



**WYONG SHIRE
COUNCIL**

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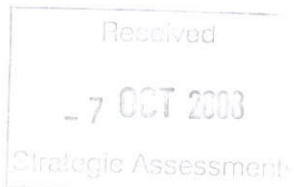


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JLO/Jenny Oosterveen
F2004/12799

2 October 2008



The Director
Strategic Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Caitlin Bennett

Dear Ms Bennett

**MP07_0162 - Warner Industrial Park Public Exhibition
Wyong Shire Council Submission**

In response to the public exhibition of Warner Industrial Park (application No. MP07_0162) as proposed by the Terrace Tower Group, please find attached Council's submission (attachment 1).

Whilst Council does not formally object to the proposal, there are a number of issues which require further clarification and assessment.

This submission includes the identification of various issues associated with the proposal, Council's response to these issues and draft conditions for inclusion within the Project and Concept Approval. Council requests that a copy of the draft Project and Concept Approval is provided to Council for comment prior to a determination of the proposal being made.

In relation to the documentation provided for public exhibition, Council has particular concerns relating to a number of issues including:

- Relocation of the Stormwater Discharge Pipeline route along the F3 Freeway, including timing, funding and other associated infrastructure issues;
- Stormwater management prior to the construction of the absence of the Stormwater Discharge Pipeline;
- The absence of water quality controls for individual developments;
- Revised %1 Annual Exceedance Probability (AEP) flood levels;
- The operation of a Development Control Plan (DCP) separate from Council's own DCP 2005: Development Controls for Wyong Shire and draft Chapter 88 – Wyong Employment Zone;
- Complying Development criteria beyond those within DCP 2005: Chapter 86 – Complying Development;
- Visual impacts of buildings and signage fronting the F3 Freeway;
- Management of the Open Space area between the development and the F3 Freeway;
- Frequent heavy vehicle movements during filling and construction of the site; and
- Road widths and pavement design.

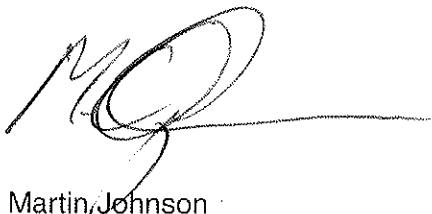
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Department of Planning

In addition, Council is opposed to the application of the State Infrastructure Contribution levy to the proposal. Application of this contribution will substantially decrease the financial viability of the development. In order to encourage employment generation within the Shire, concessions should be made to the application of this levy.

If you have any questions in relation to this submission, please contact Jenny Oosterveen on 02 4350 5742.

Yours faithfully

A handwritten signature in black ink, appearing to read 'MJ', with a long horizontal line extending to the right.

Martin Johnson
Manager
LEGAL AND POLICY

Enclosures: Wyong Shire Council Submission

Jenny.oosterveen@wyong.nsw.gov.au

Warner Industrial Park Public Exhibition (MP07_0162)

Wyong Shire Council Submission

1. Integration of the Planning Process

Issue	Council Response
<i>Draft Warner Industrial Park Development Control Plan</i>	
a This is a site specific DCP, yet references relevant Chapters of Wyong Shire Council's (WSC) DCP 2005, such as engineering, signage, car parking and exempt and complying development.	- Current legislation requires that only one DCP applies per site. In effect, the introduction of this DCP will mean that there will be 2 separate DCPs applying to this site. What are the implications therefore for the validity of the controls within DCP 2005 both for the site specifically and the shire as a whole? It is recommended that the controls under this draft DCP are incorporated under the future DCP applying to the Wyong Employment Zone (WEZ), rather than this proposed separate DCP. This should be undertaken in consultation with the applicant and Council.
b The proposal does not identify whether the DCP for this proposal will be a Council DCP and incorporated into DCP 2005 or will operate under the provisions of the SEPP	This issue requires to be clarified in addition to the above comments regarding the validity of DCP 2005.
c The proposal does not indicate which government agency is responsible for implementing and reviewing the DCP.	- As above. - Council requires to be advised of whether applications for development will be assessable by Council (or private certifier) or these will be referred to the Department of Planning.
d Complying Development	- If the draft DCP is not incorporated into the draft DCP for the WEZ, it is recommended that the draft DCP for this proposal be amended in consultation with Council and relevant provisions incorporated into the WEZ DCP. - Under the draft DCP there needs to be less of an emphasis on performance objectives and more of an emphasis on clearly identified development controls. This is because of the anticipated lack of involvement of a Consent Authority in an assessment process for subsequent future development within the proposed Warner Industrial Park. - The classifications of, and parameters for complying development as identified under the draft DCP are too broad and general. The result will be a lack of clear controls for complying development which will have undesirable consequences and result in inconsistency of development outcomes and an undermining of the draft DCP objectives. - Under complying development, the draft DCP states that the development must comply with the standards contained within the (draft) DCP, however, there do not appear to be many of these. For example energy



Issue	Council Response
e Site Boundaries / Interface Issues	efficiency, parking and signage are not “standards contained within this DCP” (reference is made to other DCP’s for the last two of these) and therefore arguably do not appear to be applicable to new industrial buildings as complying development. ▪ There does not appear to be any checking mechanism for what use constitutes an industrial use (versus a predominantly commercial use). This is important to ensure that objectives for the industrial area are not undermined by the land becoming a source for cheap commercial land. ▪ Complying development provisions should not be included as part of this proposal. Development provisions should be consistent with Council's DCP 2005: Chapter 86 - Complying Development and relevant controls for development within the WEZ. ▪ Clarification regarding any change to the bushfire prone status of the site and whether this status will exclude Complying Development provisions. Council's DCP 2005: Chapter 86. - Complying Development which excludes sites identified as being subject to medium or high risk on Council's Bushfire Prone Map. The entire site is currently bushfire prone and clarification is required as to how this accords with the second paragraph of Section 6.4.1 of the draft DCP. ▪ Insufficient landscape screening opportunities to all street boundaries will result in buildings, parking and other related aspects of the development being readily visible to the Hue Hue Road, Sparks Road and the F3. These frontages will be vulnerable to future pressure for signage and access. This will likely result in undesirable adverse visual impact to surrounding streets and properties. An established dense continuous landscape screen is necessary to avoid this situation. A higher quality of architectural design may be required to the facades of buildings with a boundary to Hue Hue Road, Sparks Road and the F3 if the setback controls are not increased. ▪ Sites with a boundary adjoining conservation reserves should have the length of that boundary fenced in (visually recessive) robust metal palisade or equivalent fencing to clearly identify the site boundaries and to discourage the potential for illegal use and dumping/storage of materials. (Cyclone wire or other materials for fencing that can be readily penetrated and damaged are not suitable). ▪ Adequacy of road widths for cycleway and pedestrian facilities within a landscaped setting is queried. ▪ Urban Interface Area (UIA) and Edge Treatment requirements need to be applied to all industrial lots which adjoin conservation zones as per DCP 2005: Chapter 66 – Subdivision.
f Development Controls	▪ The minimum building setback of 15 metres to all existing street frontages (i.e. F3, Hue Hue Road and



Issue	Council Response
	Sparks Road) is insufficient to provide any adequate level of landscape screening of the development. 20 metre setbacks would be more appropriate and also align with the controls contained in the draft DCP for the WEZ. If the landscaping setback remains at 15 metres, this shall be required to be landscaped at an appropriate density to the satisfaction of Council. ▪ The proposed minimum allotment size of 2000 sq.m. is not sufficient to allow for large (semi trailer and B-double) truck manoeuvring on each site. The number of smaller allotments within the development should be restricted to ensure that there is a diversity of lot sizes and to preserve large allotments and avoid the situation where every allotment is subdivided to the minimum. Overall, there appears to be too many smaller allotments which are not practicable for larger vehicle movements. ▪ Controls regarding strata subdivision are warranted e.g. if less than the 2000 sq.m. minimum lot then the applicant be required to demonstrate adequate manoeuvring and loading facilities by semi trailer and B-double trucks for any strata subdivision application. Otherwise, strata development has the potential to undermine the objectives for the draft DCP to <i>promote the orderly use of land as a regionally significant site for employment generation.</i> ▪ Controls should require a minimum of one (1) loading bay for each development entity/operation. In the event of strata subdivision a minimum of one (1) loading bay for each unit. Sharing a loading facility between units is not appropriate. ▪ There is a lack of environmental controls applying for external storage under the draft DCP. The draft DCP controls only mention screening (aesthetic/visual) requirements. This is not appropriate given the sensitivity of the surrounding natural catchment and the objective of the draft DCP to <i>reduce the impact of development on natural eco systems including downstream waterways.</i> ▪ Consideration for specifying a height controls may be appropriate given the proximity and visibility of the development to the F3 freeway. ▪ The draft DCP states that development should be of a high quality appearance but there are no parameters given for this (i.e. what would stop an applicant from proposing a huge metal shed with no windows?). The few controls that apply appear to be 'suggested' or 'encouraged' which is not sufficiently specified in the case of Complying Development. ▪ The draft DCP requires that development be 'energy efficient' with very little guidance outlining how this will be achieved for each development and what requirements apply. The concern is that this will result in the bare minimum or consideration only as



Issue	Council Response
	an after thought. This does not encourage or reward innovation in energy efficient building design. Both incentives and base benchmarks will be required to be identified in the draft DCP (these will need to be stated as minimum standards for complying development). Section 3.8.1 uses the term 'suggested use' however, basic requirements should be clearly identified if energy efficiency is to be a serious element in future development. (E.g. requiring Green star rating or ABGR). ▪ Clarification under Section 3.8.3 that colours should be 'visually recessive' as well as from the 'natural landscape' (noting that natural colours are not necessarily visually recessive). ▪ Section 3.12.1 should include the requirement that all vehicles are to enter and exit the site in a forward direction and capacity should be made for on site queuing of trucks. ▪ There does not appear to be any controls restricting illuminated signage on buildings facing the F3 (i.e. under complying development). Appropriate controls are necessary given the array of other objectives throughout the draft DCP to ensure any visual impacts to the freeway are minimised. Although it states that building heights should not be visible above the tree line along the F3, inclusion under Section 3.11 should be made to ensure that no signage (on a building or otherwise) shall be directly visible to the freeway (including through illumination). ▪ No basic controls or design standards have been included for waste storage facilities within developments. Also, no waste management plan requirements (e.g. new and altered buildings under complying development provisions). ▪ No 'Safer By Design' principles and considerations appear to have been included under the draft DCP. ▪ Ensuring landscaping is predominantly drought resistant, low maintenance, indigenous species. ▪ The plan requirements (Page 30) should include all reference to levels being to AHD.



2. Stormwater and Integrated Water Cycle Management (IWCM)

Issue	Council Response
a The proposal identifies a pipeline to carry recycled stormwater from the Warner Industrial Park along Hue Hue Road to Wyong River.	▪ Council does not support the proposed route of this pipeline. The size of the disturbance footprint required would have a significant impact on the existing vegetation along that route. Independent stormwater schemes are not supported as it will ultimately increase the cost of providing stormwater infrastructure to the remainder of the WEZ. ▪ Council staff have held discussions with the proponent about entering into a cost sharing arrangement for the pipeline which follows an alternative route along the F3 Freeway which follows the gas pipeline. This would enable the discharge of recycled stormwater from the remainder of the Wyong Employment Zone (WEZ), Warnervale Town Centre (WTC) and surrounding catchments. ▪ The details of this Pipeline Construction including timing, sizing, contributions etc are to be included within the Planning Agreement between Council and the Proponent. This is presently being negotiated with the proponent. ▪ Council is yet to ascertain whether the stormwater pipeline for the Warner Industrial Park will be required to discharge to the brickpits before being transferred into the pipeline. ▪ Whilst the Link Road is not likely to go proceed in the immediate future, the RTA has identified that such a network is still required.
b The proposed pipeline does not discharge into the proposed Bailey's Wetlands as proposed by the WEZ IWCM Strategy.	▪ Based on the findings of a draft Environmental Study, Bailey's Wetland and the proposed storage at the brick pits is not initially required to enable treatment of the stormwater for water quality or for flow management. It may be required in the future if Council ultimately decides to discharge above the Wyong River weir and higher water quality standards are required to be met. However at this stage no charges will be levied against development for this part of the regional stormwater harvesting scheme.
c Stormwater discharge from development which occurs prior to the development of the Stormwater Discharge Pipeline to Wyong River is not addressed.	▪ DCP controls were introduced into the WEZ DCP to enable at least 50% of the WEZ to be developed until such time that the stormwater harvesting scheme is operational. Appropriate consent conditions have been developed which should be attached to any approval. However further details are required on how the developer proposes to stage the development to implement this requirement.
d Contaminated water quality as a result of spills, leaching etc flowing into the Stormwater Discharge Pipeline has not been addressed.	▪ Additional management controls are to be included within the DCP or permissible uses schedule of the SEPP and added as conditions of consent.

