

380 Motorway Link Road Wallarah Development Control Plan

1. Introduction

1.1 Name and Application of this Plan

This Development Control Plan (DCP) is known as the 380 Motorway Link Road Wallarah Development Control Plan.

1.2 Statutory Context

This Plan has been prepared in accordance with Part 3, Division 3.6 of the *Environmental Planning and Assessment Act 1979* (the Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2000* (Regulation).

1.3 Adoption and Commencement

The DCP was adopted by the Secretary of the Department of Planning, Industry and Environment (DPIE) and commenced when published on the Planning Portal on 30 April 2021.

This DCP should be read in conjunction with the Wyong Local Environmental Plan 2013 and the Wyong Development Control Plan 2013 (Wyong DCP).

1.4 Land to which this Plan applies

This plan applies to Lots 1-3 DP 1156997, 380 Motorway Link Road Wallarah, as shown in figure 1.

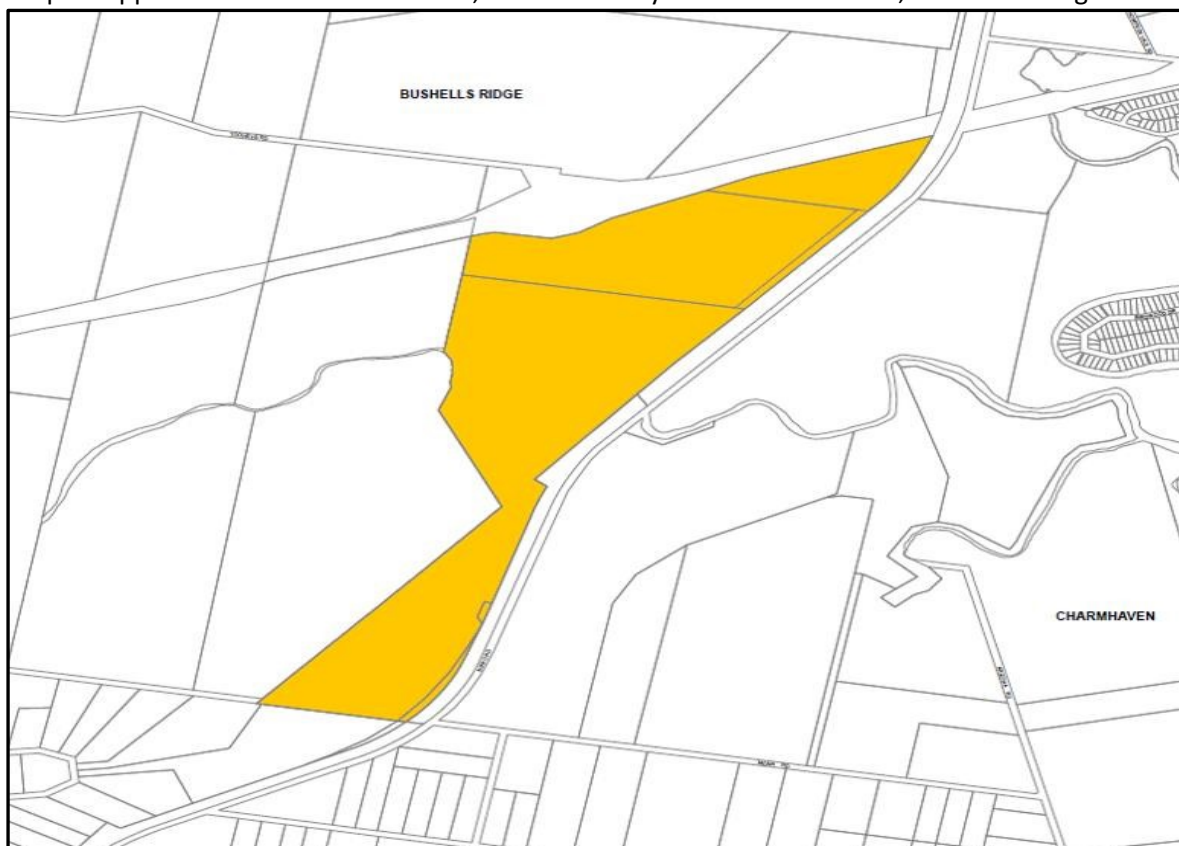


Figure 1: Subject land highlighted in orange.

1.5 Aims of this Plan

The aim of this Plan is to provide guidance for the preparation of development applications for the subdivision of the land and the development of the land to which this Plan applies.

1.6 Objectives of this Plan

The objectives of this Plan are to:

- a) ensure development avoids impacts to ecological, riparian, archaeological and environmental values of the land and any adjoining land or areas required for the supporting infrastructure;
- b) provide significant environmental features of the land;
- c) ensure development responds to the natural topography of the land;
- d) ensure development on the land is serviced by reticulated water and sewerage infrastructure as well as other necessary services;
- e) ensure subdivision of the land occurs in an orderly manner;
- f) promote capacity for a range of lot sizes, including for larger footprint industrial and employment uses, such as warehousing, logistics and distribution;
- g) promote landscaping that retains existing vegetation and utilises species endemic to the land; and
- h) ensure development is provided with sufficient bush fire protection measures in line with the requirements with the aims and objectives of *Planning for Bush Fire Protection 2019*.

1.7 Relationship to other Plans and Policies

This Plan must be read in conjunction with applicable legislation, State Environmental Planning Policies and Chapters of the *Wyang Development Control Plan 2013* (and other policy documents of Council, including but not limited to:

- *Wyang Development Control Plan 2013*:
 - Chapter 2.12 Industrial Development
 - Chapter 3.1 Waste Management
 - Chapter 3.3 Floodplain Management
 - Chapter 3.6 Tree and Vegetation Management
 - Chapter 3.10 Wetland Management
 - Part 4 Subdivision
- Central Coast Council Civil Works Specification Design Guidelines and Construction Specifications
- Central Coast Council Flora and Fauna Guidelines
- Central Coast Council Water Supply and Sewerage Development Servicing Plans

In the event of an inconsistency between this Plan and any Chapters of the *Wyang Development Control Plan 2013*, this Plan prevails.

2 Subdivision of Land

2.1 Subdivision Design

OBJECTIVES

- to facilitate subdivision for a range of future uses, including warehousing, logistics and distribution, recognising the proximity of the land to the M1 Motorway;
- to ensure that subdivision of the land occurs in an orderly and logical manner;
- to ensure that development and road designs responds to topography of the land;
- to manage interfaces between proposed development areas and areas which comprise significant natural features;
- to ensure road networks within the subdivision incorporate the principles of Safe Systems;
- to ensure appropriate access and egress for emergency services and evacuating occupants in the event of a bushfire; and
- to ensure subdivision, road design and lot layout can cater for a range of vehicles, land uses and occupants.

REQUIREMENTS

- a) any application for subdivision must include a masterplan showing the intended subdivision pattern for the entire land. The masterplan must be supported by the following plans (at minimum):
 - i. staging plan
 - ii. servicing plan
 - iii. lot layout/subdivision plan
 - iv. road layout
 - v. earthworks plan
 - vi. landscaping plan
- b) the masterplan and future subdivision plans should consider a range of future lot sizes including opportunities for warehousing, logistics and distribution uses that would benefit from proximity to the M1 Motorway.
- c) roads should be designed to respond and respect the natural contours/topography of the land.
- d) benching and/or filling of the land is to be minimised, having regard to the topography of the land and the provision of an efficient road and subdivision layout. Any proposed benching or filling is to be identified on relevant plans and justified.
- e) the requirements of Part 4 Subdivision and Chapter 2.12 Industrial Development of the *Wyong Development Control Plan 2013* apply as they relate to subdivision for industrial purposes (where they do not conflict with the provisions of this Plan).
- f) the following elements are to be incorporated during the preparation of any subdivision design or road layout to enable improved road safety. Other elements that improve road safety which are not identified below should also be considered and incorporated, consistent with Austroads Safe Systems Assessment Framework (SSAF).

Design Element	Requirements
Intersections	<ul style="list-style-type: none"> • Four way uncontrolled cross intersections should be avoided to reduce vehicular conflict points. Signage is not considered to be an appropriate control.
Road design	<ul style="list-style-type: none"> • Street leg lengths should be limited to a maximum of 200250m between controlled intersections, changes in direction or other speed control mechanism. • A perimeter road is to be provided between the proposed lots and the surrounding vegetation, which is consistent with the requirements in <i>Planning for Bushfire Protection 2019</i>. • A secondary access road is to be provided for emergency services personnel to the public road network. • Steep grades are to be avoided, particularly on longer street leg lengths. • Wider road widths and areas that do not define travel paths are to be avoided. • Combination of geometric design elements such as crests and bends should be avoided.
Landscaping & Lighting	<ul style="list-style-type: none"> • Location and placement of street trees should consider sight distances for all road users, including pedestrians and cyclists. • Location, placement and type of street trees should consider proximity and speed of adjacent vehicles. • Location and placement of landscaping features should seek to reduce needs for ongoing maintenance, particularly where such works are required to be undertaken close to travelling vehicles. • Lighting categories should be increased to assist more vulnerable road users (pedestrians, cyclists, motorcyclists, elderly, children etc.) and reduce the likelihood of incidents.

- g) Road Safety Audits will be required to be undertaken to identify potential road hazards for all road users. These audits are required to be undertaken (at minimum) at the feasibility and detailed design stage of the subdivision planning. A pre-opening audit may be required, subject to the scale of the proposed development.
- h) An Urban Interface Area (UIA) must be provided for any land or proposed lots that contains and/or adjoins significant vegetation such as Endangered Ecological Communities, natural watercourses or native vegetation that is of landscape significance.

2.2 Avoidance, Mitigation and Management of Biodiversity

OBJECTIVES

- To ensure the protection and maintenance of the integrity of State and Federally listed threatened species, population and ecological communities, or their habitats within and adjoining the land; and
- To minimise the impacts of construction and occupation of the land on the local viability of State and Federally listed threatened species, population and ecological communities, or their habitats within and adjoining the land.

REQUIREMENTS

- a) If the land does not have the benefit of Biodiversity Certification conferred upon it, the following requirements apply:
- i. Any application that trigger the Biodiversity Offsets Scheme (BOS) must be accompanied by a Biodiversity Development Assessment Report (BDAR) prepared in accordance with the Biodiversity Assessment Method and the *Biodiversity Conservation Act 2016*.
 - ii. Any application for subdivision of the land that does not trigger the BOS must include a comprehensive Flora and Fauna Assessment prepared in accordance with the Central Coast Council Flora and Fauna Guidelines. Any Biodiversity Development Assessment Report or Flora and Fauna Assessment must:
 - ✦ Describe the existing ecological features of the land, including but not limited to topography and soils, drainage, flora and fauna (including endangered or threatened ecological communities threatened populations, threatened species and candidate Serious and Irreversible Impact Species);
 - ✦ Include seasonal surveys across multiple years for cryptic species;
 - ✦ Demonstrate that the proposed subdivision design and the location of any associated supporting infrastructure and stormwater discharge avoids and minimises direct and indirect impacts to land comprising the above biodiversity values, including avoidance of key areas of threatened species habitat;
 - ✦ Demonstrate that the viability of local populations of threatened entities will be maintained;
 - ✦ Demonstrate the functionality of proposed corridors;
 - ✦ Recommend appropriate strategies and/or requirements to ensure the protection and integrity of all significant habitats and vegetation, within and adjoining the land, consistent with relevant legislation and best practice methodologies.
 - iii. Any application for subdivision must be supported by a Vegetation Management Plan (VMP). The VMP must address (but is not limited to) the following:
 - ✦ Be prepared in accordance with the Central Coast Council Flora and Fauna Guidelines and the NSW Office of Water's Guidelines for Vegetation Management Plans on Waterfront Land;
 - ✦ The VMP must be implemented for the life of the development, with a minimum reporting period of five years;
 - ✦ Establish the regulatory framework and review mechanisms for its operation;
 - ✦ Include measurable targets and performance objectives;
 - ✦ Establish the management strategies for the following matters to land to which the plan relates:
 - vegetation clearing; ○ weed management; ○ bushfire management; ○ feral and domesticated animals;
 - rubbish dumping; ○ firewood collection;

- prohibited uses, public access, fencing and signage;
 - the management of stormwater structures;
 - fauna habitat enhancement;
 - revegetation and rehabilitation of cleared land; and
 - habitat tree retention.
- ✦ Detail a program of works, including a monitoring program and reporting framework to assess the adequacy of the adopted management strategies and any corrective actions.
- iv. Any application for subdivision must include a supporting Wildlife Management Plan (WMP). The WMP must address (but is not limited to) the following:
- ✦ Be prepared in accordance with the Central Coast Council Flora and Fauna Guidelines;
 - ✦ Demonstrate how mitigation against native animal welfare issues will be achieved;
 - ✦ Identify fauna likely to occur on the land and provide details on management actions to avoid and/or mitigate the risk of harm to the welfare of native animals including avoiding breeding times for species present;
 - ✦ Must include a program of radio tracking of targeted fauna species captured during clearing operations to determine survival rates; and ✦ Include a hollow replacement strategy.

***Note:** If the land has been rezoned without having an approved environmental offsets strategy, any development application seeking subdivision of the subject land must address relevant requirements under Section 1.7 of the Environmental Planning and Assessment Act 1979 and the Biodiversity Conservation Act 2016.*

2.3 Acid Sulfate Soils and Site Contamination

OBJECTIVES

- To ensure that risks associated with disturbance of acid sulfate soils are identified, mitigated and managed, prior to, during and after earthworks occurring; and
- To ensure that land proposed for development is of a suitable quality for the intended purpose and does not prevent a risk to future occupants.

REQUIREMENTS

- a) An Acid Sulfate Soils Management Plan (ASSMP), prepared in accordance with the *Acid Sulfate Soils Manual 1998* by a suitably qualified person, must be submitted with any development application seeking subdivision of the subject land.
- b) The ASSMP must include the consideration and assessment of impacts arising from all earthworks, including any earthworks associated with the provision of any water, sewerage, stormwater or any other infrastructure located either within or outside the subject land.
- c) Any application for the subdivision of the land to which this plan applies is to be accompanied by a Stage 2 Detailed Investigation Report, prepared by a suitably qualified consultant. The report must be consistent with the requirements of the *Managing Land*

Contamination Planning Guidelines 1998 (as updated) prepared by the (then) Department of Urban Affairs and Planning.

Note: A Preliminary Contaminated Lands Assessment provided as part of the rezoning process identified historic dumping of materials on the land. Prior to development and use of the subject land, further investigation, remediation and management of on-site contamination due to historic land use will be required.

2.4 Traffic and Transport

OBJECTIVES

- To ensure connectivity with existing road infrastructure is consistent with local and state agency requirements;
- To ensure the proposed internal road network caters for a range of vehicle types and sizes; • To ensure the land is adequately serviced by public transport; and
- To deliver a safe and efficient road network.

REQUIREMENTS

- a) Prior to the lodgement of an application seeking development consent for the subdivision of the land, the applicant must undertake discussions with Transport for NSW to determine the design requirements for the intersection of the Motorway Link Road with the entry point to the subject land. Documentation supporting these discussions is to be submitted with any subsequent application for subdivision of the subject land.
- b) Any development application seeking subdivision of the subject land must be supported by a traffic assessment which:
 - i. Provides an internal road layout;
 - ii. Demonstrates adequacy of the road network to cater for heavy rigid and large vehicles, including buses;
 - iii. Defines the intersection arrangements proposed for the connection of the subject land with the Motorway Link Road; and
 - iv. Defines the proposed arrangements for the servicing of the site by public transport, including provision of bus stops.

2.5 Water and Sewerage Infrastructure

OBJECTIVES

- To ensure the subject land and any development lots proposed for industrial or employment uses is serviced by water and sewerage infrastructure;
- To ensure the provision of water and sewerage infrastructure is consistent with Council Civil Design Guidelines and any other requirements of the Central Coast Council Water Supply Authority and relevant Development Servicing Plan/s; and
- To ensure the water and sewerage infrastructure is located and sited to avoid significant biodiversity values, both within and outside of the subject land.

REQUIREMENTS

- a) Any development application seeking subdivision of the land must demonstrate the means by which the land and future lots are to be serviced by water and sewerage infrastructure. This must be demonstrated by the submission of a Water and Sewer Servicing Strategy.

- b) The Water and Sewer Servicing Strategy must address (but is not limited to) the following matters:
 - i. Lot layout/proposed subdivision design
 - ii. Any proposed staging of the development
 - iii. Future development within the water supply/servicing area
 - iv. Proposed water demands
 - v. Minimum pressure requirements
 - vi. Security of water supply
 - vii. Expected sewer loading
 - viii. Sewer pump station details, including sizing and emergency storage
 - ix. Proposed timing of connection to the sewerage treatment works
- c) Sewer generated from the development must pump directly to the Central Coast Council Charmhaven Wastewater Treatment facility.
- d) Any proposed subdivision application which relies on a route or easement to enable the provision of water and/or sewerage servicing of the subject land that is not owned by the applicant must be supported by the written consent of any affected landholders.
- e) Any proposed water and sewerage infrastructure must demonstrate that the proposed location/s and route avoids impact to endangered ecological vegetation communities, threatened flora and fauna species and/or habitat of local, state or Federal significance. Any impacts must be fully documented and addressed in the ecological assessments supporting the subdivision application.
- f) All works and costs associated with the design, implementation and any temporary management requirements (including any infrastructure decommissioning) of water and sewerage infrastructure are to be borne by the applicant.

2.6 Stormwater Management

OBJECTIVES

- To minimise the impacts of development on Wallarah Creek and hydrologically sensitive ecosystems.
- To provide water quality and quantity control measures that are cost effective and affordable, with consideration given to ongoing maintenance costs.

REQUIREMENTS

- a) Any development application seeking subdivision of the land must demonstrate the means by which stormwater generated from the future development of the land is to be managed. This is to be demonstrated by the submission of a Stormwater Management Strategy.
- b) The Stormwater Management Strategy and proposed infrastructure must be prepared and sized in accordance with the parameters within Central Coast Council Civil Works Specification Design Guidelines.
- c) Any proposed stormwater management infrastructure, whether proposed for public or private ownership must be located within that area of the subject land as zoned IN1 General Industrial.
- d) Any proposed stormwater management infrastructure must be designed to ensure minimal ongoing maintenance is required.

2.7 Service Infrastructure

OBJECTIVES

- To ensure that future development can be serviced by electricity, telecommunications and gas.

REQUIREMENTS

- a) The provisions of Part 2 Subdivision of this Plan apply.

2.8 Bushfire Management

OBJECTIVES

- To minimise risk of adverse impact of bushfire on life, property and the environment; and
- To enable appropriate bushfire protection without compromising the biodiversity and landscape values of the area.

REQUIREMENTS

- a) Any development application seeking subdivision of the land must be supported by a Bushfire Risk Management Plan. The Bushfire Risk Management Plan must be consistent with the provisions and requirements of:
 - i. *Planning for Bushfire Protection (PBP) 2019*; ii. Australian Standard 3959:2018 (as updated); and
 - iii. Part 2 Subdivision of this Plan.
- b) The proposed subdivision/lot layout must include a perimeter road and a secondary unobstructed access for emergency services within that area of the subject land as zoned IN1 General Industrial which is compliant with the acceptable solutions of *Planning for Bushfire Protection 2019*. Perimeter road designs are to ensure that any on-street parking does not obstruct the minimum carriageway width.
- c) All asset protection zones (APZs) must be located within that area of the land as zoned IN1 General Industrial. APZs proposed within adjoining infrastructure (rail) corridors or within that area of the subject land as zoned E2 Environmental Conservation will not be supported.

2.9 Natural Watercourses, Floodprone Land and Filling

OBJECTIVES

- To protect and maintain the water regime of natural water systems and hydrologically dependent ecosystems;
- To ensure that natural water systems and associated vegetation and landforms are adequately buffered from development;
- To minimise earthworks to preserve the existing topography, drainage and catchment areas of the land; and
- To ensure the impacts of filling natural water systems on adjoining land, ecosystems, existing floodprone land and infrastructure are avoided or mitigated.

REQUIREMENTS

- a) Natural water systems should be maintained in natural state, including the maintenance of riparian vegetation and habitat.

- b) Riparian corridors must be of a width consistent with the *Guidelines for riparian corridors on waterfront land 2012*, as prepared by the (then) NSW Office of Water.
- c) Any proposed modification to natural watercourses or earthworks proposed to modify the existing topography of the land (including benching and/or filling) is to be identified at the time of submission of a development application for subdivision of the land. Any such proposal must:
 - i. Be documented by relevant supporting assessment, reports and modelling which addresses pre and post modification and development scenarios, prepared by a suitably qualified person. The assessment is to be supported by relevant plans and concepts including (but not limited to):
 - ✦ Earthworks (cut and fill) plans;
 - ✦ Concept details and sizing of stormwater piped systems, pits, road crossings/culverts, detention basins, overland flow paths; and ✦ Sedimentation and erosion control plans.
 - ii. Demonstrate that measures are in place which ensure that there is negligible impact on adjoining properties, infrastructure, other natural water systems and downstream ecosystems.

2.10 Setbacks, Landscaping and Storage

OBJECTIVES

- To enhance the scenic amenity of the proposed development and limit visual intrusion from significant view corridors.
- To integrate natural and endemic vegetation into the overall design of the subdivision and landscaping.

REQUIREMENTS

- a) Motorway Link Road:
 - i. A 15m landscaping setback is required at the frontage of the land (with the Motorway Link Road) for visual screening purposes. Native vegetation is to be retained and enhanced within this area.
 - ii. Consideration is to be given to the connectivity of this landscape setback to the adjoining land as zoned E2 Environmental Conservation.
- b) Railway Corridor:
 - i. A 10m landscaping setback is required on the eastern boundary of the land (where it adjoins the railway corridor) for visual screening purposes. Native vegetation is to be retained and enhanced within this area.
 - ii. Consideration is to be given to the connectivity of this landscape setback to the adjoining land as zoned E2 Environmental Conservation.
- c) Internal Roads:
 - i. A minimum 10m setback to any internal road must be provided.
 - ii. A five metre landscaped area must be provided within this above setback, except for vehicle access. Suitable landscaping would comprise tree planning incorporating mulch beds in preference to often neglected grass lawns and poorly maintained shrubs.

- d) Side and Rear Setbacks:
 - i. For all other cases, setbacks are to be in accordance with the provisions of the National Construction Code (Building Code of Australia). Where the side or rear boundary is likely to be less than 2.5 metres, the building should be set on the boundary unless appropriate provision is made for maintenance of landscaping and general upkeep of the area within the setback.
- e) Species endemic to the subject land are to be utilised within supporting landscaping plans and for street tree planning where appropriate.

2.11 Aboriginal Cultural Heritage

OBJECTIVES

- To value, respect and conserve areas of Aboriginal Cultural Heritage significance; and
- To ensure the impact of development on the heritage significance of an Aboriginal place or object is considered by adequate investigation and assessment.

REQUIREMENTS

- a) Any application for the subdivision of the land to which this Plan applies must be accompanied by an Aboriginal Cultural Heritage Management Plan.
- b) The Aboriginal Cultural Heritage Management Plan must address those areas identified within any final Aboriginal Cultural Heritage Assessment prepared to support the rezoning of the land and be prepared in accordance with the *Guidelines for Development Management Plans 2017* as prepared by the (then) Office of Environment and Heritage.
- c) The Aboriginal Cultural Heritage Management Plan must also require a hard fence line at the southern boundary of the IN1 General Industrial zone to limit access to the Wallarah Creek banks. A locked gate should also be installed with key access available to members of the Aboriginal community for access to any culturally sensitive sites.

3 Development other than Subdivision

3.1 Odour

OBJECTIVES

- To ensure that any odour impacts associated with adjoining land uses are adequately considered.

REQUIREMENTS

- a) Any application seeking development consent for odour sensitive land uses (including but not limited to centre-based childcare establishments, educational establishments, take-away food and drink premises) must be supported by an odour impact assessment.
- b) The assessment must demonstrate that the location of the proposed land use is located beyond the acceptable Odour Unit (OU) contours from Charmhaven Waste Water Treatment Plan for the type of land use proposed.
- c) Applications for land uses that rely on upgrades to the Charmhaven Waste Water Treatment Plan to address odour issues will not be supported.

3.2 Building Design

OBJECTIVES

- To ensure buildings visible from the adjoining railway corridor or Motorway Link Road are designed and sited to promote a visually attractive form, integrating the built and natural environments; and
- To encourage buildings of high quality design.

REQUIREMENTS

- a) Large expanses of blank walls and curtain walling are to be avoided.
- b) Minor stepping of the buildings and articulation of building facades is required from buildings where adjacent to the adjoining railway corridor or Motorway Link Road.
- c) Building materials should be predominantly of masonry construction, using high quality, durable, UV stabilised/resistant building materials.
- d) No service plumbing or pipes, other than downpipes for the conveyance of roof water, are to be external to the building where visible from any public place.
- e) Development is encouraged to draw upon an indigenous colour palette within the existing natural and cultural landscape.
- f) Additional provisions as per Character 2.12 Industrial Development of the *Wyang Development Control Plan 2013* for built form apply where they do not contradict these requirements.

3.3 Signage

OBJECTIVES

- To ensure that signage does not detract from the visual amenity of viewsheds significant transport corridors;
- To avoid a proliferation of signage on the land;

- To ensure any signage is located to ensure the maintenance of sightlines and sight distances of vehicles; and
- To ensure any signage proposed adopts a consistent theme, compatible with the natural landscape of the locality.

REQUIREMENTS

- a) Advertising signs will not be permitted where they would be visible from the railway corridor and/or the Motorway Link Road.
- b) Notwithstanding (a), one business directory sign will be permitted at the entry to the proposed subdivision from the Motorway Link Road, subject to the concurrence of Transport for NSW. This sign must be located at an appropriate setback from the road to maintain sightlines and sight distances for vehicles.
- c) Any proposed signage, including the business directory sign, must adopt a consistent theme, be constructed from durable materials and use colour palettes which are compatible with the surrounding landscape.
- d) For signage within other localities within the subject land, the provisions of Chapter 2.6 Signage of the *Wyang Development Control Plan 2013* apply.

3.4 Servicing and Storage

OBJECTIVES

- To ensure that the positioning of any loading and storage does not detract from the visual amenity of viewsheds significant transport corridors.

REQUIREMENTS

- a) Where practical, loading and manoeuvring areas for service vehicles should be separated from car parking modules and pedestrian access.
- b) Service areas should not be visible from roadways or the Great Northern Railway.
- c) Garage doors/loading docks are to be slightly recessed so that they are not dominant element in the overall street presentation and should not be located at the end of a street vista.
- d) External storage of materials or goods shall:
 - i. Be totally screened from view from the railway corridor;
 - ii. Be screened from view from internal roads; and
 - iii. Not be located in the front setback area of any development lot.