmental Assessment Report is to outline the nature of the Project Application, and identify the planning and environmental issues that will be relevant to the project. This Preliminary Environmental Assessment Report includes a number of technical investigations to assist in evaluating the benefits of the project while at the same time managing its impacts.

This Preliminary Environmental Assessment is submitted to assist the Director-General in establishing the environmental assessment requirements for the preparation of the Project Application.

1.2 THE PROPONENT

Fabcot Pty Limited ('Fabcot') is a wholly owned subsidiary of Woolworths Limited being the proponent for this Project Application.

1.3 SITE DESCRIPTION

The site is located at 262 Hakone Road, Warnervale and has an area of approximately 9.05 hectares. Hakone Road is a 'no-through road', with the site the last property on the southern side of the Road. The intersection of Hakone Road and Hiawatha Road is some 390m west of the site.

The site is located some 3.5 kilometres west of Lake Haven, 10 kilometres north of Tuggerah-Wyong and 44 kilometres south of Newcastle. Figure 1 indicates the site location.



Figure 1: Aerial Context of Site (Site defined by red outline) NTS
Source: Google Maps

The subject site comprises of one allotment, identified as Lot 521 DP 594725. The site is largely vacant with a few remnants of past uses, including farm dams, entry driveway, part of a building and hard stand areas. The site has been largely cleared of vegetation with the exception being along the western and southern boundaries. There are also stands of trees in the northern portion of the site.

The central portion of the site has been modified with the installation of leveled pads and farm dams that were used by the former nursery. These pads generally comprise compacted gravel and are located at the central portion of the site. This is also the highest part of the site.

As a result of the pads, this part of the sites topography has been significantly modified with large areas of flat land. The area that comprised the nursery area is on a flat lower level that has been cut out of the hill (see Photograph 5). From this high point, the topography falls to the north, south and west, with a slight fall to the east.

There are also three farm dams on the site. Two of the dams are located just south of where the former nursery was located and are likely to have been used as part of the nursery activity, whilst the third is located in the south-eastern corner. The site also borders the northern rail line, which is located in a cutting along the western boundary.

The following series of photographs of the sites demonstrate the existing features:



Photograph 1: Entry into the site from Hakone Road



Photograph 2: Internal driveway from Hakone Road leading to the centre of the site



Photograph 3: View hard stand area looking east



Photograph 4: View lower level hard stand area looking north-west



Photograph 5: View east from lower level hard stand



Photograph 6: View west towards northern rail line from hard stand area



Photograph 7: View of one of the farm dams



Photograph 8: View south down the site

1.4 LEGAL DESCRIPTION

The site has a street address known 262 Hakone Road, Warnervale. The land can legally be described as Lot 521 in DP 594725. Drawing No. TPG04-A in **Appendix D** demonstrates the cadastral relationship of the site.

A copy of letters granting land owners consent can be found at **Appendix A**.

1.5 LOCAL AND REGIONAL CONTEXT

The site is located in Warnervale and forms part of the Warnervale Town Centre (WTC) which is recognised in the Central Coast Regional Strategy as a new retail, commercial and community growth centre. The Wyong employment Zone (WEZ) and Warnervale Aerodrome is located approximately 1 kilometre west of the site. The site in terms of its regional context is located approximately 10 kilometres north of Tuggerah-Wyong, 24 kilometres north of Gosford and 44 kilometres from. Drawing No. TPG01-A in **Appendix B** demonstrates the location of the site relative to its surrounding suburbs.

The site is located in the Warnervale Town Centre (WTC), which has been identified as an important commercial, retail and residential development.

Other localities within close proximity to the site in Warnervale include:

- Wyong Employment Zone (WEZ) is located 1km west of the site. The WEZ is located adjacent to the Sydney-Newcastle Freeway at the Sparks Road interchange and totals 744 hectares in size. It is bounded by Porters Creek Wetland to the south, bisected by Sparks Road and bordered by Hue Road to the west. The area includes the existing Warnervale Business Park and Warnervale Aerodrome. Of the 744 hectares of land, approximately 340 hectares are proposed for development, with the remainder identified and zoned for environmental conservation and water management purposes.
- Lake Haven is located approximately 3.5 kilometres to the east of the site. Lake Haven is identified as a Town Centre under the Central Coast Regional Strategy. The Town Centre includes the Lake have Shopping Centre, which comprises supermarkets, discount department store and other specialty shops. There are also several bulky goods retail outlets adjacent to the centre. Access to the Town Centre is via Lake Haven Drive, which is off the Pacific Highway.
- The Tuggerah-Wyong Centre is located approximately 10 kilometres south of the site. The Tuggerah-Wyong has been identified as a Major Centre in the Central Coast Regional Strategy. The Tuggerah-Wyong centre is proposed to develop as the Region's Major Centre and will include a variety of economic, employment, civic, residential, social and cultural roles for the northern half of the Central Coast and support the Gosford Regional City.

Drawing No. TPG02-A in **Appendix C** demonstrates the location of the site relative to each identified locality.

1.6 SURROUNDING DEVELOPMENT

Urban development immediately surrounding the site is limited as the land is still being used for primarily rural-residential purposes with only a small portion of agricultural uses remaining. The MacKillop Catholic College is located within the WTC area, south-east of the site. To the north and south of the WTC, land is still being used for rural residential and some small scale agricultural purposes.

However, residential development is occurring to the south and east of the WTC area with release areas being developed. Residential development is primarily occurring east of Hiawatha Road as well as south of Sparks Road, adjacent to McKillop Catholic College.

2. PROJECT DESCRIPTION

2.1 PROPOSED PROJECT APPLICATION

The proposed development concept is illustrated by the plans attached at **Appendix G** and proposed to comprise the following elements:

- Sketch for the proposed staged retail development with ancillary commercial and leisure components along with required infrastructure can be summarised as follows:

Table 2: Preliminary Floor Space Summary

Tenant	Total Centre
Big W Discount Department Store	8,500 m ²
Woolworths supermarket	4,807 m ²
Supermarket 2	1,480 m ²
Mini Major	5,636 m ²
Specialty Retail	7,782 m ²
Leisure-Entertainment	6,938 m ²
Gym	2,046 m ²
Commercial	8,846 m ²
Total Centre	43,225 m²

- Project Application approval for the retail development and all ancillary components of the town centre;
- Provision of a new access roads and associated infrastructure;
- Car parking for 1,879 spaces;
- Separate loading dock facilities for each component of the development;
- Petrol station to the north of main retail area; and
- Inclusion of supplementary infrastructure measures associated with the provision of road access, water, sewer, communications and energy to the site.

Figure 2 provides an extract of the Preliminary Design Plan for the development of the site which will be further refined and complimented with more detailed design drawings as part of the Project Application contained within an Environmental Assessment:



Figure 2: Preliminary Design Plan Source: BN Group Architects

3. SUMMARY REVIEW OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS AND CONTROLS

This section of the Preliminary EA considers any relevant statutory and non-statutory provisions.

3.1 COMMONWEALTH MATTERS

3.1.1 Environmental Protection and Biodiversity Conservation Act (EPBC), 1999

The subject has not been identified as having any known listed threatened species and ecological communities under the *Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act)*.

The general footprint of the buildings and new infrastructure works can be assessed for flora or fauna issues and if the EPBC Act applies a referral can be made.

3.2 STATE LEGISLATION

3.2.1 Environmental Planning and Assessment Act, 1979

The NSW State Government has successfully passed and enacted the *Environmental Planning and Assessment Amendment Act 2008 (Amendment Act)*, which altered Part 3A among other matters.

The proponent requests that the Minister approve a Project Application under Section 75J of the *Environmental Planning and Assessment Act, 1979*, which states:

75J Giving of approval by Minister to carry out project

- (1) If:
 - (a) *the proponent makes an application for the approval of the Minister under this Part to carry out a project, and*
 - (b) *the Director-General has given his or her report on the project to the Minister, the Minister may approve or disapprove of the carrying out of the project.*
- (2) *The Minister, when deciding whether or not to approve the carrying out of a project, is to consider:*
 - (a) *the Director-General's report on the project and the reports, advice and recommendations (and the statement relating to compliance with environmental assessment requirements) contained in the report, and*
 - (b) *if the proponent is a public authority—any advice provided by the Minister having portfolio responsibility for the proponent, and*
 - (c) *any findings or recommendations of the Planning Assessment Commission following a review in respect of the project.*

- (3) *In deciding whether or not to approve the carrying out of a project, the Minister may (but is not required to) take into account the provisions of any environmental planning instrument that would not (because of section 75R) apply to the project if approved. However, the regulations may preclude approval for the carrying out of a class of project (other than a critical infrastructure project) that such an instrument would otherwise prohibit.*
- (4) *A project may be approved under this Part with such modifications of the project or on such conditions as the Minister may determine.*
- (5) *The conditions of approval for the carrying out of a project may require the proponent to comply with any obligations in a statement of commitments made by the proponent (including by entering into a planning agreement referred to in section 93F).*

3.3 STATE ENVIRONMENTAL PLANNING POLICIES

3.3.1 State Environmental Planning Policy 2005 (Major Development)

Formerly known as *State Environmental Planning Policy (Major Projects) 2005*, *State Environmental Planning Policy (Major Development) 2005* (the *Major Development SEPP*) defines certain developments that are major projects under Part 3A of the *Environmental Planning and Assessment Act 1979* and determined by the Minister for Planning. The Major Development SEPP also lists State significant sites. The policy repeals SEPP 34 and SEPP 38, as well as provisions in numerous other planning instruments, declarations and directions.

Clause 6 of the Major Development SEPP enables the Minister to make a declaration with respect to a proposed development under Part 3A of the *Environmental Planning and Assessment Act, 1979* based on the following:

6 Identification of Part 3A projects

(1) *Development that, in the opinion of the Minister, is development of a kind:*

(a) *that is described in Schedule 1 or 2, or*

(b) *that is described in **Schedule 3** as a project to which Part 3A of the Act applies, or*

(c) *to the extent that it is not otherwise described in Schedules 1–3, that is described in Schedule 5, is declared to be a project to which Part 3A of the Act applies.*

Schedule 3 of Major Development SEPP

On 7 November 2008, the Major Development SEPP was amended to list the Warnervale Town Centre as a State Significant Site in Schedule 3 of that Policy. Schedule 3 of the Major Development SEPP, Part 16 is considered following:

Table 7: Schedule 3 Part 16 – Warnervale Town Centre

Provision in SEPP Major Development	Comment
1 Land to which Part applies This Part applies to the land shown on the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Application Map, referred to in this Part as the Warnervale Town Centre. 	The site is located on the Land Application Map for which part of the “Land to which Part applies”. Therefore Part 16 is considered below:
2 Interpretation (1) In this Part: allied health and sports medicine services means commercial health services related to sport and recreation that are provided in a room or a number of rooms attached to or within the curtilage of a community facility or recreation facility (indoor) or recreation facility (outdoor). Height of Buildings Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Height of Buildings Map. Land Application Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Application Map. Land Reservation Acquisition Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Reservation Acquisition Map. Land Zoning Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Zoning Map. the Wyong DCP means Development Control Plan 2005—Development Controls for Wyong Shire, as adopted by the Wyong Shire Council on 14 May 2008. Warnervale Airport Obstacle Limitation Surface Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Warnervale Airport Obstacle Limitation Surface Map. water cycle management works means any activity relating to urban	Noted

Provision in SEPP Major Development	Comment
stormwater management that retains the natural hydrological regime of receiving environments with the objective of conservation and protection of the whole water cycle and maintaining water quality. Wyong Shire Council means the Council of the Shire of Wyong. (2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006, unless it is otherwise defined in this Part.	
3 Consent authority The consent authority for development on land in the Warnervale Town Centre, other than development that is a project to which Part 3A of the Act applies, is the Wyong Shire Council.	The consent authority for the proposed development is the Minister for Planning or his delegate should the proposal be declared under Part 3A.
4 Maps (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name: (a) approved by the Minister when the map is adopted, and (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made. (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map. (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister. (4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.	These have been obtained and noted.
5 Relationship with other environmental planning instruments The only environmental planning instruments that apply, according to their terms, to land within the Warnervale Town Centre are this Policy and all other State environmental planning policies, except State Environmental Planning Policy No 1—Development Standards.	Noted
Division 2 Part 3A projects 6 Part 3A projects Development for the purposes of retail premises within the Warnervale Town Centre that has a capital investment value of more than \$20 million and a floor space area of more than 5,000 square metres.	The proposal involves a CIV of greater than \$20 million and a floor space exceeding 5,000 square metres.
Division 3 Provisions relating to development within Warnervale Town Centre 7 Application of Division (1) This Division applies to development on land in the Warnervale Town Centre, except as provided by subclause (2). (2) Clauses 9–16, 18–20, 22, 25–27, 30 and 31 do not apply to development within the Warnervale Town Centre to the extent that it is a project to which Part 3A of the Act applies.	Should the proposal be declared a Part 3A Project then the provisions of Clause 7(2) apply.
8 Land use zones For the purposes of this Division, land within the Warnervale Town	Site zoning is shown in information which can be found at Appendix E .

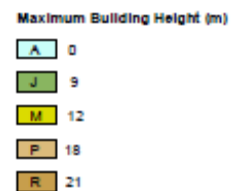
Provision in SEPP Major Development	Comment
<i>Centre is within a zone as follows if the land is shown on the Land Zoning Map as being within that zone:</i> (a) <i>Zone R1 General Residential,</i> (b) <i>Zone B2 Local Centre,</i> (c) <i>Zone SP1 Special Activities,</i> (d) <i>Zone SP2 Infrastructure,</i> (e) <i>Zone RE1 Public Recreation,</i> (f) <i>Zone E2 Environmental Conservation,</i> (g) <i>Zone E3 Environmental Management.</i>	
9 Objectives of land use zones to be taken into account <i>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i>	Noted.
10 Zone R1 General Residential (1) <i>The objectives of Zone R1 General Residential are as follows:</i> (a) <i>to provide for the housing needs of the community,</i> (b) <i>to provide for a variety of housing types, tenures, affordability and densities,</i> (c) <i>to enable other land uses that provide facilities or services to meet the day to day needs of residents,</i> (d) <i>to promote development that is sensitive to the conservation values of the Warnervale Town Centre,</i> (e) <i>to maximise public transport patronage and encourage walking and cycling.</i> (2) <i>Development for any of the following purposes is permitted without development consent on land within Zone R1 General Residential:</i> <i>Nil.</i> (3) <i>Development for any of the following purposes is permitted only with development consent on land within Zone R1 General Residential:</i> <i>advertisements; bed and breakfast accommodation; boarding houses; car parks; child care centres; community facilities; dual occupancies; dwelling houses; group homes; health consulting rooms; home-based child care; home businesses; home industries; hospitals; hostels; multi dwelling housing; neighbourhood shops; places of public worship; recreation areas; residential care facilities; residential flat buildings; roads; seniors housing; shop top housing; telecommunications facilities.</i> (4) <i>Except as otherwise provided by this Policy, development is prohibited on land within Zone R1 General Residential unless it is permitted by subclause (2) or (3).</i>	Proposal not on land zoned R1
11 Zone B2 Local Centre (1) <i>The objectives of Zone B2 Local Centre are as follows:</i> (a) <i>to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area,</i> (b) <i>to encourage employment opportunities in accessible locations,</i> (c) <i>to maximise public transport patronage and encourage walking and cycling,</i>	The proposal is considered to be consistent with the objectives of the B2 Local Centre land use zone and the permissible uses.

Provision in SEPP Major Development	Comment
(d) to provide uses compatible with the environmental sensitivities and conservation values of the Warnervale Town Centre. (2) Development for any of the following purposes is permitted without development consent on land within Zone B2 Local Centre: Nil. (3) Development for any of the following purposes is permitted only with development consent on land within Zone B2 Local Centre: bulky goods premises; business premises; car parks; child care centres; community facilities; dual occupancies; educational establishments; entertainment facilities; function centres; information and education facilities; kiosks; medical centres; office premises; passenger transport facilities; public administration buildings; public entertainment; pubs; recreation facilities (indoor); registered clubs; restaurants; retail premises; roads; service stations; shop top housing; telecommunications facilities; tourist and visitor accommodation. (4) Except as otherwise provided by this Policy, development on land within Zone B2 Local Centre is prohibited unless it is permitted by subclause (2) or (3).	
12 Zone SP1 Special Activities (1) The objectives of Zone SP1 Special Activities are as follows: (a) to provide for special land uses that are not provided for in other zones, (b) to provide for sites with special natural characteristics that are not provided for in other zones, (c) to facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land. (2) Development for any of the following purposes is permitted without development consent on land within Zone SP1 Special Activities: Nil. (3) Development for any of the following purposes is permitted only with development consent on land within Zone SP1 Special Activities: The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose. (4) Except as otherwise provided by this Policy, development on land within the Zone SP1 Special Activities is prohibited unless it is permitted by subclause (2) or (3).	Proposal does not include SP1 zoned land.
13 Zone SP2 Infrastructure (1) The objectives of Zone SP2 Infrastructure are as follows: (a) to provide for infrastructure and related uses, (b) to prevent development that is not compatible with or that may detract from the provision of infrastructure. (2) Development for any of the following purposes is permitted without development consent on land within Zone SP2 Infrastructure: Nil. (3) Development for any of the following purposes is permitted only with development consent on land within Zone SP2 Infrastructure: The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for	Proposal does not include SP2 zoned land.

Provision in SEPP Major Development	Comment
<i>that purpose.</i> (4) <i>Except as otherwise provided by this Policy, development on land within Zone SP2 Infrastructure is prohibited unless it is permitted by subclause (2) or (3).</i>	
14 Zone RE1 Public Recreation (1) <i>The objectives of Zone RE1 Public Recreation are as follows:</i> (a) <i>to enable land to be used for public open space or recreational purposes,</i> (b) <i>to provide a range of recreational settings and activities and compatible land uses,</i> (c) <i>to protect and enhance the natural environment for recreational purposes,</i> (d) <i>to promote the integration of public open space areas with other land uses within the Warnervale Town Centre,</i> (e) <i>to maximise public transport patronage and encourage walking and cycling.</i> (2) <i>Development for any of the following purposes is permitted without development consent on land within Zone RE1 Public Recreation:</i> <i>environmental facilities; environmental protection works.</i> (3) <i>Development for any of the following purposes is permitted only with development consent on land within Zone RE1 Public Recreation:</i> <i>allied health and sports medicine services; community facilities; kiosks; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); roads; water cycle management works.</i> (4) <i>Except as otherwise provided by this Policy, development on land within Zone RE1 Public Recreation is prohibited unless it is permitted by subclause (2) or (3).</i>	Proposal has been design to accommodate RE1 zoned land but does not involve development on the land zoned RE1.
15 Zone E2 Environmental Conservation (1) <i>The objectives of Zone E2 Environmental Conservation are as follows:</i> (a) <i>to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values,</i> (b) <i>to prevent development that could destroy, damage or otherwise have an adverse effect on those values.</i> (2) <i>Development for any of the following purposes is permitted without development consent on land within Zone E2 Environmental Conservation:</i> <i>environmental protection works.</i> (3) <i>Development for any of the following purposes is permitted only with development consent on land within Zone E2 Environmental Conservation:</i> <i>environmental facilities; pedestrian and cycle paths; roads; water cycle management works.</i> (4) <i>Except as otherwise provided by this Policy, development on land within Zone E2 Environmental Conservation is prohibited unless it is permitted by subclause (2) or (3).</i>	Proposal does not include E2 zoned land.
16 Zone E3 Environmental Management (1) <i>The objectives of Zone E3 Environmental Management are as follows:</i> (a) <i>to protect, manage and restore areas with special ecological, scientific,</i>	Proposal does not include E3 zoned land.

Provision in SEPP Major Development	Comment
<i>cultural or aesthetic values,</i> (b) <i>to provide for a limited range of development that does not have an adverse effect on those values.</i> (2) <i>Development for any of the following purposes is permitted without development consent on land within Zone E3 Environmental Management:</i> <i>environmental protection works; home occupations.</i> (3) <i>Development for any of the following purposes is permitted only with development consent on land within Zone E3 Environmental Management:</i> <i>dwelling houses; environmental facilities; information and education facilities; pedestrian and cycle paths; roads; water cycle management works.</i> (4) <i>Except as otherwise provided by this Policy, development on land within Zone E3 Environmental Management is prohibited unless it is permitted by subclause (2) or (3).</i>	
17 Prohibited development <i>Development, other than development that is permitted with or without consent on land within a zone, is prohibited on land within that zone.</i>	Noted.
18 Exempt development Note. <i>Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.</i> <i>Under the section, exempt development:</i> (a) <i>must be of minimal environmental impact, and</i> (b) <i>cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994), and</i> (c) <i>cannot be carried out in a wilderness area (identified under the Wilderness Act 1987).</i> (1) <i>The objective of this clause is to identify development of minimal environmental impact as exempt development.</i> (2) <i>Development specified in Chapter 85 of the Wyong DCP that meets the standards for the development contained in that instrument and that complies with the requirements of this Part is exempt development.</i> (3) <i>To be exempt development, the development:</i> (a) <i>must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia, and</i> (b) <i>must not, if it relates to an existing building, cause the building to contravene the Building Code of Australia, and</i> (c) <i>must not be designated development, and</i> (d) <i>must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the Heritage Act 1977 or that is subject to an interim heritage order under the Heritage Act 1977.</i> (4) <i>Development that relates to an existing building that is classified under the Building Code of Australia as class 1b or class 2–9 is exempt development only if:</i> (a) <i>the building has a current fire safety certificate or fire safety statement,</i>	Proposal does not involve exempt development.

Provision in SEPP Major Development	Comment
or (b) no fire safety measures are currently implemented, required or proposed for the building.	
19 Complying development Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate. Under the section, development cannot be complying development if: (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994), or (b) it is on land within a wilderness area (identified under the Wilderness Act 1987), or (c) the development is designated development, or (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or that is subject to an interim heritage order under the Heritage Act 1977), or (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the Threatened Species Conservation Act 1995), or (f) the development is on land identified as an environmentally sensitive area. (1) The objective of this clause is to identify development as complying development. (2) Development specified in Chapter 86 of the Wyong DCP that is carried out in compliance with: (a) the applicable development standards and requirements listed in that instrument, and (b) the requirements of this Part, is complying development. (3) To be complying development, the development must: (a) be permissible, with development consent, in the zone in which it is carried out, and (b) meet the relevant deemed-to-satisfy provisions of the Building Code of Australia, and (c) have an approval, if required by the Local Government Act 1993, from the Wyong Shire Council for an on-site effluent disposal system if the development is undertaken on unsewered land.	The proposal does not include development that would be complying development.
20 Subdivision—consent requirements (1) Land within the Warnervale Town Centre may be subdivided, but only with development consent. (2) However, development consent is not required for a subdivision for the purpose only of any one or more of the following: (a) widening a public road, (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,	The proposal does not involve subdivision of land.

Provision in SEPP Major Development	Comment
(c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional buildings, (d) a consolidation of lots that does not create additional lots or the opportunity for additional buildings, (e) rectifying an encroachment on a lot, (f) creating a public reserve, (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences. Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.	
21 Infrastructure development and the use of existing buildings of the Crown (1) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development that is permitted to be carried out with or without consent or that is exempt development under State Environmental Planning Policy (Infrastructure) 2007. (2) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.	The proposal does not involve use of existing building but does involve provision of infrastructure.
22 Public utility infrastructure (1) Consent must not be granted to development on land within the Warnervale Town Centre unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required. (2) In this clause, public utility infrastructure includes infrastructure for any of the following: (a) the supply of water, (b) the supply of electricity, (c) the supply of natural gas, (d) the disposal and management of sewage. (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.	These matters can be considered in the preparation of the details EA.
23 Height of buildings The height of a building on any land within the Warnervale Town Centre must not exceed the maximum height shown for the land on the Height of Buildings Map.	The subject site is affected by a number of building heights, including:  These height controls will be considered in the final design development.

Provision in SEPP Major Development	Comment
	
24 Exceptions to development standards—Part 3A projects (1) A development standard imposed by this or any other environmental planning instrument on development that is part of a project to which Part 3A of the Act applies, and is within Warnervale Town Centre, does not apply to that development if the Director-General is satisfied, and issues a certificate to the effect, that: (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) there are sufficient environmental planning grounds to justify exempting the development from that development standard. (2) In deciding whether to issue a certificate, the Director-General must consider: (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and (b) the public benefit of maintaining the development standard, and (c) any other matters required to be taken into consideration by the Director-General.	Noted
25 Exceptions to development standards—other development (1) This clause applies to development, other than development that is part of a project to which Part 3A of the Act applies. (2) The objectives of this clause are: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances. (3) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause. (4) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or	Noted

Provision in SEPP Major Development	Comment				
<i>unnecessary in the circumstances of the case, and</i> <i>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</i> <i>(5) Consent must not be granted for development that contravenes a development standard unless:</i> <i>(a) the consent authority is satisfied that:</i> <i>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (4), and</i> <i>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i> <i>(b) the concurrence of the Director-General has been obtained.</i> <i>(6) In deciding whether to grant concurrence, the Director-General must consider:</i> <i>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</i> <i>(b) the public benefit of maintaining the development standard, and</i> <i>(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.</i> <i>(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (4).</i> <i>(8) This clause does not allow consent to be granted for development that would contravene a development standard for complying development.</i>					
26 Land acquisition within certain zones <i>(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land within the Warnervale Town Centre that is reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).</i> Note. <i>If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.</i> <i>(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).</i> <table border="0"> <tr> <td>Type of land shown on Map</td> <td>Authority of the State</td> </tr> <tr> <td>Zone RE1 Public Recreation</td> <td>Wyong Shire Council</td> </tr> </table> <i>(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.</i> Note. <i>If land, other than land specified in the Table to subclause (2), is</i>	Type of land shown on Map	Authority of the State	Zone RE1 Public Recreation	Wyong Shire Council	Part of the subject site is zoned RE1.
Type of land shown on Map	Authority of the State				
Zone RE1 Public Recreation	Wyong Shire Council				

Provision in SEPP Major Development	Comment
<i>required to be acquired under the owner-initiated acquisition provisions, this Part is required to be amended to designate the acquiring authority for that land (see section 27 of the Act). The Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).</i>	
27 Community use of educational establishments (1) <i>The objective of this clause is to allow the use of educational establishments within the Warnervale Town Centre, including their site and facilities, for other community purposes.</i> (2) <i>An educational establishment (including the site and facilities) may, with development consent, be used for any other community purpose, whether or not any such use is a commercial use of the land.</i> (3) <i>Nothing in this clause requires development consent to carry out development on any land if that development could, but for this clause, be carried out on that land without development consent.</i>	The proposal does not include this usage but this can form part of future applications on adjoining land.
28 Development close to a rail corridor (1) <i>The objective of this clause is to ensure that development of land within the Warnervale Town Centre for the purpose of residential accommodation, places of public worship, hospitals, educational establishments or other noise sensitive buildings in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.</i> (2) <i>This clause applies to land comprising, or within 60 metres of, an operating railway line or land reserved for the construction of a railway line (referred to in this clause as a rail corridor).</i> (3) <i>Development:</i> (a) <i>that is within a rail corridor, and</i> (b) <i>that is likely to be adversely affected by rail noise or vibration,</i> <i>must not be carried out unless the proposed development incorporates all practicable mitigation measures for rail noise or vibration recommended by Rail Corporation New South Wales for development of that kind.</i>	The proposed development is located within 60m of the rail corridor and these provisions will be considered in detail as part of the EA.
29 Development in the vicinity of Warnervale Airport (1) <i>The objectives of this clause are:</i> (a) <i>to provide for the effective and on-going operation of Warnervale Airport, and</i> (b) <i>to ensure that such operation is not compromised by any proposed development.</i> (2) <i>Development consent must not be granted for the erection on land of a building, the height of which exceeds the obstacle limitation surface height for that land, unless the consent authority is satisfied that the building will not constitute an obstruction or hazard to aircraft flying in the vicinity.</i> (3) <i>In this clause:</i> obstacle limitation surface height, for land, means the height of the obstacle limitation surface for that land shown on the Warnervale Airport Obstacle Limitation Surface Map.	The height controls will be considered as part of the design development for the EA.

Provision in SEPP Major Development	Comment
30 Preservation of trees or vegetation (1) The objective of this clause is to preserve the amenity of the Warnervale Town Centre through the preservation of trees and other vegetation. (2) This clause applies to species or kinds of trees or other vegetation referred to in section 7.2 of Chapter 14 of the Wyong DCP. (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which this clause applies without the authority conferred by: (a) development consent, or (b) a permit granted by the Wyong Shire Council. (4) The refusal by the Wyong Shire Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant development consent for the carrying out of the activity for which a permit was sought. (5) This clause does not apply to a tree or other vegetation that the Wyong Shire Council is satisfied is dying or dead and is not required as the habitat of native fauna. (6) This clause does not apply to a tree or other vegetation that the Wyong Shire Council is satisfied is a risk to human life or property. (7) This clause does not apply to or in respect of: (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying Act 2002, or (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.	Noted
31 Bush fire hazard reduction Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land within the Warnervale Town Centre without development consent. Note. The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.	Noted
32 Controls relating to miscellaneous permissible uses (1) This clause applies to development only if it is permitted under this Part or approved under Part 3A of the Act. (2) Bed and breakfast accommodation Development for the purposes of bed and breakfast accommodation that is provided to guests must consist of no more than 3 bedrooms. (3) Home businesses	N/A

Provision in SEPP Major Development	Comment
<i>Development for the purposes of a home business must not involve the use of more than 30 square metres of floor area.</i> (4) Home industries <i>Development for the purposes of a home industry must not involve the use of more than 30 square metres of floor area.</i> (5) Kiosks <i>Development for the purposes of a kiosk must not involve the use of more than 80 square metres of gross floor area.</i> (6) Neighbourhood shops <i>Development for the purposes of a neighbourhood shop must not involve the use of more than 80 square metres for the retail floor area of the shop.</i>	

3.3.2 State Environmental Planning Policy Infrastructure 2007

The proposal involves a development of the land for a 35,293m² for the retail and leisure/entertainment component of the Warnervale Town Centre. Under the provisions of State Environmental Planning Policy (Infrastructure) 2007, the proposal triggers the criteria of Schedule 3 being Column 2: *Size or capacity—site with access to any road*
Shops – 2,000 square metres in area.

Clause 104 of the SEPP states:

104 Traffic-generating Development (1) <i>This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:</i> (a) <i>new premises of the relevant size or capacity, or</i> (b) <i>an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i> (2) <i>In this clause, relevant size or capacity means:</i> (a) <i>in relation to development on a site that has direct vehicular or pedestrian access to any road — the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or</i> (b) <i>in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</i> (3) <i>Before determining a development application for development to which this clause applies, the consent authority must:</i> (a) <i>give written notice of the application to the RTA within 7 days after the application is made, and</i> (b) <i>take into consideration:</i> (i) <i>any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and</i> (ii) <i>the accessibility of the site concerned, including:</i> (A) <i>the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i> (B) <i>the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i>
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- (iii) any potential traffic safety, road congestion or parking implications of the development.
- (4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

A traffic, transport and parking assessment will form part of the Environmental Assessment.

3.3.3 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) relates to the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected and requires councils to be notified of all remediation proposals. The *Managing Land Contamination: Planning Guidelines* were prepared to assist determination authorities and developers. The provisions of SEPP 55 state the following at Clause 7:

- 7 Contamination and remediation to be considered in determining development application**
- (1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is:
- (a) land that is within an investigation area,
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

A Stage 1 Environmental Site Assessment has been completed which can be found at **Appendix I**. Further investigations and reporting can form part of EA documentation.

3.4 WYONG LEP

Wyong Local Environmental Plan 1985 identifies the local planning controls applicable to land in the Wyong LGA. However, the provisions of the Wyong LEP do not apply to the subject site as the land has been declared a State Significant Site with a specific set of zoning and planning controls.

3.5 WARNERVALE TOWN CENTRE DCP

The provisions of the Warnervale Town Centre DCP will be considered in detail as part of the documentation for the Environmental Assessment of the project once DGEAR's have been issued.

3.6 OTHER PLANS

This request for a declaration has considered the State strategic planning documents, to form an understanding of where the subject land fits with the current State strategic planning framework and determine whether the proposal is consistent with this framework. As such, the State Plan along with a number of State strategic plans has been considered as follows.

3.7 NSW STATE PLAN

On 14 November 2006, the New South Wales (NSW) Premier launched the *State Plan – A New Direction for NSW*. The purpose of the plan is to deliver results from Government services. The State Plan includes a number of goals which the NSW Government is working towards. Specifically, the proposed development will make a contribution towards achieving a number of the key goals of the State Plan.

3.8 CENTRAL COAST REGIONAL STRATEGY

The NSW Central Coast is well known for its outstanding environment and coastal lifestyle. Covering 1854 square kilometres and 81 kilometres of coastline, more than half the region is national parks, bushland, open space and aquatic environments.

Currently over 300,000 people live on the Central Coast and the region continues to grow at one of the fastest rates in NSW. Just one hour from Sydney and Newcastle, the region offers great opportunities for business with both land available and skilled local workforce.

The Central Coast Regional Strategy is the NSW Government's long term land use plan for the region, which covers the Gosford City and Wyong Shire local government areas. The regional strategy contains policies and actions designed to cater for the region's projected housing and employment growth over the period to 2031.

Due to an improved long-term water supply outlook, the region's population is expected to grow by around 100,000 over this period. This improved outlook has been brought about mainly through recent measures such as the adoption of the local Water Plan 2050 and the NSW Government's commitment to build Tillegra Dam.

The strategy outlines how and where future development should occur to appropriately accommodate this growth and to provide sufficient capacity to cater for more than 45,000 new jobs, reducing the need for local residents to commute outside of the region for work.

The NSW Government's Central Coast Regional Strategy is a 25-year strategy for sustainable development which seeks to ensure:

- *The majority of new housing will be accommodated within existing urban areas complementing, amongst other things, the plans for the new Warnervale Town Centre and Wyong Employment Zone.*
- *The region's environment and valuable natural resources will be protected via important initiatives such as preventing urban residential development on all land west of the F3.*
- *Existing agricultural areas will continue to be strongly protected from inappropriate development.*
- *Population forecasts will continue to be monitored and growth projections reviewed accordingly, in particular having regard to the region's water supply outlook.*
- *New infrastructure for the region will be provided in accordance with the State Infrastructure Strategy.*

The Regional Strategy maps growth areas that are available for future urban development. These areas aim to reinforce the Region's settlement hierarchy while supporting scenic green breaks between coastal communities and protecting important assets and resources.

The proposed development is considered to be consistent with the strategic planning of the Region and a comprehensive assessment against the Central Coast Regional Strategy will form part of the Environmental Assessment.

3.9 NSW COASTAL POLICY

The 1997 NSW Coastal Policy sets the context in providing for population growth and economic development at the same time protecting the natural, cultural, spiritual and heritage values of the coastal environment. To achieve this, the Policy has a strong integrating philosophy based on the principles of ecologically sustainable development (ESD).

The Policy addresses a number of key coastal themes including:

- population growth in terms of physical locations and absolute limits
- coastal water quality issues, especially in estuaries
- disturbance of acid sulfate soils

- establishing an adequate, comprehensive and representative system of reserves
- better integration of the range of government agencies and community organisations involved in coastal planning and management
- indigenous and European cultural heritage, and
- integration of the principles of ESD into coastal zone management and decision making.

The management of the coastal zone is the responsibility of a range of government agencies, local councils and the community. The Policy provides a framework for the balanced and coordinated management of the coast's unique physical, ecological, cultural and economic attributes.

The proposed development will address all of the key requirements of the Coastal Policy as part of the Environmental Assessment.

3.10 NSW COASTAL DESIGN GUIDELINES

The diverse beauty of the NSW coast is at risk from developments which pay little attention to urban design principles. Application of the principles set out in the '*Coastal Design Guidelines for NSW*' (Coastal Council of NSW 2003) will ensure that future developments and redevelopments are sensitive to the unique natural and urban settings of coastal places in NSW.

The guidelines provide a world-standard approach for how urban design can be best used in a coastal context.

The detailed design of the proposed development which will form part of the Project Application will have particular regard to the NSW Coastal Design Guidelines.

3.11 DRAFT NSW GOVERNMENT SEA LEVEL RISE POLICY STATEMENT

The NSW Government released the Draft Policy Statement on Sea Level Rise for targeted consultation, including with all coastal councils, in late February 2009 until early April 2009. The draft statement identified sea level rise projections of up to 40 cm to 2050, and 90 cm to 2100, for the NSW coastline. The Department of Planning website advises:

The draft statement includes reference to the Department of Planning preparing guidelines on how sea level rise will be considered in strategic land-use planning and development assessment.

Further advice will be provided to councils on this issue following the consultation period.

When finalised, the statement will provide a consistent approach to addressing sea level rise to assist the NSW Government and local councils in the preparation of land use strategies, local environmental plans and in development assessment. The statement will also provide clear guidance for developers and landowners along the coastline by identifying considerations for the development of land potentially at risk from sea level rise.

The Department of Planning is working with the Department of Environment and Climate Change to finalise the draft statement following consultation.

The subject site is remote from land affected by this policy.

3.12 NSW DRAFT CENTRES POLICY

The Department of Planning released the *Draft Centres Policy* for comment and consultation in March 2009. The Policy when finalised is intended to provide a planning framework for the development of new and existing retail and commercial centres in NSW. The draft policy is based on six principles:

- o *Retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres.*
- o *The planning system should be flexible enough to enable centres to grow, and new centres to form.*
- o *The market is best placed to determine the need for retail and commercial development. The role of the planning system is to regulate the location and scale of development to accommodate market demand.*
- o *The planning system should ensure that the supply of available floorspace always accommodates the market demand, to help facilitate new entrants into the market and promote competition.*
- o *The planning system should support a wide range of retail and commercial premises in all centres and should contribute to ensuring a competitive retail and commercial market.*
- o *Retail and commercial development should be well designed to ensure they contribute to the amenity, accessibility, urban context and sustainability of centres.*

An Economic Impact Assessment which can assess the retail floor space needs and demand can be completed as part of the EA documentation.

4. KEY ENVIRONMENTAL ISSUES

4.1 UTILITIES AND INFRASTRUCTURE

The proponent has obtained preliminary advice and is aware that the existing sewer, water, telecommunication, energy, gas and roads infrastructure and utilities in the locality, will require augmentation and supplementary facilities to be provided associated with the proposed development. Further information in relation to this aspect can be provided with an Environmental Assessment.

4.2 ECONOMIC IMPACT

The proposed retail development is likely to result in a range of important economic benefits to the local existing and future community, with key positive impacts to include the following:

- The provision of a wider range of food and consumables shopping facilities for local residents including a major full-line supermarket on the same site as a discount department store. This would significantly reduce travel time for the existing and future population.
- An enclosed retail centre with convenient car parking that would be easily accessible for the surrounding population.
- The proposed development will generate a substantial number of jobs, both for the construction and related industries during the construction period and also for the local economy generally once the centre is completed.
- Once fully operational, the Woolworths Centre would be likely to employ around 1,123 persons. Allowing for an estimated 10% of the total increase to be as a result of the reduced employment at existing retail facilities, the net additional jobs are estimated at 1,011.
- In terms of wages and salaries, the 1,011 permanent retail employees within the centre would earn an average annual wage of around \$28,000, as sourced from the latest ABS statistics on average weekly earnings. This represents some \$29.1 million in salary and wages for the local region, directly as a result of the proposed development. It would also be expected that further wages and salaries would result from jobs in the construction period and from multiplier effects.
- The development of the Warnervale Town Centre will create a substantial number of additional jobs, both for the construction and related industries during the construction phase of the centre and for the economy generally once the centre is completed. The estimated total capital costs for the construction of the centre are greater than \$50 million. By utilising the appropriate ABS Input/Output Multipliers that were last produced in 1996/97

and a deflated estimated total capital cost of construction will be \$47.1 million (i.e. in 1996/97 dollars), it is estimated that the construction period of the proposed development of the Woolworths Centre would create some 330 direct jobs, with a further 528 jobs resulting from the supplier induced multiplier effects from this period of construction. Jobs created are full-time equivalent jobs, which may include both full-time and part-time positions.

- The retail jobs generated by the centre proper as previously outlined (1,011), will result in a further 959 jobs in the broader community based on ABS Input/Output Multipliers.
- Retail jobs are the largest provider of youth employment. The Warnervale Town Centre would generate jobs for youth, which are currently limited in the region.

A memorandum prepared by Duane Location IQ details the economic benefits and is included at **Appendix J**. An Economic Impact Assessment which can assess the retail floor space needs and demand can be completed as part of the EA documentation.

As such, there is a clear economic benefit which can be delivered in Warnervale.

4.3 CONTAMINATION INVESTIGATIONS

A Stage 1 Environmental Site Assessment has been completed which can be found at **Appendix I**. It recommends that a Stage 2 Environmental Site Audit be undertaken. Further investigations and reporting can form part of EA documentation.

4.4 ECOLOGY – VEGETATION ASSESSMENT AND FLORA AND FAUNA STUDY

To date, the proponent has not undertaken any ecological investigations on the site. As the land has generally been used for agriculture and the majority of the site has been cleared of any remnant vegetation it has been determined by the proponent that a large proportion of the site is suitable for future development and if necessary, investigations, mitigation and amelioration measures could be undertaken and included in the detailed design development for the proposal.

These investigations can be included as part of the Environmental Assessment where more detailed designs will be prepared for the proposed retail development.

4.5 NATURAL HAZARDS

A number of hazards including: bushfire, acid sulphate soils, landslip and flooding have been considered in the preliminary assessment.

Bushfire

A bushfire assessment against the Department of Planning's and Rural Fire Service guideline "*Planning for Bushfire Protection*" 2006 will form part of the Environmental Assessment.

Acid Sulphate Soils

The majority of North Western Sydney is affected by acid sulphate soils and further information will become available as part of geotechnical investigations.

Flooding

The site is not affected by flooding.

Landslip

The land is not identified as having landslip issues.

As such, further investigation of these issues may need to be undertaken to determine the extent of the hazard and what impact this may have on the future planning for the land as part of the development proposal.

4.6 HYDROLOGICAL ASSESSMENT

The proponent has chosen not to undertake a hydrological assessment at this time as the design is in a preliminary form, but can undertake a hydrological assessment as part of the Environmental Assessment to understand a number of key site features as a baseline assessment in relation to:

- stormwater catchment, drainage and management; and
- identification of pollutant export characteristics of the undeveloped site (refer to MUSIC model).

It is considered that each of the hydrological elements can be managed as part of the detailed design in the development of the site.

4.7 TRAFFIC IMPACT ASSESSMENT

No traffic assessment has been undertaken to date.

A full and complete transport, traffic and parking assessment will be completed as part of the Environmental Assessment.

4.8 HERITAGE CONSIDERATIONS

The site does not contain any known European Heritage items or European archaeological heritage.

While the site is highly disturbed, further investigations concerning Indigenous heritage can be undertaken as part of the Environmental Assessment if this is considered warranted.

4.9 SOCIAL IMPACTS

The proponent has been considering issues associated with the social impacts of the proposed development and the positive flow-on effects being broader than just economics associated with the provision of a town centre for Warnervale. Given the new employment generation when operational, there is potential to include on-site “commercial” space, which may be suitable for a community facility, medical centre or community meeting space.

Overall the material public benefits of the proposed development include:

- Provision of a parking facility to meet demand in Warnervale. Maintain, improve and provide choice for parking, including additional available spaces to meet demand for persons seeking access to Warnervale train station and shopping facilities,
- New and vibrant streetscape presentations to each street frontage, with design elements addressing the major focal point of the site at the centre intersection of Main Street,
- Provision of street activating retail floor space with a focus at the Main Street,
- Improved shopping facilities, provision of additional choice and price competition in Warnervale,
- Provision of accessible paths of travel throughout the development and between each building,
- Accessible public amenities/toilet facilities, and
- An opportunity for a community gathering space.

4.10 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

The technical investigations undertaken and which form part of this preliminary assessment, demonstrate that the land is capable of urban development to the intensity of a retail centre in the site location proposed.

Woolworths have consciously implemented a program to reduce their carbon footprint which starts with the construction and fit-out process of all new retail facilities.

5. CONCLUSION

Subsequent to this submission and receipt of the Director General's response, the proponent intends to prepare an Environmental Assessment for the Project Application.

It is our view that this Preliminary Environmental Assessment submission indicates that the site will deliver an innovative and regionally responsive retail development for the current and future residents of Warnervale of all ages.

The Project Application identifies the relevant environmental, infrastructure and statutory issues pertaining to the proposed development and further indicates that the proposal has the potential to successfully address each and all of these as part of an Environmental Assessment.

We look forward to receiving the Director General's response to this submission to our request to lodge a Project Application. We also look forward to the opportunity to work closely with the Department, Wyong Shire Council and the community of Warnervale to deliver a landmark retail development on the site.

APPENDIX A

Land Owners Consent Letters

APPENDIX B

Regional Context

APPENDIX C

Local Context

APPENDIX D

Ownership and Lot/DP Plan

APPENDIX E

Zoning Plan

APPENDIX F

DCP Road Layout Comparison

APPENDIX G

Preliminary Concept Masterplan

APPENDIX H

QS Certificate

APPENDIX I

Stage 1 Contamination report

APPENDIX J

Memorandum Economic Benefits

