

ADDITIONAL ITEM

12 December 2012
To the Ordinary Council Meeting

Director's Report
General Manager's unit

4.12 Supplementary Report for Item 4.10, Public Exhibition of Draft Wyong Local Environmental Plan 2012, Draft Settlement Strategy and Draft Wyong Development Plan 2012

TRIM REFERENCE: F2008/00774-05 - D03213596
MANAGER: Michael Whittaker; General Manager
AUTHOR: Garry McLachlan; Manager Business Development

SUMMARY

This report is supplementary to report 4.10 Public Exhibition of draft Wyong Local Environmental Plan 2012, draft Settlement Strategy and Draft Wyong Development Control Plan 2012, which is to be presented to the December 12 Ordinary meeting of Council. The supplementary report provides information received from Lake Macquarie Council on the inclusion in Draft LEP 2012 of a location for a Type 3 Airport which traverses the boundaries of both Local Government areas. This action is also in compliance with the S65 approval given by the Department of Planning and Infrastructure. The report also seeks Council's endorsement of a revised map that includes a footnote for inclusion in the exhibition material associated with Draft LEP 2012. Council note that the Mayor intends to present an information package on this matter to interested parties that he meets in his upcoming trip to China.

RECOMMENDATION

That Council endorse the attached revised map indicating a strategic location for a Type 3 airport (Central Coast Airport) including footnotes as the document to be displayed in the material to be placed on public exhibition with Draft LEP 2012, commencing 9 January 2013 to 20 February 2013.

BACKGROUND

A study entitled "Joint Study on Aviation capacity in the Sydney region (March 2012)" prepared by the Federal and State Governments identified a site at Wallarah as a location for an airport. Council staff identified that the location conflicted with the location of the Warnervale Town Centre and subsequently located an alternative site for a Type 3 Airport further north and traversing the boundaries of Wyong and Lake Macquarie Local Government areas. This location was further articulated in a document entitled "Key Infrastructure draft Report 2" which was developed in collaboration with consultants Cardno. This information was provided to the Federal and NSW Governments with a recommendation that the location move to the North West slightly to remove this conflict.

In September 2012 Council wrote to Lake Macquarie Council seeking comment on these documents and Council's intention to identify a location for a type 3 airport in Draft LEP 2012.

Lake Macquarie Council responded on the 21st November 2012 raising some issues including air quality, noise, biodiversity transport and the impact on proposed urban release areas in the vicinity of the Wye Township.

7.15 Supplementary Report for Item 4.10, Public Exhibition of Draft Wyong Local Environmental Plan 2012, Draft Settlement Strategy and Draft Wyong Development Plan 2012 (contd)

Lake Macquarie Council also indicated support for regional coordination in developing an agreed set of regional infrastructure objectives and priorities.

Based on comment received from Lake Macquarie Council the enhanced map in the Draft LEP identifying the strategic location for a Type 3 airport has been amended to include a footnote.

The information package prepared for the Mayor to distribute during his upcoming trip to China will include

ATTACHMENTS

1	Section 65 notification received from the Department of Planning	D03207863
2	Letter from Wyong Council General Manager to Lake Macquarie City Council General Manager seeking comment on the key infrastructure study	D03140649
3	Response from Lake Macquarie City Council	D03197325
4	Clause 7.13 from Draft LEP 2012 which relates to the Type 3 Airport	D03213545
5	The map from Draft LEP 2012 that identifies the location of the type 3 airport	D03213549
6	An excerpt from Wyong Shire Key infrastructure study undertaken by consultants Cardno	D03213572
7	An Executive Summary of the "Joint Study on aviation capacity in the Sydney Region" undertaken by the Federal and State Governments	D03213524



Michael Whittaker
General Manager
Wyong Shire Council
PO Box 20
Wyong NSW 2259

Current: 12/06/950
Youref: F2009.00774-05

Attention: Martin Johnson

Dear Mr Whittaker

Wyong Local Environmental Plan 2012 – Certificate to exhibit draft LEP

I refer to Council's letter and supporting information received on 29 October 2012 requesting certification of the draft Wyong Shire Council *Local Environmental Plan 2012* (dLEP) and the additional supporting information received since that date. I am pleased to advise that I have endorsed the dLEP for exhibition and have attached the section 65 certificate and a copy of the certified draft Plan.

I would like to congratulate Council on progressing the dLEP to this stage in the process and encourage Council to proceed to public exhibition before the end of 2012. The Department remains committed to assisting Council to have the dLEP submitted to be made by the end of March 2013.

It should be noted that an Opinion has not been issued by Parliamentary Counsel that the plan may be legally made and the Department has had a limited time to review dLEP and the supporting package. The Department has therefore endorsed the dLEP on the understanding that Council, when exhibiting the draft LEP, makes it clear to the public that the dLEP could change after the public exhibition due to legal drafting requirements or to address issues raised during the exhibition and Council's consideration of the plan. Council must also provide a plain English explanation of what the plan seeks to achieve with a particular focus on the areas where the dLEP departs from being a direct translation of the provisions within *Wyong LEP 1991*.

Please note that references to the particular sections of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in this letter relate to the previous plan making provisions repealed on 1 July 2009.

Council is reminded to place the relevant State Environmental Planning Policies, any Regional Environmental Plans (deemed SEPPs) and section 117 Directions that apply on exhibition with the certified draft LEP.

It has been identified that the draft LEP, as certified, is inconsistent with several section 117 Directions. As the delegate of the Director General, I have determined that the inconsistencies

with Directions 3.1 Residential Zones, 3.4 Integrating transport and landuse and 3.6 Shooting Ranges are justified by Council's Settlement Strategy and supporting documentation, and are of minor significance. Council should place this letter on exhibition to demonstrate that these inconsistencies have been addressed.

There are several s 117 Directions that require some additional consideration by Council before a determination of consistency can be made. Details are set out in Attachment 1.

Amendments to the submitted dLEP

The Department has made several minor amendments to the draft Wyong LEP 2012 since it was submitted by Council. These relate to local clauses and heritage schedules. The amended clauses have been discussed with and agreed to by Council staff and are included in the attached dLEP that has been certified for exhibition.

Schedule 2 of the section 65 certificate also includes conditions requiring amendment(s) to be made to the dLEP maps before exhibition takes place. The changes are listed below:

- a) Change zoning of the proposed rural-residential area north of Sandra Street, Jilliby from R5 Large Lot Residential to a zone that is equivalent to its current zoning under Wyong Local Environmental Plan 1991.

Comment: The assessment of relevant issues including bushfire, coal mining/ subsidence, biodiversity and flooding has not yet been completed to the level that would be required for a planning proposal. It is also noted that, under Council's local strategy this site has a lower priority than other sites, yet was the only site proposed to be rezoned via the dLEP. Council can identify possible rural residential sites as part of its local strategy, and can then consider future Planning Proposals, accompanied by appropriate assessment and strategic justification.

- b) Change zoning of the proposed new RU6 Transition sites that are outside of the North Wyong Shire Structure Plan area to a zone that is equivalent to its current zoning under Wyong Local Environmental Plan 1991.

Comment: The RU6 Transition zone is not appropriate for rural residential investigation areas, and would require further rezoning if rural residential development was able to be substantiated. The use of RU6 zoning for land in the North Wyong Structure Plan area that is currently zoned 10a Investigation is supported, so that an interim zoning is not required for land that is identified for future development. Again, Council is able to identify possible rural residential sites as part of its local strategy, and can then proceed with planning proposals accompanied by appropriate assessment and strategic justification.

- c) Change zoning of the proposed Warnervale Town Centre to align with the attached map, Warnervale Town Centre – Land Zoning Map for Wyong LEP 2012.

Comment: Adjustment is required to align the dLEP zoning with the recent amendment to the Warnervale Town Centre Development Control Plan 2012.

- d) Identify a height limit for all mapped key sites on the Height Limit maps and a maximum height limit that can be achieved for each site through application of Local Provision 7.2 on the Key Sites maps (i.e. the bonus height).

Comment: 5 of the identified key sites do not have height limits mapped on the height of building maps. For the clause to have effect all sites need to have a height limit on those maps. Identifying a maximum height achievable through use of the key sites provisions will provide greater certainty for landowners and the community about what heights could be achieved.

Issues relating to public benefit requirements and assessment criteria need to be made clear through Council's DCP.

Council's dLEP includes the identification of a Type 3 airport site, arising from the recent Federal / State Aviation Capacity Study. There is however no current proposal, nor government commitment for an airport in this location. The site identified by Council is also in a different location from that identified in the Study, and now extends across the LGA boundary into Lake Macquarie LGA. Given Council's strong desire to include the map clause, this could be exhibited as part of the dLEP, but requires further justification, explanation and agency (local, state & federal) consultation. The Department will work with Council to determine the matters that require further consideration and Council is strongly encouraged to advise Lake Macquarie Council before the draft plan is publicly released.

It is also noted that dLEP contains a local provision that relates to bottle shops, based on a similar clause in the Lake Macquarie draft LEP. The EP&A Act does not provide the power for a consent authority to compulsorily require social impact statements via an LEP. While the clause will be retained in the exhibited dLEP, additional discussion will be required regarding the intent, drafting and legal basis for retaining the provision in dLEP.

Consistency with State Policy

The Department has reviewed Council's assessment against the State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs). The draft plan appears consistent with most SEPPs and REPs with the exception of SEPP 55 (Remediation of Land) relating to Council owned sites. It is noted that preliminary contamination reports are being required for some privately owned sites and Council should prepare an equivalent report for Council-owned sites where the provisions of the SEPP and supporting guidelines require one (e.g. considering past land use/activity and where sensitive uses will be permitted post rezoning).

Council should ensure that the final dLEP and maps submitted to the Department following community consultation are consistent with the EP&A Act and Regulations and relevant guidelines. Council should also note that the Department and Parliamentary Counsel may modify some local model clauses and the LEP may need to be amended accordingly. The Department's Regional office can assist Council to review the final plan before submission to the Minister.

Consultation with agencies and the community

It is important that Council's community consultation strategy includes targeted consultation with landowners affected by aspects of the dLEP that go beyond a conversion of current controls, including rezoning proposals, and for new provisions such as the Key Sites clause. Council should also consult with the same government agencies that were consulted as part of the s.62 consultation.

Reclassifications and zonings

A review of the information provided by Council on the reclassifications and zonings suggests the need to check the accuracy and adequacy of all supporting information. A review of some of the proposals has highlighted some inconsistencies, and the Department can provide further details on these.

Some information that may assist the exhibition includes:

- Providing justification/explanation for why interests are being extinguished
- Considering the planning merits of rezoning proposals particularly where the reclassification is a precursor to a changed zoning, changed use or disposal by Council
- Ensuring information on current and proposed future zones is accurate.
- Properly recording the value of any gain or loss, including for properties where the zone is not changed but where reclassification and removal of reservations would allow disposal by Council.
- Identifying properties where disposal would be possible following reclassification/removal of reservations

The Department's Practice Note PN 09-003 sets out the information requirements for exhibition of proposals to reclassify public land. It is requested that Council review the supporting information for both the reclassifications and rezonings to ensure that they are adequately documented and that the information provided is complete for exhibition. In other cases it may assist to document where zones have changed, and the reasons for this, such as the proposal to amend zones in the Wyong Employment Zone.

Draft Settlement Strategy

It is noted that Council will exhibit its draft Settlement Strategy in conjunction with the dLEP and this is supported. The Department would like to work further with Council on some aspects of the draft strategy, including the rural residential areas, the proposed airport, out of centres commercial development and consistency with s.117 directions, including mine subsidence. It is anticipated that once Council adopts a final Settlement Strategy this will be considered for endorsement by the Director General.

Key development controls

There are areas within Wyong LGA that are not proposed to have mapped height, floor space ratios (FSRs) and minimum lot size controls (MLS) under Wyong LEP 2012. These development controls are valuable planning tools to implement strategic planning objectives and to provide certainty for landowners and the community about the bulk and scale of development that is acceptable for an area. On finalisation of the LEP Council is encouraged to review its key development controls (e.g. height, FSR and MLS) with a view to ensuring that a clear and consistent approach is applied across Wyong LGA.

Should you have any questions regarding this matter, please contact Robert Hodgkins, of the Department's Central Coast on (02) 4348 5004.

Yours sincerely


Neil McGaffin
Executive Director
Planning Operations

28.11.12

Enclosures:

Table - s.117 Directions that require additional consideration by Council
s65 certificate for Wyong Local Environmental Plan 2012;
Certified draft Wyong Local Environmental Plan 2012

Attachment 1 – Section 117 Directions

The directions that required additional consideration by Council are listed in the table below. Wherever possible, Council should address these issues prior to public exhibition and update the dLEP supporting package. Where it is not possible Council should highlight that a potential inconsistency exists and the process to determine whether it exists.

Council will need to outline its final position on the outstanding directions when the dLEP is submitted to the Department with a request that it be finalised.

s.117 Directions that require additional consideration by Council

Direction	Reason why additional consideration is required
1.1 Business and industrial Zones	Potential inconsistency regarding amendments to industrial zones in the WEZ that are not documented.
1.2 Rural zones	Potential inconsistency regarding impact on rural production value of land from permitting additional land uses in rural areas.
1.3 Mining, petroleum production and extractive industries	Potential inconsistency regarding unresolved agency directions, including the impacts on the Wyee Clay Shale resource at Bushells Ridge and Warrah.
2.1 Environmental zones	Potential inconsistency regarding the bonus lot provisions for environmental benefits and the reduction in Minimum Lot Size in rural residential areas from 1ha to 0.5ha.
2.2 Coastal Protection	Update consideration to reflect the Government and Council's recent policy announcements regarding planning for sea level rise.
3.2 Caravan Parks and Manufactured Housing Estates	Further discussion required regarding how Council determined where these would be permissible under the dLEP, particularly in relation to areas currently zoned 7(b) Scenic Protection and the guidance for location of Manufactured Housing Estates within SEPP 35 – Manufactured housing estates.
3.5 Development near licensed aerodromes	It is not clear whether Council has consulted with the department of the Commonwealth that is responsible for aerodromes. The airport licensee may have contacted the Federal government as part of their review however this should be confirmed.
4.1 Acid sulphate soils	Potential inconsistency regarding the dLEP proposing to permit additional industries in several areas identified on the Acid Sulphate Soil (ASS) map as potentially having ASS.
4.2 Mine subsidence and unstable land	Potential inconsistency regarding proposed expansion of permissible uses in Mine Subsidence Districts and reduction in Minimum Lot Size from 1ha to 0.5ha which conflicts with the current surface development guidelines.
4.3 Flood prone land	Potential inconsistency regarding the dLEP proposing to rezone sites that are in the mapped flood planning area and that have a zone equivalent to the designations listed in part 5 of the direction to a new zone that would allow urban development (e.g. G(a) and 5(a) sites at The Entrance proposed to be rezoned to R3 and B4).
4.4 Planning for bushfire protection	Potential inconsistency regarding rezonings added after s 62 consultations on which the Rural Fire Service has not been consulted.
5.1 implementation of regional strategies	Further discussion regarding consistency required once outstanding s.117 and strategic issues resolved.
6.2 Rezoning of land for public purpose	Consistency needs to be addressed including considering the cumulative loss of public open space and reservations. This direction requires that Council seek the Director General's agreement to remove any reservations.



ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
SECTION 65(2) CERTIFICATE

As delegate of the Director General of the Department of Planning and Infrastructure, I, Neil McGaffin, Executive Director, Planning Operations, under section 65(2) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') certify that the dLEP set out in Schedule 1 may be publicly exhibited under section 66 of the EP&A Act subject to the condition that the dLEP be amended as set out in Schedule 2.

Signed

A handwritten signature in blue ink, appearing to read 'Neil McGaffin', written over a faint grid background.

Neil McGaffin
Executive Director
Planning Operations

Dated

28 November 2012

Schedule 1

Draft Wyong Shire Council Local Environmental Plan 2012 submitted to the Director General under former section 64 of the EP&A Act on 29 October 2012, as modified by the Department.

Schedule 2 conditions

Prior to exhibition Wyong Shire Council is required to:

- (i) Amend the draft *Wyong Local Environmental Plan 2012*, as submitted by Council, in accordance with the amended copy of the plan attached to this certificate marked 'Exhibition Draft' and dated November 2012.
- (ii) Amend the maps accompanying the draft *Wyong Local Environmental Plan 2012* in the following manner:
 - (a) Land Zoning and Lot Size Maps – Sheets 06 and 7A: Change zoning of proposed rural-residential and associated environmental corridor areas north of Sandra Street, Jilliby from R5 Large Lot Residential and E2 Environmental Conservation to a zone that is equivalent to its current zoning under Wyong Local Environmental Plan 1991.
 - (b) Land Zoning and Lot Size Maps – Sheets 07, 007A, 007(b) and 008. Change zoning of proposed RU6 Transition sites that are outside of the North Wyong Shire Structure Plan area to a zone that is equivalent to its current zoning under Wyong Local Environmental Plan 1991.

- (c) Land Zoning and related maps – Sheets 7A and 13. Change zoning of Warnervale Town Centre to align with the attached map, Warnervale Town Centre – Land Zoning Map for Wyong LEP 2012.
- (d) Height Limit maps– Amend the Height Limit Maps so that a height limit is identified for each of the sites identified on the Key Sites maps and amend the Key Sites Map to include the maximum height limit that could be achieved for each site through application of Local Provision 7.8



RCB/R Burch
CPA/202675

7 September 2012

Mr Brian Bell
General Manager
Lake Macquarie City Council
Box 1906
Hunter Region Mail Centre NSW 2310

Dear Mr Bell,

Wyong Shire Council - Key Infrastructure Study

Please find attached a Key Infrastructure Study Draft Interim Report 2 developed in collaboration with Cardno which discusses key infrastructure on the Central Coast.

You will note in the report that the *Joint Study on Aviation capacity in the Sydney region (March 2012)* identified a number of Central Coast sites being considered. One of those sites is located at Wallarah. Council officers noticed a conflict between the site identified in the *Joint Study* report and Council's strategy for development of the Warnervale Town Centre and proposed North Warnervale Rail Station. Council staff subsequently identified an alternative location for a Type 3 Airport at Wallarah. This is shown on Figure 14 in the report. You will note that the airport site encroaches into your Council area.

Council has placed a copy of the Key Infrastructure Study report on its web site requesting comments from the community.

Please forward any comments on the report, particularly in regards to the suggested alternative airport site at Wallarah, by 30 November 2012.

If you would like to discuss the issues contained in the report in more detail please do not hesitate to contact Council's Principal Transportation Engineer, Mr Bob Burch on 4350 5455

Yours sincerely

Michael Whittaker
GENERAL MANAGER



BURCH-K-KEEPTRANSPORTKEY TRANSPORT INFRASTRUCTURE 201112-09-07 - LETTER TO LAKE MACQUARIE COUNCIL.DOC1BURCHB-112-09-07 -
LETTER TO LAKE MACQUARIE COUNCIL.DOC1

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21 November 2012

The General Manager
Po Box 20
WYONG NSW 2259

Dear Sir

Subject: Comments on the Wyong Shire Council - Key Infrastructure Study

Thank you for the opportunity to comment on the *Wyong Shire Council Key Infrastructure Study Draft Interim Report 2*.

Please find below comments from Lake Macquarie City Council on the draft Study.

Wyee proposed urban area

The *Joint Study on aviation capacity in the Sydney region* (March, 2012) identifies a number of Central Coast sites being considered for a second airport to service the Sydney region. One of the sites considered is at Wallarah.

Wyong Council officers noticed a conflict between the potential Wallarah airport site identified in the Joint Study report and Wyong Council's strategy for development of the Warnervale Town Centre and proposed North Warnervale Rail Station. The *Key Infrastructure Study* identifies an alternative location for a Type 3 Airport at Wallarah, which encroaches further north into Lake Macquarie City Council (LMCC) Local Government Area (LGA).

To the northeast of the potential Wallarah airport location is the existing township of Wyee. The Lower Hunter Regional Strategy shows existing 'employment land' to the east of Wyee, which are also shown on Figures 2, 3, 7, and 9 of the *Key Infrastructure Study*. The Lower Hunter Regional Strategy (LHRS) also shows a 'proposed urban area' to the west of Wyee. Consistent with the 'proposed urban area' shown in the LHRS, LMCC recently resolved to rezone approximately 150 hectares of land to the west and south of Wyee for residential purposes.

The proposed Wallarah airport location is in close proximity to Wyee and to the 'proposed urban area'. It is therefore requested that Figures 2, 3, 7 and 9 of the *Key Infrastructure Study* be updated to show the Wyee 'proposed urban area'.

Impacts on the existing and proposed urban areas of Wyee would need to be taken into account during any further feasibility assessment of the proposed Wallarah airport location, particularly air, noise, and other amenity issues.

Noise

All the infrastructure projects outlined in the *Key Infrastructure Study* have the potential to cause significant noise impacts, particularly those from the proposed airport.



Our Ref: F2015/03870
Your Ref: RCB/R Burch CPA/732675
Comments on the Wyong Shire Council - Key Infrastructure Study DOC

120 - 128, Walkabout Spiera Joint NSW 2284, Box 1806, Hunter Region Mail Centre NSW 2310
Phone: 02 4921 0833, Fax: 02 4958 7257, Email: council@lakemac.nsw.gov.au, Website: www.lakemac.com.au

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The *Joint Study on aviation capacity in the Sydney region* (March, 2012) found that the Wallarah airport site is unsuitable in terms of noise impacts due to proximity to urban development. As discussed above, the existing township of Wyee and the Wyee 'proposed urban area' is located to the northeast of the proposed Wallarah airport site. Further investigation of noise impacts is necessary prior to confirming the suitability of the Wallarah site for an airport.

Air quality

Any future feasibility assessment or applications concerning an airport at Wallarah or freeway duplication, should consider air pollution at sensitive receptors. Air quality impacts resulting from an airport development include nitrogen oxides and sulphur dioxide emissions.

Air quality emissions from high speed commuter trains are likely to be minimal.

Biodiversity

The corridors and sites identified in the report for the airport, high speed rail, and alternative vehicular route to the F3 Freeway to link Sydney and the Hunter, all include lands with high conservation values. Whilst the exact locations are not known at this stage, each of these developments has the potential to have a high impact on regional biodiversity, particularly by severing important regional biodiversity corridors and impacting on the local and regional populations of threatened species. It is recommended that future studies on proposed sites give high regard to the ecological constraints, and that the development(s) include appropriate measures to mitigate biodiversity impacts.

Strategies

It may be appropriate to add the recent "Draft NSW Long Term Transport Masterplan" to the strategies listed in section 2.1 of the *Key Infrastructure Study*.

Transport and Greenhouse Gas Emissions

The following comments are made in regard to transport and greenhouse gas emissions.

F3 Freeway Duplication

- Section 3 of the *Key Infrastructure Study* is essentially about the need to connect the southern end of the F3 at Wahroonga to the M2 or M7. Of all the upgrade options, this would appear to be the least environmentally damaging.

High Speed Rail

- Council's various policies to reduce oil dependence, greenhouse gas emissions and improve wellbeing, would support giving priority to investment in rail upgrades and construction of the East Coast High Speed Rail, ahead of road transport investments.
- The *High Speed Rail - Phase 1* (AECOM, July 2011) report identifies that the F3 is the preferred alignment for a high speed rail, and that a potential Central Coast station could be located at either Kariong or Ourimbah (the two Newcastle stations options considered were Cameron Park and Hexham). The *Key Infrastructure Study* prefers a Central Coast Station at Ourimbah.

- LMCC also prefer a Central Coast Station at Ourimbah and a Hunter Station at Cameron Park. An Ourimbah station would be more accessible for southern Lake Macquarie residents, and would still provide a distance of greater than the preferred minimum inter-station distance of 50km between it and Cameron Park (about 65km).

Regional coordination

LMCC supports a process to develop an agreed set of regional infrastructure objectives and priorities that bridge the Central Coast and Lower Hunter, using existing bodies and structures where appropriate. LMCC recognises the potential benefits of empowering a regional body to drive and coordinate major infrastructure initiatives, but highly recommends that any such body represents the whole of the Sydney - Newcastle transport corridor and metropolitan Newcastle-Lake Macquarie, as well as the Central Coast.

If a site in the Central Coast or Hunter is selected for the second Sydney airport, it will be important to coordinate the strategic planning for High Speed Rail and a second Sydney Airport, as outlined in the *Key Infrastructure Study*.

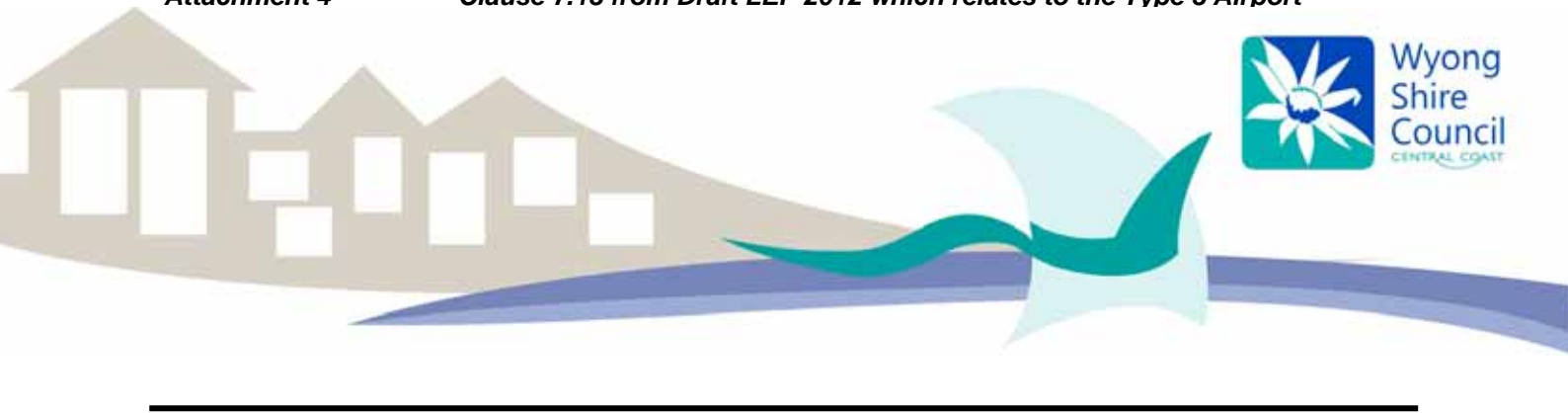
Conclusion

Should you require further information, please contact me on 4921 0523.

Yours faithfully



Hannah Benson
Strategic Planner
Integrated Planning Department

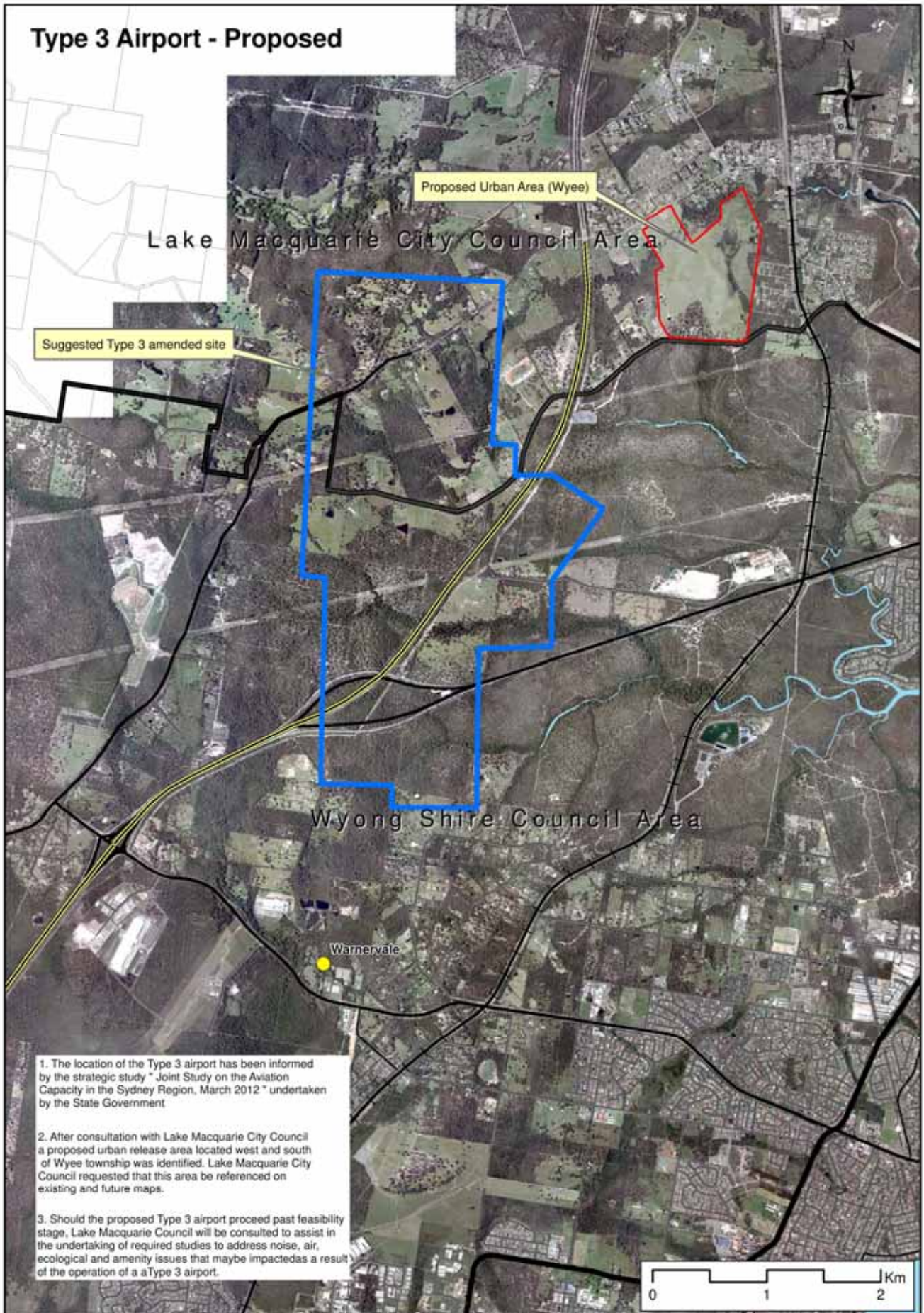


Attached - **Type 3 airport** maps, and an A3 map showing the proposed airport layout on one map

The following **clause** has been incorporated into draft Wyong LEP 2012 to accompany these maps:

7.13 Type 3 Airport

- (1) This clause applies to land shown as Airport Type 3 on the Wyong Local Environmental Plan 2012 Airport Type 3 Map.
- (2) The objective of this clause is to identify land that is identified as a potential site of a Type 3 Airport (limited service airport with a single runway of length of up to 2,600 metres).
- (3) In this clause:
Type 3 Airport means land identified as Airport Type 3 on the Airport Type 3 Map.





*Please find enclosed Second Sydney
Airport information being an excerpt
from the Council commissioned
'Wyong Shire Key Infrastructure Study'
report prepared by consultants Cardno
(NSW/ACT) Pty Ltd*





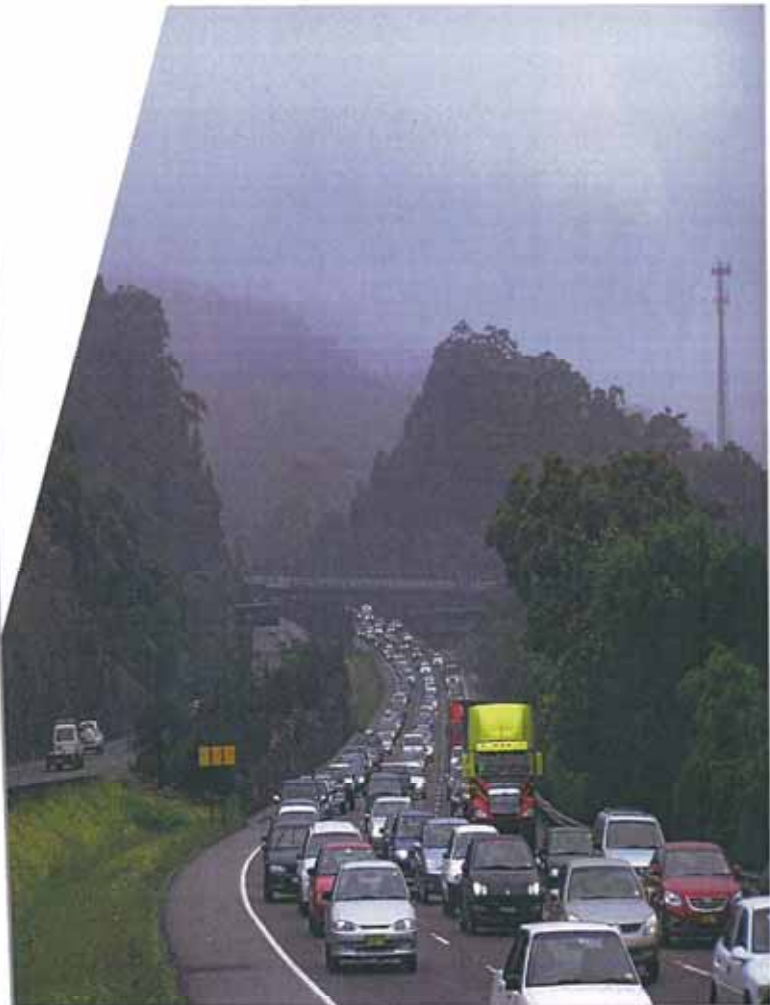
Central Coast
Regional Development
Corporation



Wyong
Shire
Council
CENTRAL COAST

Wyong Shire Key Infrastructure Study

FINAL



Prepared for Wyong Shire
Council
October 2012
Cardno Ref: 600331



Wyong Shire Key Infrastructure Study
Prepared for Wyong Shire Council

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Prepared for Wyong Shire Council

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Appendices

- Appendix A Bibliography
- Appendix B Stakeholder Consultations

Wyong Shire Key Infrastructure Study

Prepared for Wyong Shire Council

To register support for a HSR station at Ourimbah in lieu of Kariong, Wyong / Gosford should lodge a formal submission to DIT with supporting information.

When asked to comment on the synergy between the HSR Central Coast corridor and the possible Central Coast location for a second Sydney airport, Mr Farmer stated that DIT are consulting closely with the group doing the Federal aviation study. Mr. Farmer's opinion is that the Peats Ridge site is unlikely to be shortlisted by the study.

2.5 Second Sydney Airport

2.5.1 Background

Studies and proposals to develop Sydney's second airport date back decades. Sites considered as options for an airport occur in the western outskirts of Sydney, the southern tablelands and Canberra and the Central Coast and Hunter. Central Coast and Hunter sites that remain under consideration at present include Newcastle, Somersby and Peats Ridge.

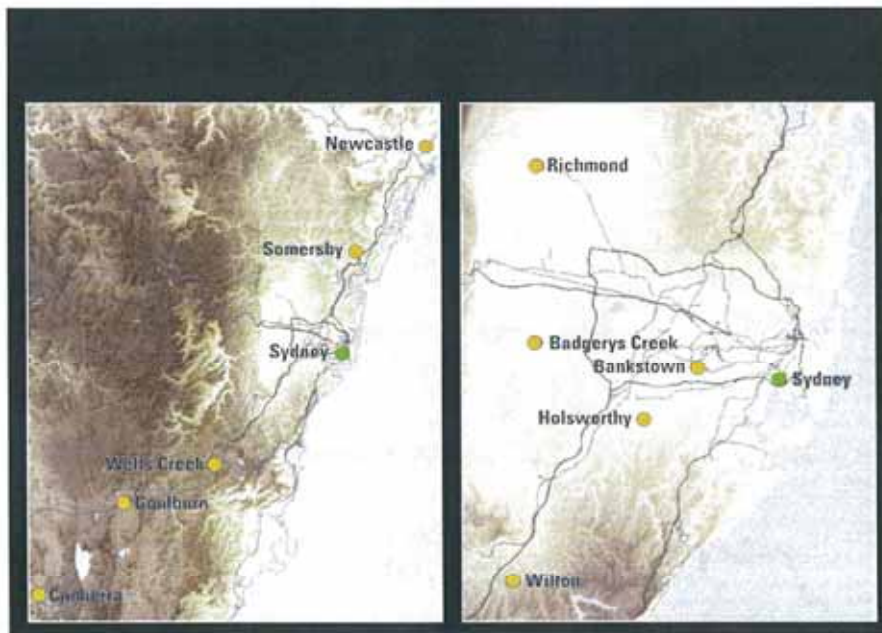


Figure 8 Sites that have been considered for a second Sydney airport

Of the studies carried out to date, only the *National Aviation Policy White Paper* (the Australian Government, December 2009) is publicly available.

A joint study by the Commonwealth and NSW Governments has recently been released. The outcomes of the study with regard to implications for Wyong and the Central Coast are reviewed in Section 5.4 of this Report.

Wyong Shire Key Infrastructure Study
Prepared for Wyong Shire Council

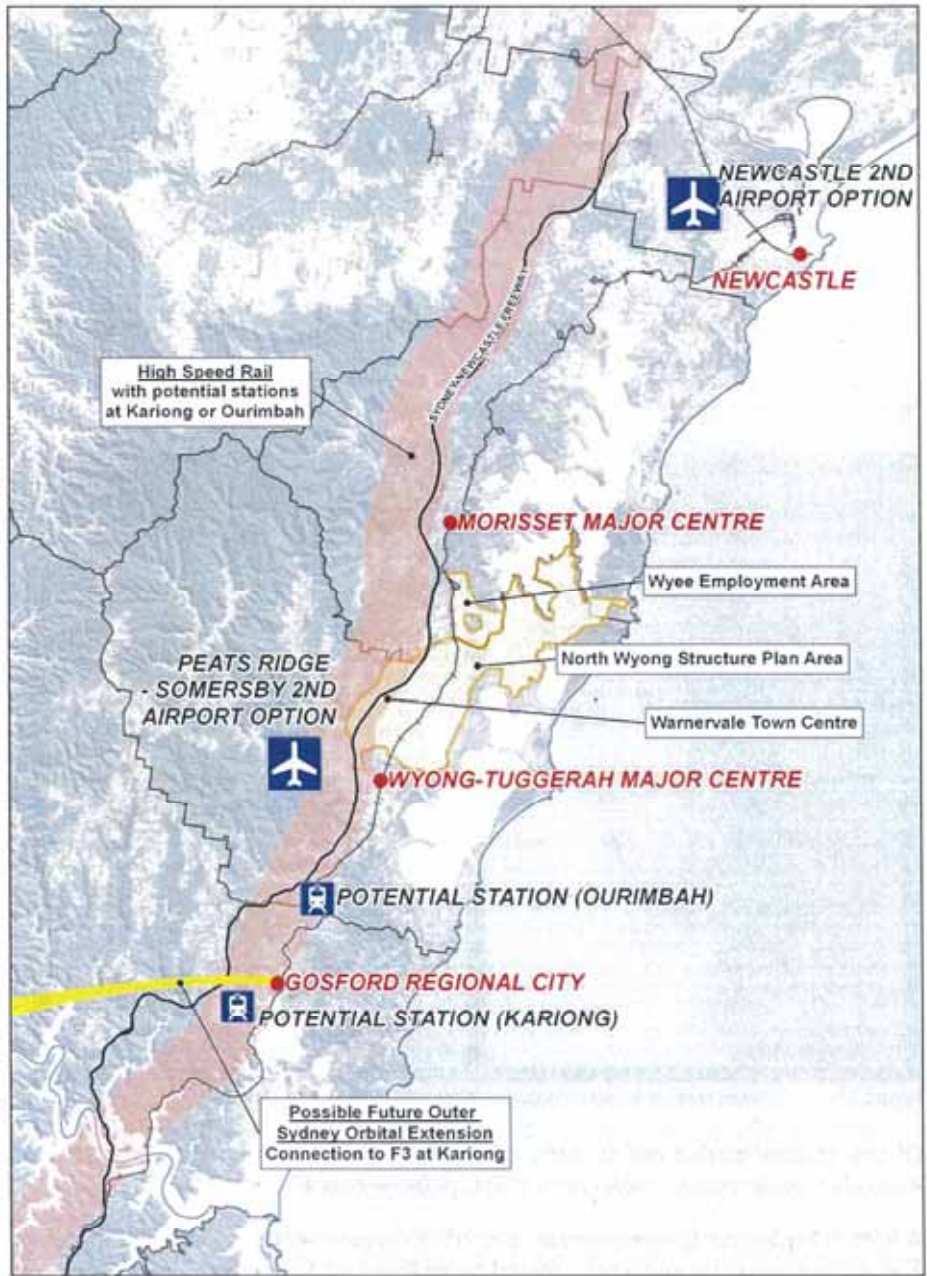


Figure 9 Potential second Sydney airport sites on the Central Coast

Wyong Shire Key Infrastructure Study
Prepared for Wyong Shire Council

2.5.2 Literature review

National Aviation Policy White Paper, 2009

The purpose of the White paper was to set out a comprehensive long-term aviation policy framework and provide a range of initiatives to support the development of the Australian aviation industry at all levels.

The White Paper:

- Sets out the Government's commitment to a continuation of Australia's excellent aviation safety record and to strengthen aviation security systems;
- Provides a policy framework for the development of the aviation industry at all levels – international, domestic, regional and general aviation; and
- Sets out initiatives to ensure better planning and integrated development on and around airports and to lessen the adverse effects of aviation activity on the environment and communities.

With respect to aviation in the Sydney region, the Paper:

- Recognises that to meet the demands of a growing population, the Sydney Region will require a second major airport. The Sydney Kingsford Smith Airport cannot handle projected long-term growth in the region.
- Commits the Australian Government to working with the NSW Government to develop an Aviation Strategic Plan as part of an integrated transport plan for the Sydney region. The Strategic Plan is to be released in 2011.
- Recognises that the key issue in examining new aviation capacity for the Sydney region has to be the successful integration of future aviation requirements with the NSW land use and infrastructure planning regime. This includes economic and employment node development and having key linkages with land transport and other infrastructure networks.

The Paper confirms that a new airport will not be located at Badgerys Creek.

"The development of an integrated planning approach to examining future Sydney region airport capacity does not support the construction of an airport at Badgerys Creek. Badgerys Creek is no longer an option. It has been overtaken by years of urban growth in the area and is inconsistent with future NSW spatial planning and land use development for the south-west region of Sydney."

Federal / State Joint Study on Aviation Capacity for the Sydney Region

At the time of preparation of Cardno's initial report to Council (December 2011), this study had not been released. Cardno reported that the study was foreshadowed by the White Paper and is required to consider short and long term aviation needs within the Sydney region. The terms of reference and objectives of the study are articulated in a document on the Department of Infrastructure and Transport website entitled 'Aviation Strategic Plan for the Sydney Region – Terms of Reference'.

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The Strategic Plan is required to consider the immediate and long-term aviation infrastructure requirements for the Sydney region and the capacity of the existing aviation infrastructure to serve the region. It is to examine:

- Current and future state land use and land transport planning strategies;
- Sydney's future requirements for transport and economic infrastructure, including future employment nodes;
- Existing and required transport infrastructure to support additional aviation capacity for the region;
- The need for other supporting infrastructure (energy, communications, gas, water etc);
- The availability and application of off-airport protection measures to ensure existing and future airport capacity is protected from inappropriate development which may limit its effective long-term operations and growth;
- The interaction between airports in the region, including Sydney (Kingsford Smith) Airport;
- Economic investment and environmental opportunities and challenges associated with future land use; and
- Existing airport policy and legislative requirements.

At the time of its initial report Cardno had discussed the Joint Study with officers of Transport for NSW who reported that the study is examining "up to 10 potential sites with priority to a shortlist". They also confirmed that Badgerys Creek was no longer an option as an airport site but that Central Coast sites remained on the agenda.

In March 2012 *The Joint Study on aviation capacity in the Sydney region* was issued to the Premier of NSW and the NSW Minister for Infrastructure and Transport. The specific outcomes of the report of relevance to Wyong and the Central Coast are summarized in Section 5.4.

2.5.3 Agency responses and concerns

State Government attitudes

Cardno discussed implications of a major airport on the Central Coast with officers of the Central Coast office of the Department of Planning and Infrastructure (DP&I). The Department did not make a submission to the Joint Study. However, major implications of a Central Coast airport for planning in the region were identified by DP&I and Cardno staff. These included:

- Environmental and amenity impacts;
- Impacts of substantially accelerated growth, including bringing forward demands for local infrastructure;
- Major increase in development interest and development opportunities in proximity to any selected site and across the region; and
- New constraints on land use in proximity to the selected airport site and at a regional level in response to flight paths, noise and building height restrictions.

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Central Coast Council attitudes

Executive officers of both Wyong and Gosford Councils were given the opportunity to offer opinions regarding the regional implications of a second Sydney airport locating on the Central Coast.

- Neither Gosford nor Wyong Councils made submissions to the Joint Aviation Capacity Study.
- Wyong Council's previous Mayor expressed support for the Peats Ridge site. Opinion within Council is that an airport would immediately kick start development on the Central Coast and that investment would begin immediately after an announcement.
- Council officers have expressed support for Newcastle as a second airport site as a second preference if the Central Coast option is unsuccessful.
- An airport is considered to be the catalyst to provision of other key infrastructure on the Central Coast.
- Officers have expressed preference for a freight rather than passenger airport. It is considered that a freight based airport would create an immediate stimulus to local industrial development and airport support uses which would in turn kick start development of the employment zones identified in the regional planning strategies.

Gosford Council urban and transport planning officers expressed reservations regarding an airport on the Peats Ridge site based on:

- The potential for lost resource opportunities (agricultural land / sand mining / spring water).
- Opinion that the site is fog prone.
- The fact that significant strategic studies for Central Coast plateaus and valleys (identified in the Central Coast Regional Strategy) remain outstanding and that an airport site should not be considered in isolation of these.

The Gosford Council officers see advantages in the Newcastle site associated with HSR access to Sydney / Central Coast.

2.5.4 Project status – June 2012 update

The Joint Study on aviation capacity in the Sydney region (March, 2012) concluded that regional population growth and local development constraints will result in the need for an additional airport to supplement the capacity of Sydney (Kingsford Smith) Airport from around 2030. Governments will need to have determined the location and commenced investment into another airport site capable of handling Regular Public Transport (RPT) aircraft within the next five years (Joint Study – op cit Executive Summary, P.8).

The Study examined options for sites for a second RPT airport within the broader Sydney region, from the Hunter region in the north to Canberra in the south and the Blue Mountains in the west. Localities were assessed to find a suitable site for either a:

- Type 1 airport – a full service airport with a runway length of up to 4,000 metres, capable of serving all market segments and accommodating a future parallel runway layout; or

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- Type 3 airport – a limited service airport with a runway length of up to 2,600 metres, capable of serving all market segments but with a single runway layout only.

A four phase assessment process resulted in a short list of 17 potential sites in 5 localities within the greater Sydney region. The final phase of the assessment involved a comparative analysis to identify sites considered more suitable in each geographic area. The phase included application of technical criteria (such as strategic planning context, accessibility to Sydney, construction / earthworks costs, noise impacts, airspace interaction, land acquisition costs, capacity for expansion, topographic constraints and infrastructure costs) and a high level cost / benefit analysis. The sites were rated against each criterion as 'More suitable', 'Suitable' and 'Less suitable'.

Contrary to the findings of the 2009 White Paper and the subsequent advice provided to Cardno from Transport for NSW officers, the Joint Study identified the Badgerys Creek site as the best site for an additional RPT airport for Sydney, notwithstanding government statements and commitments that the site is no longer suitable for airport development. Wilton, South of Sydney in the Cordeaux-Cataract locality, was identified as the next best site if Badgerys Creek is ruled out.

Within the Central Coast locality, three sites (Peats Ridge, Somersby and Wallarah) were carried through to the final short list of potential airport sites. The following table extracted from the Study report indicates the results of the technical assessment. Preliminary site development overlays onto topographic maps (marked 'For Discussion Only') were also provided for each site. The findings of the Study with regard to each of these sites are summarized below.

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Table 49 Central Coast locality suitable sites

Criterion	Type 3 Airport Sites			Maximum Type 1 Airport Sites	
	Peats Ridge	Somersby	Wallarah	Somersby	Wallarah
1 - Comparative transport upgrade costs (\$ millions)	✓ 3 \$260	✓✓ \$80	✓✓ \$70	✓ 3 \$80 (road); \$2 190 (rail)	✓✓ \$110 (road); \$780 (rail)
2 - Proximity to growth centres	✓✓ Not affected	✓✓ Not affected	✓✓ Not affected	✓✓ Not affected	✓✓ Not affected
3 - Earthworks pattern - comparative cost (\$ millions)	✓ 3 \$410	✓ 3 \$430	✓✓ \$180	✓ 3 \$530	✓✓ \$290
4 - Noise impacts (PEI, NTD, person events)	✓✓ 45,500	✓ 3 236,600	✗✗ 1,048,700	✓ 3 670,600	✗✗ 2,534,200
5 - Mine subsidence areas (MSAs)	✓✓ n/a	✓✓ n/a	✓✓ n/a	✓✓ n/a	✓ 3 Surrounded by MSAs
6 - Property acquisition (number of lots)	✓ 3 110	✓ 3 140	✓ 3 200	✓ 3 190	✓ 3 500
7 - Airspace interaction capacity (movements per hour)	✗✗ 1	✗✗ 1	✓ 3	✗✗ 1	✓ 3
8 - Potential to expand to a maximum Type 1 airport	✗✗ No	✓✓ Yes	✓✓ Yes	✓✓ n/a	✓✓ n/a
9 - Major flood risk	Non Major	Non Major	Non Major	Non Major	Non Major
10 - Other major costs	no major items	No major items Closure of Somersby Airfield	Freeway, rail and major power realignment Closure of Somersby Mangrove Mountain Airfields	No major items	Freeway, rail and major power realignment Closure of Somersby Mangrove Mountain Airfields

Notes: 1. For type 3 - road upgrade cost only.

2. Must be integrated with Sydney (Kingsford-Smith) Airport airspace management and may be unable to operate for periods of time due to close connection with Sydney (Kingsford-Smith) Airport, such as during major wind shifts, which requires change of runway at Sydney (Kingsford-Smith) Airport. It may also be further constrained by military airspace associated with RAAF Base Richmond and RAAF Base Williamtown.

3. As per comment above.

4. As per comment above.

Source: WorleParsons, AMPC and Airservices Australia.

Figure 10 Central Coast Locality - suitable airport sites (Ref: *Joint Study on aviation capacity in the Sydney region, Australia Govt / NSW Govt, March 2012, P.299*)

Peats Ridge

The Peats Ridge site was rated as More suitable against 3 criteria, Suitable in 3 criteria and Unsuitable in 2 criteria. Area constraints meant that the site was rated as unsuitable for development of a Type 1 airport. It also received an Unsuitable rating for Airspace interaction capacity (movements per hour) because it was considered to be operationally connected to Sydney (Kingsford-Smith) Airport. In this regard, the Study considered that the day to day capacity of an airport on the site in terms of aircraft movements would be likely to be seriously affected by the necessary interaction with Sydney Airport (*Joint Study, op cit Part 8, P.300*).

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Figure 11 Peats Ridge Site - Preliminary Site Development for Type 3 Airport (Ref: *Joint Study on aviation capacity in the Sydney region, Australia Govt / NSW Govt, March 2012. Technical Papers Vol.4, Appendix 3 – Concept Plans*)

Somersby

For a Type 3 airport, the Somersby site was rated as More suitable against 4 criteria and Suitable against 3 criteria. As with the Peats Ridge site, Somersby was also rated as unsuitable with regard to Airspace interaction capacity, again because of considered operational connections with Sydney Airport. Unlike Peats Ridge, the site was identified as being capable of expansion to a Type 1 Airport. A subsequent assessment for suitability for a Type 1 Airport resulted in More suitable ratings against 3 criteria and Suitable ratings against 4 criteria. The Unsuitable rating against Airspace interaction capacity was retained.

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Figure 12 Somersby Site – Preliminary Site Development for Type 3 Airport (Ref: Joint Study on aviation capacity in the Sydney region, Australia Govt / NSW Govt, March 2012, Technical Papers Vol.4, Appendix 3 – Concept Plans)

Wallarah

For a Type 3 airport, the Wallarah site was rated as More suitable against 5 criteria and Suitable against 2 criteria. The site received a Suitable rating against Airspace interaction capacity due its geographic location in relation to Sydney Airport. In this regard, the Study makes the following comment:

“Wallarah, while not subject to such a limitation in regard to Sydney (Kingsford-Smith) Airport, is operationally affected by other airspace issues such as RAAF Base Williamtown and would still require detailed consideration of a number of airspace management issues in order for it to be able to operate at 100% of theoretical runway capacity” (Joint Study op cit P.300)

The site was rated as capable of development for both Type 3 and Type 1 Airports, although it received Unsuitable ratings for noise impacts for both Types due to its proximity to urban development.

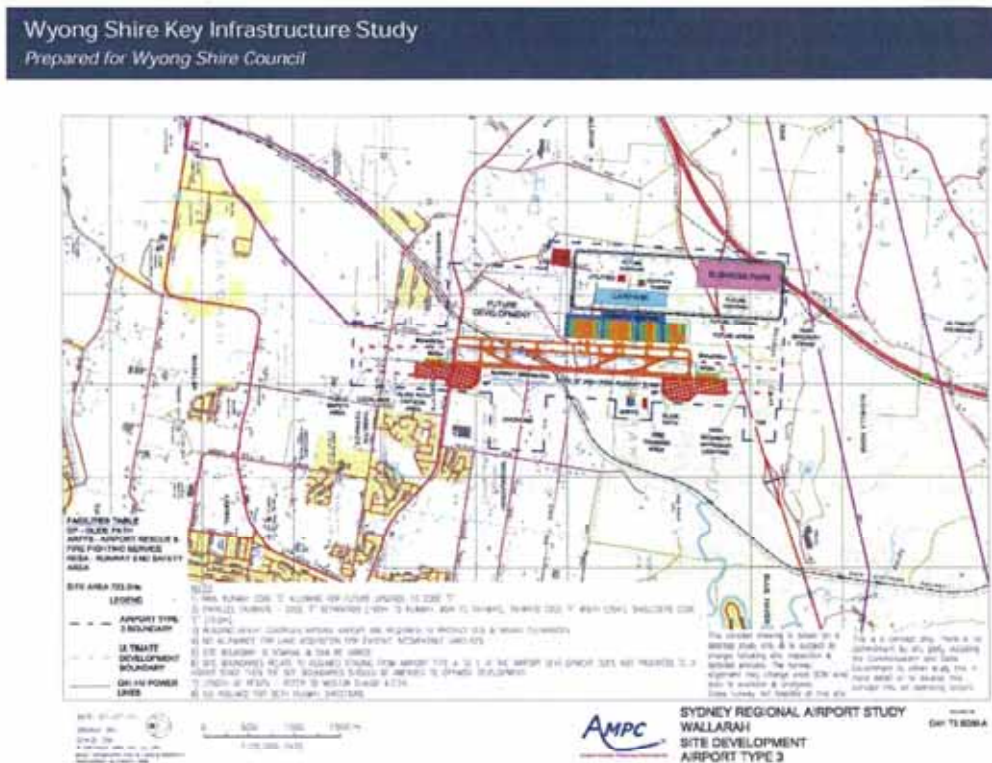


Figure 13 Wallarah Site – Preliminary Site Development for Type 3 Airport (Ref: *Joint Study on aviation capacity in the Sydney region, Australia Govt / NSW Govt, March 2012, Technical Papers Vol.4, Appendix 3 – Concept Plans*)

Wyong Council officers' response

Wyong Council officers have reported that the Wallarah site as identified in the Joint Study is unacceptable. The proposed site encompasses the proposed Warnervale Town Centre (B2 Zoning) and proposed North Warnervale Railway Station. Council has been working with the NSW Premiers Department and Cabinet and the NSW Department of Planning, for a number of years on the development of this Town Centre. The Town Centre is to provide 48,000 m² of retail, bulky goods and commercial area and approximately 1700 dwellings. This is a very important project for both the State Government and the Local Council.

The Joint Study identifies land north of the proposed Wallarah site as being "potential area suitable for aviation infrastructure". Council suggests that the Sydney Aviation Taskforce consider moving the proposed Wallarah site for a Type 3 further north into this area so that it does not interfere with the development of the proposed Warnervale Town Centre. Council has prepared a plan identifying a potential amended indicative location for a Type 3 Airport (Figure 14). The site protrudes into the Lake Macquarie City Council area. There have been no discussions with Lake Macquarie City Council or due diligence carried out. There are challenges for a Type 1 Airport in this vicinity; however a Type 3 will fit in with Wyong Council's strategic planning. A type 3 airport at this location could be considered for air freight.

Joint Study on aviation capacity in the Sydney region

EXECUTIVE SUMMARY



REPORT TO



2

Joint Study on aviation capacity in the Sydney region

Transmittal letter

The Hon Anthony Albanese MP
Minister for Infrastructure and Transport
Parliament House
CANBERRA ACT 2600

The Hon Barry O'Farrell MP
Premier of New South Wales
Minister for Western Sydney
Level 40, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

March 2012

Dear Minister and Premier

We are pleased to present the Report of the Steering Committee overseeing the Joint Study on aviation capacity for the Sydney region.

The Committee's findings are outlined in the attached Report. They are based on intensive and comprehensive research, and consultation with a range of stakeholders. We commend them to you.



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Joint Study on aviation capacity in the Sydney region

Steering Committee

Co chairs

Mr Mike Mrdak
Secretary
Australian Department of Infrastructure
and Transport

Mr Sam Haddad
Director General
NSW Department of Planning and
Infrastructure

Members

Mr Les Wielinga
Director General
Transport for NSW

The Hon Warwick Smith AM

The Hon Warwick Smith AM is a former Member of the House of Representatives and Government Minister. He currently holds positions including Chairman of the Australian New Zealand Banking Group (ANZ Ltd) for the State of NSW and ACT; and Chairman of the Advisory Board of Australian Capital Equity Group of Companies (ACE). Mr Smith was appointed in his individual capacity to the Steering Committee.

Ms Jennifer Westacott

Ms Jennifer Westacott is CEO of the Business Council of Australia. Previous appointments include Director of Housing Victoria; Secretary of Education and Training Victoria; and Director General of the NSW Department of Infrastructure, Planning and Natural Resources. Ms Westacott was the lead partner for Sustainability and NSW Government Services at KPMG and had extensive involvement with strategic land use and infrastructure planning in NSW and across Australia. Ms Westacott was appointed in her individual capacity to the Steering Committee.

Dr Warren Mundy FRAeS

Dr Warren Mundy is the Deputy Chairman of the Board of Airservices Australia and a Commissioner of the Productivity Commission. He has extensive experience in public policy, airport planning and infrastructure investment; and holds a doctorate in economics. Dr Mundy was appointed in his individual capacity to the Steering Committee.

Mr Christopher Brown

Mr Christopher Brown is a Director of the University of Western Sydney, LUCRF Super, Tourism Victoria and Moss Capital and chairs the Parramatta Economic Development Forum. Until 2011 he was Managing Director of the Tourism & Transport Forum and Deputy Chair of Infrastructure Partnerships Australia. Previous board roles include the NSW Transport Blueprint Panel, National Tourism Strategy Review and the National Aviation & Tourism Commission. Mr Brown was appointed in his individual capacity to the Steering Committee.