

4.2.5 Watercourses and Riparian Corridors

The Site lies within two drainage catchments, namely the Wallarah Creek Catchment to the north and the Porter's Creek Wetland Catchment to the south. There are five watercourses within the Site (see figure 10).

Key management of flow from the site into Porters Creek wetland is the construction of treatment wetlands and local stormwater storage lakes. The largest of these will be located in the lowest point of the town centre site, in the south-western corner of the property to the east of the railway line. The drainage line that traverses the land to the west of the railway and is taken through a culvert to the area planned for the main treatment wetland and storage areas.

The riparian corridor to the east of the railway is to be included in the wetland/storage lake area as part of the Sites overall water management scheme. Ecological values should be considered and integrated into the wetland design. It is proposed to zone this area RE1 - Public Recreation.

The north east creek line flowing into the Wallarah Creek catchment has existing vegetation along its banks. Ecological investigations stress the importance of maintaining riparian corridors where possible for the provision of habitat connectivity and to assist with the management of water quality. It is recommended that a reserve width of 50 metres (25 metres either side of the watercourse) be preserved to protect ecological values, with an additional 15 metre vegetated buffer either side. It is recommended that this area be zoned Zone E2 – Environmental Conservation to ensure the long term protection of this watercourse and associated riparian corridor.

Recommendations	Implications of WTC Proposal
Connectivity within the Site for the daisy.	A daisy reserve is proposed for the Site (Zone E2 - Environmental Conservation (Heath Wrinklewort)). The reserve will protect 72% of the habitat and 3,585 individuals, in perpetuity.
Connectivity through the Site (minimise breaks in riparian corridors where possible, and vegetation corridor wider adjacent to road crossings).	Riparian corridors are proposed to be protected (see discussion above regarding watercourses and riparian corridors). The retention of vegetation along the ridges will be promoted and it is proposed to zone these areas RE1 Open Space open space (RE1 zone) to encourage vegetation linkages east-west across the Site.
Seek to facilitate connectivity elsewhere as part of offsetting.	An offsetting strategy is one of the proposed mitigation measures to balance the adverse impacts of the rezoning. It is proposed to collect funding for the purchase of offset lands as part of the rezoning process.

Table 3. Habitat Connectivity



4.2.6 Topography

The site is characterised by a ridge that extends from east to west with a high point just to the east of the railway line. The contour plan at figure 11 shows the slopes over the site, which generally range between 10% and 15%. There are areas where slopes are below 10 % or exceed 20%.

The proposed railway station is located at the highest point on the railway line in the site at approximate RL 39. The land slopes up to this point from Sparks Road to the South (RL 21) and Hakone Road to the north at RL 45. The highest part of the Site is approximately RL 55 and is located to the east of the proposed train. The steepest part of the site is located between Sparks Road and the hilltop.

The WTC proposal has been planned in a way that capitalises on the sites topography, through locating the town centre as close to the proposed train station as possible; rezoning the ridgeline in public open space where possible; promoting development that is appropriate to the landform and planning for accessible traffic and pedestrian access.

4.2.7 Geotechnical Limitations and Contamination

Previous environmental and geotechnical investigations have been undertaken for parts of the Site. A 2004 preliminary study for a portion of the Site (some of WSC and Landcom land) notes that the soil landscape of those lots is expected to have adequate bearing capacity for low rise buildings, subject to specific engineering design. It also notes that if civil work or deep excavation is required, heavy ripping, blasting or hydraulic rock breakers may be required. The study concludes that the lots are suitable for development with careful management, and recommends further investigation. The lots are identified in the proposal for residential, open space and some retail/commercial uses (WSC); and open space and residential uses (Landcom).

A 2005 preliminary investigation carried out for the southern portion of the Site fronting Sparks Road and currently owned by Landcom and WSC found that the bedrock will provide a good base for stable foundations for development.

The 2005 investigation recommended that further detailed studies be carried out prior to rezoning of the Site and augmented during the subsequent DA process given that all DAs would require a geotechnical study. The extent of cut and fill options and impacts will need to be assessed for commercial and higher density residential developments. The conclusion from the investigations is that with careful management of engineering works, the soils would be suitable for the proposed rezoning.

Following from the above recommendation, a 2006 Stage 1 Environmental Site Assessment (ESA) was carried out for 11 lots. It identified potential contamination issues for the Site, as follows:

- Quarrying in the northern part of the Site (Fabcot and WSC lots);
- Landfilling (WSC lots in the northern part of the Site);
- Nursery land uses (Fabcot);
- Demolished buildings; and
- Surface filling, filling beneath buildings and illegal dumping.

Of the above potential contaminants, the former landfill on WSC's lots has the greatest potential to affect the suitability of the Site for the proposed rezoning. The ESA states that areas of filling identified prior to and during development of the Site, may need to be excavated and waste materials disposed of. The advice of a qualified environmental consultant would be required if such areas are identified.

The ESA recommends a further Stage 2 ESA for affected lots shown in figure 12 to determine their suitability for residential and commercial use. The Stage 2 ESA is currently underway and will provide a detailed examination including:

- the boundary and depth of landfill;
- the full suite and level of contamination; and
- options for future land use, including remediation options and associated costs.¹

Given the investigative work already undertaken, the low levels of contaminants found on the Site, and the fact that engineering works can be managed, rezoning should not be deferred pending the completion of the Stage 2 ESA.

4.2.8 Bushfire

The Site is identified as bush fire prone on the Wyong Bush Fire Prone Land Map (Figure 13).

Preliminary advice from the RFS is that future DAs for residential development or Special Fire Protection Purpose developments on the Site will be subject to s100B of the *Rural Fires Act 1997* and s 79BA of the EP&A Act. The requirements of *Planning for Bushfire Protection* are also required to be considered in the planning stages of the Site's development.

The Draft WTC DCP should require that the requirements of bushfire legislation and guidelines be accommodated throughout the development process for all areas of the site.

4.2.9 Noise and Vibration

A noise and vibration impact assessment has been carried out for the regional and district road and rail systems. The results indicate that the predicted noise levels for traffic and trains in areas adjacent to roads and the railway will exceed recommended external noise levels, when assessed against criteria in DECC Environment Noise Control Manual.

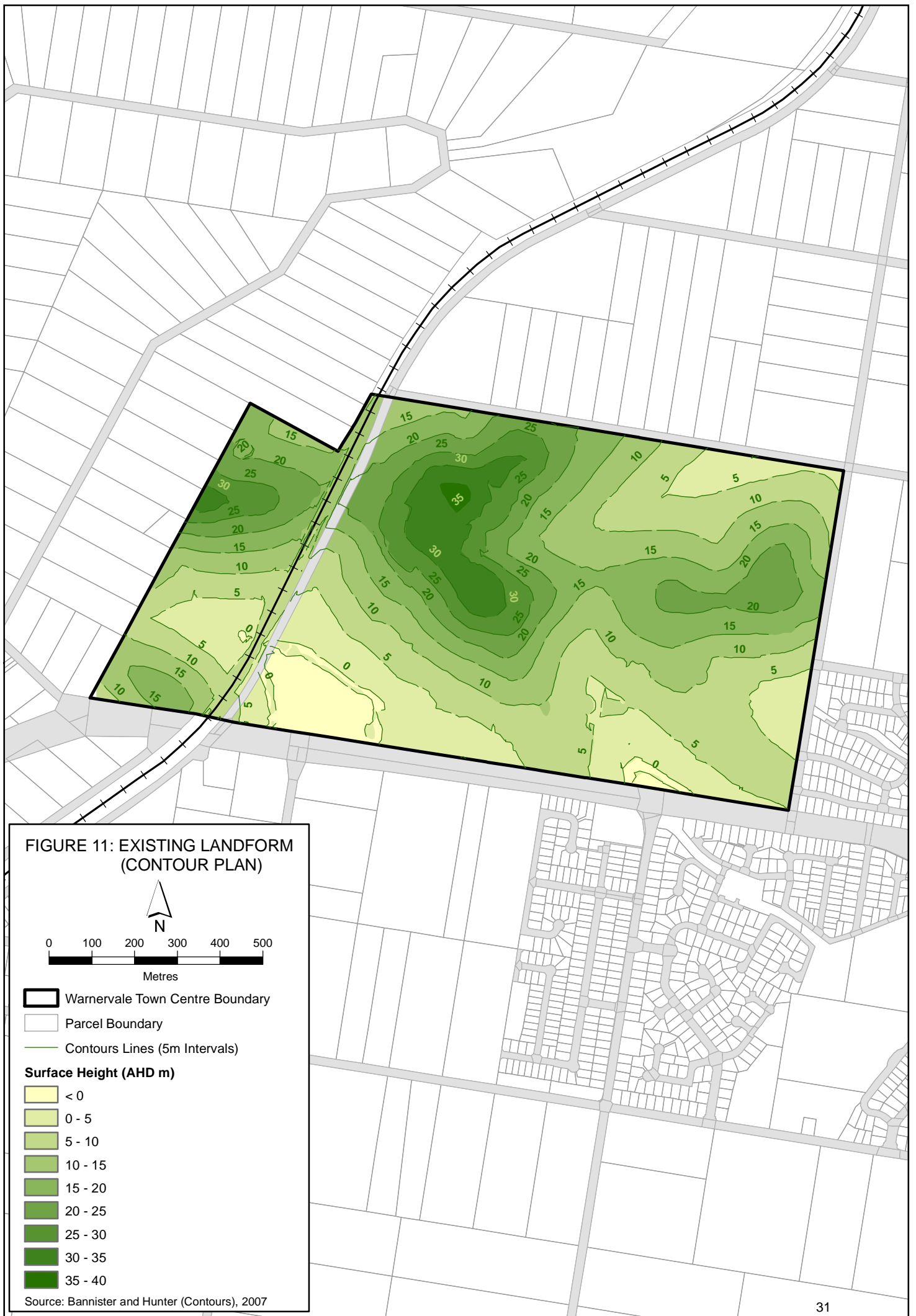
The assessment recommends a mitigation strategy to reduce predicted noise levels. This includes the following measures:

- establishing a 70km/h speed limit on Sparks Road;
- constructing noise barriers along Sparks, Hakone and Hiawatha Roads, and the rail line;
- restricting dwellings in noise affected areas to single storey; and
- providing buffer zones between building footprint and nearest road kerb.

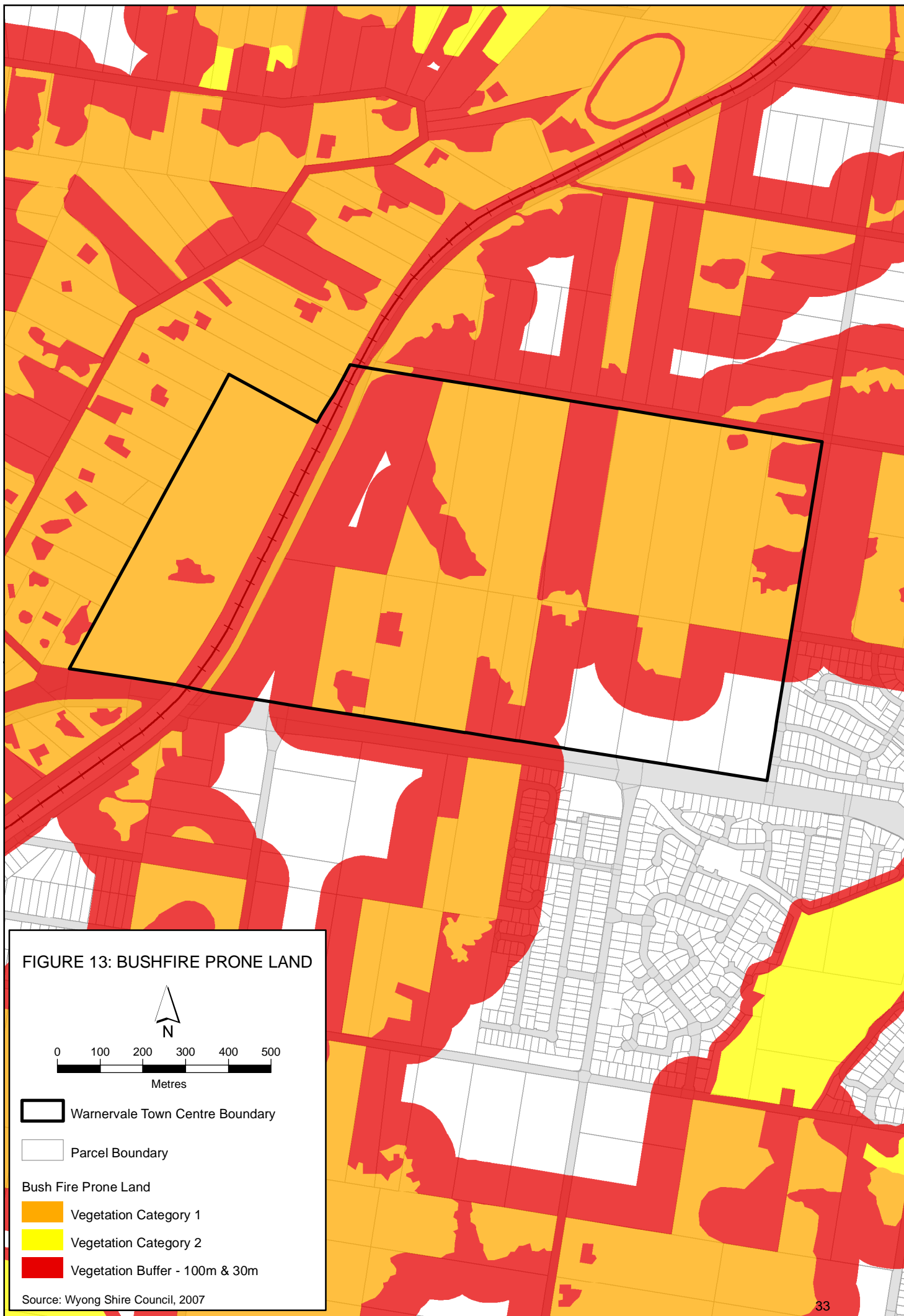
Noise issues are proposed to be managed through further mitigation measures at the development application stage. The Draft WTC DCP requires that noise mitigation measures be implemented for land within 60m of the north south rail corridor and 10m of Sparks, Hakone and Hiawatha Roads. These areas are identified in Figure 14 below.

Vipac concluded that there are no human or structural issues associated with rail-induced vibration.

¹ At the date of this Study, WSC advised that the Stage 2 ESA was underway.









4.2.10 Mineral Resources and Mine Subsidence

In relation to known or potential mineral or extractive resources, DPI previously advised WSC that the Site is affected by Petroleum Exploration Licence (PEL) 5 (jointly held by Sydney Gas Operations Pty Ltd and AGL) and lies within the defined Tuggerah prospect for coal seam methane.

DPI has advised that it does not object to the proposed rezoning for the purposes of a town centre subject to it permitting the long term production of coal seam gas. DPI suggests that any rezoning permit with development consent the use of “gas extraction (subsurface)”. This should apply to all zone as an alternative to permitting mining.

DPI advise that the eastern half of the Site is within leases held by the Munmorah Colliery and hosts potentially minable coal resources. DPI recommends that all proposed zones in the draft SEPP permit underground mining with development consent. This recommendation has been adopted in the Draft SEPP.

The Site contains the Warnervale Pit. This is extracted and unprocessed construction material from a sandstone resource. DPI advised that the remaining resource is not significant and poses no issue for the proposed rezoning.

The Mine Subsidence Board (MSB) has advised WSC that part of the Site is located within the Swansea North Entrance Mine Subsidence District. The district has low mining potential. The MSB has no objection to the rezoning proposal. However, it requires that mining remain a permissible land use in the rezoning. This recommendation has been adopted in the Draft SEPP.

In addition, the MSB advises that its approval is required for subdivision and surface development for the portion of the Site within the Mine Subsidence District and will advise of design parameters at the DA stage.

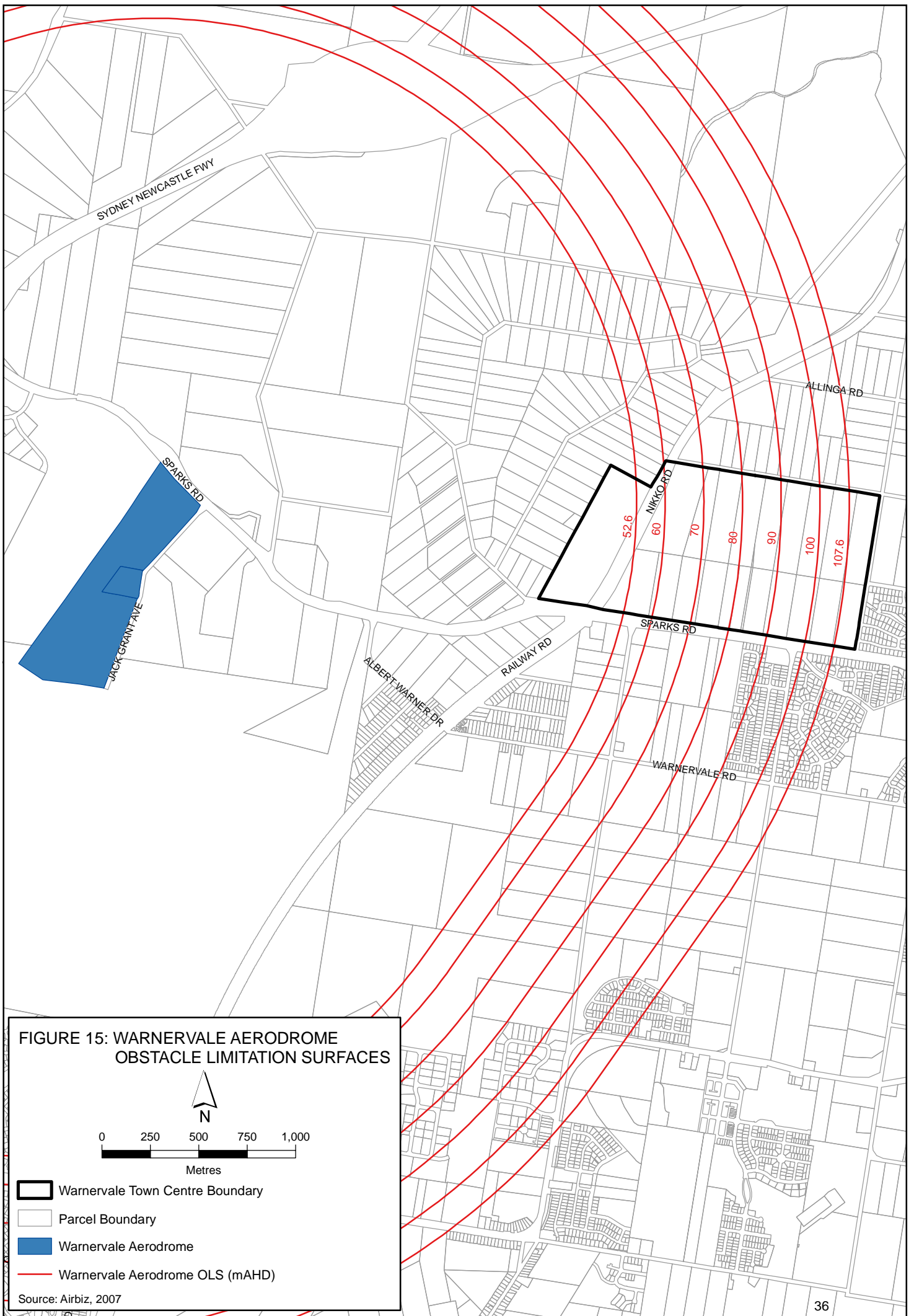
4.2.11 Flooding

The Site is above the 1:100 year flood level. It is therefore not considered to be flood prone.

4.2.12 Warnervale Aerodrome

Warnervale Aerodrome currently operates in the southern portion of the Wyong Employment Zone. The land is owned by Council and leased to the Central Coast Aero Club Ltd until August 30 2021. It can be characterised as being a local scale airport facility based on its dimensions (970 metres long) and the relatively small types of aircraft that use a single runway.

The draft SEPP includes appropriate controls to ensure that future development in the vicinity of the aerodrome is not adversely affected by the aerodrome’s operations. These controls are based on an Obstacle Limitation Surfaces (OLS) survey prepared by specialist airport planning consultants AIRPLAN. An OLS comprises a series of contours relative to the scale of an aerodrome that identify the lower limits of airspace above which buildings, structures or objects may become obstacles to aircraft movements or operations. As can be seen by Figure 15, these planning controls have an impact on the Warnervale Town Centre site. Consent is required for certain types of structures and activities and referral of these structures to the Civil Aviation Authority is required.



4.3 Cultural Heritage

4.3.1 Aboriginal Archaeology

The Site (including a lot to the north of Hakone Road) has been the subject of an archaeological investigation. It is likely that the Site and surrounding areas were used by Aboriginal communities prior to the founding of the Colony of NSW.

Most of the Site has been cleared as a result of previous logging or farming activities. No Aboriginal Sites were located on the Site and there are unlikely to be any due to its wet nature and the absence of rock formations for grinding grooves at creek level.

The investigation notes that due to the semi-closed to open nature of the Site and the absence of suitable stone for tool manufacture, it is likely to have been used only occasionally and would have been unsuitable for long term camp sites. The absence of suitable stone material, mean that large or dense artefact scatters are unlikely to have been left.

Very few old growth trees remain on the Site and it is unlikely that scarred or carved trees exist. In addition, the absence of outcropping and clearly defined drainage lines precludes any likelihood of finding other Site types.

The DECC Aboriginal Sites Register does not record any Aboriginal Sites within the Site. The investigation notes that the absence of Aboriginal Sites probably an indication of the extent to which past land use practices destroyed archaeological evidence. It notes that site types may have been present once but in easily accessible locations that generally did not to survive the impact of European settlement.

Archaeological records may be present on the Site and surrounding area. If such records exist, then they may be concealed by residential subdivisions and agricultural grasses. Finding such archaeological material present on Site would not be observable other than by chance.

The Darkinjung Local Aboriginal Land Council were consulted on the cultural significance of the Site. They advise that there are no cultural constraints to the proposed development of the Site.

The results of the investigation are that no artefacts or Sites of Indigenous origin were identified in the survey area. The investigation concludes, that in the absence of any defined art factual context, or places of indigenous cultural significance within the Site, there are no archaeological or cultural constraints to the rezoning proposal.

4.3.2 European Heritage

There are no known European heritage items or places within the Site.

4.4 Servicing and Infrastructure

The infrastructure required to serve urban development within the town centre includes, stormwater management, water supply, sewerage network, power and gas.

The WTC straddles the catchment divide between Porters Creek and Wallarah Creek in the most upstream reaches of both catchments. A number of important aquatic ecosystems are present within and downstream of the WTC including natural wetlands and heathlands that have formed within the wide flat waterways of the region.

Many of the systems are sensitive to changes in hydrology and there are indicators within Porters Creek Wetland that some of these wetland communities are suffering die-back due to the wetter conditions associated with the development in the catchment. Water quality and quantity management are therefore important issues requiring at source treatment as well as measures to be implemented within drainage corridors to detain and treat stormwater before it leaves the site.

In terms of water supply, the WTC is located within the Kanwal Water System and will be serviced from the Kanwal Reservoir. Existing Trunk mains are located in the Pacific Highway and Sparks Road and extend up to Minnesota Road. Amplification of trunk mains will be required to accommodate increased demand with the Sparks Road main being extended west to the Railway line.

The WTC is located within the Charmhaven Treatment Plant catchment. Some major pumping stations, rising mains and carrier components have been constructed but these do not presently cover the WTC. Existing services will need to be augmented to serve future development of the site.

Plans for the proposed water supply and sewerage reticulation in the northern precincts of the Wyong LGA are provided at Appendix E.

The WSC is currently preparing a Development Services Plan for the whole of the Local Government Area. The plan will propose provision of water and sewer to the WTC site so that these services are available as soon as construction commences.

AGL Central Coast supplies natural gas to the district. High-pressure gas mains are located in Sparks, Warnervale and Nikko Roads, which can serve future development subject to augmentation.

Energy Australia currently supplies electricity to the District via the existing substation in Mataram Road. WSC has discussed the additional load generated by the WTC proposal with Energy Australia. Energy Australia has advised that a new substation will be required and is liaising with WSC on a suitable location for the substation.

4.4.1 Access, Transport and Traffic

The Site is considered appropriate for the proposal given its proximity to established and proposed transport and access infrastructure. This includes:

- the proposed train station;
- the F3 freeway 3km to the west;
- the Pacific Highway to the east and south;
- Sparks Road (classified road) which borders the west of the Site ; and
- the proposed Wyong Employment Zone.

The proposal will facilitate and promote regional strategic planning targets through the integration of transport modes and ensure sufficiently zoned land occurs near major transport nodes.

The proposed train station will act as a major bus-rail interchange to service the growing population in the WTC and surrounding areas. In order to promote the integration of transport modes, the WTC proposal makes provision for a bus routes through the site, a bus interchange, taxi stand, commuter carparking and cycle parking and storage.

In terms of regional traffic links, the WTC will provide a major node for regional traffic travelling north to south eg. from Charmhaven through to the new Link Road at Albert Warner Drive, Warnervale. This will generally occur via Hakone Road, through the Town Centre, Main Town Centre Entry Road, Sparks Road and to the Link Road.

Key links are also anticipated to the west (the F3 and Warnervale Employment Zone) for commercial purposes and the south and south-east regions for private vehicles.

4.4.2 Integrated Water Cycle Management

As mentioned above, a number of important aquatic ecosystems are present within and downstream of the WTC. Water quality and quantity management are therefore important issues requiring at source treatment as well as measures to be implemented within drainage corridors to detain and treat stormwater before it leaves the site.

An integrated water cycle management strategy has been prepared for WSC that addresses the following principles for the protection of water flows:

- Protection of hydrological cycle (volume of water entering the stream and cycle flows to ensure that the wetting and drying cycles natural to the aquatic receiving environments are retained);
- Protection of water quality;
- Ensuring that land is set aside for treatment and storage areas;
- Retention of vegetated riparian corridors along the stream banks to reduce erosion of the banks and volume of sediments carried by the water.

Investigations by WSC indicate that flows into the Porter's Creek Wetland Catchment can be effectively managed using on-site treatment wetlands and local stormwater storage lakes.

Treatment wetlands and local stormwater storage lakes proposed as part of the redevelopment of the site, will be the key to management of the quantity and quality of flow before it leaves the site. The largest of these will be located in the lowest point of the Site, (south western corner to the east of the railway line). Other, smaller systems will be located on the property boundary.

Development within Warnervale Town Centre must be guided by the principles of Water Sensitive Urban Design (WSUD) and promote sustainable and integrated management of land and water resources incorporating best practice stormwater management, water conservation and environmental protection.

A WSUD Strategy that complies with the *Warnervale Town Centre Integrated Water Cycle Management Strategy (IWCM)* will need to be prepared for each development, outlining how the following provisions are to be met and optimised through the development.

4.4.3 Public Open Space

The draft DCP and draft SEPP propose 12.2 ha of public open space. The open space is comprised of local open space in residential areas, treed ridgelines and district open space for passive and active use. The Warnervale Town Centre proposal is planned to accommodate between 4,000 and 5,000 people, which equates to 2.5 to 3 hectares per thousand people.

The draft SEPP makes provision for the land zoned for public recreation to be acquired by WSC.

5 PROPOSAL

5.1 Warnervale Town Centre - Objectives

The key objectives for development of the WTC are:

- to encourage the redevelopment of the site for the purpose of promoting a town centre, community facilities, residential uses, open space, and conservation lands to address the housing, employment and service needs of the region;
- to facilitate the development of a town centre that will integrate with the proposed Warnervale Train Station;
- to provide for a vibrant and walkable place for residents to work and live in;
- to secure the viability of the future development of the WTC Site at the dwelling capacity and population targets;
- to encourage development which satisfies the principles of ecologically sustainable development;
- to protect and enhance riparian corridors, significant trees and vegetation;
- to identify, provide and protect land for environmental protection and conservation purposes;
- to identify and provide appropriate land for integrated water cycle management purposes to address the effects of future development on the WTC Site; and
- to maximise opportunities for local employment and business.

5.2 Warnervale Town Centre - Proposal

The WTC proposal makes provision for a high quality retail and urban area supported by civic and community facilities, accessible to pedestrians and integrated with public transport.

The WTC proposal comprises:

- A mixed use town centre containing **25 000 square metres of retail space, 8 000 square metres of commercial space and 8 000 square metres for bulky goods,**
- A variety of housing types to cater for different household types and demographics with a residential target of **1,700 dwellings** to house **between 4, 000 and 5,000 people;**
- Public open space, **comprising approximately 12 ha or 10% of the site** and conservation land, **comprising approximately 14ha or 12% of the site;**
- A mix of human services and facilities including an aquatic recreation centre, library/knowledge centre/arts and cultural facility, integrated child/family centre medical centre and youth space; and
- Public domain, **including parks, streets and pedestrian connections.**

The proposal includes the retention of the vegetated ridgeline and natural characteristics of the Site wherever possible. The Site will encompass a complete community, incorporating residential, work and play options.

The town centre will become the focal point for community interaction, civic and community facilities, and retailing. Opportunities for people to work closer to home will be provided through a range of retail, commercial, civic, community and home based activities.

The Proposal also offers residential opportunities for new residents, who seek a lifestyle of work and transport opportunities close to home, in an area with high natural values. Housing densities will be higher than those traditionally delivered in Wyong Shire with a broad range of dwelling types provided across the Site. The focus will be on attractive residential streetscapes structured around well connected, walkable neighbourhoods.

5.3 Warnervale Town Centre Development Control Plan

The SSS Study is accompanied by the draft *Warnervale Town Centre DCP* (WTC DCP). The purpose of the draft WTC DCP is to provide a more detailed layer of the development controls to guide landowners and consent authorities on future development of the Site for the various permissible uses. It will comprise provisions for:

- access and movement;
- public domain;
- building form;
- pedestrian amenity;
- access, parking and servicing;
- environmental management; and
- residential development controls.

The WTC DCP proposes the following development precincts (as shown in figure 16):

Town Centre Civic Precinct

The Town Centre Civic Precinct will be the heart of the WTC. The focus will be on a well designed main street linking the railway station and bus interchange to the aquatic centre in the hill top park, with wide footpaths promoting outdoor dining. The precinct will have high quality, mixed use with medium density residential buildings that address local streets and the hill top park.

Town Centre Northern Precinct

This precinct will be located at the northern end of the Town Centre on the eastern side of the rail line and will cater for retail, commercial, bulky good functions and commuter carparking.

Town Centre Western Precinct

This precinct will have a range of uses and will be situated directly to the west of the proposed train station. It will provide a mix of uses complimentary to the town Centre Civic Precinct. It will have its own identity focussing on the ridge top public park and small area of commercial, retail and residential with integrated commuter carparking.

Residential Northern Precinct

This precinct will have a natural landscape character with sensitively designed residential buildings to accommodate the significant number of habitat trees that will require protection.

Residential Western, Eastern and Southern Precincts

The three precincts will be characterised by well designed dwellings offering diverse housing choice on well designed and landscaped streets.

5.4 Alternative Options

A number of alternatives have been considered for the town centre proposal. Early investigations for the site identified four options for the location of the town centre core. The options relate to the hill on the eastern side of the railway line, adjacent to the location of the proposed railway station. Hence, the 'bottom', 'middle' and 'top of the hill' options.

DoP commissioned an independent review of the options. A copy of the *Review of Warnervale town Centre Options Report* (Options Report) and an evaluation of the four options can be found at Appendix B).

The final recommendation was for the 'top of the hill' option. A summary of the consideration and investigation of the options explored in the Options Report, is as follows:

Option 1a – 'Bottom of the hill'

This location is distant from the rail line. It is close to Sparks Road and on land owned by Landcom and WSC. The concept design was a broadly spaced shopping centre in four quadrants around a central main street.

Option 1b – 'Bottom of the hill' compact

This is a compact variation of Option 1a. It is designed in response to concerns that Option 1a was spread over too large an area and was too car-based. There was no specific design undertaken for this option.

Option 2 - 'Middle of the hill'

This location is closer to the rail line and further up the hill. It is on land owned predominantly by Landcom. It is more compact than Option 1a. Its main street, diagonal to Sparks Road, attempts to follow contours to give a flatter gradient. However, road grades off the main street are steep. On 15 May 2006, WSC resolved to support this option.

Option 3 - 'Top of the hill'

This option arose from a study requested by the Project Control Group (established by WSC, Landcom and the Premier's Department) to investigate the most appropriate location for a town centre and the feasibility of this location. This option is further north and west than the other options, and adjoins the proposed rail station. The land was previously used for a plant nursery.

The Options Report allocated the above factors a ranking for degree of importance. The rankings were aggregated to give Option 3 - '*Top of the hill*' the highest and most favoured ranking.

In addition to the "hill" options investigated in the Options Report, this Study identifies a 'Do Nothing' option.



5.5 Developer Contributions

The Government is proposing to establish a Special Contributions Area under section 94EE of the EP&A Act due to the fragmented ownership of the site, to contribute towards the funding of services such as the Sparks Road upgrade necessary to service the WTC Site.

A special contributions area is proposed to be created by an order published in the gazette for the WTC land that enables the Minister to impose conditions requiring the payment of a special contribution for the provision of infrastructure (subregional and regional roads, motorway connections, public transport upgrades and biodiversity offsets) as a condition of approval of development.

6 STRATEGIC CONTEXT

This section sets out the relevant policies, environmental planning instruments and other statutory requirements for the proposed rezoning.

6.1 State And Regional Strategies

6.1.1 NSW Government's State Plan

The NSW Government's State Plan sets priorities for a range of government actions to improve decision-making and resource allocation. Relevant priorities are:

- S6 – Increasing share of peak hour journeys on a safe and reliable public transport system;
- P1 – Increased business investment;
- P2 – Maintain and invest in infrastructure;
- P6 – Increased business investment in rural and regional NSW;
- E3 – Cleaner air and progress on greenhouse gas reductions;
- E4 – Better environmental outcomes for native vegetation, biodiversity, land, rivers and coastal waterways;
- E5 – Jobs closer to home;
- E6 – Housing affordability;
- E7 – Improve the efficiency of the road network; and
- E8 – More people using parks, sporting and recreational facilities and participating in the arts and cultural activity.

It is considered that the proposed rezoning will promote the achievement of the above priorities.

6.1.2 State Infrastructure Strategy

The SIS identifies infrastructure priorities for infrastructure delivery and funding. The SIS specifically identifies Sparks Road Upgrade and North Warnervale Train Station (Project development) as infrastructure priorities for this area.

6.1.3 Draft Central Coast Regional Strategy

The draft CCRS guides planning for growth and managing change on the Central Coast. It identifies the Site as a focus for a new, planned centre to accommodate housing for the future additional population, along with retail, commercial, community and conservation areas.

The draft CCRS provides a residential population target of 4,000-5,000 for the wider WTC area to be delivered by 2031.

The SSS proposal is consistent with the Government's regional strategic context and will assist in delivering regional housing and employment targets, integrated with transport accessibility.

6.1.4 Water

One of the key planning challenges on the Central Coast is the adequate supply of water for current and future population. The draft CCRS outlines that the key water challenges include:

- Providing a sustainable long-term water supply;
- Protecting the health of the Region's rivers, lakes and underground water sources and estuaries;
- Protecting important water catchments from development;
- Managing population growth in relation to the capacity of water supply; and
- Investigating alternative water sources that are sustainable in the longer term.

In response to the issue, Gosford City Council and WSC have developed the Water Plan 2050, which sets out a recommended strategy to secure and sustain the water supply system over the next 45 years.

To ensure that future development of the WTC addresses the objectives of the draft CCRS and *Water Plan 2050*, the draft DCP provides a set of specific water conservation measures. These requirements apply to retail and commercial buildings, public amenities, public parkland and other open spaces. BASIX ensures that new homes and alterations and additions are built to be more energy and water efficient.

7 STATUTORY PLANNING CONTEXT

7.1 Current Planning Controls - Wyong Local Environmental Plan 1991

Under *Wyong Local Environmental Plan (LEP), 1991*, the following zones apply to the Site:

- **Zone No 5(b) (Railways)** - This zone applies to the railway corridor running north-south through the Site. The objective of the zone is to recognise existing railway land and to enable its future development for railway and associated purposes.
- **Zone No 10(a) (Investigation Precinct)** - This zone applies to the whole of the Site. Whilst the zone allows for a range of non-urban and rural activities, its primary intention is to conserve the land for future urban development. No provision for subdivision is contained in the 10(a) Zone.

The zoning is illustrated in Figure 17.

The following clauses also apply to the Site:

- Clause 18 – Restriction on development – lot amalgamation, applies to most of the northern part of the Site.
- Clause 28 - Tree management.

Most of the surrounding land is also zoned 10(a), except for land to the south and east, which is zoned Residential 2(e) Urban Release Area.

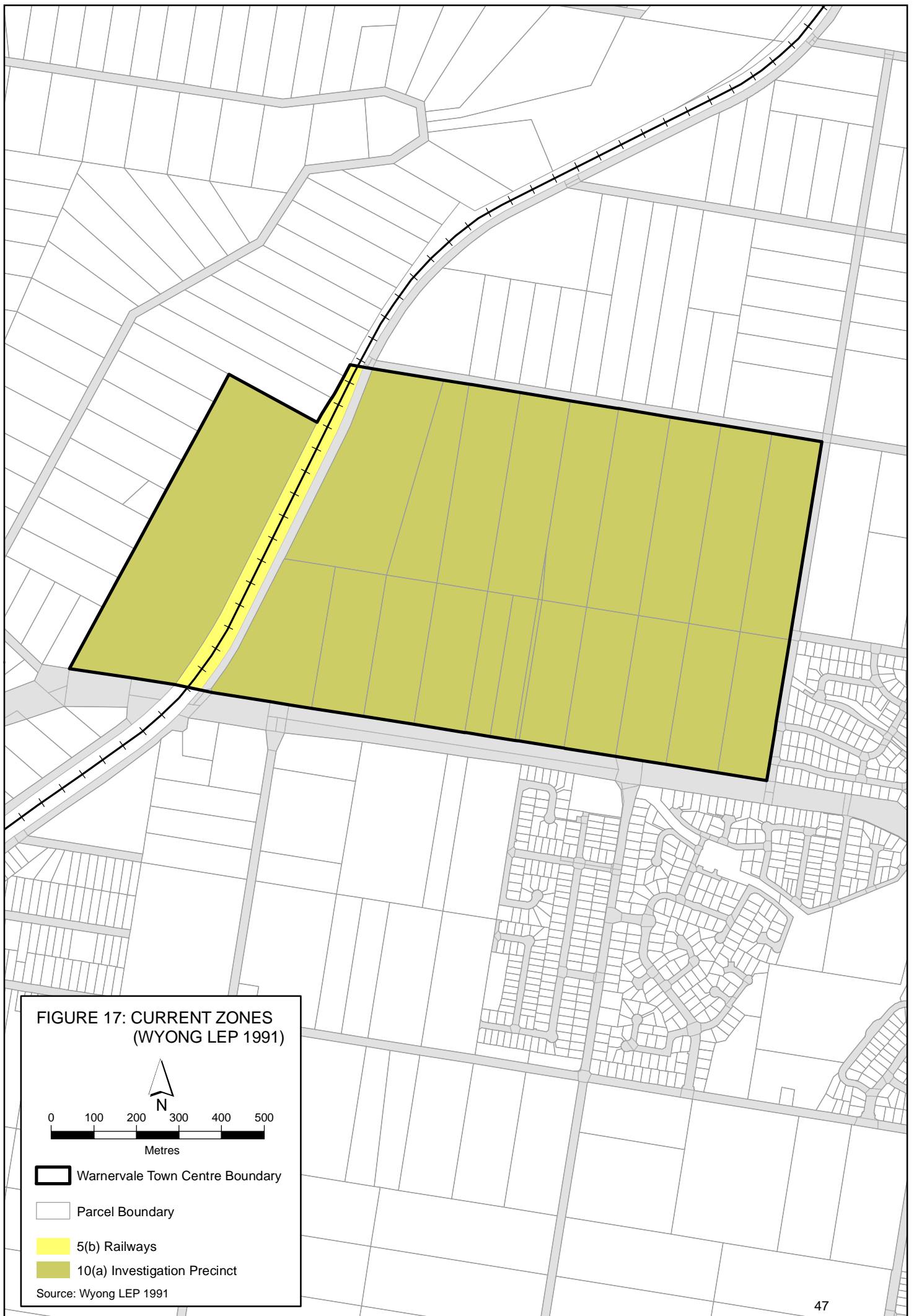
The LEP limits uses to which land can be used within the 10(a) zone. In addition, clause 18 restricts the number of dwelling houses on most lots within the northern part of the Site, to one per lot.

The current zoning regime restricts the development potential of the Site and hinders the achievement of the NSW Government's regional strategic planning objectives for the Site. Moreover, the current zoning does not acknowledge the extensive urban development which has occurred in the recent residential subdivisions in surrounding areas.

7.2 SEPP (Major Projects) 2005

The Major Projects SEPP commenced on 25 May 2005. It consolidates and streamlines the assessment and approval regimes for all major projects. The aims of the SEPP include:

- 2 (c) *To facilitate the development, redevelopment or protection of important urban, coastal and regional Sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant Sites for the benefit of the State.*



The Major Projects SEPP provides for the Minister to declare a site to be a SSS and to apply new planning provisions for a site's development or redevelopment. Such sites may have significance for the wider community and include universities, hospitals, railway stations, heritage precincts and major residential developments. Redevelopment significance may also be important in implementing State planning objectives, including State or regional planning strategies.

The Major Projects SEPP allows the Minister to determine that a site is State significant and include it on the list of State significant sites that appear in Schedule 3. Clause 8 of the SEPP outlines the process for listing the site.

When deciding to place a State significant site into Schedule 3 of the SEPP, the Minister may establish the site's planning regime. This could include zoning changes or detail what future development is to be assessed as a major project. It is also possible to lodge a major project application or concept plan for approval concurrently with a proposal to list a site as State significant.

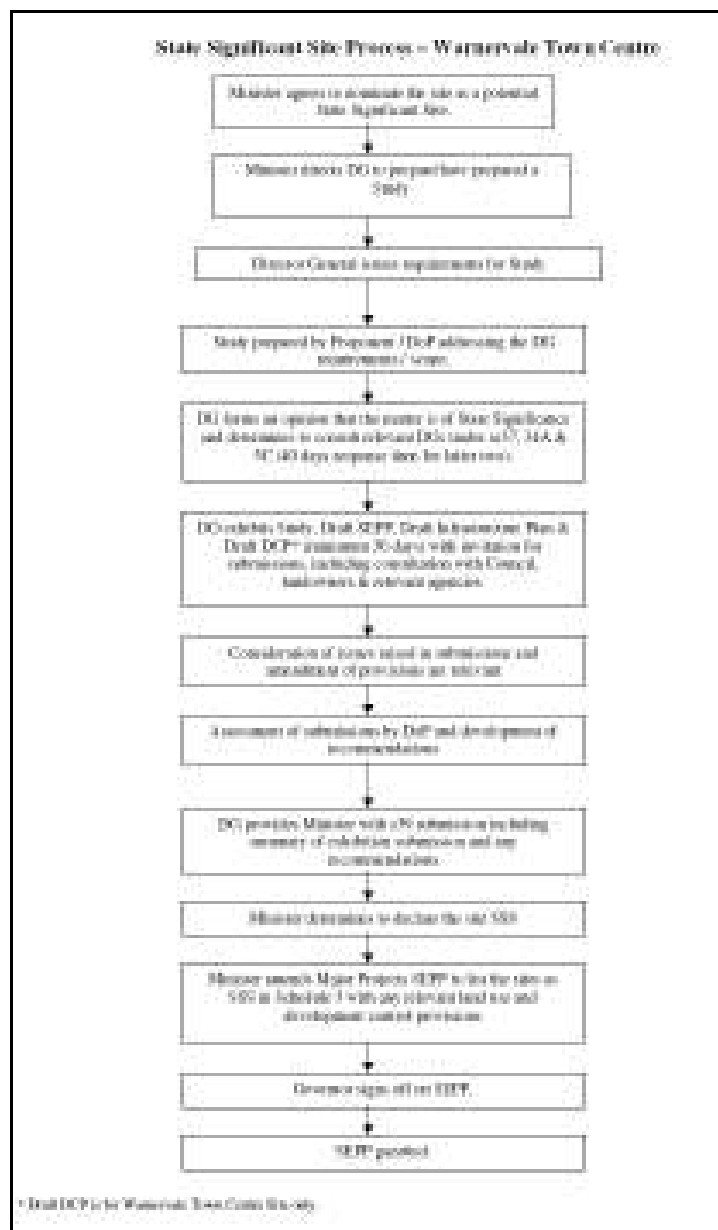
Clause 8(2) of the SEPP sets out the matters to be assessed by a SSS, as follows:

- The State or regional planning significance of the Site;
- The suitability of the Site for any proposed land use taking into consideration environmental, social and economic factors, the principles of ecologically sustainable development and any State or regional planning strategy;
- The implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning;
- Those parts of the Site which should be subject to Part 4 of the Act, with WSC as consent authority;
- The recommended zonings for the Site;
- The development controls for the Site that should be included in Schedule 3;
- The means by which developer contributions should be secured and a regional contributions framework;
- Aboriginal heritage and archaeology issues and their impact on zoning boundaries;
- Riparian corridor and floodplain management issues and their impact on zoning boundaries;
- Appropriate arrangements for the compulsory acquisition of land by WSC for open space purposes;

This Study has been prepared in accordance with Clause 8(2) of the Major Projects SEPP.

A flowchart of the process is found in Figure 18.

Figure 18. Flowchart of the Legislative Process of Including the Warnervale Town Centre Site into Schedule 3 of the Major Projects SEPP



7.3 Part 3A of the EP&A Act

The proposed planning controls nominate future development subject to the provisions of Part 3A of the EP&A Act with the Minister for Planning as the consent authority; and development subject to Part 4 of the Act with WSC as the consent authority.

Projects to which Part 3A of the EP&A Act will apply, and for which approval of the Minister for Planning will be required, are those developments for the purposes of retail premises within the WTC as has a capital investment value of more than \$20 million and a floor space area of more than 5,000 square metres.

These thresholds have been introduced so that the NSW Government can capture development within the Site that is of regional or State planning significance. They will also ensure that such development is assessed in accordance with the development assessment and approval framework of Part 3A of the Act.

Development consent under Part 4 will be required for all development which is not exempt development, does not meet the criteria of a Part 3A project, or is not subject to Part 5 of the Act. WSC will be the consent authority for these developments.

The proposed rezoning intends to identify development of minimal environmental impact as exempt and complying development in accordance with WSC's provisions.

7.4 Relevant State Environmental Planning Policies

7.4.1 SEPP 44- Koala Habitat Protection

SEPP 44 requires:

- the preparation of plans of management before development consent can be granted in areas of core koala habitat;
- encourages the inclusion of core koala habitat in environment protection zones; and
- encourages the preparation of DCPs for land that is, or adjoins, core koala habitat.

Ecological investigations indicate that the Site contains limited koala habitat but that it is poor quality and would not be classed as core koala habitat. The koalas' likely primary food trees (Alluvial Floodplain Swamp Forest) occur in a small patch just north of Sparks Road and (Narrabeen Buttonderry Footslopes Forest) in several areas on the site, including the south western corner. Whilst these locations comprise good breeding habitat, they are not large enough for breeding.

Nonetheless, the draft SEPP proposes to rezone the areas containing the koalas' likely primary food trees, to E2 Environmental Conservation. This will facilitate protection and conservation of the trees.

7.4.2 SEPP 55 – Remediation of Land

Clause 6(4) of SEPP 55 requires the Minister to consider contamination and remediation in a rezoning proposal. Certain classes of land must be excluded from a rezoning proposal (where it would permit a change of use), unless:

- the planning authority has considered whether the land is contaminated, and
- if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

The classes of land include:

- land within an investigation area,
- land to be used for residential, educational, recreational, child care, or hospital purposes, and on which/knowledge of certain activities have been, or are being carried out, and on which it would have been lawful to carry out certain activities.

If the above classes of land are to be included in a rezoning proposal, the Minister must have regard to a preliminary contamination investigation of the land.

As discussed in section 3.2.7 preliminary investigations (in accordance with the contaminated land planning guidelines) have been undertaken. The results of the investigation, conclude that:

- the site is probably suitable for residential development;
- further work needs to be done to confirm contaminant levels in groundwater, if any; and

- an extended list of contaminants needs to be assessed.

Given the amount of investigative work done to date; the low levels of contaminants found on the site; and the fact that engineering works on the site can be managed, rezoning of the site should not be deferred pending completion of further contamination investigations (a Stage 2 ESA). The Stage 2 ESA has been substantially commenced.

7.4.3 Draft SEPP 66 – Integrating Land Use and Transport

Draft SEPP 66 provides a planning framework to improve accessibility, transport choice, to moderate travel demand, and reduce car dependence.

The proposed rezoning supports the aims and objectives of the draft SEPP by facilitating the development of the Site as a town centre, integrated with the proposed train station and transport interchange. The proposed rezoning to provide up to 40 dwellings per hectare within 400 metres of the railway station, will support the densities set out in the Draft SEPP, moderate travel demand, and reduce car dependence. In addition, it will promote a range of transport choices and provide for optimum accessibility.

7.4.4 SEPP No. 65 - Design Quality of Residential Flat Development

SEPP 65 aims to improve the design quality of residential flat development across the state. The controls provided in the Draft WTC DCP support the aims of SEPP 65 through:

- Encouraging an attractive and sustainable built form that is appropriate to the environment and landscape setting;
- Contributing towards high quality streetscapes and public domain;
- Encouraging development that is safe and secure for pedestrians and reducing the opportunity for crime through environmental design;
- Promoting the design and development of sustainable buildings; and
- Implementing water conservation measures.

8 CONSULTATION

The DoP has carried out consultation with WSC, DECC and DEWHA during the proposed rezoning process. A summary of the consultations is set out below:

8.1.1 Wyong Shire Council

WSC has been closely involved in the strategic planning of the Site. Council will maintain an important role in the development of the Site as the consent authority under Part 4 of the EP&A Act if the Site is listed as an SSS.

8.1.2 Department of Environment and Climate Change (NSW)

The Site provides habitat for a number of threatened flora and fauna, as well as an EEC, as listed under the TSC Act.

Ecological investigations undertaken for the Site indicate a likely significant impact on threatened flora and fauna as a result of the WTC proposal. An SIS has been prepared by Railcorp for the daisy lands (western side of the railway line) as part of Railcorp's DA to WSC for the proposed train station.