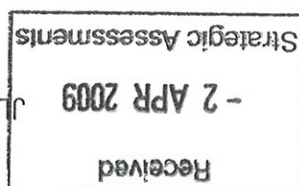


30 March 2009

JLO/Jenny Oosterveen
 F2004/12799



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

Attention: Mr Peter Staveley

Dear Mr Staveley

**MP07_0162 - Warner Industrial Park
 Preferred Project Report**

This correspondence is in response to the exhibition of the Preferred Project Report for the Warner Industrial Park (application No. MP07_0162).

A number of meetings have been held with the proponent regarding Warner Industrial Park to assist in the resolution of those issues raised in Council's submission (as enclosed and dated 2 October 2008) to the public exhibition of the proposal.

Whilst these meetings have resolved the majority of issues, Council remains concerned with the proposed landscape setbacks, complying development provisions within the draft Development Control Plan (dDCP) and potential impacts on Council land (road reserves). Further commentary and Council's current position regarding these issues is provided within the enclosures.

In addition to the above, Council wishes to re-emphasise its concerns with the level of detail provided within the Preferred Project Report and the original public exhibition material, particularly in relation to the following matters:

- Filling;
- Flooding;
- Climate Change;
- Stormwater management; and
- Engineering designs and requirements.

These concerns are exacerbated through the requested deletion and oversimplification of key conditions of consent by the proponent (as proposed by Council) relating to design and construction requirements. Many of the conditions proposed to be deleted by the proponent provide greater guidance and information for design and construction, particularly for the consent authority dealing with future development applications for this site. It is therefore recommended that the Department of Planning carefully review each of Council's proposed consent conditions (including those revised conditions as agreed to by both parties as enclosed) before issuing any approval for the Warner Industrial Park.

Whilst Council acknowledges that some reliance may be placed on existing controls (such as those within Council's DCP 2005: Chapter 67 -- Engineering Requirements for Development), these controls do not address or cover all requirements for development standards, therefore their removal may reduce the development's longevity, performance and safety.

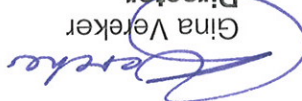
Through assessment of the original proposal and preferred project report, Council retains it original concern that a number of the studies undertaken in relation to the development with regard to filling, flooding and stormwater are lacking in detail and consistency, and require further clarification. Concerns relating to these issues are not insignificant and have the potential to result in real property, infrastructure and personal damage if not addressed prior to any development approval being issued.

Further to the above, it is strongly recommended that any decision regarding the project approval is withheld until such time as a Voluntary Planning Agreement (VPA) has been entered into by both Council and the Proponent. Whilst negotiations are currently being undertaken between both parties, the draft VPA is in a very preliminary format and Council has identified some fundamental concerns relating to proposed monetary contributions, works in kind, land dedication and proposed timings for these to occur. It is considered that these issues will be substantially more difficult to resolve if approval is issued prior to the VPA being finalised. Further details regarding the VPA will be forwarded to you in the near future.

In light of the above concerns, it is requested that a meeting between Council and yourself is held at your earliest convenience to discuss these matters in further detail.

If you have any questions in relation to this submission or to arrange a meeting, please contact Scott Duncan, Acting Team Coordinator, Land Use Planning on 02 4350 5547.

Yours faithfully


Gina Vereker
Director
SHIRE PLANNING

Enclosures

1. Outstanding Council Concerns (2 pages)
2. Council submission to Public Exhibition of Warner Industrial Park dated 2 October 2009 (37 pages)
3. Agreed revised conditions
Letter dated 9 December 2008 (6 pages)
Email dated 16 December 2008 (3 pages)
Meeting Minutes dated 12 February 2009 (4 pages)

Enclosure 1 - Outstanding Council Concerns

Concern	Response
Landscape Treatment and Setbacks	Council considers that the interchange of Sparks Road and the F3 Freeway represents a major gateway into Wyong Shire. Any development occurring within this area reflects on the perception of the Shire as a whole. Therefore it is essential that development on this site is of a high quality design and sympathetic to the surrounding environment. Council's original submission and proposed conditions of consent required minimum building setbacks of 20 metres to all existing street frontages (including the F3 Freeway, Sparks Road and Hue Road). In addition, Council required this setback to be fenced on the building line. Further, Council had also requested that no variations be able to be made to the setbacks, in addition to no other uses being able to be carried out within these areas. The setbacks required by Council are consistent with those within the current draft DCP 2005 Chapter for the Wyong Employment Zone. Further, this setback will enable additional visual screening of potentially large scale, visually intrusive developments. In addition, these controls would have limited encroachment of uses (such as storage and stockpiling) into these setback areas. Council has relinquished the requirement for fencing on the building line, in addition to proposing a reduction in the setback to the building line to Hue Road to be 15 metres, with the setbacks for Sparks Road and the F3 Freeway to remain at 20 metres. The proponent has not agreed to these revisions and has maintained their position that all setbacks should be 15 metres.
Draft Development Control Plan (ddCP) Complying Development Controls	Council's original submission and proposed conditions of consent identified that the ddCP should be amended to emphasise prescriptive controls rather than performance objectives – particularly for those developments which could be classified as complying development. Whilst some additional criteria have been incorporated to the ddCP through reference to existing Council DCP 2005 Chapters (e.g. Chapter 66 – Subdivision and Chapter 75 – Industrial Development), the general criteria are still considered too broad for assessment of complying development proposals. The use of wording such as 'encouraged,' 'have regard for,' 'appropriately respond to' are not considered sufficient control mechanisms for potentially large scale, visually intrusive developments. Control mechanisms for complying development should be prescriptive and utilise numerical controls where possible.
Draft Development Control Plan (ddCP) Complying Development Exclusions	In addition to those exclusions for complying development as identified within the exhibited draft DCP, Council proposed additional exclusions (which have not been accepted by the proponent) for: ▪ Development proposing more than one factory unit / warehouse per allotment; ▪ Lots adjoining Sparks Road, Hue Road or the F3 Freeway; ▪ Lots adjoining Buttonberry Creek corridor; and ▪ Development on lots with a size of 5,000m² or less. These exclusions were proposed by Council in order to address some of

Concern	Response
the short comings of the proponent's criteria for complying development, as it was considered too broad for this application. Exclusion of these developments will enable greater control to be exercised over those developments which would be more visually prominent or located in environmentally sensitive areas.	
Impact on Council Road Reserves	There is concern that works including fencing and landscaping undertaken within the development site will encroach upon the Council road reserves adjoining Hue Hue and Sparks Roads. As a minimum requirement, Council requires the developer to revegetate and maintain the buffer and any damage to road reserve in order to preserve the existing character of the area such as through appropriate fencing styles and use of locally endemic species. It is unclear whether the application has assessed the impact of those works and treatment on the road reserves. It is recommended that the Department carefully review the plans of the proponent to ensure that this issue is addressed.
Proposed consent condition removal and oversimplification	The conditions of consent as proposed by Council (dated 2 October 2008) were provided to the Department in an attempt to ensure that development occurring on the subject site would be appropriately guided through the provision of adequate information. Council is concerned that the removal of key conditions of consent and oversimplification will result in inappropriate development and may reduce the development's longevity, performance and safety.

Enclosure 2 – Council submission to Public Exhibition of Warner Industrial Park

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JLO/Jenny Costerveen
 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.

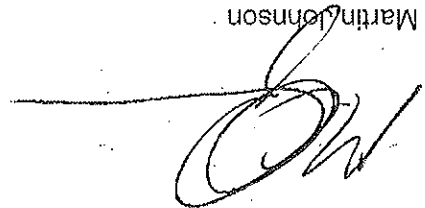
In relation to the documentation provided for public exhibition, Council has particular concerns relating to a number of issues including:

- 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.

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



Martin Johnson
Manager
LEGAL AND POLICY

Enclosures: Wyong Shire Council Submission

Warner Industrial Park Public Exhibition (MP07_0162)

Wyong Shire Council Submission

1. Integration of the Planning Process

Council Response	Issue
Draft Warner Industrial Park Development Control Plan	
▪ 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. ▪ This issue requires to be clarified in addition to the above comments regarding the validity of DCP 2005. <i>DCP forms part of Council's response</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. 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 c The proposal does not indicate which government agency is responsible for implementing and reviewing the DCP. d Complying Development
▪ 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.	
▪ If the draft DCP is not incorporated into the draft DCP for the WEZ, it is recommended that the draft DCP 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	





Council Response	Issue
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. The minimum building setback of 15 metres to all existing street frontages (i.e. F3, Hue Hue Road and	e Site Boundaries / Interface Issues f Development Controls



Council Response	Issue
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 promote the orderly use of land as a regionally significant site for employment generation. 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 reduce the impact of development on natural eco systems including downstream waterways. 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)

Council Response	Issue
■ 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. ■ 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. ■ 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. ■ Additional management controls are to be included within the DCP or permissible uses schedule of the SEPP and added as conditions of consent.	a The proposal identifies a pipeline to carry recycled stormwater from the Warner Industrial Park along Hue Hue Road to Wyong River. b The proposed pipeline does not discharge into the proposed Bailey's Wetlands as proposed by the WEZ IWCM Strategy. c Stormwater discharge from development which occurs prior to the development of the Stormwater Discharge Pipeline to Wyong River is not addressed. d Contaminated water quality as a result of spills, leaching etc flowing into the Stormwater Discharge Pipeline has not been addressed.





3. Flooding

Issue	Council Response
a The crossing at Buttenderry Creek is shown on the plan as a culvert or a bridge. It is noted elsewhere within report documentation that this crossing is a 30 metre clear-span. b An exemption for 25% of each allotment for irrigation purposes is allowable however elsewhere in the applicants documentation it is stated rain tank water is to be included for allowance of irrigation. c It is noted that storages will be designed in accordance with <i>Ecological Engineering's</i> calculation shown in Table 5.2 and 5.7.	Should a culvert be utilised for this crossing, backwater effects will need to be assessed. Consent conditions have been recommended which require additional modelling to be undertaken to ensure that such effects will be addressed appropriately. Should the rain tank water not be irrigated (as it would be assumed that this 25% would be developed) then this associated tank volume will not be available for future 'airspace' and retention. There is no mention of additional channel retardation forming storage that is required as shown in <i>Ecological Engineering's</i> table 5.10 - Retardation storage Design for WEZ Catchments. The proponent will need to clearly identify which parts of the development (within public and private areas within the industrial estate) are providing compensatory flood storage in order to ensure that all uses are flood compatible.
d B2 Stormwater Management	Management of stormwater in B2 channel is deemed to be not appropriate as overland flow is likely to affect proposed Lot 1 and potentially other lots adjacent to the road/overland flow path. The DHI letter (May 2007) indicates that this has been investigated however details of these investigations and outcomes/solutions have not been provided.
e Storage Modelling	The documentation doesn't indicate how flood storage areas have been modelled - inconsistencies exist between the two reports submitted within the documentation. If this level is incorrect, this could pose serious risks to landowners and access to and from the site. Consent conditions have been recommended which require a revised flood model and analysis of the flood stormwater drainage for the total development site for all watercourses. It is recommended that the RTA be consulted about the impact of increased flooding behind the F3 - Freeway embankment.
f Flood reports within the provided documentation are ambiguous and have identified that the 1% AEP has been reduced by 500mm.	

4. Environment

Council Response	Issue
■ Council is concerned that odour issues may be of a nature which results in unsuitable working conditions. It is recommended that an odour study is undertaken for the site.	a The proximity of the development site to Buttenderry Waste Centre.
■ A biocertification application has been developed for the entire WEZ (which includes the current proposal). The Department of Environment and Climate Change (DECC) has still not signed off on this. It is not only unclear but is a matter of great concern to Council that this proposal might not make a contribution towards the broader biodiversity offsetting strategy for the WEZ. Council staff have met with the proponent and have indicated that they will need to pay a proportional share for the entire WEZ (as would have been required by the WEZ Section 94 Contribution Plan). Council staff have indicated that an equivalent payment could be made through the Planning Agreement which is in the process of being negotiated with the proponent to ensure that no funding shortfall arises.	b Biocertification and Environmental Offsets
■ A draft Vegetation Management Plan has been prepared. There are a number of inconsistencies with Council's own WEZ Plan of Management for future conservation areas. Additional requirements may be required by DECC. A development consent condition has been recommended to ensure that Council has a sign off on this before construction commences.	c Vegetation Management Plan needs to be consistent with WEZ Plan of Management. Additional requirements might also need to be introduced to satisfy any conditions for biocertification from DECC.
■ Appropriate consent conditions have been recommended to ensure that this policy is applied.	d The Urban Interface Area (UIA) and Edge Treatment requirements outlined in draft Wyong Shire DCP 2005 Chapter 66 – Subdivision are to be applied to all industrial zones adjoining conservation zones.
■ A number of consent conditions have been recommended to address these issues: - Placement and construction of drainage, constructed wetlands and other IWCM infrastructure is to be sensitively located, designed and landscaped to enhance habitat values for threatened amphibians and mitigate identified Key Threatening Processes (e.g. <i>Gambusia</i> and frog chytrid). - Services such as water, sewer, power and telecommunications that are unavoidably required to be within the wildlife corridor are to be sensitively placed so as to avoid, protect or retain known habitat features (e.g. hollow bearing trees, dams, drainage lines etc). - All road crossings that traverse conservation land	e Minimise impacts arising from IWCM facilities and infrastructure provision.





General	
Issue	Council Response
5. Traffic and Transport	
Public Transport	
a Details of proposed road ownership have not been provided within the exhibition material, nor who will be approving the construction of these roads.	- There is concern that if Council is not the Certifying Authority for the development, roads will be constructed in a manner which is inconsistent with Council's standard requirements. In addition, unusual site conditions or inappropriate fill materials may result in a change of requirements for pavement design and construction. - Council may use its powers under the Roads Act to deny the developer access from the existing local roads (i.e. Hue Road and Sparks Road) if it is not involved with the approval process for the design and construction of the roads and intersections. - Given the location of these roads, there will be development pressure for convenience related business such as petrol stations etc. This creates traffic issues associated with left in left out traffic congestion. A consent condition has been recommended to prohibit direct access onto Sparks Road and Hue Road. - Council does not consider that the width of these roads will enable access for B-Doubles.
b Access is not prohibited to those lots fronting Hue Road and Sparks Road	
c The roads indicated on the concept plan are approximately 13m wide (excluding the road reserve).	
a Public Transport has not been provided within the proposed development area and is restricted to Hue Road and Sparks Road. This is particularly important given the proximity of the site to the site to the Warnervale Town Centre.	- Bus servicing needs to be provided in accordance with the local bus company and Ministry of Transport (MOT) requirements. The applicant needs to provide a letter from the MOT and local bus company stating that it will agree to extend the current bus service to include the proposed development. - Bus shelters need to be developed at the proponents expense. A consent condition has been recommended

Issue	Council Response
	- are to be designed by a suitably qualified Ecologist with features to assist with fauna movement and to reduce mortality (e.g. underpasses, landscaping, lighting issues, speed suppression, glide poles – as appropriate). - All necessary fire protection measures (asset protection zones, fuel free and fuel reduced zones) are to be contained within industrial zoned land. - Perimeter road access has been reduced from the earlier proposals. Greater effort should be made to increase the use of perimeter roads where development adjoins environmentally significant lands.



6. Visual and Landscape Management

Issue	Council Response
a The Visual Analysis does not identify controls for reducing visual impact of the site from the F3 Freeway. b Landscape strategy c Visual Impact, Setbacks and Landscape Design	The proponent will need to demonstrate that the landscaping strategy will effectively screen future industrial buildings at some locations. The vista of main concern is the F3 - Expressway. At this point the freeway is elevated above the natural ground level. Additional landscape screening may be required on Lots 47, 65-69, 101 and 120-121 to properly screen industrial buildings from being viewed along this major visual corridor. Additional controls should be identified within the DCP which identify requirement for development consent for large scale advertising and visually unappealing buildings (e.g. tin sheds) from being constructed where this will be visually significant. The character and perception of Wyong by visitors and locals will be impacted on by the clearing of vegetation for the development and visual character of the development. The WEZ DCP proposes the establishment of a 20 metre visual landscape buffer which must be embellished and transferred to Council to screen the industrial estate. The proponent is only providing a setback screen of 15 metres in width. 20 metre setbacks would be more appropriate and also

Issue	Council Response
Management of External Traffic Impacts	
a Intersection locations, design and construction	Council has additional requirements for the design, location and construction of the proposed intersections of Hue Hue Road and Sparks Road. Consent conditions have been recommended to address this issue. Consultation will also be required to be undertaken with the RTA in relation to these issues.
Management of Internal Traffic Impacts	
a Internal road widths, accesses, footpaths, speed control, intersections, uncoupling areas. b Lot sizes for access and aggress c Access to adjoining properties d No footpaths and cycleways have been shown (both internal/external to the precinct).	Council has identified that all pavements within the development must be capable of supporting B-doubles and B-Triples. The current proposal does not adequately address this issue. Access to adjoining properties has not been addressed as part of the proposal The proposed minimum lot size of 2,000m² raises concerns that they may not be large enough to accommodate access and egress in a forward direction, particularly by heavy vehicles. Consent conditions have been recommended to address these issues.

Issue	Council Response
d Open Space e Movement f Signage g WCM Structures	align with the controls contained in the draft DCP for the WEZ. A condition has been recommended that the landscaping setback remains at 20 metres, this shall be required to be landscaped at an appropriate density to the satisfaction of Council. The ownership of the setbacks has not been identified within the exhibition documentation. This requires clarification. It is recommended that these areas be embellished and transferred to Council at no cost. Note that a number of lots back onto the main roads with their attendant storage, parking and poor building presentation. To ensure that this development does not have a negative impact on the character and perception of Wyong, additional controls should be stipulated within the relevant DCP. There is concern that the open space provided within the development does not provide enough social cohesion or support. The proposal for the public reserve at the rear of an unbroken line of industrial lots suggests dumping and misuse of the reserve will occur. The proponent needs to demonstrate how the edge of this reserve will be treated to protect its natural values. Safe movement to other areas and within the development area is critical to the take up of alternative transport access to the area from adjacent residential areas An integrated signage strategy should be developed to control obtrusive visual material within the proposed industrial estate. Compliance with Council's DCP Chapter 50 – Advertising Signs will also be required. IWCM structures and ponds need to be integrated with landscape treatment strategies over future public lands and parks.

7. Lot Sizes and Land Use Mix

Issue	Council Response
a A minimum allotment size of 2,000m² has been provided for within the draft DCP.	If this minimum lot size is endorsed, this should only be applicable to a proportion of the lots (e.g. 5% of the total number of allotments). Large numbers of small lot sizes will encourage non-industrial uses – such as office premises – and strata subdivision which will detract from the original intent of the area. This condition should be reflected in the planning agreement and amended relevant DCP. Any inclusion of additional land uses within these
a The proposed land uses within	



Issue	Council Response
the IN1 and E2 zones are broader than those currently proposed by the Standard instrument.	zones will also be required to be adopted throughout Wyong Shire if this zone is utilised when Council prepares its Comprehensive LEP. As Council has just commenced work on this project, the implications of including these land uses within these zones are unknown at present. Land uses adopted should be consistent at least with those proposed for the remainder of the WEZ. Council has previously raised concerns about the wide range of permissible land uses allowable in the IN1 – Industrial zone. Particular concern was raised with the permissibility of neighbourhood shops, and Council requested its removal from the land use table. It is not clear whether these concerns will be addressed (see Council's letter dated 18 March 2008 for further information).
b The proposal needs to provide a mix of industrial lot sizes to cater for a mix of industries	Lots 1 and Lots 10 – 13 must not be used for services stations or fast food outlets. This is because there is a need for high quality buildings and landscape controls in the southern part of the estate which fronts Sparks Road. The size and scale of the 'ancillary support uses to reduce the need for workers to travel outside of the site for day to day convenience uses and services' needs to be clarified. 'Neighbourhood shops are identified as a proposed use. In terms of Council's Retail Strategy, this would not include and supermarkets and only small convenience shops plus food and drink. They should not compete with any other centres in the Shire, especially Warnervale Town Centre.

8. Water, Sewer and Other Infrastructure

Issue	Council Response
a Energy Australia identified that a 132KV/11KV substation is required for the development. This was prior to the addition of that land owned by LG Delahunt and Delcare Constructions Pty Ltd. b Provision of water and sewer to the development	The concept plan does not identify the location of this substation. It is also recommended that the size of this substation is upgraded to accommodate for those additional lots, if required by Energy Australia. Council will need to provide water supply and sewerage services to this development. All works shall be completed in accordance with the draft Development Servicing Plan (DSP) for the WEZ. Council will be responsible for the construction of the 300 mm water main along Sparks Rd and the 200 mm water main along Hue Rd and terminate it at Kiar Ridge Rd. The developer will be required to connect to the 300 mm main in Sparks Rd and another connection to 200 mm main in Hue Hue Rd Council will also provide sewerage infrastructure on the



**10. Section 94 Contributions and State Infrastructure Contribution (SIC)**

Issue	Council Response
a It is still unclear whether the State Infrastructure Contribution is applicable to this development.	▪ Council does support the imposition of the SIC on the WEZ and employment lands in general. Economic feasibility studies conducted by Council indicate that the increased costs associated with the imposition of the SIC will significantly 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.

9. Construction Impacts

Issue	Council Response
a Estimated fill for the site has been identified to be 250,000m ³ . This equates to approximately 20,000 truck movements.	▪ This is anticipated to have a large impact on the residual life on both Hue and Sparks Road. ▪ Contributions should be payable by the applicant for the loss of this residual life. Such contributions are to be specified in the Planning Agreement to be entered into by both Council and the Terrace Tower Group. ▪ These contributions are also to cover the upgrading of Sparks Road to its classification as a higher mass road, given it is within 10km of a State Road.
b The fill source for the development is currently unknown.	▪ Fill consisting of highly reactive clays will result in additional design and construction for road pavements. ▪ Some fill may be sourced from Council's Buttonderry Waste Management Site. This however will be limited to 25,000m³ per calendar year as Council's licence does not extend to quarrying activities. ▪ Haulage routes for fill and final levels need to be provided to properly assess the impacts associated with the proposal.

Issue	Council Response
c The intersection to the development from Kiar Ridge Road has been removed from the Concept Plan.	▪ The proposed road network will enable water lines to be easily located along the road network to service the development ▪ This will need to be provided within the proposed drainage reserve.

b The applicant has requested that the development be excluded from Council's Section 94 Contribution Plan and has requested that Council enter into a Voluntary Planning Agreement (VPA).	▪ Council does not raise any objection to the development being excluded from Council's Section 94 Contribution Plan providing equivalent provisions are included in the VPA and Section 94 shortfalls are made up through direct payments to Council. ▪ No approvals by the Minister should be issued until such time that the VPA has been signed by both the applicant and Wyong Shire Council to properly resolve cost apportionment issues for the development.
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11. Additional Items

Issue	Council Response
a Conditions relating to Project and Concept Approval b Provision of gazetted plans to Council	▪ The opportunity for Council to review proposed conditions for the Project or Concept Approval of a Part 3A Project would be appreciated by Council. ▪ This will enable anomalies within the conditions being identified and allow rectification of resultant issues prior to the project being gazetted. ▪ In addition, this will assist Council in identifying potential administrative tasks prior to the gazettal, assisting in the smooth implementation of new provisions. ▪ Council requests that when a part 3A project is gazetted, Council is forwarded (with the formal notification) in electronic format a copy of any associated gazetted plans, including maps which alter zones, heritage provisions, permissible uses etc. ▪ Such maps should be provided in both pdf and shape file formats to assist with the amendment of Council's GIS system.



Warner Industrial Park Public Exhibition (MP07_0162)

Wyong Shire Council Submission

Proposed Conditions of Consent

Prior to Project / Concept Approval:

The following conditions must be satisfied prior to Project and Concept Approval. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

Draft Development Control Plan

1. The controls within the draft Development Control Plan for the proposal are to be amended, in consultation with Council. Such amendments are required which relate to the following:

Complying Development

- Incorporation of prescriptive development controls, including classifications and parameters for Complying Development;
- Clarification and inclusion of standards applicable to development within the proposal area for issues such as (but not limited to) energy efficiency and other sustainability requirements, parking and signage;
- Incorporation of appropriate prescriptive design criteria for architectural design, building heights, setbacks, landscaping, building materials floor space ratio (including tin sheds) etc;
- Inclusion of checking mechanisms to ensure industrial uses are being undertaken on site in accordance with complying development provisions;
- Consistency with Council's current Development Control Plan 2005: Chapter 86 – Complying Development; and
- Lots affected by bushfire prone vegetation should not be subject to complying development.

Site Boundaries & Interface Issues

- Inclusion of additional controls to ensure undesirable adverse visual impacts from Hue Hue Road, Sparks Road and the F3 Freeway are avoided. Such controls are to provide prescriptive criteria for (but not limited to) landscaping, setbacks, architectural design, fencing, cyclway widths, signage and building height

Design Criteria

- Increased building setbacks from Hue Hue and Sparks Roads;
- Development proposals seeking to creating small allotments (between 2,000-5,000m²) are accompanied by a site master plan detailing building siting, subdivision layout, integrated access, landscaping treatments and the like.
- The applicant demonstrates to Council that 95% of industrial zoned land within Warner Industrial Park has retained allotment sizes of 5,000m² and

greater. When this threshold has been exceeded no further small lot subdivision shall be permitted.

- Strata subdivision;
- Loading bays;
- Environmental controls (e.g. screening, Water Sensitive Urban design, landscaping etc);
- Height controls
- Building design parameters, including energy efficiency and other sustainability requirements;
- Colours;
- Access and egress to individual lots;
- Signage (including illuminated Signage);
- Waste storage and waste management plan requirements;
- 'Safely by Design' Principles;
- Landscaping species; and
- Referencing of AHD levels.

Visual Impact and Landscape Design

- Arrangement and orientation of peripheral uses to reduce demand for further clearing for commercial exposure;
- Provision of edge planting requirements which are of a scale to break down visual massing of industrial buildings
- Screening of service and storage areas by combined fencing and massed plantings which are appropriate for long term use and have low maintenance requirements; and
- Use of locally occurring species, propagated from local seeds.

Open Space

- Passive surveillance to encourage use by workers; and
- Design of WSUD devices to form a visual focal point in addition to addressing safety and visual quality as well as water treatment.

2. Safe shared path connections are to be provided to public transport nodes and to major destinations within the development, such as food outlets;
3. Any reserve within the development is to incorporate a shared path access from other parts of the estate. Shared paths crossing major roads are to use refuges to provide maximum safety to users.

Integrated Water Cycle Management

4. The Proponent is required to provide the Stormwater Discharge Pipeline (or contribute and amount towards, as agreed with Council) to dispose of treated stormwater from the development site to the disposal site at Wyong River.
 5. This pipeline is to be of a size which will accommodate the projected stormwater flows from the Wyong Employment Zone, Warnervale Town Centre and surrounding catchments.
 6. Should funding for the provision of the Link Road become available prior to the construction of the pipeline along the F3 Freeway route, consideration is to be given to providing the Stormwater Discharge Pipeline at this location.
 7. Additional controls are to be included (to the satisfaction of Council) within the relevant Development Control Plan and permissible uses schedule of the SEPP which enable management of contamination events on site and the prevention of these events resulting in pollution of stormwater entering the Stormwater Discharge Pipeline.
 8. Such controls are to include onsite detention, bunding of chemical storage areas, structural isolation of potential risks, prohibition of high risk developments, generator back ups, telemetry systems, diversion systems to sewer, multiple barriers, sluice gates, cut off etc).
- Odour Management**
9. Prior to Project or Concept Approval, an odour study is to be undertaken to the satisfaction of Council which identifies odour issues and management actions to alleviate these impacts, arising from the adjoining Buttonderry Waste Disposal Facility.

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application.

Certificates / Engineering Details

10. A Construction Certificate is to be issued by the Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000. Works are to be designed and constructed in accordance with Council's Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development*.
11. A dilapidation report must be submitted to Council prior to issue of a Construction Certificate. The report must document and provide photographs that clearly depict any existing damage to the road pavement, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development and haulage route.

Erosion and Sediment Control

12. The control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways in accordance with the NSW Landcom *Managing Urban Stormwater Soils and Construction*, 2004 and Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development. The design plans must include the following requirements:

- Sediment Retention Basins supporting the construction stages. Note: Calculations supporting capture rates, settling capacity and sediment storage shall be included within the plans.
- Swales, diversion channels, pollutant traps, check dams and other structures shall be detailed and sized.
- Collection and diversion of clean water through the construction zones.
- Staging and sequence of works and controls within the site.
- Maintenance schedules of all soil and water management systems.
- Structural Engineer's Certification of all constructed basins, stating structural stability for all storm events up to and including the 100year ARI storm event.
- The design plans, supporting calculations and details shall be approved by Council prior to issue of the Construction Certificate.

Filling and Haulage

13. The submission to and approval by Council of details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed routes to and from the site. Documentation regarding haulage routes, spoil destination, and fill source shall be submitted to Council/RTA prior to the commencement of works within the site. A Geotechnical analysis of all imported filling materials shall be submitted to Council for assessment and approval prior to the commencement of site works. The fill material shall be Class 1 (VENM- Virgin excavated natural material) as certified by a practising Geotechnical Engineer prior to haulage to site. The certification documentation shall be submitted to Council throughout the construction phase of the subdivision works.
14. The approved haulage route road pavements shall be tested by a practising Geotechnical Engineering Consultant in accordance with Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and Austroads Guidelines. The testing results shall be presented in a Geotechnical Engineering Report including the following requirements:

- Dilapidation Report of effected pavements.
- Comprehensive rehabilitation program for all effected haulage route pavements.
- Estimate of costs for rehabilitation works. Note: A Bank Guarantee/Bond lodged with the Council will be necessary for 125% of estimated costs as agreed by Council of the rehabilitation works prior to the issue of any Construction Certificate.

Roads

15. Separate approval from Council as the Roads Authority must be obtained under Section 138 of the Roads Act 1993 prior to the issue of any Construction Certificate

which includes any works within a Council road reserve. For any such works, design plans must be submitted to and approved by Council prior to issue of the Construction Certificate.

16. The provision of a plan of management for any works for the development that impact on any public roads and public land for the construction phase of the development, prior to issue of the Construction Certificate. This plan must be certified by a suitably qualified person prior to issue of the Construction Certificate. All works must be conducted in accordance with this plan. The plan is to include a Traffic Management Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over public areas.

17. Access to Hue Hue Road and Sparks Road, with the exception of the two intersections shown on the Concept Plan, EA01, Revision F, is denied.

18. No direct access shall be allowed for any allotment fronting Sparks Road or Hue Hue Road.

19. Construction of the intersections shown on the Concept Plan, EA01, Revision F on Sparks Road and Hue Hue Road are to be at full cost to the developer.

20. The construction, location and design of the Sparks Road/Road No.1 Roundabout intersection and approaches in accordance with the following requirements:

- The design shall be supported by a SIDRA model analysis of the Freeway/Sparks ramp intersection using post-development traffic volumes.
- Any impacts as identified by the RTA shall be mitigated by the provision of any RTA requested works.
- The submission of a Road Safety Audit with any recommendations to be carried out subject to the approval of Council.
- The provision of a steel fibre reinforced concrete (SFRC) rigid pavement of sufficient capacity to accommodate expected loads including an allowance for reactive subgrade materials.
- The roundabout geometry shall accommodate all vehicles up to and including B-triples maintaining lane/direction discipline.
- Signage, linemarking and traffic facilities shall be provided in accordance with Councils/RTA requirements. Note: Traffic Committee approval of these works will be required.
- Service utility relocation and adjustment shall be undertaken to the relevant authority's requirements.
- Street lighting in accordance AS. 1158.
- Roadside Landscaping. Note: Estate Advertising/Direction signage requires separate Development Application approval.
- Pavement design axle loading is to be 3×10^7 with provision for HML for all vehicles up to and including B-Triples.
- The design shall be prepared in accordance Council's Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development*. The design

- plans must be approved by Council prior to the issue of a Construction Certificate.
21. The construction of the Hue Hue Road/Road No.5 intersection and approaches in accordance with the following requirements:
- The design shall be a full "Seagull" treatment channelized CH intersection with left turn provision.
 - The submission of a Road Safety Audit with any recommendations to be carried out subject to the approval of Council.
 - The intersection shall accommodate all vehicles up to and including B-triples maintaining lane/direction discipline and provide for "Safe Intersection Sight Distance" (SISD).
 - Signage, linemarking and traffic facilities shall be provided in accordance with Councils/RTA requirements. Note: Traffic Committee approval of these works will be required.
 - Service utility relocation and adjustment shall be undertaken to the relevant authority's requirements.
 - Street lighting in accordance AS 1158.
 - Roadside landscaping. Note: Estate Advertising/Direction signage requires separate Development Application approval.
 - Pavement design axle loading is to be 3×10^7 with provision for HML (Higher Mass Limit) for all vehicles up to and including B- Triples.
 - Internal roundabout to be SFRG.
 - The design shall be prepared in accordance Council's Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development*. The design plans must be approved by Council prior to the issue of a Construction Certificate.
22. Safety barriers shall be provided along Hue Hue Road/Road No. 5 and Kiar Ridge Road adjacent all excavated batter slopes and where hazards generate warrants for safety barriers.
23. Road No. 5 is to be designed to reduce approach grades from Hue Hue Road and any other roads to a maximum of 3% into and through the roundabout.
24. The construction of Roads Nos 1, 4 & 5 in accordance with the following design requirements:
- Road Reserve width 24.0 metres with a 14.0 m minimum width carriageway and a shared 2.5m wide footpath cycleway to one side. Note: The shared footway shall connect to Hue Hue and Sparks Road and be extended along Sparks Road to Burnett Road.
 - B-Double/Triple uncoupling and temporary storage suitable for a minimum of two trucks are to be provided at the southern end of Road No.1 and within Road No.5 in close proximity to the intersection of Roads Nos 1 & 4.

- The intersection of Roads Nos 1, 4 & 5 shall be designed as a roundabout with sufficient area to accommodate B-Doubles/Triples movements. The roundabout is to have a SFRG pavement.
- Pavement designed to accommodate 3×10^7 ESA with provision for HML for all vehicles up to and including B- Triples.
- Signage, linemarking and traffic facilities shall be provided in accordance with Councils requirements.
- The Road No.1 Bridge shall be designed with a minimum 30.0 clear span in accordance with AS.5100. Note: Design & Construction Certification shall be undertaken by a suitably qualified Structural Engineer in accordance with AS. 5100 having regard to expected loads from B- Triples with HML provision including the appropriate safety factor. The design shall also include adequate provision for pedestrians and cyclists.
- Street lighting in accordance AS. 1158.
- Roadside landscaping.
- The design shall be prepared in accordance Councils Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development*. The design plans must be approved by Council prior to the issue of a Construction Certificate.
- 25. The construction of Roads Nos 2, 3 & 6 in accordance with the following design requirements:
 - Road No.2 & 6 shall have a road reserve width of 21.0 m, a 13.0 m minimum width carriageway and a 1.2m wide footpath to one side. Note: The Road No. 2 cul-dec-sac shall have a minimum 30.0 m kerb line diameter.
 - Pavement design axle loading is to be 3×10^7 with provision for HML for all vehicles up to and including B- Triples.
 - Road No. 3 shall have a road reserve width of 23.0 m, a 14.0 m minimum carriageway and a 1.2 m footway to one side.
 - Street lighting in accordance AS. 1158.
 - Roadside landscaping.
 - The design shall be prepared in accordance Councils Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development*. The design plans must be approved by Council/RTA prior to the issue of a Construction Certificate.
- 26. The provision at no cost to Council of concrete footpaving (one side only) to all roads within the subdivision in accordance with Councils Development Control Plan 2005 Chapter No 66 – Subdivision and Chapter No. 67 - *Engineering Requirements for Development*. The design plans must be approved by Council prior to issue of the Construction Certificate.
- 27. All intersections and roads are to cater for B-Doubles and B-Triples with the vehicles maintaining land/direction discipline, i.e. not crossing the centre line. This is to be with vehicles parked adjacent to the kerb.

28. Road widening is to be provided to allow for the maintenance of land discipline on all curves in accordance with the provisions of Council's Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development* and Chapter No. 66 - Subdivision.
 29. Unless specified elsewhere in these conditions, road and verge widths and location of accesses are to be provided in accordance with Council's Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development* and Chapter No. 66 - Subdivision.
 30. The provision of additional civil works necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the development, at no cost to Council. Design plans are to be approved by Council prior to issue of the Construction Certificate.
 31. All roads within the subdivision are to be a rigid concrete pavement due to the high traffic loads, high torsional loads and highly reactive subgrade conditions. The design shall be prepared in accordance Council's Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development*. The design plans must be approved by Council prior to the issue of a Construction Certificate.
 32. Unless specified elsewhere in these conditions, all roads and intersections are to be consistent with the recommendations contained in the traffic studies completed and approved by Council as part of the Wyong Employment Zone Project (see Draft Wyong Employment Zone Development Control Plan for detailed requirements).
 33. All lots are to provide sufficient on-site space for the manoeuvring of delivery vehicles to ensure that they enter and depart the property in a forward manner without conflicting with pedestrian movements and other vehicles parking.
 34. Land is to be dedicated to permit a legal and proper access road connection to the adjoining properties to the east (Lot 9 DP 239704 and Lot 5 DP 259531). If the roads within the development are not public roads then a legal Right of Way (ROW) to Lot 9 DP 239704 and Lot 5 DP 259531 is to be provided.
- ### Public Transport
35. Bus servicing needs to be provided in accordance with the local bus company and Ministry of Transport (MOT) requirements. Adequate and proper bus service facilities, including "U" turn provisions are to be provided.
 36. The applicant is to submit a plan to Council of proposed bus stop locations in accordance with the final agreed bus route for approval by the Local Traffic Committee. Bus shelters are also required at these locations at full cost to the developer.
- ### Subdivision Works
37. This consent does not provide for staging of the development. Any staging will require a separate approval or an amendment to this approval by the Minister of Planning.
 38. The design and construction of all subdivision works in accordance with Council's Development Control Plan 2005 Chapter No 67 - *Engineering Requirements for Development*, which are prescribed at the time of commencement of engineering works. The design plans, including an overlay of the vegetation plan identifying trees to be retained as per the approved development plans, and any trees to be removed must be approved by Council prior to issue of the construction certificate.

Flood Design & Drainage

39. The submission of detailed designs and the preparation and submission of a revised flood model and analysis of the flood stormwater drainage for the total development site for all watercourses.
40. Precinct based storage shall be comprised of channel forming retardation storage and active storage.
41. The channel forming retardation storage may allowed to drain over a longer period, however this storage shall not be used to store water that will be pumped to Wyong River.
42. Additional channel retardation forming storage is to be provided in accordance with Ecological Engineering's table 5.10 – Retardation storage Design for Wyong Employment Zone Catchments.
43. Constructed wetland systems shall be sized at 4% of the catchment area as a preliminary estimate however the required inlet zone shall be in addition to this area.

Buttenderry Creek Flood Plain including B1 South

44. The submission of detailed designs and the preparation and submission of a revised flood model and analysis of the main watercourse. The model shall determine the post subdivision development flood way for all storm events up to and including the 100 year ARI event. The model shall include the following design parameters:
 - Stabilising of the existing natural low flow zone to accommodate the 1.5 year ARI storm event.
 - Road No.1 Bridge Crossing to have a minimum 30.0 metre clear span with consideration of bridge pylons and abutments to the back water and scour effects and appropriate mitigating treatments. A minimum free board of 0.50m to the underside of the superstructure during the 100year ARI storm event.
 - The augmentation of the existing culvert crossings to accommodate the 100 year ARI storm event under Hue Hue and Sparks Road.
 - The provision of scour protection in accordance with Austroroads Waterway Design "A guide to the Hydraulic Design of Bridges, Culverts and Floodways" for all elements of the bridge structure.
 - Blockage factor 50% to culverts under F3 (Freeway) or as otherwise agreed and approved by the RTA.
 - There is no increase in flood levels or impacts on adjoining upstream or downstream properties.
 - Inclusion of Constructed Wetlands (Retention/Detention Basins) within the flood plain.
 - Design and modelling details to be submitted to Council/RTA for approval prior to issue of the Construction Certificate.
45. The natural wetting and drying cycles within the Porters Creek wetland are to be preserved and maintain groundwater recharge. A design/management strategy is to be prepared in accordance with: Water Sensitive Urban Design Solutions for Catchments above Wellands, May 2007, Hunter & Central Coast Regional Environmental Management Strategy and Development Control Plan No.2005 Chapter 67 –

Engineering Requirements for Development prior to issue of the Construction Certificate.

F2 Channel

46. The submission of detail designs and the preparation and submission of a flood model and analysis of a proposed channel. The model shall determine the post subdivision development flow for all storms up to and including the 100 year ARI storm event. The analysis shall include the following design parameters:

- The channel shall be designed as a natural channel generally in accordance with the Brisbane City Council Guidelines for "Natural Channel Design".
- A manning's roughness co-efficient "n" value of 0.08 for the central low flow zone and an "n" value of 0.12 for the remaining channel section.
- Blockage factor 50% to culverts under F3 (Freeway) or as otherwise agreed and approved by the RTA.
- Collection and discharge of all stormwater flows discharging from Kiar Ridge Road into the main channel.
- The channel shall be designed to facilitate low maintenance of all aquatic and vegetative systems within the channel base and riparian zones.
- The design shall be prepared in accordance Council's Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development*. The design plans must be approved by Council/RTA prior to the issue of a Construction Certificate.

B2 Channel

47. The submission of detail designs and the preparation and submission of a drainage analysis of a proposed channel. The analysis shall determine the post subdivision development flow for all storms up to and including the 100 year ARI storm event. The analysis shall include the following design parameters:

- Collection, conveyance and discharge of all generate upstream stormwater flows from the two upstream catchments crossing (Hue Hue Road & Sparks Road).
- The proposed system is to be designed so Sparks Road is not overtopped in a 1% ARI event and to suit the requirements of the future upgrade of the Hue Hue Road and Sparks Road intersection.
- Connection of this catchment via open channel / pipelines into the Buttenderry Creek flood plain via Roads No.1 and No.2.
- The design shall be prepared in accordance Council's Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development*. The design plans must be approved by Council/RTA prior to the issue of a Construction Certificate.

Stormwater

48. The submission to and approval by Council of stormwater drainage details in accordance with the following requirements:

- The construction of a minor system 20 year ARI design capacity piped stormwater drainage within the internal road network to service the subdivision.

- The construction of an interallotment stormwater drainage system to accommodate the 20 year ARI storm event to service each lot in the subdivision.
- The construction of reinforced concrete box culverts or approved equivalent road crossings for the two (Road No.6 crossings of) the F2 channel to accommodate a 100 year ARI storm event.
- The rehabilitation of the existing triple cell headwall, trash screen, stream bank protection and energy dissipater at the Hue Hue Road Buttonderry Creek crossing.

- The design shall be prepared in accordance Council's Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development*. The design plans must be approved by Council/RTA prior to the issue of a Construction Certificate.

49. The provision of a complete planting schedule for all water quality and quantity management structures, prepared by a suitably qualified and experienced practitioner. Plants to be used shall be generally endemic to the Buttonderry Creek catchment and appropriate for the proposed application. Design plans are to be submitted to and approved by Council prior to the issue of a Construction Certificate and all works, completed, inspected and approved by Council prior to the issue of a Subdivision Certificate.

50. The design and construction of additional stormwater drainage works consisting of stabilised capture and conveyance structures within Kiar Ridge Road to accommodate a 100 year ARI storm event. The works shall include connection of the drainage works into the F2 open drainage channel within the site. A control structure and energy dissipater outlet shall also be provided within the F2 channel connection point. The design and construction shall be undertaken in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* prior to the issue of the Construction Certificate.

51. The submission of MUSIC & flood storage modelling requirements to Council and the RTA in accordance with the Council approved detail design of the development to demonstrate compliance with the pollutant removal targets as a minimum of:

- a. 90% reduction in gross pollutants >5mm
- b. 85% reduction in the average annual total suspended solids load
- c. 65% reduction in the average annual total phosphorus load
- d. 45% reduction in the average annual total nitrogen load
- e. No visible oils and greases for the 1.5 yr ARI event and

The provision of:

- a. culvert inlet structure/ treatments to ensure that the Freeway (F3) is not overtopped in the 500 yr ARI event.
- b. flood storage is to demonstrate storage capabilities with reference to groundwater levels identified in the geotechnical investigation.
- c. cut/fill compensatory storage with regards to the ultimate development.
- d. Impacts of the 5 yr, 20yr and 50Yr together with the 100 yr and greater on the existing culvert systems under the freeway (F3).

e. The proponent is to consult with the RTA regarding the impact of the peak flood 100 year flood levels. Such levels are to remain 500mm below the top of the F3 embankment. Confirmation of the compensatory flood storage behind the F3 batter is also required to be submitted to the RTA and Council.

The design plans must be submitted to and approved by Council and the RTA (where impacts on their assets) prior to the issue of a Construction Certificate.

52. The submission of stormwater commentary providing calculations and design documentation regarding impacts of climate change, specifically tailwater level increase and increased rainfall intensity. The commentary shall identify where best practice safety, evacuation or other standard criteria are exceeded and proposed mitigation measures and costs to limit or remove such impacts or justification where it is considered that such impacts may be acceptable without mitigation. Design details of any works necessary now must be approved by Council prior to the issue of a Construction Certificate and be prepared in accordance with Council's Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development*.

53. The provision of Flood Warning signage to all approaches to flood areas within the development site. Design details shall be prepared in accordance with Council's Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development*. The design plans must be approved by Council prior to the issue of a Construction Certificate.

54. The construction of stormwater drainage system consisting of a piped system to capture and convey the 20 yr ARI with an overland flow path for the 100 yr ARI event in the vicinity of propose lot 23 from the existing system under Hue Road including the provision of any berms and easements to cater for the 1% flow. The design shall be prepared in accordance with Council's Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development*. The design plans must be approved by Council prior to the issue of a Construction Certificate.

55. Should the development occur prior to the Regional WCM Strategy being in place the provision of an interim WCM Strategy will be required. This system will generally consist of the following:

- Storage ponds, pumps with pump rates as identified for the ultimate scheme.
- The limiting of the number of lots to be released to provide a release area a maximum equivalent to 50% of the NDA of the total development to allow for spray irrigation until the commissioning and operation of the ultimate scheme.
- Temporary spray irrigation system to disperse of the interim harvested rainwater to limit the discharge from the site is to be removed and the
- Details demonstrating that the wetting and drying cycles are achieved in accordance with condition No. 57.

Filling & Lot Regrading

56. The proposed lots shall be filled and regraded to ensure that they are flood free for all storms and including the 100 year ARI storm event. The finished surface level of the lots shall include the following:

- A minimum freeboard of 300mm above the 100 year ARI flood level shall be applied to each developable lot.

- A minimum freeboard of 500mm above the 100 year ARI flood level shall be applied to each lot adjacent to the F3 (freeway) corridor.

Landscaping

57. The provision and maintenance of landscaping in accordance with Council's Policy Number L1 - Landscape for Category 3 development including the engagement of an approved landscape consultant and contractor to undertake the design and construction of the landscaping. All landscaping design works are to be approved completed prior to issue of the Construction Certificate. The following matters must be addressed to the satisfaction of Council:
- Demonstration how a 50 metre wide wildlife dispersal corridor will be provided which will simultaneously provide landscape screening and stormwater discharge functions on the portion of the development which adjoins the Sydney-Newcastle Expressway;
 - The proposed list of plant species (trees, shrubs and ground covers) to be used, details of their height and spread at maturity and maturity at time of planting;
 - The provision details of the extent of irrigation and the water supply source for proposed landscaping works;
 - The position of any mounding or earthworks;
 - The position of any external drainage materials;
 - The location of any external signposting and lighting;
 - Details of how planting shall used as an integral part of the overall design of the estate and in the development of each allotment including:
 - Use of trees to provide shade to buildings, outdoor recreation areas and carparking areas, trees shall also be used to line streets so that a continuous canopy at mature spread is created on each side of the estate roads.
 - Use of shrubs to restrict views into and from the allotments and to enhance tree-planting schemes and ground covers are to be used to tie the soil together in areas not grassed or paved.
 - The use of visually unobtrusive security fencing, in terms of colour, size and design, and located behind the landscape setback area. No barbed wire will be permitted.
 - No display areas shall be located between landscape setbacks and buildings in any location which faces the F3 – Expressway, Sparks Road, and Hue Hue Road. Major entries shall be designed with clear directory signage.
 - The provision of setbacks of a minimum 20 metres wide and fully embellished with landscaping fronting Sparks Road, Hue Hue Road and the Sydney-Newcastle Expressway prior to being transferred into Council ownership at the owners' expense, unless specified differently in this document. If 15 metre setbacks are proposed, landscaping will need to be provided at an appropriate density to the satisfaction of Council.
 - Selection of trees for mature scale and habit to break up the visual mass of large buildings.

Environment

- Prohibition of access from Sparks Road to allotments over proposed landscape setbacks.
 - All landscape works shall be in accordance with the measures identified in the Sparks Road Urban Design Framework Report (once completed and adopted by Council).
 - Proposed landscape works are to maintain necessary sight distances for roads and intersections.
58. All road verged are to be wide enough to accommodate the structural plate of a large tree and service requirements.

59. An Ecological Management Plan must be provided by the Proponent and approved by Council. This is to provide detail to assist in the coordination of land management actions of conservation areas and site clearing. Equivalent provisions are to be implemented to those outlined in the WEZ Plan of Management.

- Council approval will be required prior to site works commencing.
60. Placement and construction of drainage, constructed wetlands and other IWCM infrastructure is to be sensitively located, designed and landscaped to enhance habitat values for threatened amphibians and mitigate identified Key Threatening Processes (e.g. Gambusia and frog chytrid).

61. A survey report prepared by a registered surveyor for services such as water and sewer shall be submitted to Council for approval prior to issue of the Construction Certificate. The survey report shall be accompanied by an Ecological Report that identifies protected or known habitat features/species demonstrating the proposed route as being the most appropriate having regard for the ecological features of the site (e.g. hollow bearing trees, dams, drainage lines etc).

62. All road crossings that traverse conservation land shall be designed in consultation with a qualified Ecologist. The design shall incorporate features to assist with fauna movement and to reduce mortality (e.g. underpasses, landscaping, lighting issues, speed suppression, glide poles – as appropriate).

63. All necessary fire protection measures (asset protection zones fuel free and fuel reduced zones) are to be contained within industrial zoned land. No measures shall encroach upon conservation areas.

Trees

64. In relation to tree and vegetation protection, the following requirements are necessary:

- a Trees and vegetation within the retained naturally vegetated buffers and conservation areas are to be protected by the erection of a minimum two strand stock fence with parawebbing as per the consulting Arborist and Ecologists' direction, and maintained in good working order for the duration of the works. The consultants are to provide certification to Council that all temporary fencing is in place prior to the issue of a Construction Certificate.

- b All fenced tree protection areas are to be clearly marked as "No Go Area" on all final approved engineering plans. The location of threatened species habitat and Endangered Ecological Communities are also to be marked on all plans.

c All fenced tree protection areas are to be clearly marked as "No Go Area" on the fencing itself.

d No clearing of vegetation or storage of vehicles, fill or material or access is to occur within the "No Go Areas".

e The consultant Arborist/Ecologist may require other habitat and/or trees to be protected via fencing from time to time. This fencing is to be erected at the appropriate root zone protection limits (as determined by the consultant Arborist/Ecologist), prior to works being carried out around that particular habitat of tree.

f The management protocols and requirements within these conditions relating to tree and vegetation retention, protection are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.

g Ecologist on site during tree felling to check for habitat for relocation, sectional dismantling of trees etc.

h The consultant Ecologist and Arborist are to provide appropriate inductions to all on-site staff in relation to these ecological protocols.

i Timber from the site is to be reused on site where practical by way of milling, wood chipping or similar

65. The applicant is to engage a suitably qualified and experienced consulting ecologist, arborist and soil erosion consultant to supervise the construction of each stage of the development and to ensure and certify to Council's Development Ecologist that the trees and vegetation located within the retained naturally vegetated buffers are adequately protected during construction. Evidence of this engagement is to be forwarded to Council's Development Ecologist prior to the issue of a Construction Certificate.

The consultant ecologist and arborist are to provide reports to Council's Development Ecologist for review certifying how the proposal is meeting tree retention and protection requirements following completion of the following stages of development:

- Following erection of required tree protection fencing (and prior to the issue of a Construction Certificate)
- Following induction of each civil contractor and subcontractor
- Following initial clearing and excavation/filling of the site
- Following provision of services
- Following completion of each construction phase (and prior to the issue of a Subdivision Certificate)

Council's Development Ecologist is to be notified as soon as practicable (and not more than 24 hours after) if a breach of these ecological protection conditions occurs

Ecological

66. The applicant shall demonstrate how Urban Interface Area (UIA) and Edge Treatment requirements are satisfied as per Council's Development Control Plan 2005, Chapter No 66 – *Subdivision* for all industrial lots which adjoin conservation zones.

67. All environmental land that is to be transferred into Council ownership shall be transferred in a condition acceptable to Council and all management plan actions shall be satisfied prior to hand-over.

Mine Subsidence

68. Development shall satisfy any development and building design guidelines established by the Mine Subsidence Board.

Other Requirements

69. A Geotechnical Engineer's report shall be prepared supporting the controlled filling of all lots. The lots are to be "structural filled" to the requirements of AS 37982007. The report shall include details of the removal of all organic or unsuitable materials, depth of select fill, grades of the finished surface level and proposed filling materials, lot sizes, layer thicknesses, test locations and results. Inspection reports and certification shall be submitted to Council upon completion of each stage of works. The report must be approved by Council prior to the issue of a Certificate.

Water and Sewer

70. An application under Section 305 of the Water Management Act 2000 is to be made to Council as the Water Supply Authority. Advice will be provided under Section 306 of the Water Management Act 2000 detailing all necessary works and contributions for the development. Detail designs of the water and sewer works will be required to be submitted to and approved by Council under the Water Supply Act 2000 prior to issue of the Construction Certificate. Designs to be in accordance with Council's Development Control Plan 2005, Chapter No 67 - Engineering Requirements for Development.

Advisory Note:

The developer will be required to connect to the future 300 mm main in Sparks Rd and another connection to the future 200 mm main in Hue Rd (as provided by Council). The Proponent must construct sewerage infrastructure within the development site (i.e. sewage pumping station and associated 225 mm gravity main, rising main) and connect to Council's sewerage system on the eastern side of the freeway. The developer will receive credit for the pumping station and the associated 225 mm gravity main and the rising main as identified in the draft DSP. There will be no credit for the 150 mm sewer gravity mains within the development site.

All water supply infrastructure within the development site will be provided by the proponent. Payment of the following contribution charges as identified in the draft DSP are:

- Water supply is \$3,550 per lot.
- Sewerage is \$4,825 per lot.

Additional contributions may be applicable depending on consumption and discharge rates.

NOTE: These rates are subject to change. Appropriate arrangements for payment of these items are to be included in a Planning Agreement which is in the process of being negotiated between the Terrace Tower Group and Wyong Shire Council.

Final requirements for the provision of water and sewer will be provided under section 306 of the Water Management Act, 2000 by Council's Water Authority.

Prior to Commencement and During Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

Approved Plans

71. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

Inspections

72. Inspections as a minimum as identified in Development Control Plan 2005, Chapter No 67 - *Engineering Requirements for Development* must be undertaken and certified in accordance with Section 109 C (1) a of the Environmental Planning and Assessment Act. Should Council be appointed as the Principal Certifying Authority (PCA), the inspections must be carried out by Council, or may be carried out by an Accredited Certifier with Council's prior agreement. In these cases, a record of the results of the inspection must be forwarded to Council as soon as is practicable after the inspection and any associated Compliance Certificates must be forwarded to Council within 2 days of issue. Occupation Certificate: 48 hours prior notice must be given to Council of the required inspection.

- At the commencement of any clearing work (ie, prior to any demolition, excavation, clearing or building work): Check for compliance with Development Consent conditions, including:

- all requirements of the approved Ecological Management Plan (EMP);
- the installation of siltation controls, waste controls, hoardings, site fencing and other environmental protection measures.

- Sewerage inspections: Check sewerage connections, or on-site sewerage management facility, have been installed in accordance with the Construction Certificate, or on-site sewerage management facility approval respectively.

Record of Inspections Carried Out

73. In accordance with clause 162B of the Environmental Planning and Assessment Regulation 2000, the certifying authority responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

- the development application and construction certificate number;
- the address of the property at which the inspection was carried out;
- the type of inspection;
- the date on which it was carried out;
- the name and accreditation number of the certifying authority by whom the inspection was carried out; and

- whether or not the inspection was satisfactory in the opinion of the certifying authority that carried it out.

Inspections to be arranged with Council as the Principal Certifying Authority. Notice of required inspection must be given 48 hours prior to inspection, by contacting Council's Customer Service Department on (02) 4350 5555.

Other Authorities

74. Other public authorities may have separate requirements and should be consulted in the following respects:

- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
- AGL Sydney Limited for any change or alteration to gas line infrastructure;
- Energy Australia for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
- Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Site Requirements

75. The provision of a temporary closet on site from the time of commencement of building work to ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in the building activity. The temporary closet is to be a water closet connected to the sewerage system or approved septic tank or a chemical closet supplied by a licensed contractor approved by the Council.

76. All earthworks are to be limited to the area outlined on the approved site plan.

77. The Principal Contractor (or Owner/Builder) is to erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work; the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder); and stating that unauthorized entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated PCA.

78. Construction work is only to be undertaken in accordance with the provisions of the Environmental Protection Authority's 'Environmental Noise Control Manual-Guidelines for Construction Noise' as identified below:

Australian Eastern Standard Time (AEST): Monday to Sunday 7.00 am to 6.00 pm

Australian Eastern Daylight Time (AEDT): Monday to Sunday 6.00 am to 8.00 pm

Trees

79. Tree protection measures and exclusion fencing must be installed in accordance with specific development consent conditions and generally in accordance with Council's Development Control Plan 2005 Chapter No 67 - Engineering Requirements for Development. Documentary evidence from a qualified Arborist / Horticulturist that suitable tree protection measures have been installed may be submitted to the Principal Certifying Authority and Council, or alternatively Council must be notified to undertake an inspection of the works.

Prior to Release of Subdivision Certificate:

The following conditions must be satisfied prior to the release of a Subdivision Certificate.

Contributions and Works in Kind

80. The payment to Council of contributions in accordance with the Voluntary Planning Agreement between the Proponent and Wyong Shire Council.

81. The carrying out of Works in kind in lieu of the payment of contributions as outlined in the Voluntary Planning Agreement between the Proponent and Wyong Shire Council.

Aboriginal Relics

82. If Aboriginal engravings or relics are unearthed during construction, all work is to cease immediately and the National Parks and Wildlife Service must be notified. Works may only recommence following endorsement for such from the National Parks and Wildlife Service.

Certificates / Engineering Details

83. A Subdivision Certificate is to be issued by the Certifying Authority prior to the registration of the plan of subdivision. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

84. The submission to Council of documentation to demonstrate full compliance with all consent conditions in accordance with Section 157 Clause 2 (f) of the Environmental Planning and Assessment Regulations 2000 prior to issue of the Subdivision Certificate.

Other Requirements

85. The plan of subdivision and Section 88B instrument (Conveyancing Act 1919) shall establish the following restrictions, with the Council having the benefit of these covenants and having sole authority to release, vary or modify these covenants. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.

- Prohibiting direct vehicular access to proposed Lots 1, 10-12 from Sparks Road.
- Prohibiting direct vehicular access to Lot 1-5, 17-25 from Hue Road.
- Prohibiting direct vehicular access to Lot 1 Road No.1 within 50.0 metres from Sparks Road and lot 10 to be accessed from Road No.2.
- Prohibiting direct vehicular access to lots 19 & 20 from Road No.5.
- The creation of "Easements for Support" over excavated batter slopes adjoining the existing or proposed road reserves to benefit the Council.

86. All necessary "Easements to Drain Water and for Services" are to be approved by Council prior to issue of the Subdivision Certificate and registered with the plan of subdivision. Note: "Easements to Drain Water" shall be created over the constructed swale drainage system.

87. The preparation and execution of a "Legal Agreement" between the applicant and Council to ensure the continued maintenance and performance of the stormwater

management system within the Buttenderry Creek flood plain and adjoining Wet Detention/Retention systems for a minimum 5 year period or 80% completed development upon the created Lots after Subdivision registration.

88. Dedication of road reserves as "Public Roads upon completion of the subdivision works at registration of the Final Plan of Subdivision.

89. Transfer of Lands for drainage purposes in Fee Simple of the constructed drainage systems in accordance with Council's procedures.

Public Transport

90. Any bus route through the development which is acceptable to the MOT and bus operator, is to be fully constructed prior to the release of the Subdivision Certificate.

Dilatation

91. Any damage not shown in the Dilapidation Report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to release of the Subdivision Certificate.

Dust Control

92. Appropriate measures must be employed during demolition, excavation and construction works to prevent the emission of dust and other impurities into the surrounding environment. All such measures are to be co-ordinated with site sedimentation controls to ensure polluted waters do not leave the site.

Erosion and Sediment Control

93. All erosion and sediment control works must be approved by Council prior to issue of the Subdivision Certificate.

Roads

94. All works requiring Council's approval as the Roads Authority under Section 138 of the Roads Act 1993 must be approved by Council prior to issue of the Subdivision Certificate. All details are to be in accordance with Council's Development Control Plan 2005 Chapter No 67 - Engineering Requirements for Development.

Subdivision Works

95. The certification by a Registered Surveyor, prior to issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.

96. The satisfactory completion of all subdivision works accordance Council's Development Control Plan 2005, Chapter No 67 - Engineering Requirements for Development.

97. The provision of Works as Executed Information as identified in Council's Development Control Plan 2005 Chapter No 67 - Engineering Requirements for Development prior to issue of the Subdivision Certificate. The information is to be submitted in hard copy and in electronic format in accordance with Council's "CADCHECK" requirements. This information is to be approved by Council prior to issue of the Subdivision Certificate.

98. The provision of a maintenance bond in accordance with Council's Bonding Policy for a minimum of 6 months after the satisfactory completion of that section of work excepting the flood plain works which is to be maintained as nominated in condition No. 110.

Water and Sewer Services

99. A Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development must be obtained from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Other Requirements

100. The constructed Water Management System within the Buttanderry Creek Flood Plain and connecting channels (F2& B2) must be completed, operational and planted out in accordance with the Landscape Plan prior to the issue of a Subdivision Certificate.
101. The completion of landscaping in accordance with Council's Policy Number L1 - Landscape for Category 3 development including the engagement of an approved landscape consultant and contractor to undertake the design and construction of the landscaping.

Protection of Conservation Areas

102. The following permanent site fencing is required to be erected prior to the issue of a Subdivision Certificate:

- the north-eastern boundary of proposed Lots 5, 6, 9, and 13 (as shown on the Concept Plan EA01 Revision F) is to be fenced with a typical 4 strand stock fence. This will permanently delineate the extent of any underscrubbing for bushfire management purposes;
- The western boundary of proposed Lots 14 - 17 (as shown on the Concept Plan EA01 Revision F) is to be fenced with a typical 4 strand stock fence. This will permanently delineate the extent of any underscrubbing for bushfire management purposes;
- The southern boundary of proposed Lots 61, 62, 69, 121, 120 and 101 (as shown on the Concept Plan EA01 Revision F) is to be fenced with a typical 4 strand stock fence. This will permanently delineate the extent of any underscrubbing for bushfire management purposes;
- The eastern most boundary of proposed Lots 65 - 69 and 101 - 110 (as shown on the Concept Plan EA01 Revision F) is to be fenced with a typical 4 strand stock fence. This will permanently delineate the extent of any underscrubbing for bushfire management purposes;

This fencing does not include approved accessways.

Ongoing Operation:

The following conditions must be satisfied during use / occupation of the development.

Advertising Signs

103. No advertisement is to be erected on or in conjunction with the development without prior development consent unless the advertisement is an 'approved sign' under

104. Advertisements and Advertising structures including (but not limited to) illuminated signs, roof signs and pylon signs on lots fronting the F3 Freeway, Hue Hue Road and Sparks road shall require development consent and be consistent with the principles contained within the Visual And Landscape Management Plan.

Other Requirements

105. A qualified and experienced bush regenerator is to be engaged to undertake weed control within the Buttonberry Creek Floodplain, F2 Channel and Wet Detention/Retention Basins every 3 to 6 months for a minimum period of 5 years. Native plant regrowth is to be left undamaged. All primary weed control must be undertaken in the first year, with follow up weed control undertaken in the second and third years. Reports are to be submitted to Council twice per year detailing weed control works undertaken.

106. The maintenance of landscaping in accordance with Council's Policy Number L1 - Landscape for Category 3 development for a minimum period of 5 years.

Advice

Major open space is not to be located as a lineal edge to the development which does not have direct links to roads or shared pathways.

Major open space areas are to be located in association with proposed support developments to provide a social focal point to the development for workers and visitors.

The applicant will need to satisfy any conditions imposed by the Department of Environment and Climate Change (DECC) which are imposed as part of the biocertification of the Wyong Employment Zone.

Wyong Shire Council ASN 47 054 613 735
DX 7306, PO Box 20, Wyong NSW Australia 2259
Phone: (02) 4350 5555 Fax: (02) 4351 2098
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Web: www.wyong.nsw.gov.au

JLO/Jenny Oosterveen
F2004/12799

9 December 2008

Peter Andrews and Associated Pty Ltd
PO Box 494
TERRIGAL NSW 2260

Attention: Mr Peter Andrews

Dear Peter

MP07_0162 - Warner Industrial Park

Thank you for attending the meeting of 4 December 2008 with regard to the above.

The following outlines the agreed positions of both Council and the proponent (Towers) in relation to a number of proposed conditions of consent as submitted to the Department of Planning (DOP) on 2 October 2008 having regard for this proposal.

Stormwater Management – Interim Requirements

Council's proposed condition No. 55 required the retention of 50% of the Precinct 14 area to be retained for stormwater management purposes should the Stormwater Discharge Pipeline not be constructed prior to the operation of the Warner Industrial Park.

The proponent identified that this would have a substantial impact on the viability of the development.

Council has agreed to amend this condition to include reference to the entire Wyong Employment Zone (WEZ) as follows:

55. Should more than 50% of the Wyong Employment Zone be developed prior to the stormwater harvesting pipeline being operable, interim stormwater treatment arrangements will be required. Any obligations for Wyong Shire Council/Terrace Towers will be addressed in the Planning Agreement.

The proponent has agreed to this amendment. In addition, the proponent also agreed to provide the infrastructure required to irrigate stormwater off the development site to alternative locations (e.g. Council owned airport site) should the above condition be enacted. At this stage it is considered unlikely that more than 50% of the WEZ will be developed before the stormwater harvesting pipeline is constructed by Council.

Development Control Plan (DCP) Ownership

It was agreed by both parties that the DCP would operate as a State DCP in the short term. It was further resolved that the DCP would eventually be incorporated into Council's DCP 2005: Development Controls for Wyong Shire once the DCP becomes operational.



DCP Complying Development Criteria

It was agreed by both parties that additional prescriptive criteria should be incorporated within the draft proposed DCP. These controls should be consistent with those provided within Council's DCP 2005: Chapter 75 – Industrial Development.

Council is currently preparing amendments to the proposed state DCP. These will be forwarded to the proponent and the DoP in the near future.

Minimum Lot Sizes

Council previously requested a minimum lot size of 2,000m² within the proposed condition No. 1. Council has determined to increase this to 4,300m² (the minimum lot size on the exhibited concept plan). Both minimum lot sizes were a point of dispute between parties. To resolve this issue, both parties agreed to amend proposed condition No. 1 to that as follows:

No more than 10% of the site as (zoned for Industrial Purposes – IN1) is to be subdivided into allotments less than 2,000m²

Odour Studies

Council has agreed that these studies are not required.

Internal Cycleways

Council previously requested the provision of internal cycleways for the length of roads 1, 4 and 5. The proponent identified that the widths of these roads had been widened to accommodate Council's other requirements for pavement design. Further encroachments on the proposed lots would reduce the feasibility of the development.

Both parties agreed that an off road cycleway of 4.5 metres on Road 4 could be maintained and that this cycleway is to be connected to Hue Hue Road. Both parties also agreed that the requested cycleway on Road 5 could be relinquished. An off road cycleway is still to be provided on Road 1.

External Cycleways

Council previously requested a linking cycleway to be provided to Burnett Road from the development site. Both parties noted the existence of an on road cycleway along Sparks Road. It was agreed that the internal cycleway from the development site is to be linked to this network on Sparks Road.

Requirement for Rigid Pavement

Council's proposed condition No. 31 required all roads within the subdivision to be a rigid contract pavement.

Council has agreed to vary this condition to enable a flexible pavement provided it complies with specific design and construction requirements. This is reflected in the following revised condition which has been agreed to by the proponent:

31. All roads within the subdivision are to be a minimum heavily bound pavement with a 100mm thick polymer modified wearing surface. The following is to be adequately considered and included in a pavement design commentary.
- 10 day soak CBR on the subgrade and any select fill.
 - Plasticity index and shrink swell index testing for the anticipated subgrade.
 - Methods for mitigating any shrink swell impacts resulting from reactive subgrade.
 - Sub-pavement drainage treatments.
 - The submission of output files from the "Circlly" design.
- The Pavement Design Report is to be submitted to Council for approval prior to issue of a Construction Certificate.

Bus Servicing

Council previously requested through proposed conditions 35 and 36 that bus servicing for the development is to be provided, if required by the Ministry of Transport (MoT), and that any servicing plans and locations for stops are to be approved by the Local Traffic Committee. The validity of these conditions is questionable if MoT does not require bus servicing for the development.

Both parties agreed to the following minor wording changes to proposed conditions No. 35 and 36:

35. Bus servicing needs to be provided in accordance with the local bus company and Ministry of Transport (MoT) requirements. Adequate and proper bus service facilities, including "U" turn provisions are to be provided in accordance with the MoT requirements

36. Should a bus service be provided through the development, the applicant is to submit a plan to Council of proposed bus stop locations in accordance with the final agreed bus route for approval by the Local Traffic Committee. Bus shelters are also required at these locations at full cost to the developer.

Wetland Sizing

Council proposed through condition 43 that constructed wetland systems are to be sized at 4% of the catchment size. The proponent queried this figure.

Both parties agreed to amend proposed condition 43 to require an appropriate sizing to reflect water quality parameters as detailed below:

43. a) 90% reduction in gross pollutants >5mm
b) 85% reduction in the average annual total suspended solids load
c) 65% reduction in the average annual total phosphorus load
d) 45% reduction in the average annual total nitrogen load
e) No visible oils and greases for the 1.5 yr ARI event and

- Wetland sizing shall exclude any sediment settling forays.
- Details of the wetland sizing are to be included in the submission of MUSC (or other similar water quality) modelling to Council (including all input & out put data) in accordance with the approved development plan.

- The wetlands are to be designed to include the provision of satisfactory natural (preferred) or mechanical oxygenation of the water column with monitoring of the dissolved oxygen levels at intervals not exceeding 3 monthly intervals for the duration of the developer maintenance period (5 years) with the results and any necessary treatments recommended submitted to Council.
- The pH of the wetland is to be monitored at intervals not exceeding 3 monthly intervals for the duration of the developer maintenance period (5 years) with the results and any necessary treatments recommended submitted to Council. The pH is to be maintained at levels between 5 and 9.
- The preparation of an Operational and Maintenance Manual, including checklists and guidelines.
- The design is to provide for and include safe and easy access for all required maintenance and increased maintenance and/or inspection frequencies for the reduction in whole of life costs.

Detail design plans, modelling data and the Operational and Maintenance Manual must be submitted to and approved by Council prior to the issue of a Construction Certificate.

Setbacks

Council identified that it had amended its original proposed condition No. 57 to require 15 metre landscaping setbacks to those lots fronting Hue Road (as opposed to the original 20 metres) and 20 metre landscaping setbacks to those lots fronting Sparks Road and the F3 Freeway. These landscaping setbacks are required to be fenced inside the setback to avoid encroachment of the development into these areas. In addition, these areas were to be fully embellished to the satisfaction of Council.

The proponent did not agree with these proposed amendments (including the revised setback widths) unless Council was willing to buy this land. Council identified that it was no longer amenable to purchasing these areas.

In an effort to compromise, Council further requested consideration of fencing the landscape setback areas halfway between the setback and development area of the affected allotments. In addition Council also requested consideration of identification of these areas on title of each affected allotment (via a Section 88b instrument).

Both recommendations were not supported by the proponent. As a compromise was not achieved, this matter is to be further considered by Council's Development Management Panel (DMP). DMP's response to this issue will be provided to the proponent in the near future.

Collection of Flows Upstream of Kilar Bridge Road

The necessity of proposed condition No. 50 was validated by Council. Both parties agreed to the inclusion of this condition.

Hue Hue Road Culvert Upgrade / Replacement

Council's proposed condition No. 44 required the proponent to augment the existing culvert under the Hue Road to accommodate the 100 year ARI storm event. This condition was added in order to protect adjoining properties as Hue Hue Road acts as a detention basin. Modelling supplied by the proponent didn't identify the flow width for this event across Hue Hue Road.

The proponent argued that the overtopping of Hue Hue Road would be the result of development upstream of this culvert, therefore should be the responsibility of these owners. It was identified that there was insufficient information available to determine if Lots 17 and 5 of the proposed development would be affected by such an event. Further research is to be undertaken and the results provided to the proponent as soon as they are available.

Freeboard Requirements

The proponent identified that Council's requirements for the freeboard (500mm) are inconsistent with those contained within the DoF Floodplain Manual. In addition, the Mine Subsidence Board (MSB) identified that the required Freeboard is to be 200mm above Council's level. This is to be supplied to the proponent.

As there is an inconsistency in what base freeboard level should be applied, the matter was not resolved. Council is to consult with the MSB to determine which Council freeboard level they were referring to in their submission to the proposal.

Breakdown Areas

Council's previous submission identified that the breakdown area for B-doubles should be located on Road 1.

The proponent identified that this area should be located on Road 4 to avoid safety issues and prevent site blockage. This is indicated on the concept plan placed on public exhibition. Council acknowledged and agreed to the location on Road 1 of the breakdown area.

SEPP Amendment No. 21

The proponent identified that a number of land uses had been removed from the SEPP between the exhibition and gazettal of the SEPP. In addition, the permissible floor space for neighbourhood shops was insufficient to cater for the development.

The proponent indicated that they would be making a submission to the DoP with regard to these issues.

Council indicated that they would also be making similar suggestions to the Department. A copy of this submission is to be provided to the proponent once prepared.

Sparks Road Intersection

The proponent queried whether a 'seagull' intersection could be utilised at the Sparks Road intersection for cost effectiveness. Council identified that this could produce weaving across the intersection and could be problematic due to the short distance between the F3 Freeway interchange and Hue Hue Road intersection.

Both parties agreed to the installation of a roundabout at this intersection.

In addition to the above issues, the parties generally discussed the application of contributions applicable to the development. This issue is to be further discussed and resolved at a meeting to be held in the near future.

I trust this information is of assistance. If you have further queries in relation to this matter, please contact Jenny Oosterveen on 02 4350 5742 or myself on 02 4350 5547.

Yours faithfully



Scott Duncan
Acting Team Coordinator
LAND USE PLANNING

CC:

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

Attention: Ms Caitlin Bennett

Oosterveen, Jenny

From: Duncan, Scott

Sent: Tuesday, 16 December 2008 2:04 PM

To: 'Peter Andrews'

Cc: Vereker, Gina; Bowditch, Paul; Johnson, Martin; Oosterveen, Jenny; Muliarozzyk, Adam

Subject: Disputed Council Consent Conditions for Precinct 14 - Warner Industrial park

Hi Peter

I provide the following in response to the issues raised and/or discussed for the WIP following our meeting on 4 December 2008. Council staff agreed to consider alternative wording for conditions relating to engineering matters 44 and 56 at this meeting (see below). An undertaking was also given to reconsider Council's position with respect to size and treatment of landscape setbacks for Condition No 57.

Revised conditions are provided as follows:

Condition No.44.

44. The submission of detailed designs and the preparation and submission of a revised flood model and analysis of the main watercourse. The model shall determine the post subdivision development flood way for all storm events up to and including the 100 year ARI event. The model shall include the following design parameters:

- Stabilising of the existing natural low flow zone to accommodate the 1.5 year ARI storm event.
- Road No.1 Bridge Crossing to have a minimum 30.0 metre clear span with consideration of bridge pylons and abutments to the back water and scour effects and appropriate mitigating treatments. A minimum free board of 0.50m to the underside of the superstructure during the 100year ARI storm event. Alternatively, consideration may be given to the provision of a prefabricated masonry arch.
- The provision of scour protection in accordance with Austroads Waterway Design "A guide to the Hydraulic Design of Bridges, Culverts and Floodways" for all elements of the bridge structure.
- Blockage factor 50% to culverts under F3 (Freeway) or as otherwise agreed and approved by the RTA.
- There is no increase in flood levels or impacts on adjoining upstream or downstream properties.
- Inclusion of Constructed Wetlands (Retention/Detention Basins) within the flood plain.
- Design and modelling details to be submitted to Council/RTA for approval prior to issue of the Construction Certificate.

44a. The submission of a Report after an investigation and testing for the adequacy on the extent of the existing Hue Hue Road, road formation and drainage structures within the area acting as a detention basin for Buttenderry Creek. The report is to cover all aspects of

27/03/2009

57. The provision and maintenance of landscaping in accordance with Council's Policy Number L1 - Landscape for Category 3 development including the engagement of an approved landscape consultant and contractor to undertake the design and construction of the landscaping. All landscaping design works are to be approved and completed prior to issue of the Construction Certificate. The following matters must be addressed to the

The proponent did not agree with these proposed amendments at the meeting (including the revised setback widths) unless Council was willing to buy this land. Council identified that it was not prepared to purchase this land. In an effort to compromise further, Council requested that fencing be placed within the designated landscape setback area halfway between the setback and development area of the affected allotments. Council also requested that these areas be identified on each title of the affected allotment (via a Section 88b instrument). Both recommendations were not supported by the proponent. As a compromise was not achieved, this matter was taken back to certain panel members of DMP for further consideration. No change in Council's position other than what was presented at the 5 December 2008 meeting was considered to be warranted. However, I have amended the condition to reflect the compromise position which was explained to you at the 5 December 2008 meeting (see below).

The proponent did not agree with these proposed amendments at the meeting (including the revised setback widths) unless Council was willing to buy this land. Council identified that it was not prepared to purchase this land. In an effort to compromise further, Council requested that fencing be placed within the designated landscape setback area halfway between the setback and development area of the affected allotments. Council also requested that these areas be identified on each title of the affected allotment (via a Section 88b instrument). Both recommendations were not supported by the proponent. As a compromise was not achieved, this matter was taken back to certain panel members of DMP for further consideration. No change in Council's position other than what was presented at the 5 December 2008 meeting was considered to be warranted. However, I have amended the condition to reflect the compromise position which was explained to you at the 5 December 2008 meeting (see below).

At the meeting held on 5 December 2008 an effort was made by Council to offer a compromise solution on the landscape setback issue. Council indicated that it would be prepared to amend its original proposed condition No. 57 to require 15 metre landscaping setbacks to those lots fronting Hue Road (as opposed to the original 20 metres) and 20 metre landscaping setbacks to those lots fronting Sparks Road and the F3 Freeway. These landscaping setbacks are required to be fenced inside the setback to avoid encroachment of the development into these areas. In addition, these areas were to be fully embellished to the satisfaction of Council.

Condition No. 57

- A minimum freeboard of 300mm (which includes the Mine Subsidence Board's 200mm freeboard) is to be provided to each developable lot above the design 100 year ARI flood level.
- Comply with the freeboard requirements of the Roads and Traffic Authority (RTA) with regards to the design 100 year ARI flood level (or as nominated by the RTA) the developable lots and the Freeway.
- Designs are to include local overland flow paths and are to be submitted to Council for approval prior to issue of the Construction Certificate.

56. The proposed lots shall be filled and reggraded to ensure that they are flood free for all storms up to and including the design 100 year ARI event. The finished surface level of the lots shall be graded to facilitate drainage and include the following freeboard:

Condition No. 56

the adequacy of all elements within the identified zone with a commentary specifying all assumptions together with recommendations of all necessary works which are to be carried out by the Developer. Details are to include any protection measures necessary to ensure the lots adjacent to the Buttanderry Creek corridor or Hue Road are not inundated should the Hue Road culverts block in part or full. Design plans are to be submitted to Council for approval under the Roads Act for works within Hue Road prior to issue of the Construction Certificate or as part of the Construction Certificate for works within the site. Note, no lot protection works are permitted within the Hue Road reserve.

satisfaction of Council:

- The provision and maintenance of setbacks of a minimum 20 metres wide and fully embellished with landscaping fronting Sparks Road and the Sydney-Newcastle Expressway at the owners' expense, unless specified differently in this document. Fencing is to be provided between the landscaped area and the developable area of each allotment. All landscaping areas are to be identified on the individual title of each allotment.
- The provision and maintenance of setbacks of a minimum 15 metres wide and fully embellished with landscaping fronting Hue Hue Road at the owners' expense, unless specified differently in this document. Fencing is to be provided between the landscaped area and the developable area of each allotment. All landscaping areas are to be identified on the individual title of each allotment.

If you require any further information please do not hesitate to give me a call.

Kind regards

Scott Duncan

Team Co-ordinator

Land Use Planning

Wyong Shire Council

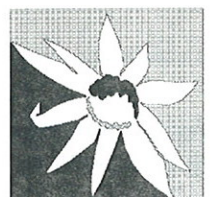
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WYONG SHIRE COUNCIL RECORD OF MEETING SHIRE PLANNING DEPARTMENT



OH&S:	OUTSIDE PARTICIPANTS INSTRUCTED IN EMERGENCY	TICK BOX: ☐
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DATE:	12 February 2009	PROJECT:	Precinct 14 – Warner Industrial Park	FILE NO:	
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MEETING OBJECTIVE:	Discuss outstanding unresolved issues relating to draft Development Control Plan (DCP), conditions of consent and Voluntary Planning Agreement (VPA)
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MEETING ATTENDED BY:	Peter Andrews (PA) Peter Andrews Architects (PAA), Chris Smith (CS) PAA, Mike Dowling (MD) Terrace Towers (TT), Paul Bowditch (PB) Wyong Shire Council (WSC), Scott Duncan (SD) WSC, Adam Mularczyk (AM) WSC, Wesley Wilson (WW) WSC, Jenny Oosterveen (JO) WSC.
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MEETING ISSUES & RESULTS:	- PA outlined reason for meeting – to resolve outstanding matters with regard to the Precinct 14 Warner Industrial Park Part 3A Major Projects - SD identified that Council's primary concerns with the proposal related to the proposed setbacks and VPA. - It was agreed that issues would be defined and dealt with as they arose.
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Pavement Design	- Council revised condition 31 which required development of rigid concrete pavements within the development to be based on loads, substrates etc. - PA was of the understanding that Council would be prepared to adopt those standards of design used in construction of the roads within the Erskine Park industrial estate in Penrith. An email was provided which detailed the design and materials used in this development. - AM advised that the standards and design utilised didn't meet Council/RTA/Austrorad guidelines. - AM is to consult further with PAA to resolve standards - PA advised that this could be resolved within the final submission to Department of Planning (DOP)
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Wetland Sizing	- Letter issued to PAA on 9 December advised of revised condition No. 43 to require wetland sizing to be based on performance standards. - PA advised that this was a duplication of existing condition No. 51. He further indicated that additional controls were inserted into the revised condition (Such as pH levels) which increased the rigidity of the controls. He further argued that Council would be the regulatory body signing off any development therefore could govern the constructions of the wetlands at that time. - SD advised that Council may be willing to remove revised condition 43 and utilise existing condition No 51 for this purpose, He further advised that this may be required to be endorsed by the Development Management Panel (DMP).
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<i>Bus Servicing</i> - PA acknowledged revised condition No. 35 provided on 9 December 2008. He identified that the Ministry of Transport (MoT) had required commitment in other ways including financial contributions. He requested that revised condition No. 35 be further revised to identify that this condition related to design requirements only. - SD & AM advised that this could be amended to better reflect the intent.	<i>Hue Hue Culvert</i> - PA argued that the overtopping of the Hue Hue Road culvert doesn't cause flooding and the condition should be removed. - AM advised that there was reliance within the development proposal for Hue Hue Road to act as a detention basin and this presented a risk to adjacent properties. - AM and SD pointed out revised condition no 44 and 44a as per correspondence dated 9 December 2008 and email dated 17 December 2008 addressed this issue and that no further changes would be made. - PA is to review email of 17 December 2008. Further investigations regarding this issue may need to be undertaken. <i>Freeboard Levels</i> - Resolved.	<i>Landscaping Requirements</i> - PA queried whether these requirements for Category 3 Landscaping related to individual lot development. - SD advised that they related to the overall project application only, not individual developments and would include assessment of the setback areas. <i>Stormwater</i> - PA agreed to revised condition No. 55 as per Council's correspondence dated 9 December 2008. - SD & PA agreed that this could be further addressed within the VPA.	<i>Setbacks</i> - PA advised that MD had previously spoken to WSC General Manager regarding the issue and was of the understanding that Council would be amenable to revising current setback positions. - SD advised that Council has not changed its position with regard to the required landscaping setbacks. - MD advised that he was amenable to the DoP making a decision on this issue. <i>Draft Development Control Plan</i>	<i>Minimum Lot Size</i> - PA advised he was satisfied with the revised minimum lot size arrangements. - He further advised that there was an inconsistency between this condition and the draft DCP. JO advised that the DCP would be amended to reflect the revised condition. <i>Additional Provisions</i> - PA advised that the majority of amendments proposed by WSC to the DCP would be included. He requested however that these be included as reference to WSC DCP 2005: Chapter 75 – Industrial Development to avoid duplication. - SD & JO agreed to this amendment.	<i>Height</i> PA advised that given the bulk and scale of the development, it would be impossible to require buildings not to exceed the tree line, therefore this had been removed from the Landscaping Policy attached to the DCP
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DoP does not have a-min. 17/12

<i>Exempt and Complying Development</i> - PA raised concerns over exclusion of lots fronting the F3, Sparks and Hue Roads from complying development (lots adjoining major roads). - SD advised that in order of preference, WSC identified that the F3 and Sparks Road frontages were of highest concern for aesthetic reasons. Further, Council would not be willing to amend its position regarding this issue. - MD advised he is amenable to DoP making a decision on this issue.	<i>Density</i> PA advised that DoP have indicated that they may be willing to increase the development density of the site from 0.8:1 to 1:1. This had not yet been discussed with MD
Voluntary Planning Agreement	- MD indicated that DoP would be making changes to the State Infrastructure Contribution (SIC). PB advised that Council had not been informed. - WW advised of the current position of Council with regard to revision of existing plans as required by DoP. Current priorities are the revision of the Warnervale and The Entrance s94 plans. He further advised that Council has been directed to review the current Wyong Employment Zone (WEZ) and Warnervale Town Centre (WTC) plans prior to 2 March 2009. WW advised that at present Council has a \$40 million income loss as a result.
- Discussion was undertaken as to the applicability of contributions for the Link Road. PB advised of Council's decision of 11 February 2009 to develop a portion of the Link Road from Sparks Road. - MD and PA queried the legitimacy of contributions applying to the Precinct 14 development. WW advised that it was based on advice from the DoP, however apportionment rates had not yet been determined as these would vary between 8% and 38% depending on the timeframe for the upgrading of the Pacific Highway.	- PA queried the timing for the payment of s94 contributions. PB advised that his opinion was that payment should be made upfront to enable development of critical infrastructure prior to occupation, however also advised that Council did not have a formal opinion on the matter at present. PA advised that he was of the understanding that these payments would follow the same payment timings as those for the SIC. - PB further advised that Council is not able to monitor land sales to adequately ensure that contributions could be collected at time of sale. - PA expressed concern that not all the infrastructure would be required on occupation, therefore contributions could be delayed. - MD indicated that TT will provide a proposal as to how Council should receive payment.
PA advised that at present, TT have no current calculations for the s94 contributions. WW advised that Council has been waiting for these since November 2008. It was agreed that the VPA would be developed based on current figures with written clauses identifying that these figures may be subject to change subject to future amendments to the s94 planning process.	- Discussion ensued on the timing for the payment of funds for the water pipeline. MD argues that if contributions were provided upfront, but if the pipeline wasn't developed until 3 years later, interest accumulated should go back to TT. - PB advised that work has already commenced negotiating easements therefore money would be spent prior to the ability for any interest to be accumulated. - PA queried the item that related to Stormwater reticulation for \$420,000. WW advised that this item had been addressed in emails in November 2008. - It was agreed that TT would not be responsible for providing contributions for any works associated with the water management after it leaves the Precinct 14 site (including development of the brick pits)
PA queried how contribution rates were calculated for conservation lands. SD & WW advised that this was based on a land value review undertaken by Robertson and Robertson. The same rates were applied over the entire WEZ based on Net Developable Area (NDA).	The draft agreement is to be forwarded to Council within the next week for review to be undertaken. This is to include clause pertaining to the ability to change the figures within the document subject to future amendments to s94 planning (covering clauses).

- PA identified that TT would be looking to submit its final proposal to the DoP by the middle of next week. It may be likely that if project approval is granted, it will be conditioned that the VPA must be signed. PB identified that Council would prefer the VPA to be in place prior to any submissions to the DoP.

ACTION ARISING:	
▪ AM to further consult with PAA regarding Erskine Park road pavement and Hue Hue road culvert if required.	
▪ Amendment to remove proposed condition No. 43 may have to be endorsed by DMP. The issue of the timing of the payment of contributions may also need to be considered by DMP.	
▪ Council to issue correspondence to DoP identifying its position in relation to proposed setbacks and Exempt and Complying developments	
▪ PAA to forward Draft agreement to Council for review	

COPY GIVEN TO MEETING ATTENDEES

☐ YES

☐ NO

SIGNED:

OTHER STAFF TO NOTE: