

***Woolworths Retail Facility at  
Warnervale Town Centre  
Proposed by Fabcot Pty Ltd  
Project Application MP 10-0195***

Director-General's  
Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

July 2013



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# 1 EXECUTIVE SUMMARY

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This is an Environmental Assessment report for a Project Application for a proposed Woolworths retail facility as the first stage of the Warnervale Town Centre, pursuant to the transitional provisions for Part 3A of the *Environmental Planning and Assessment Act, 1979* ("the Act").

Fabco Pty Ltd (the proponent) is seeking approval, as outlined in the Preferred Project Report for the following:

- Retail facility with a total Gross Floor Area of 33,112m<sup>2</sup> comprising:
  - 22,092m<sup>2</sup> of retail floor space (including 1,892m<sup>2</sup> of bulky goods retail)
  - 3,608m<sup>2</sup> of commercial floor space
  - 3,742m<sup>2</sup> of entertainment uses (cinema)
  - 3,669m<sup>2</sup> for circulation space/mall and amenities, toilets etc.
- Car parking totalling 1,524 spaces including 1,283 basement car parking spaces, at grade commuter car park comprising 225 spaces, and on street parking for 16 cars
- 'Civic Square' straddling the proposed Main Street with a total area of 2,852m<sup>2</sup> (including the roadway) and 2,481m<sup>2</sup> (excluding the roadway)
- Site preparation and bulk earthworks
- Road construction within the site including new Main Street, as well as part of Road W05
- Associated infrastructure works and servicing
- Use and fit out within the buildings of the proposed Woolworths Supermarket and BIG W Discount Department Store
- Site remediation and landscaping.

The capital investment value of the project is \$116,370,000.

## Key Issues

Key issues raised by Wyong Shire Council, public agencies and in the public submissions relate to:

- Bulk and scale of the development
- Public domain treatment and street activation
- Design and ownership of Main Street and Civic Square
- Vehicular access to the development site and parking arrangements
- Services access to the site
- Stormwater management
- Biodiversity impacts
- Local contributions
- Levels of proposed development relative to surrounding land.

## Preferred Project Report

In October 2012, the proponent amended details of the application via a Preferred Project Report to address issues raised by the Department of Planning and Infrastructure and in submissions received as a result of public exhibition of the original proposal. Key changes to the proposal include:

- Revised internal layout of the retail facility
- Revised external design and finishes
- Revised commuter car park, Main Street and Civic Square design
- Additional landscaping details
- Submission of additional technical investigations
- Revised Statement of Commitments.

On 5 April 2013 and 29 April 2013, revised details were provided which further amended the PPR, including:

- Revised external design and finishes
- Revised commuter car park, Main Street and Civic Square design
- Additional landscaping details.

## **Assessment**

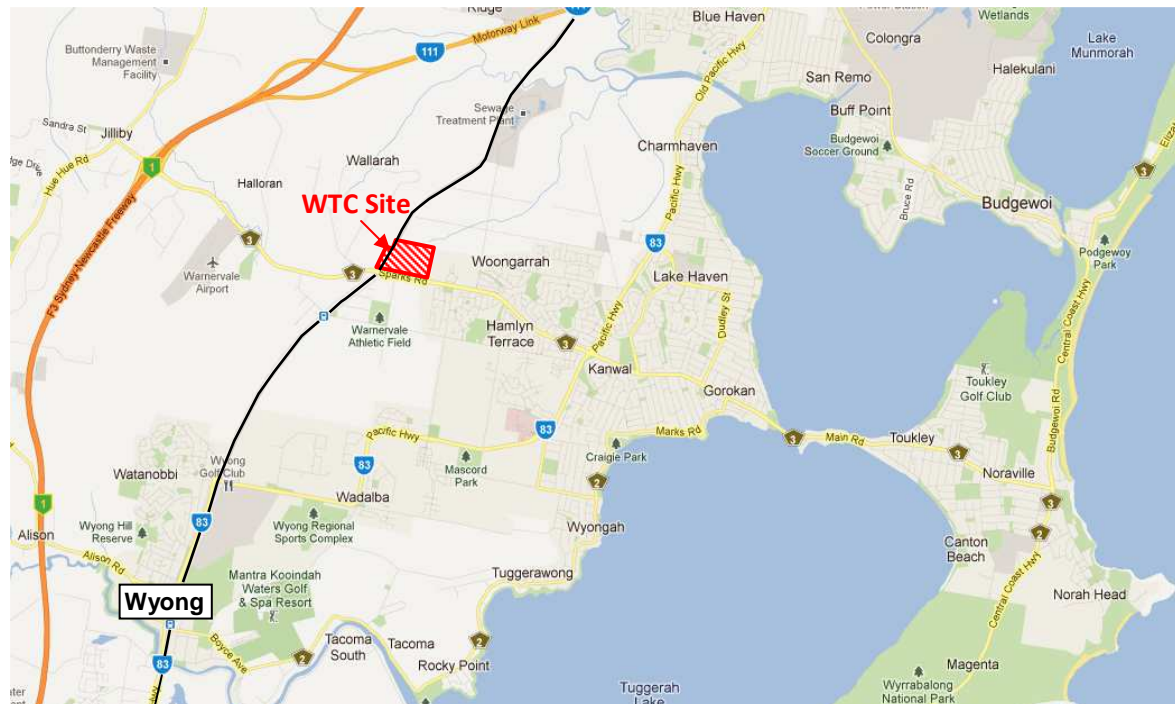
The department has closely considered Wyong Shire Council, NSW Government agency and public submissions and assessed the merits of the proposal, and is satisfied that the impacts of the proposed development have been addressed via the proponents Preferred Project Report, the Statement of Commitments and the department's recommended conditions. Furthermore, the proposal, as amended, adequately addresses the Director General's environmental assessment requirements for the project. Conditions have been recommended, most notably for road dedications, stormwater, biodiversity and local contributions. On these grounds, it is recommended that the project be approved, subject to the recommended conditions.

The application will be referred to the Planning Assessment Commission for determination under standing delegations because of objections to the proposal raised by Wyong Shire Council.

## 2 THE SITE

### 2.1 Warnervale Town Centre site

The proposed development is located within the Warnervale Town Centre (WTC) site, an urban release area located approximately 5km north-east of the Wyong town centre, on the NSW Central Coast. The WTC site has an area of approximately 119 hectares and is located within the Wyong Local Government Area. The Main North Line railway runs through the western part of the site. The F3 freeway, including the Warnervale interchange, is located approximately 3.5km to the west of the site. The Pacific Highway is approximately 2km east of the site.



*Figure 1. Location of the Warnervale Town Centre (WTC) site*

The WTC site is bounded by Sparks Road to the south (a designated State road) which connects to the Warnervale F3 interchange, and established urban areas further east and south-east of the site. Hiawatha Road runs along the eastern boundary, and Hakone Road runs along the northern boundary. The railway runs through the western part of the site within a large cutting, with approximately 18 hectares, or 15% of the WTC site located on the western side of the railway line. There is no bridge connecting these two parts of the site. An unformed road known as Nikko Road runs along the eastern side of the rail line within the WTC site. Refer to Figure 2.

The WTC site has been used most recently for rural residential uses, plant nurseries, quarrying and landfill. The site also contains vegetated areas with high ecological values and a number of drainage lines. An existing private school and a medical centre are located on the Sparks Road frontage of the Site. A GP Super Clinic has been approved on land east of the school and is currently under construction.

Transport for NSW is planning for a new railway station to be located within the Warnervale Town Centre site.

### 2.2 Project Application site

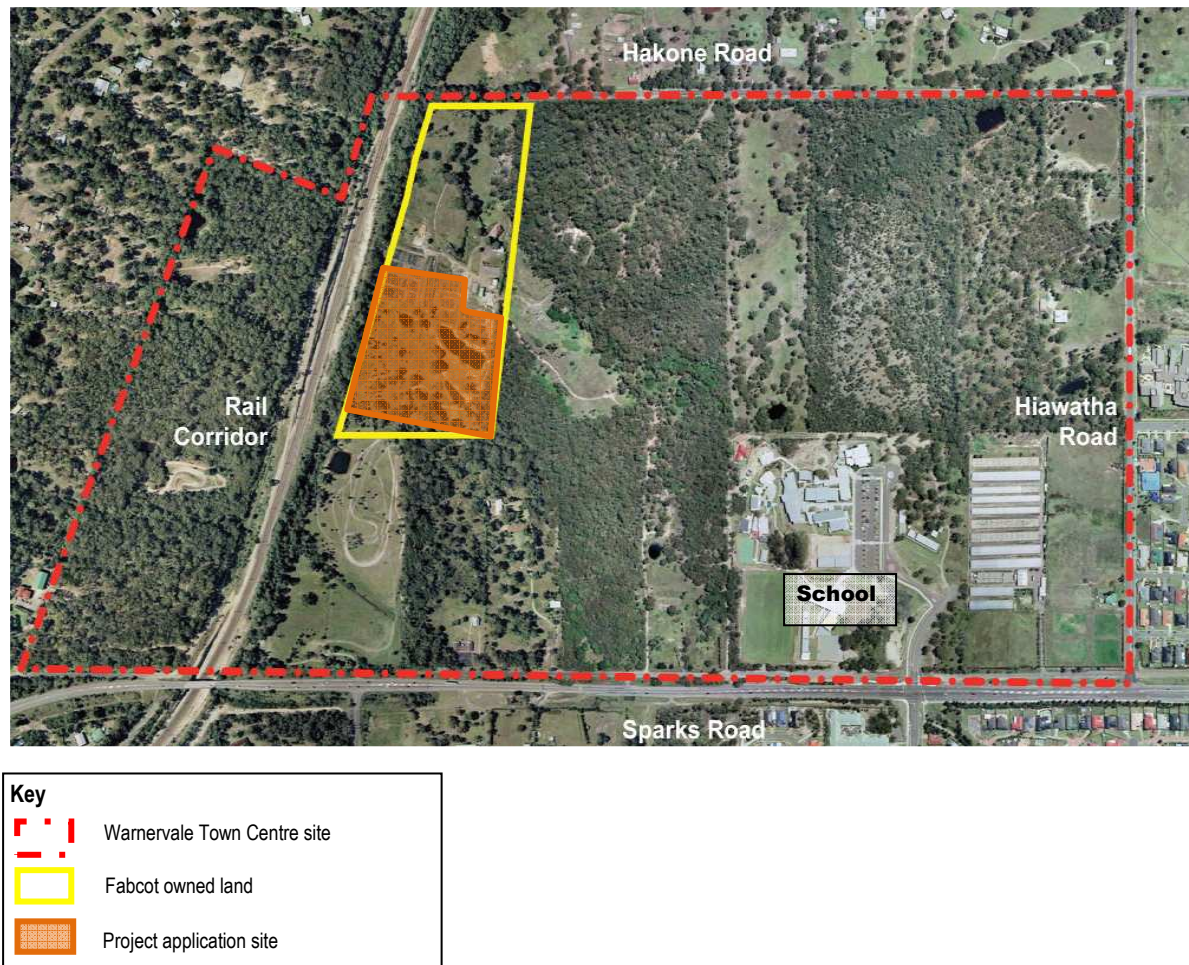
The project application site is located in the southern part of Lot 521 DP 594725, within the WTC site. The site has a total area of 9.05 hectares and is owned by Fabcot Pty Ltd. The site is to the east of the railway corridor and adjoins the proposed Entry Road, providing access to the WTC site from Sparks Road.



This site was previously used as a nursery. As a result, the site has generally been largely cleared of native vegetation, with some scattered trees remaining particularly along the western and southern boundaries. Three dams remain on site. The site is known to be bush fire prone due to surrounding vegetation and the site topography.

The development site slopes from a high point of approximately RL 56 at the north eastern extent of the development footprint to the south west. It has a maximum fall of approximately 30m to the south west (approximately 16%). The northern part of the Fabcot site (not part of the subject application) falls to the north west with an approximate maximum fall of 24m (approximately 20%).

There is currently no formalised vehicular access to the site, and it is not currently serviced by town water or sewer.



*Figure 2. The Warnervale Town Centre and project application site*

## 2.3 Surrounding land uses

Land uses surrounding the Warnervale Town Centre site comprise rural residential to the north, west and south west. Established and emerging residential development is located further east and south-east of the site including the newly developed suburbs of Hamlyn Terrace and Woongarah. To the east and south east are residential subdivisions and associated uses. Further to the west is the proposed Wyong Employment Zone which has some industrial uses including a Woolworths distribution centre, although is still predominantly rural. Land on the southern side of Sparks Road, known as Precinct 7A, is the subject of a planning proposal by Wyong Shire Council to rezone the land for a range of uses including residential commercial and environmental purposes, to accommodate a population of approximately 5,360 residents.

## 3 PROPOSED DEVELOPMENT

### 3.1 The Proposed Development

The project application, as modified in the revised Preferred Project Report, seeks approval for a retail facility and associated works comprising the following:

- Retail facility with a total Gross Floor Area of 33,112m<sup>2</sup> comprising:
  - 22,092m<sup>2</sup> of retail floor space (including 1,892m<sup>2</sup> of bulky goods retail);
  - 3,608m<sup>2</sup> of commercial floor space ;
  - 3,742m<sup>2</sup> of entertainment uses (cinema); and
  - 3,669m<sup>2</sup> for amenities and circulation space.
- Car parking totalling 1,524 spaces including 1,283 basement car parking spaces, at grade commuter car park comprising 225 spaces, and on street parking for 16 cars;
- 'Civic Square' straddling the proposed Main Street with a total area of 2,852m<sup>2</sup> (including the roadway) and 2,481m<sup>2</sup> (excluding the roadway);
- Site preparation and bulk earthworks;
- Road construction within the site including new Main Street, as well as part of Road W05;
- Associated infrastructure works; and
- Use and fit out within the buildings of the proposed Woolworths Supermarket and BIG W Discount Department Store.

Essentially the proposal provides for the first component of a new shopping centre within the Warnervale Town Centre comprising 3 levels of basement car parking, one level of retail development and a partial second storey for a future cinema complex. A small amount of ancillary commercial development is also proposed over three levels. A new Main Street is proposed to run east-west along the northern extent of the retail facility and bisects a new plaza known as Civic Square. On the northern side of Main Street, a temporary at grade commuter car is proposed for 225 cars to service the proposed railway station to the west of the proposed development. Vehicular access to the basement car park is proposed from the Entry Road and the southern access road (Road W05). The basement car parking is connected to the commuter car park via an underground vehicle ramp.



*Figure 3. Perspective view showing Main Street and the northern side of the retail facility*



## 4 STATUTORY CONTEXT

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### 4.1 Environmental Planning and Assessment Act 1979

On 4 November 2010, the former Minister declared that the proposed development was a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) as it met the criteria in Schedule 3, Part 16 of *State Environmental Planning Policy (Major Development) 2005* (MD SEPP), as it was development for the purposes of retail premises in the Warnervale Town Centre that had a Capital Investment Value (CIV) of more than \$20 million and a floor space area of over 5,000m<sup>2</sup>.

The CIV of the total development is \$116,370,000 million, with a total of 22,092m<sup>2</sup> of retail floor space.

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects. This application is a transitional Part 3A project as Director-General's environmental assessment requirements (DGRs) were issued on 1 December 2010, prior to the cut-off date of 1 October 2011. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75J of the Act.

### 4.2 State Environmental Planning Policy (Major Development) 2005

On 7 November 2008, the Warnervale Town Centre site was added to Schedule 3 of the State Significant Sites of the MD SEPP. The MD SEPP established zones and development standards across the site.

Subsequently a review of the zones was undertaken as a result of issues raised by landowners, including Wyong Shire Council. Issues included proposed changes to the planned road layout within the site.

On 21 September 2012, *State Environmental Planning Policy Amendment (Miscellaneous) 2012* was published. This SEPP transferred the planning provisions for the Warnervale Town Centre site from the MD SEPP into the *Wyong Local Environmental Plan 1991* (WLEP). Accordingly the site controls are no longer under Schedule 3 of the MD SEPP. A savings provision was however included in the SEPP to ensure that the subject application remained a transitional Part 3A project and that Part 16 of Schedule 3 which contains the planning provisions for the Warnervale Town Centre continues to apply as if it had not been repealed.

The SEPP (Miscellaneous) 2012 also amended the planning provisions for the site by adding a new B4 Mixed Use zone, deleting the SP1 Special Activities zone, and reducing the quantity of land in the B2 Local Centre and RE1 Public Recreation zones. The permitted uses in the zones were also amended to be consistent with the provisions in the *Standard Instrument (Local Environmental Plans) Order 2006*.

The subject land is zoned B2 Local Centre under the WLEP (refer to Figure 4 below), and permits the proposed development. Maximum height limits of 21 and 18m apply. The proposal is consistent with the height control having a maximum height of approximately 21m to highest point on condenser deck or 16.5m to highest point on building proper.

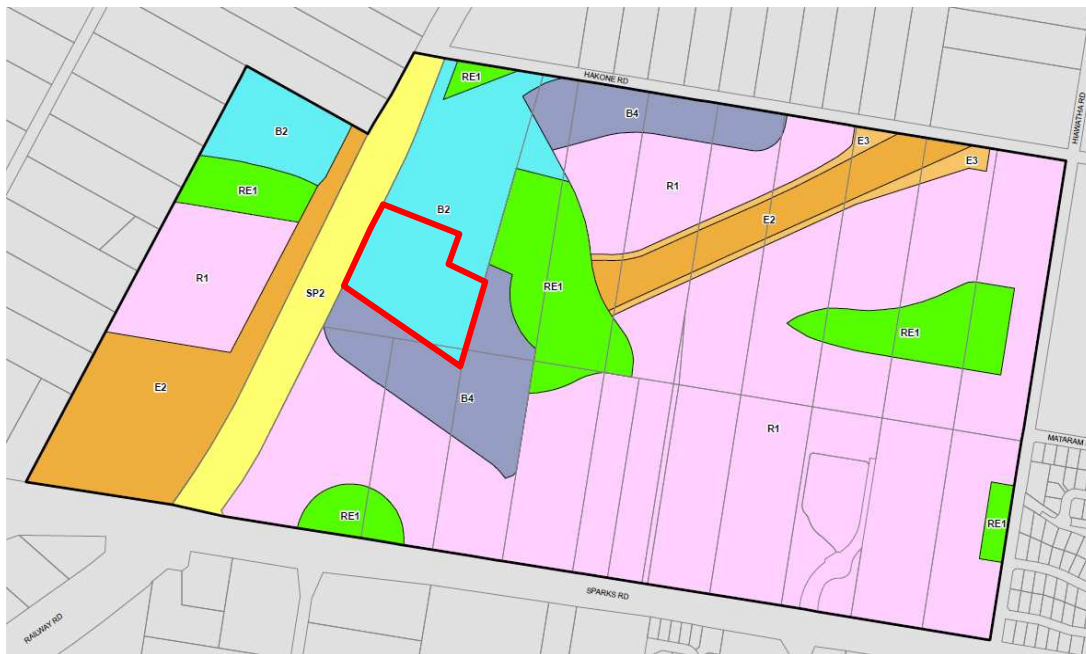


Figure 4. Warnervale Town Centre zones and approximate location of the site (excluding roads) in red.



Figure 5. Maximum Height

### 4.3 Warnervale Town Centre Development Control Plan 2012

A Development Control Plan (DCP) for the WTC site was adopted by the Director General of the department on 11 November 2008 after the site was added to Schedule 3 of the Major Development SEPP. On 7 September 2012, a new Warnervale Town Centre DCP 2012 came into effect, replacing the original DCP. The key changes in the DCP relate to changes in land uses and road layout within the site as provided for under *State Environmental Planning Policy Amendment (Miscellaneous) 2012* (refer above).

The Minister (or his delegate) is not required to take DCPs into consideration when making a determination of a transitional Part 3A project, however the 2012 DCP is being considered in the assessment of this proposal as the DGRs specifically require relevant DCPs to be considered. In addition it is noted that the Warnervale Town Centre DCP 2012 will apply to future development within the site that is lodged under Part 4 of the Act.

The development site subject to this application is located within the Town Centre Civic Precinct (Precinct 6a) in the 2012 DCP, identified as the heart of the Town Centre. The DCP envisages the Civic Precinct as providing a range of retail, commercial and community facilities, with "a focus on a well designed Main Street running east to west, linking the railway station to Hill Top Park".

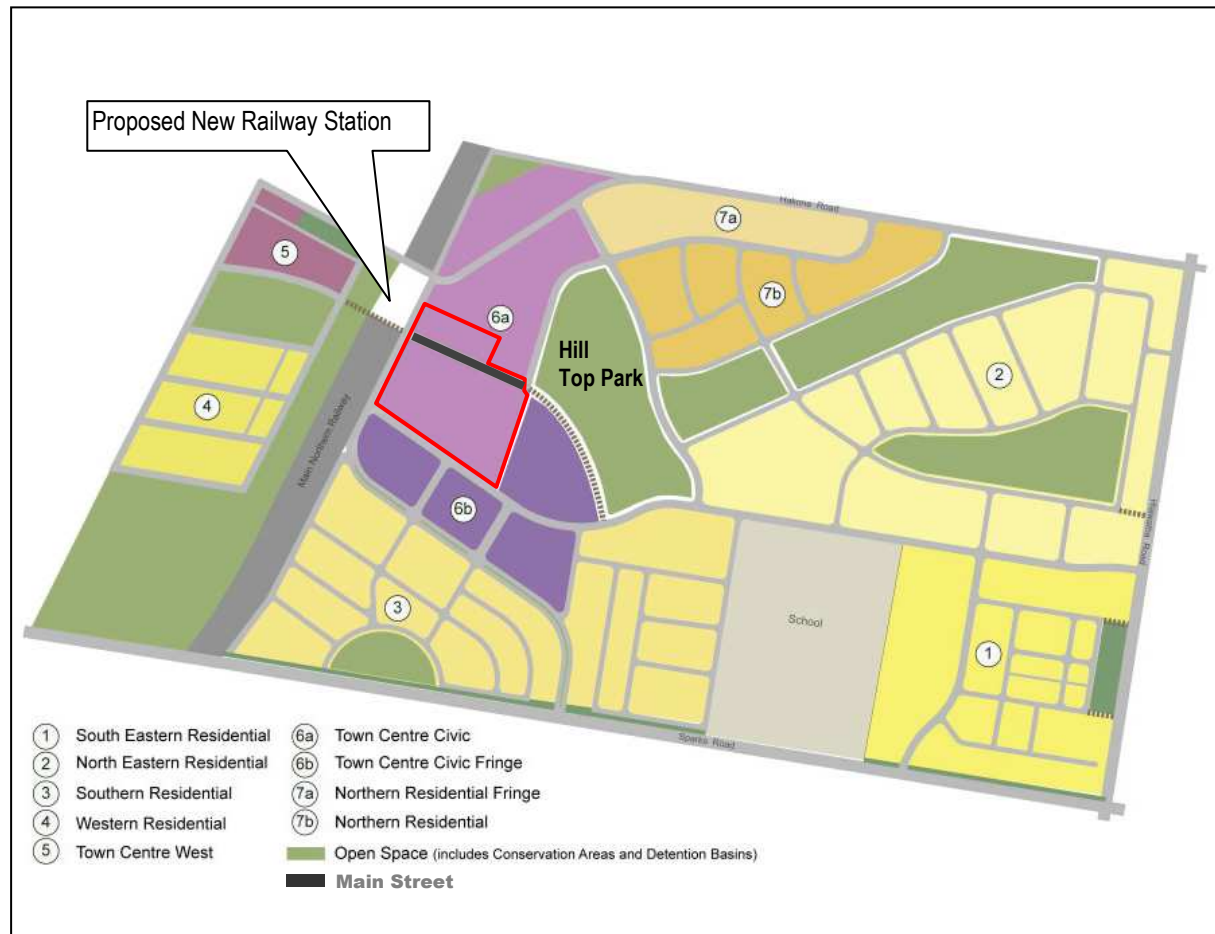


Figure 6. Approximate development footprint in red

The DCP provides for the Main Street to be framed by 4-6 storey mixed use buildings providing a range of retail and commercial uses with active street frontages. Pedestrian amenity is to be enhanced by the provision of awnings, tree lined footpaths and space for outdoor dining. It notes that community facilities are to be fully integrated with the town centre functions to optimise safety and access. A Civic Square is to be provided adjacent to Main Street providing a space for people to meet and gather.

#### 4.4 State Environmental Planning Policy 55 – Remediation of Land

SEPP 55 promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7 of SEPP 55 requires that consent must not be granted unless the consent authority has considered whether the land is contaminated and if it is, be satisfied that it is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Site contamination was considered for the Warnervale Town Centre SEPP amendment in 2008 to list the site as a State Significant Site. A preliminary investigation of the site identified potential contamination from previous uses on the site including quarrying, land filling and a nursery. A further study (Stage 2 Environmental Site Assessment) was prepared by Coffey Geotechnics which concluded that contamination was generally at levels such that all proposed land uses on the site should be suitable with only minimal additional investigations or remediation. This issue is discussed in detail later in this report.

#### **4.5 State Environmental Planning Policy (Infrastructure) 2007**

The main objectives of the Infrastructure SEPP are to facilitate the effective delivery of infrastructure by improving regulatory certainty through consistent planning management for infrastructure and providing greater flexibility in the location of infrastructure and service facilities.

Schedule 3 of the SEPP lists traffic generating development that is required under Clause 104 to be referred to the Roads and Traffic Authority (RTA). The Roads and Traffic Authority (RTA) have been consulted in relation to the subject proposal. The RTA has provided advice that it has no objections to the proposed development subject to certain matters being addressed and included in the Minister's conditions of approval. Suggested conditions have been incorporated into the recommended conditions of approval.

#### **4.6 Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)**

Under the EPBC Act, the approval of the Commonwealth Minister for the Environment and Heritage is required to carry out a "controlled action" where it is likely to have a significant impact on a "matter of national environmental significance". Matters of National Environmental Significance include listed threatened species, ecological communities and migratory species.

On 30 March 2010, the proponent provided documentation to confirm that the Department of the Environment, Water, Heritage and the Arts had determined that the proposed development is not a controlled action, and does not require further assessment and approval under the EPBC Act before it can proceed.

#### **4.7 Roads Act**

Under Section 138 of the Roads Act 1993 a person must not:

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road,

without the consent of the relevant roads authority.

The council is the roads authority for all roads within the subject area therefore the council's approval is required for relevant works. Under Clause 75V(1)(f) of the EP&A Act authorisation cannot be refused if it is necessary for carrying out an approved project.

In addition under Section 87 of the Roads Act 1993 the RTA consent is required for traffic control signals and facilities.

The roads covered in this application, and within the subject site, are Road W06 (Main Street) and part of Road W05. Road W08, and the intersection with Road W05 are on land owned by UrbanGrowth and will need to be constructed before the retail facility can operate. This is discussed in more detail later in the report.

The Entry Road (Road W01 on the plans) is subject to two separate approvals by the council covering different sections of this road. One has been approved, the second is currently being assessed by the council. This issue is also discussed in more detail later in the report. Refer to Section 5.5 and map at Figure 13.

## 5 ASSESSMENT

### 5.1 Legislative Requirements of the Director General's Report

Section 75I(2) of the Act and Clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director General's report is to address a number of requirements. These matters and the department's response are set out in table 1 below:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report;	The Proponent's EA and PPR and revisions to the PPR are provided on a disc.
Any advice provided by public authorities on the project;	Submissions received from public authorities on the project for the Minister's have been considered in this report. Copies are provided on disc.
Copy of any report of a panel constituted under Section 75G in respect of the project;	A panel was not constituted in respect of the project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project;	An assessment of the impact of relevant SEPPs on the development proposal is included in Sections 4 and 5 of this report.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division,	An assessment of the development relative to the prevailing environmental planning instrument is provided in Sections 4 and 5 of this report.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate;	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment of the project application is this report in its entirety. The proposal has adequately addressed the Director General's requirements.
Clause 8B criteria	Response
An assessment of the environmental impact of the project.	An assessment of the environmental impact of the proposal is discussed in sections 4 and 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project.	The public interest is considered in Section 5 of this report, and addressed by the Conditions of Approval including the Statement of Commitments.
The suitability of the site for the project.	The site is considered suitable for the development as discussed in Section 5 of the report.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in section 6 and Appendix B of this report.



## 5.2 Retail Facility Design

The proposed retail facility is essentially an enclosed shopping centre under one roof. The facility has been designed to accommodate retail, commercial, and bulky goods uses, space for a cinema, and basement car parking. Due to the slope of the site, level access to the retailing level of the shopping centre is only provided from Main Street and Civic Square. Active frontages are proposed along the Main Street in the form of small retail tenancies. Two bulky goods/large floor plate retail premises are proposed along the Entry Road (Road W01) frontage on the western elevation opposite the railway line.

Road W05 along the south of the site primarily functions as a service and access road for the retail facility, providing access to the basement car parking and the loading areas. This street frontage is not activated, as required by the DCP, except for a commercial premise on the south western corner. It is considered that the proposed design of this elevation still achieves an acceptable outcome given the constraints, providing a well articulated design, and glazing adjoining the upper level food court to not only improve the appearance of this elevation, but also allow people within the centre to look out to the street. Landscaping has also been provided in Road W05 to improve the appearance of this elevation from the street and properties to the south.

The internal design of the shopping centre is traditional for this type of centre and considered acceptable. Equitable access is provided from Main Street, and lift access from car park level CP3 and Road W05.

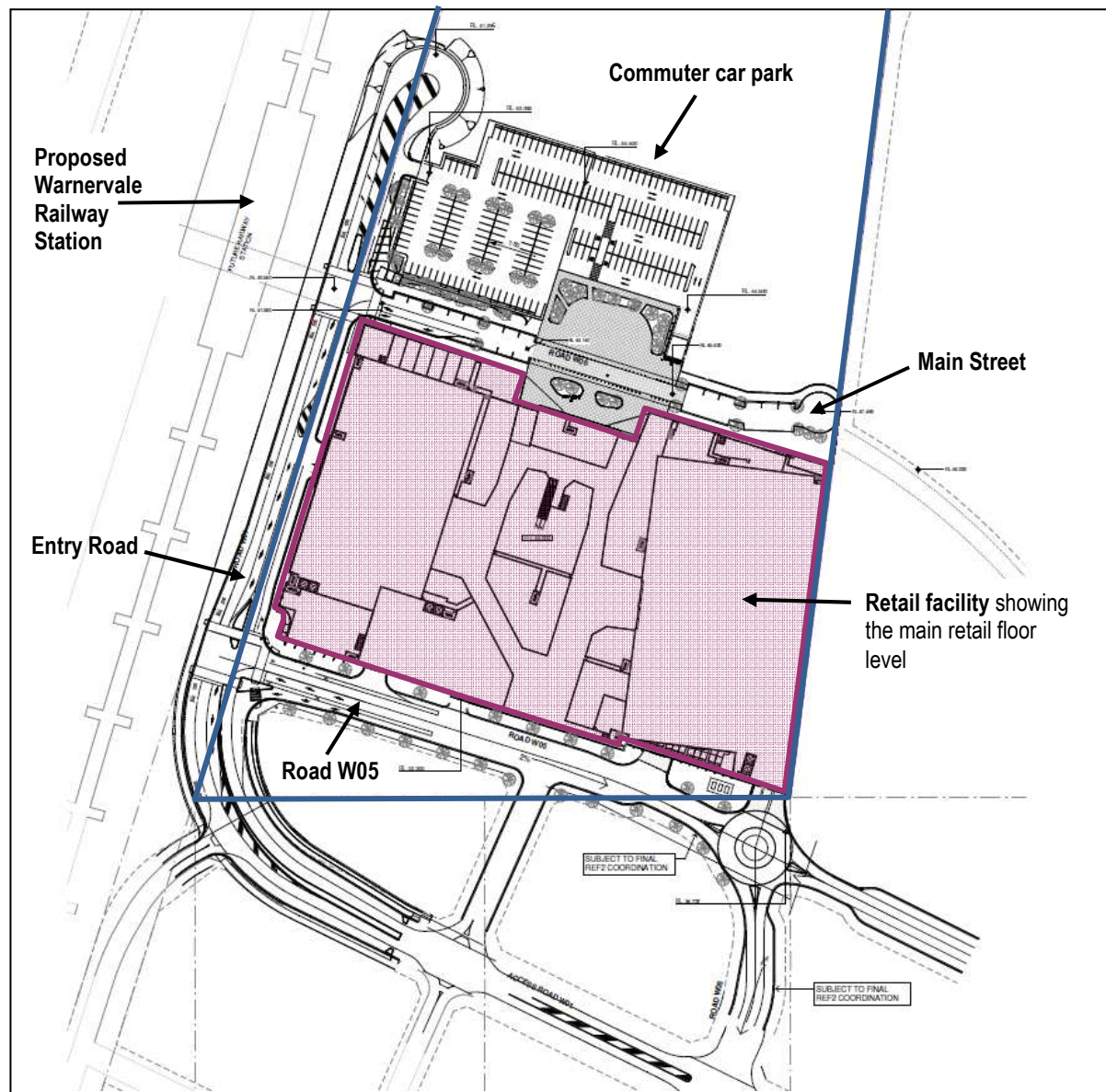


Figure 7. Site layout with the Fabcot site boundary in blue



*Figure 8. Views looking to the northern-western part of the proposal (top) and south-eastern part (bottom)*

#### Height

The structure comprises varied building forms and finishes to provide design interest. The proposed development has a maximum height of approximately 21m to the highest point of the condenser deck which is set centrally within the development, and approximately 16.5m to the highest point of the building proper. This is consistent with the maximum height control for the site contained within the Major Development SEPP.

#### Setbacks

The proposed development has essentially minimal setbacks on all frontages, which is consistent with the DCP requirements. The DCP requires setting back of developments above the second storey of the retail centre fronting Main Street. The proposed development is only two storeys on this frontage and therefore no setback is required. No residential development is proposed above the centre as part of this application, and it is unlikely there will be future applications for any residential on this site due to the height controls.

#### Active Frontages

To promote an interesting and safe pedestrian environment, the DCP requires active street frontages to be provided to the Entry Road and Main Street. Active frontages have been provided along the full length of the shopping centre along Main Street, and partially along the Entry Road frontage which is constrained by the slope of the site. The materials and finishes on this elevation are considered to provide an acceptable level of quality.

#### Awnings

To protect pedestrians from the weather, the DCP requires continuous awnings along the frontages of the Entry Road and Main Street. Continuous awnings have been provided along Main Street, although the materials used along this elevation differ. An awning has also been provided along the Entry Road frontage between Main Street and the northern side of the car park entry. As there are limited uses fronting this street, the extent of awnings along this elevation is considered to be satisfactory.

#### External finishes

It is considered that the proposed external finishes shown on plan A10.02 are acceptable and will ensure a high quality appearance. The proposed articulation and corner treatments are considered appropriate and will ensure a high quality built form.

### Pedestrian Access

The DCP identifies a preferred pedestrian through-site link from Road W05 to Main Street within the subject site. This site slopes considerably, with a 10m difference in height between Road W05 and Main Street, over a distance of approximately 135 metres. This is not considered to be a desirable gradient for pedestrians. The design of the retail facility enables access through the retail facility from Road W05, via a lift, to Main Street which is considered to be an acceptable alternative.

### Overshadowing

Shadow diagrams have been submitted with the proposal which indicate that the development will result in some shadow impacts primarily on land to the south which is zoned for residential uses. However this impact is minor and limited to either to the morning (south west) or the afternoon (south east) in midwinter providing adequate solar access for the remainder of the day. The majority of the shadow cast remains on the roadway and does not affect private land. In addition the Main Street and Civic Square will not be overshadowed by the development and have excellent solar access and orientation.

## 5.3 Civic Square

The application includes an urban plaza known as Civic Square, on both the northern and southern sides of Main Street, in a location generally consistent with the town square identified in the DCP. Civic Square has an area of 2,852m<sup>2</sup> including the roadway (or 2,481m<sup>2</sup> if the roadway is excluded). It is noted that the proponent has proposed that the roadway be a shared way which can be closed off for special events. Civic Square is proposed to be activated by the retail facility on its southern side, and the northern side will be surrounded by the proposed temporary commuter car park.

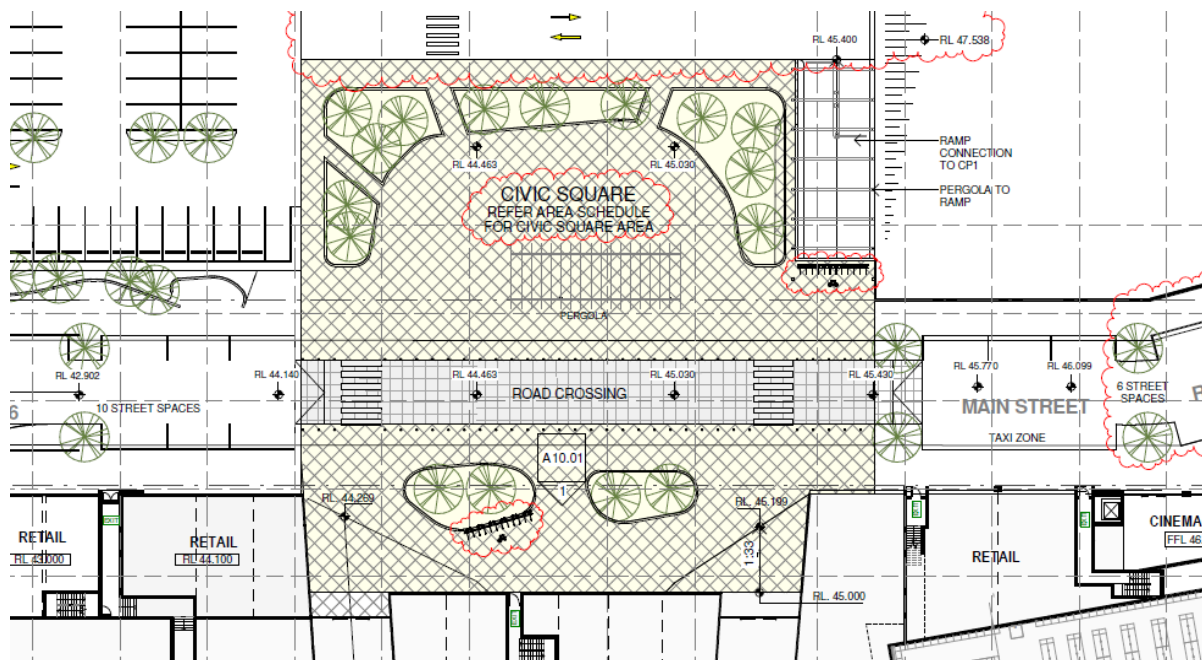


Figure 9. Proposed Civic Square. Amendments to the original design in red clouds.





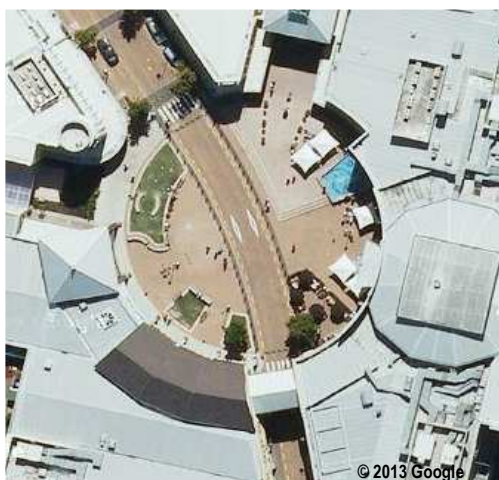
*Figure 10. Perspective view of Civic Square*

Concerns were raised by the council that the design of the Civic Square reduces the functionality of the space, in particular the division of the square into two parts by Main Street. The council also preferred that the square be dedicated to the council.

In considering the suitability of the proposed square, the department has examined several issues.

#### Functionality

The DCP states that the square is to provide for a variety of civic activities, and be a space for people to meet and gather, and shows the square located on both sides of Main Street. The controls in the DCP include having adjoining uses activate the square, allow for outdoor dining, and provide pedestrian links, landscaping, good lighting, and public art. The proposed space is considered to provide for these functions although there is currently no activation on the northern side due to the temporary commuter car park, which is expected to be developed in the future to have buildings with activated frontages. There is room to gather within the square including permanent structures to sit, as well as the option of extra seating for any cafes that adjoin Main Street. A variety of landscaping is proposed including trees to provide shade. Public art is proposed and identified in the Statement of Commitments. There are examples of public squares that are bisected by a road, such as the Botany Town Centre in New Zealand, which are able to provide for active uses as well as hold special events. Main Street could also be closed temporarily for special events. This occurs successfully at the Rouse Hill Town Centre for events such as the Sydney Boutique Markets and Christmas events.



*Figure 11: Botany Town Centre (left) and Rouse Hill Town Square (right)*

### Size

The DCP states that the square is to be up to 2,700m<sup>2</sup>, and shows the square in two halves adjoining the northern and southern side of Main Street. The size of the proposed square is 2,852m<sup>2</sup> including the roadway (or 2,481m<sup>2</sup> if the roadway is excluded). The proponent has provided examples of squares with similar functions to the proposed square, such as Kogarah Town Square which has an area of approximately 1,200 m<sup>2</sup> and the Rouse Hill Town Centre square is approximately 1,500m<sup>2</sup> (not including roads), both of which are award-winning developments. It is considered that subject to the above recommendations the size of the square is satisfactory and that a larger square will not necessarily result in a better public space. Hill Top Park is at the eastern end of Main Street and will also provide an area of public open space close to the commercial heart of the WTC site.

### Ownership

The proposed Civic Square has not been identified as public open space in the MD SEPP or DCP. While it has an open space function it is acceptable for it to be in private ownership, with the exception of the portion within the 18.6m road carriageway, which is to be dedicated to the council (refer to section 5.6 Dedication of Roads of this report). It is noted that unenclosed squares on privately owned land if appropriately designed can function well. Examples of this are the Rouse Hill Town Square, the Leichhardt Forum and the St Leonards Forum. The critical requirement is that the space is accessible to the public at all times, cannot be closed off and reads as a clearly public space. In conjunction with the design of Main Street and the proximity of Hill Top Park, it is considered that the area of public domain is satisfactory. A condition is recommended to ensure that the space is available to the public at all times.

## **5.4 Main Street**

The DCP seeks to achieve a vibrant and pleasant public domain in the town centre for residents and visitors. One of the key ways to achieve this is through the design of Main Street, the key road in the Town Centre Civic precinct, running east to west between the proposed railway station and Hill Top Park. The road is to be designed to include uses with active street frontages, awnings, tree lined footpaths and space for outdoor dining.

The application proposes to construct Main Street between the Entry Road and the eastern boundary of the development site. The eastern end of the road will feature a roundabout until such time as land to the north of the subject site is developed. The Main Street has been designed as an 18.6m wide roadway comprising footpaths on either side with a width of 3.6m, two parking lanes 2.5m wide each, and two travel lanes 3.2m wide each. The application proposes to narrow the roadway in the location of the Civic Square to a width of 6.4m to accommodate the two travel lanes only. There are 16 parallel car parking spaces provided along Main Street in the parking lanes in addition to a taxi zone and 'kiss and ride' /drop off zone at the eastern end of the road outside the proposed cinema foyer area. In addition trees are proposed in planter boxes interspersed along the parking lane. The road has generally been designed to be consistent with "Road Type 4: Town Centre Main Street" with the exception of the 1500mm wide kerb gutter infiltration inlet on either side of the roadway between the parking lane and the footpath. The proposed design has combined the street tree planting with the parking lane, which is considered to be acceptable as there are still several parking spaces provided on this street, and a wide footpath has been provided to accommodate both pedestrians and outdoor seating areas.

The DCP requires that buildings adjoining this street are to have activated frontages for retail and other uses with continuous awnings, and a high level of design quality and finishes. It also requires footpaths with high quality paving 3.6m in width with room for outdoor dining, awnings, and trees and other planting. The proposal is generally consistent with these requirements however it is considered that an additional detailed landscape plan should be provided to ensure a high quality outcome. Accordingly a condition is recommended for a detailed plan to be prepared to be consistent with the Public Open Space objectives and controls of the Warnervale Town Centre DCP, and submitted to the Department of Planning and Infrastructure for approval prior to issue of a Construction Certificate.

As discussed previously, the retail and commercial premises adjoining this street will have active frontages, consistent with the objectives of the DCP.

It is considered that the design is also consistent with the Main Street principles contained in the Department of Planning and Infrastructure's Draft Centres Design Guidelines (2011) which include:



- Supporting a range of uses
- Providing weather protection and high quality public domain finishes
- Supporting mixed use development
- Ensuring continuous active frontages
- Providing generous footpath widths for pedestrian comfort and outdoor dining etc.
- Traffic calming for pedestrian safety
- Design to support sustainable transport, and
- Monitored on street parking to support local business, encourage movement and improve safety.

The council raised concerns about the difference in height between the eastern end of Main Street and the proposed Hill Top Park, and requested that the finished road centreline of the eastern part of the street be increased by approximately 2 metres to provide the council with more options to improve connectivity of Hill Top Park with Main Street. The proponent did not agree to change the road design as it would have implications for pedestrian accessibility of this street. To address the council's concerns about connectivity between Main Street and the proposed park, the proponent has provided space for a pedestrian switch-back ramp that could be constructed to provide access to the park, if the council agrees. A separate Development Application would need to be made for its construction as it is not being considered as part of this application, and a condition has been recommended accordingly.

The council also requested that the road pavement within Civic Square be increased to 7m. The department considers that this is not required as the proposed width will be sufficient to provide for two trafficable lanes, and will also help to slow traffic to improve pedestrian safety.

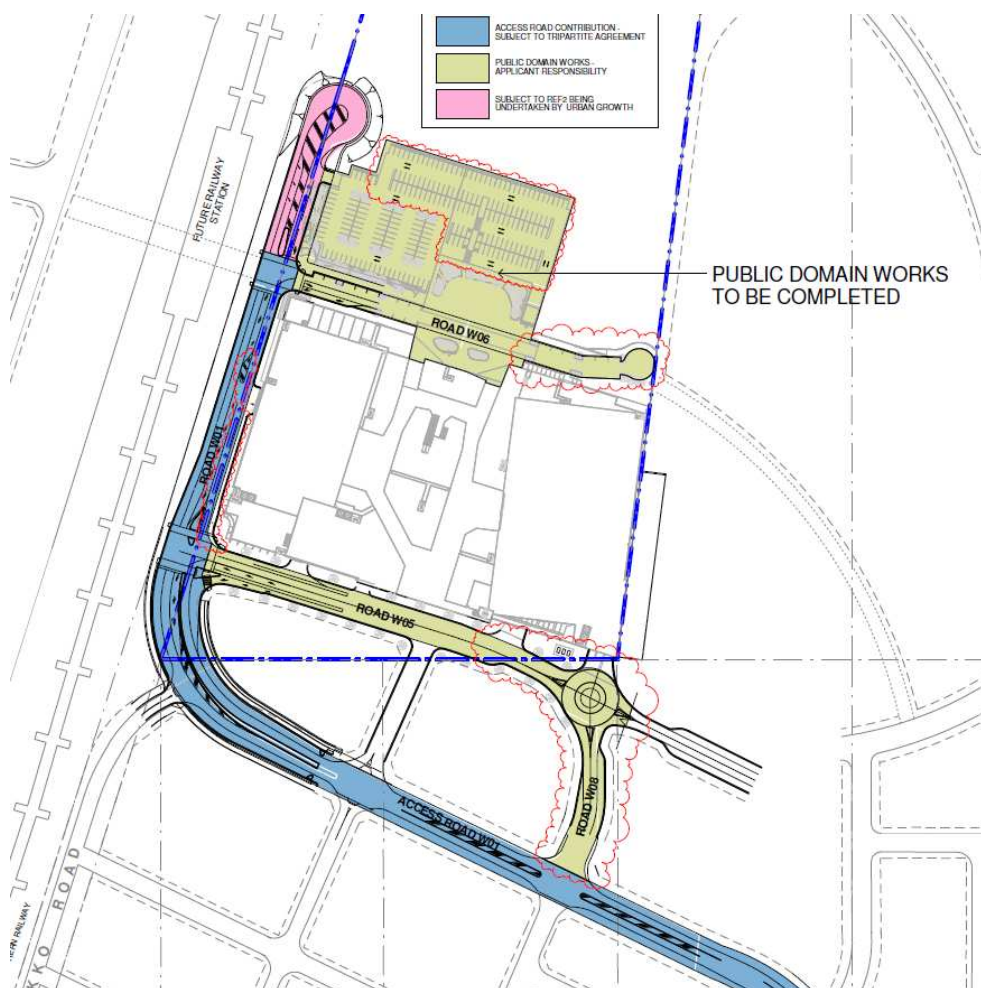


Figure 12. Responsibility for road construction

## 5.5 Other Internal Roads

### Access to the site

There are currently no formalised roads within the Warnervale Town Centre site providing access to the subject site. An access road, known as the Entry Road (Road W01), from Sparks Road to the commercial centre via the proposed railway station, is subject to a separate planning process. This road will provide access to the subject site and will need to be completed prior to commencement of work on the site. The access to the WTC site, and traffic generation impacts were considered when the site was rezoned and the DCP prepared.

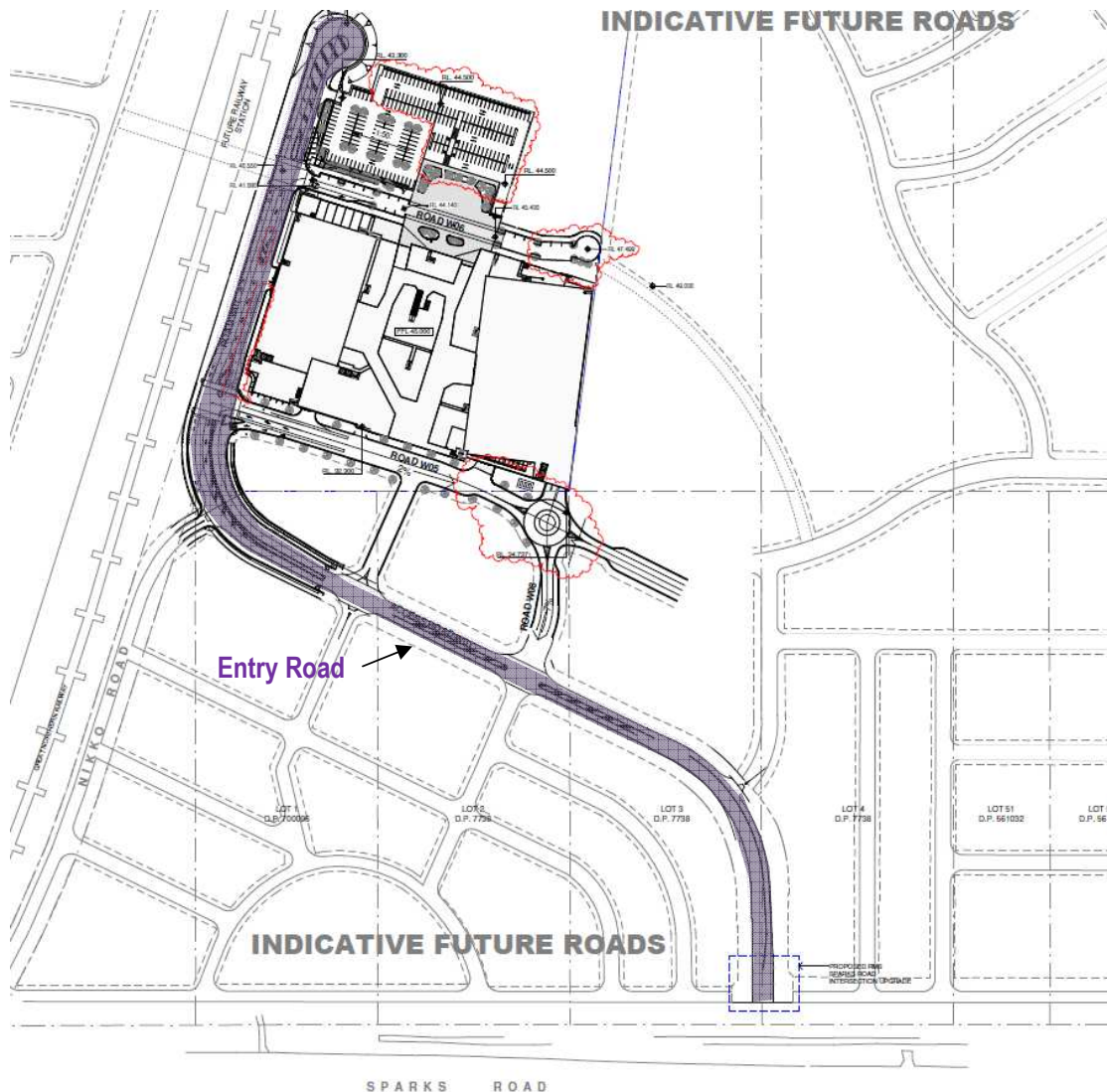


Figure 13. WTC Internal roads, with Entry Road in purple.

Roads and Maritime Services (RMS) are responsible for the Sparks Road/Entry Road intersection. The Review of Environmental Factors (REF) for the works was approved by the council on 1 February 2013. Construction is planned to commence in early 2014, completed by the end of 2014.

The Entry Road design and construction is subject to a deed of agreement between the three owners of land the road will cover, which are the proponent, UrbanGrowth NSW (formally known as Landcom) and Wyong Shire Council. The deed of agreement is in the process of being finalised.

The Entry Road is subject to two REFs prepared by UrbanGrowth NSW. The REF for the southern portion has been determined by the council. The second REF, for the northern portion, is currently being considered by the council. Construction of the Entry Road is planned to commence in late 2013. The Entry Road needs to be completed before construction of the proposed shopping centre can commence. If the road is not completed prior

to the commencement of construction, alternative access to the site will need to be identified. A condition has been recommended that this be addressed as part of the Construction Management Plan.

Road W05 to the south of the development within the land owned by the proponent is identified in the DCP as Road Type 6. The proposed road section is generally consistent with the requirements of the DCP however the proposal does not include the required 3.5m deep soil setback within the property boundary, and that trees be retained in this setback area. This issue has been raised by the council. As this portion of the road adjoins the planned shopping facility, and provides the primary access route to the loading docks and car park, it is considered that the 3.5m setback is not necessary and the tree planning proposed is sufficient. The setback and tree retention as detailed in the DCP is considered to be more suitable where this road passes through residential areas further east. The council raised concerns that the left hand turn lane should not result in a reduced footpath width on the southern side of this street. A condition is recommended to ensure that the footpath width on the southern side of Road W05 is to be no less than 3.6m.

Proposed Road W08 (the south leg of the roundabout near the car park ramp) and the intersection with Road W05 are located on land owned by UrbanGrowth NSW (refer to Figure 12). The proponent will be responsible for the construction of Roads W05 and W08, however UrbanGrowth NSW will need to agree to the design of these roads on their land and a condition has been recommended accordingly. It is also recommended that the design of these roads should be undertaken in consultation with the council. A further condition is also recommended so that Road W08 and the intersection with Road W05 are completed prior to issue of an Occupation Certificate for the retail facility, as they are essential for access to the facility.

#### Access to the basement car park

Three vehicular crossings are proposed to access the basement car parking, one from the Entry Road (W01), and two from Road W05, one of these at the intersection with Road W08. No access is provided from Main Street. Vehicular access from Road W05 is considered appropriate given the largely service function of this road. The access off the Entry Road is not ideal as this frontage is proposed in the DCP as an active frontage with retail uses. The proponent's position is that the western access is necessary to provide adequate access to the car parking areas within the development. The proponent also makes the argument that given the location of the railway station on the western side of the Entry Road, that the western side of this road will be the main pedestrian desire line to the railway station. On balance it is considered that the location of the vehicle crossing is acceptable.

In addition a further vehicular entrance is proposed to the north of Main Street to provide access to the at grade commuter car park. This entrance is considered acceptable given that it is temporary and will be relocated once the site is developed and the car parking is relocated beneath ground.

#### Design of Roads

It is considered that the proposed street design is generally acceptable and consistent with the requirements of the DCP, subject to comments outlined above.

### **5.6 Dedication of Roads**

Roads W05 and W08 are to be constructed by the proponent and dedicated to the council. The proponent, the council and UrbanGrowth NSW agree to this.

The Entry Road, subject to a separate approval, is to be constructed by UrbanGrowth NSW. Part of this road is to be on the proponent's land. This part of land will be dedicated to the council free of cost. The proponent, the council and UrbanGrowth NSW agree to this.

A stratum subdivision will be required for Road W06 as the basement car park and related structures are located beneath the road way. The proponent and the council agree to this. There is a disagreement however between the proponent and the council regarding the ownership of the footpaths in Road W06. The proponent is seeking to retaining ownership of the footpaths. The council advised it is not practical to have the road up to the kerb dedicated, as at least 2 metres from the edge of the footpath would also be required to avoid any impediments to access services, both below and above ground.

The department considers that as Main Street is identified as a public road in the DCP, it is appropriate for the footpaths, as well as the roadway, to be dedicated to the council. This also overcomes the concerns raised by the council regarding additional land needed from the edge of the kerb. To ensure consistency and avoid conflict with the provision of essential infrastructure, the department also recommends that the full width of the 18.6m road corridor through Civic Square also be dedicated to the council.

## 5.7 Centre Car Parking

The application proposes a total of 1,283 spaces across three basement levels. The car park levels are accessed from the street on the southern side of the centre (Road W05), and the Entry Road.

Table 2: Basement car parking

Car Park Level	Access	Spaces
CP3	southern street (W05)	84 plus 2 x loading areas
CP2	Entry Road and southern street (W05) via ramp from intersection with Road W10	549
CP1	southern street (W05) via ramp	650
<b>Total</b>		1,283

Two loading zones are proposed, both accessed from Road W05. Truck manoeuvring will be within the building. It is intended that trucks will be able to enter and leave in a forward direction however truck turning circles have not been provided to substantiate this. A condition is therefore recommended to demonstrate that this can be achieved.

Under Wyong Shire Council's DCP calculations, 1,274 car parking spaces are required assuming a cinema of 772 seats. The proposed 1,283 basement spaces exceed this by 9 spaces. With the 16 spaces on Main Street, the proposal is considered satisfactory in this regard.

The car park layout is generally considered to be appropriate. Level CP 3 does not provide internal access to the shopping facility, however it is intended to largely provide spaces for the commercial premises. Patrons parking on this level would need to walk out of the car park and either up the Entry Road to gain access to commercial premises, or access a lift located along Road W05, via a paved marked pathway. Lifts are shown on the eastern side of the commercial premises in the south-western corner of the facility, and to improve access to these premises, a condition is recommended that access is provided to these lifts directly from the Level CP 3 car park. Security measures, such as electronic security cards, could be used if there are concerns about restricting access to these premises.

## 5.8 Commuter Car Park

The application includes a temporary at-grade commuter car park on the northern side of Main Street, containing 225 car parking spaces. The commuter car park is proposed to be a temporary at-grade car park until the northern side of Main Street is developed. The commuter car parking spaces would then need to be relocated and incorporated into this future development.

The provision of at least 200 spaces on the subject site was requested by RailCorp (now NSW Trains). The car park will initially provide extra spaces for visitors to the retail facility, however once the proposed railway station is operational it will become a dedicated commuter car park. A condition of approval is recommended accordingly.

Standards for commuter car parks were provided by Transport for NSW, based on the RailCorp document "Rail Station Commuter Car Parks". The proposed commuter car park has been designed in accordance with AS 2890 for parking facilities however has not met the full scope of the guidelines including CCTV, assemblage areas and parking meters.

An access ramp linking this car park to the basement car park is located on the eastern side of Civic Square. It is noted that this arrangement is temporary until the land on the northern side of Main Street is developed. Transport for NSW has provided advice that a covenant should be in place on the land that forms the proposed commuter car park that stipulates that the commuter car park will remain in perpetuity including during and after the construction of Stage 2 of the proposed Woolworths development. This would ensure that in the event that the site is developed, 225 car parking spaces will still be provided for commuters within the development. In addition Transport for NSW notes that identified disabled commuter car spaces are outside the walkable distance for disabled commuter spaces and will need to comply with the Disability Standards for Accessible Public Transport 2002 (Transport Standards). The department supports the inclusion of a condition to ensure disability access standards are met, however it is considered that a condition of approval is sufficient to ensure the ongoing provision of commuter car parking and it does not need to be registered on title as well.

## 5.9 Cycle Network

Cycle paths are proposed on Road W05 as required by the DCP. In addition a shared path is proposed along the Entry Road (W01) which has been subject to the REF approved by the council. This is consistent with the DCP requirements (refer Figure 3.19 of the WTC DCP). Bicycle end of trip facilities have not however been provided. It is therefore recommended that a condition requiring provision of these facilities be imposed.

The proposed pedestrian and cycle network is considered appropriate in terms of public safety and passive surveillance.

## 5.10 Ecology and Biodiversity

The development site has been largely cleared of significant vegetation, however there is some regrowth and isolated stands of trees in the southern part. The application proposes to clear all vegetation as it is necessary for the site works proposed including excavation, regrading, and construction of the basement car park and roads.

The extent of development proposed is consistent with that envisaged in the MD SEPP and DCP, and the clearing of land on this site is expected. An ecological report was prepared by Ecological Australia in March 2005 for the for State Significant Site listing of the Warnervale Town Centre site. The proponent included this report with the subject application, along with Flora and Fauna investigations – Proposed Warnervale Town Centre (Forest Fauna Surveys and Eastcoast Flora Survey) prepared in 2004.

The Office of Environment and Heritage advised that as the surveys were greater than 5 years old, resurveying was required. In response, a Flora and Fauna update was submitted as part of the revised PPR documentation on 9 April 2013. The update was based on reviews of relevant documentation, revised data search of the Atlas of NSW Wildlife (OEH 2013), and a field survey undertaken on 30 January 2013.

The updated Flora and Fauna report identified that three threatened fauna species (Grey Headed Flying Fox, Glossy Black Cockatoo and the Greater Broad Nosed Bat) had been recorded using available habitat on the site. Other threatened fauna species were recorded nearby which could potentially use the available habitat on the site. The Office of Environment and Heritage advised that Biocertification Certification Assessment for the WTC site is currently being finalised. The effect of Biodiversity Certification is that development within the site will be deemed not likely to significantly affect threatened species under the EP&A Act, removing the need to address the tests for threatened species normally required.

The site also provides tree hollows for hollow dependant species such as the Powerful Owl or Glossy Black Cockatoo, although sites surveys to date have not found evidence that these are being used. The Flora and Fauna report recommended mitigation measures to ensure nesting activity of hollow dependant species are not detrimentally affected by the proposed works, and conditions have been recommended accordingly.

## 5.11 Drainage and Stormwater Management

The Initial Infrastructure Assessment dated May 2011 prepared by Mott McDonald was submitted with the Environmental Assessment to detail proposed stormwater management. The report noted that the site will drain



to the south-west, through the UrbanGrowth NSW (previously Landcom) owned land to an open detention basin, and to Sparks Road beyond. The application proposes to discharge stormwater to stormwater management systems comprising gross pollution traps and bio-retention facilities in the public domain.

The revisions to the PPR dated 5 April 2013 provides some more information in terms of water quantity to be managed, and that the run off from the public domain network is to be directed to the detention pond on land to the south owned by UrbanGrowth NSW. Additional stormwater storage may need to be provided by onsite detention facilities within the Woolworths site, although no details are provided. A condition is recommended for details to be provided to demonstrate that the capacity of the detention pond is sufficient for the run off from the development, and if it is not sufficient, for on site detention to be provided. It is also recommended that the condition is worded to ensure that connections are available to the public stormwater network prior to Occupation Certificate.

Conditions are also recommended to ensure water quality management during construction.

## **5.12 European and Aboriginal Heritage**

### European Heritage

The Wyong LEP 2001 does not list any items of State or local heritage significance on the site.

### Aboriginal Heritage

An Archaeological Investigation was prepared by John Appleton in 2004 for the SSS listing. A copy was provided with the Environmental Assessment for the project application. In response to issues raised by the Office of Environment and Heritage, the PPR included an Aboriginal Cultural Heritage Assessment Report prepared by the Darkinjung Local Aboriginal Land Council. The report states that although no cultural heritage material was evident, objects or sites may be found during the site preparation works, especially in the south western part of the site. Recommendations were provided in this report. The Office of Environment and Heritage has reviewed the report and noted the commitment proposed to continue to engage with the Aboriginal community. A condition has been recommended to ensure that continued consultation occurs. In addition OEH has noted the further commitment that a Construction Management Plan will be prepared prior to any works on site and has recommended that a component of this plan detail an appropriate management procedure in the event that Aboriginal objects or human remains are identified as a result of construction activities within the area. Conditions have similarly been recommended in this regard.

Having regard to the above it is considered that the impact of the proposal on European and Aboriginal heritage will be acceptable subject to the imposition of conditions as recommended by OEH.

## **5.13 Cut and Fill**

The proposed earthworks provide for approximately 139,233m<sup>3</sup> of cut and 17,282m<sup>3</sup> of fill thereby equating to an excess of spoil totalling approximately 121,941m<sup>3</sup>. The extent of the proposed earthworks is shown in Drawing No. A00.20 – Excavation Estimate.

Detailed engineering plans for the proposed earthworks are required as part of the Construction Certificate stage and will be required to be consistent with the areas approved under the project application. A condition to this effect has been recommended.

The application does not indicate how the excess 121,941m<sup>3</sup> spoil will be disposed of. A condition is recommended for details to be provided prior to issue of a Construction Certificate and include truck routes, disposal locations etc.

A Construction Management Plan is therefore recommended to address construction management issues such as noise, air quality and odour, water quality, erosion and sediment control, waste management, traffic management, sustainability etc. These details will be required as part of the construction management plan to be approved prior to construction as outlined in the recommended conditions of approval.

## 5.14 Contamination

Clause 7 of SEPP 55 requires that consent must not be granted to the carrying out of any development on land unless the consent authority has considered:

- whether the land is contaminated,
- if the land is contaminated, whether it is suitable in its contaminated state for the purpose for which development is proposed to be carried out and
- if the land requires remediation to be made suitable for the development, the consent authority is satisfied the land will be remediated before the land is used for the purpose.

Site contamination was considered for the Warnervale Town Centre SEPP amendment in 2008 to list the site as a State Significant Site. A preliminary investigation of the site identified potential contamination from previous uses on the site including quarrying, land filling and a nursery.

A further study (Stage 2 Environmental Site Assessment) was prepared by Coffey Geotechnics for the Warnervale Town Centre site which concluded that contamination was generally at levels such that all proposed land uses on the site should be suitable with only minimal additional investigations or remediation. The report recommended:

- additional analyses for asbestos are undertaken across the surface of the former number and adjacent to buildings once demolished and
- additional water sampling be undertaken to confirm TPH concentrations in Dam 2 (former nursery) and soil/sediment analyses undertaken to assess concentrations of TPH in upslope or spillway soils.

A Contamination Assessment for the subject proposal was prepared by Coffey Geotechnics and submitted with the PPR. It concludes that the site is suitable for the proposed commercial development providing appropriate removal of asbestos material around former building areas, and that water and soils analysis for Dam 2 are carried out as recommended in the Stage 2 report and that should Total Petroleum Hydrocarbon contamination be confirmed the water would require treatment for disposal prior to development. The report also notes that the section of the southern wall of Dam 2 which has eroded away should be restabilised to lessen the impact down gradient. A condition has been recommended to ensure these matters are addressed.

## 5.15 Bushfire Risk

The subject land is identified as being bushfire prone land on Wyong Shire Council's Bushfire Prone Land map (Category 1 and vegetation buffer). Only temporary APZs are required until the WTC site is fully developed.

Clause 6.5 of the DCP requires that development applications address the requirements of Planning for Bushfire Protection 2006. The Rural Fire Service has noted that no specific information was provided in the EA in regard to bush fire and compliance with Planning for Bushfire Protection 2006.

Additional information was provided by the proponent on 9 April 2013. The report concludes that the proposal will comply with the Planning for Bushfire Protection 2006, subject to agreement of the council to establish a 30m temporary APZ in accordance with the fuel management plan, including the provision of a temporary fire trail, on council owned land to the land to the southeast of the subject site. A condition has been recommended accordingly. In the event that the council does not agree to the temporary APZ, then an alternative arrangement will need to be found and approved by the RFS.

## 5.16 Utilities Infrastructure

It is proposed that the subject development is to be connected to water, sewer, gas, electricity and telecommunications. An Updated Initial Infrastructure Assessment prepared by Mott McDonald was provided with the PPR, and provides information concerning infrastructure servicing requirements for the proposed development.

The report states that the WTC site is currently not serviced, and that preliminary discussions have been undertaken with service providers to ensure the site can be serviced. A condition of approval has been recommended to ensure agreements are in place prior to construction.

### **5.17 Residential Development Component**

The DCP identifies a net residential density target of 376 apartments within the Town Centre Civic Precinct 6(a). The DCP does not specify where the apartments are to be located within the precinct.

The project application does not propose any residential development. Concerns were raised in submissions that as a result, the housing target in the precinct may not be met. The proponent has however made a case that demand does not currently exist for apartments within the area. The proponent also stated that demand may develop over time and that sufficient land exists within the remainder of the precinct to accommodate the required number of apartments, although noting that the height limit may need to be varied to achieve the density target.

It is agreed that sufficient land remains within the precinct to ensure that the residential targets are achieved and that it is appropriate in the circumstances for the first stage of the Warnervale Town Centre development to occur without a residential component. The establishment of a strong retail centre on site will contribute to establishing the character of the Warnervale Town Centre and in turn may result in a demand for residential development within the precinct.

### **5.18 Relationship to Adjoining Sites**

Land to the east of the subject site is owned by Wyong Sire Council and at the eastern end of the Main Street it is proposed that the land be development for Hill Top Park. Concerns were raised by the council that the eastern extent of the Main Street is proposed to be significantly lower than the level of the park. This matter has been addressed in detail in section 5.4 earlier in this report.

The eastern façade of the proposed shopping centre will adjoin land that is zoned B4 Mixed Use under the Wyong Local Environmental Plan 1991 and will be developed in future stages of the Town Centre. As noted previously, the proposed eastern elevation of the façade is considered to be acceptable.

To the south of the site on the southern side of the southern road (Road W05) the site is adjoined by land owned by UrbanGrowth NSW and zoned B4 Mixed Use. The southern road performs the function of a service road to the shopping centre and therefore it has limited activation on this façade and broken up by three vehicular crossovers. This is necessary for the proper operation of the retail centre. The height of the development on this façade will also be up to 22.8m above finished ground level to accommodate three levels of car parking and the retail component above. Notwithstanding, the architectural detailing will ensure that the frontage is attractive, and with the additional landscaping included on the amended plans, will provide a reasonable outlook from the adjacent land.

The railway line lies on the western side of the Entry Road. The distance of the western façade of the retail facility from the railway line, along with the building design and finishes proposed, is not considered to have any significant impacts on land to the west of the rail line.

### **5.19 State Infrastructure Contributions**

A Special Infrastructure Contributions Plan for the Warnervale Town Centre was made on 2008 for the provision of sub-regional and regional infrastructure necessary for the release and development of the land within the Warnervale Town Centre, being certain sub-regional and regional roads, motorway connections, public transport upgrades and biodiversity offsets. The plan only applies to residential zoned land and therefore no contributions are required for the subject proposal.

## 5.20 Local Developer Contributions

Under Section 94 of the Act a condition can be imposed by a consent authority requiring the dedication of land free of cost, and/or the payment of a monetary contribution, where the development is likely to increase the demand for public amenities and public services within the area. The condition can only require a reasonable dedication or contribution for the public amenities and public services concerned.

Section 94B(2) of the Act permits a consent authority other than a council to impose a condition under Section 94 or 94A even though it is not authorised by or not determined in accordance with a contributions plan. However the consent authority (in this case, the Planning Assessment Commission) before imposing the condition must have regard to the contributions plan that applies to the area which development is to be carried out.

The Section 94 plan applicable to this site is the Warnervale Town Centre Development Contributions Plan 2012. This plan was exhibited from 21 December 2011 until 1 February 2012. Before the plan was made by the council, the department wrote to the council on 3 May 2012 raising concerns about the plan, including:

- the justification for works and proportion of costs allocated to the Warnervale Town Centre, including those that will service the broader Warnervale/Wadalba Social Planning District and other existing areas, such as the Link Road (Road R1), community facilities, and open space and recreation areas, should be reviewed;
- the extent and rate of contributions apportioned to the non-residential components of the proposed WTC development should be reviewed;
- traffic generation associated with the railway station is not clearly considered in the plan.

A revised version of the plan was adopted by the council at its meeting of 12 December 2012. Only minor changes relating to non residential development were made and did not fully address the department's concerns.

The following table details the contribution rates for non-residential development in the WTC contributions plan as adopted:

**Table 3: Contribution Rates for Non-Residential Development in the WTC CP**

	Open Space Land	Open Space Works	Community Facilities Land	Community Facilities Works	Roads	Stormwater Management Land	Stormwater Management Works	Diversions Trunk Pipeline	Studies	Admin
Contributions Unit	Per vehicle trip	Per vehicle trip	Per vehicle trip	Per vehicle trip	Per vehicle trip	NDA	NDA	NDA	NDA	0.4% of contributions
Precinct 5, 6a, 6b & 7a	\$26.09	\$34.88	\$1.30	\$26.68	\$1,107	\$27,590	\$93,081	\$30,346	\$3,331	0.40%

In accordance with the WTC contributions plan, a total contribution of \$18,988,644.25 would be required for this development, representing 16.3% of the Capital Investment Value of the development of \$116,370,000.

The department has reviewed the contribution rates for non residential development in detail below.

### Open space land and works

The WTC contributions plan apportions the contributions for open space land and works on a 90:10 ratio for residential and non residential development in the WTC site. The plan states that there will be significant benefits derived for the provision of these works for businesses, although no evidence has been included in the plan to demonstrate this. It is noted that no other Wyong Shire Council Section 94 plan requires contributions for open space land and works from non-residential uses. The department expects little additional demand for open space will be generated from employees of the retail facility, and therefore no contributions should be required by non-residential development.

Notwithstanding the above, the proponent is providing some open space works, being the Civic Square and public art, which will benefit the Warnervale Town Centre community and the value of these works will be used to offset the other local contributions to be paid.

### Community facilities land and works

The WTC contributions plan also apportions contributions for community facilities on a 90:10 ratio for residential and non-residential development in the WTC site. The plan has not demonstrated the demand from non residential development for these facilities, especially as no other Wyong Shire Council Section 94 plan requires contributions for community facilities from non-residential development. Therefore, it is recommended that no contributions are required by non-residential development.

### Roads

The extent of roadworks and intersection works identified in the WTC contributions plan are considered to be excessive, and well outside the WTC boundary. For example, the Watanobbi-Warnervale Link Road (R1 in the contributions plan) provides access from the residential area of Watanobbi, which adjoins Wyong, to an intersection at Sparks Road about 1km west of the WTC site. The WTC contributions plan apportions 25.9% of its costs to the WTC site although it has not clearly demonstrated how development within the WTC site creates demand for this road.

The department has evaluated the WTC contributions plan and identified the road works and intersection works for which it is appropriate to require Section 94 contribution from development within the WTC site. Works where a clear nexus and apportionment was not demonstrated in the WTC contributions plan have not been included in the department's calculations, which are detailed in Table 4. The department has included roads that are required for the development, and are identified in the DCP as first and second tier roads, and therefore of significant benefit for the WTC site.

Tables 4 and 5 below are based on the tables in the WTC contributions plan, with the road works and intersection works not supported by the department excluded:

Table 4 Proposed road works being considered by the department for contributions

Reference	Road Projects	Description	Total Project Cost	%Apportioned to WTC	Total WTC Share
R3	District Entry Road from Sparks Road	Additional cost to provide off road cycleway	\$40,000	50.5%	\$20,181
R4	Hiawatha Road	Half road adjacent to open space	\$558,614	65.8%	\$267,617
R16	Sparks Road	Pedestrian crossing of railway	\$1,257,690	49.9%	\$626,980
R19	Nikko Road (north) TC2 – Type 2 street	Town Centre R2-1/2 road adjacent to rail line + land acquisition for widening	\$1,420,336	100%	\$1,420,336
R20	Nikko Road (north) TC3 – Type 3 Street	Town Centre R3 – ½ road adjacent to rail lie	\$697,101	100%	\$697,101
R29	Hill Top Park Frontage TC9 – Type 10 Street	Full Width (equivalent) across open space riparian corridor	\$1,455,131	100%	\$1,455,131
R41	WTC Riparian Crossing TC23 – Type 10 Street	Full width (equivalent) across open space riparian corridor	\$429,578	100%	\$429,578
R57	WTC Cyclways and Bus shelters	3.1km of off road cycleway + 8 bus shelters	\$813,876	100%	\$813,876
N/A	District Entry Road	Full width, excluding cycleway, intersections and Trade & Investment funding	\$3,900,000	100%	\$3,900,000
N/A	Road W06	Full width	\$1,600,000	100%	\$1,600,000
N/A	Road W05	Full width	\$1,440,000	100%	\$1,440,000
N/A	Road W08	Full width	\$630,000	100%	\$630,000
<b>Total</b>					<b>\$13,300,800</b>



**Table 5 Proposed intersection works being considered by the department for contributions**

Reference	Intersection	Description of project	Total project cost	%apportioned to WTC	WTC Share
I1	Mataram Road/Hiawatha roads	-	\$312,110	63.1	\$196,895
I3	WTC Internal Intersection on Entry Road	-	\$749,063	63.1%	\$472,548
I4	WTC northern internal intersection – Road Type 3B/Road Type 3B	Signals	\$499,375	52.2%	\$260,569
I5	WTC middle internal intersection Road Type 8A/Road Type 10	Signals	\$499,375	52.2%	\$260,569
I10	Hakone/Hiawatha Roads	Signals	\$1,248,439	65.8%	\$821,582
I11	Entry Road/Main Street/Nikko Road extension	Signals	\$499,375	52.2%	\$260,569
I21	Sub arterial/Railway Station/Nikko Road	Signals	\$2,496,877	50.5%	\$1,259,725
I31	WTC Entry Road/Nikko Road/Road Type 8A	Signals	\$499,375	63.1%	\$315,032
I32	WTC internal intersection – Mataram Rd extension/Minnesota Road extension	Signals	\$624,219	69.7%	\$434,796
I49 2	Sparks/Minnesota Rd	Signals	\$3,608,576	37.9%	\$1,368,374
<b>Total</b>					<b>\$5,650,659</b>

Under the WTC Contributions Plan, contributions are based on the number of trips generated. The department is of the opinion that the WTC contributions plan underestimates residential trips per day, and overestimates retail and commercial trips. The department has used the RMS Guide to Traffic Generating Development to determine trip rates. The RMS guide specifies an average generation rate of 9 average daily trips per detached dwelling, 5 to 6.5 per townhouse and 4 to 5 per apartment. The lower rate has been used for townhouses and apartments (given the proximity of the site to future train station).

Conversely, the WTC contributions plan overestimates the trips generated by retail and commercial uses by using the busiest time of the week (Thursday), rather than an average daily rate across the week which the department considers to be more appropriate, and reflects the RMS guide. Using this method, the rate for retail would fall from 63 trips per 100m<sup>2</sup> in the WTC contributions plan to 48 trips per 100m<sup>2</sup>, and the rate for commercial would fall from 12 trips per 100m<sup>2</sup> to 10 trips per 100m<sup>2</sup>.

The revised projected trip generation calculations for residential uses are detailed in Table 6, and revised non-residential trip generation calculations are detailed in Table 7. The total trips generated for all uses, and the resultant apportionment of road works costs, are detailed in Table 8.

**Table 6 Revised projected Vehicle trip generation**

Precinct	Dwellings	Town Houses /Attached	Apartments	Average Generation rate	Total trips	% of total trips
Precinct 1 residential	81	77	-	7.1	1114	13.0%
Precinct 2 residential	164	156		7.1	2256	26.4%
Precinct 3 residential	132	126		7.0	1818	21.2%
Precinct 4 residential	40	38		7.1	550	6.4%
Precinct 5 residential	-	28	33	4.5	272	3.2%
Precinct 6a residential	-	71	82	4.5	683	8.0%
Precinct 6b residential	-	78	91	4.5	754	8.8%
Precinct 7a residential	-	44	51	4.5	424	5.0%
Precinct 7b residential	50	48		7.0	690	8.1%
<b>Total</b>	<b>468</b>	<b>667</b>	<b>258</b>	<b>6.2</b>	<b>8561</b>	<b>100%</b>
<b>Total dwellings</b>			<b>1,393</b>			

**Table 7: Revised project non-residential vehicle trip generation**

Land Use	GFA m <sup>2</sup> from DCP	Trips for 100m <sup>2</sup>	Total Trips	% of total trips
Retail as per DCP	25,000	48	12,000	56.8%
Commercial as per DCP	15,000	10	1,500	7.1%
Bulky Goods as per DCP	8,000	27.2	2,176	10.3%
Provision for additional non-residential trip	10,936	50	5,468	25.9%
<b>Total</b>	<b>58,936</b>	<b>135.2</b>	<b>21,144</b>	<b>100%</b>

**Table 8: Revised total projected trips**

Trip Generator	Total Trips	% of total trips	Apportionment	Rate per m <sup>2</sup> /dwelling	Woolworths GFA	Woolworths Contribution
Residential	8,561	28.8%	\$3,280,144	\$2,219	-	0
Retail	12,000	40.4%	\$4,597,795	\$174	20,200	\$3,715,019
Commercial	1,500	5.0%	\$574,724	\$36	3,698	\$141,689
Bulky Goods	2,176	7.3%	\$833,734	\$99	1,892	\$197,178
Additional non-residential	5,468	18.4%	\$2,095,062	\$181	3,742	\$716,873
	<b>29,705</b>	<b>100%</b>	<b>\$11,381,459</b>			<b>7,943,870</b>

The total number of trips for the WTC site using the revised rates is 29,705, compared to the 33,092 in the WTC contributions plan. Residential trips increase from 7,898 to 8,561, and non residential trips fall from 25,194 to 21,144. On this basis, a contribution of \$7,943,870 is required. However, the proponent would be entitled to a credit for works in kind, discussed on the next page of this report.

#### Stormwater.

The department raises no issues with the apportionment rate for the district stormwater works and supports the contributions under the WTC contributions plan for these items. The works offered by the proponent are to primarily serve the development and are therefore not considered to be public amenities or services referred to in by Section 94 of the Act. The rates are as follows:

**Table 9: Stormwater contribution for the subject development**

Item	Rate calculation	Trips/NDA* for the subject proposal	Contribution for the Woolworths retail facility
Stormwater management land	\$27,590 per NDA	2.45ha	\$67,595.50
Stormwater management works	\$93,081 per NDA	2.45ha	\$228,072.95
Diversion Trunk pipeline	\$30,346 per NDA	2.45ha	\$74,347.70
<b>Total</b>			<b>\$370,016.15</b>

The contribution of \$370,016.15 to the council is for district stormwater works, in addition to the \$300,000 worth of temporary stormwater connections required for the development, as identified in the proponent's Statement of Commitments.

#### Studies and administration

The department raises no issues with the apportionment rate for these and supports the contributions under the WTC contributions plan for these items.

Using the data in the tables above, the contributions required for the proposed development have been provided in Table 10 below:

**Table 10: Contributions calculated for the Woolworth's Retail Facility**

Item	Value
Open Space land and works	-
Community facilities land and works	-
Road works	\$7,943,870.00
Stormwater	\$370,016.15
Studies	\$8,160.95
Administration	\$20,595.74
<b>Total</b>	<b>\$8,342,642.84</b>

The proponent has nominated a number of works in kind and monetary contributions to be included as local contributions. Civic Square is identified in the WTC contributions plan and is required to be accessible to the public at all times and is therefore considered suitable to offset other costs. The provision of public art in open space is encouraged in the WTC contributions plan and therefore the value of public art being provided by the proponent is also considered to be an offset for contributions. The construction of Roads W05, W06 (Main Street) and W08, and the monetary contributions to UrbanGrowth NSW for the Entry Road construction (under separate tripartite agreement) and including two sets of traffic signals, will offset other contributions, resulting in a reduction in the contributions payable for road and intersections elsewhere in the WTC site. The contributions payable by the proponent are detailed in Table 11 below.

**Table 11: Local infrastructure contributions required by the proponent**

Item	Value	Type
Civic Square	\$830,000	Works in kind
Public Art	\$150,000	Works in kind
Stormwater	\$370,016.15	Monetary
Studies	\$8,160.95	Monetary
Administration	\$20,595.74	Monetary
Road works		
- Entry Road traffic signals	\$500,000	Monetary
- Entry Road contribution	\$1,650,000	Monetary
- Road W06 construction	\$1,600,000	Works in kind
- Road W05 construction	\$1,440,000	Works in kind
- Road W08 construction	\$630,000	Works in kind
- WTC road/intersection works	\$1,542,642.84	Monetary
<b>Total</b>	<b>\$8,342,642.84</b>	

As discussed previously, the temporary stormwater connections identified by the proponent are not considered to be local infrastructure contributions under Section 94 of the Act. A works in kind credit is not provided for the commuter car park as it has benefits for a wider, regional scale.

The works in kind and total monetary contributions represents approximately 7% of the CIV for the project. It is considered that this is a reasonable contribution given the level of infrastructure that needs to be provided for this greenfield site. This rate is also greater than the highest Section 94A levies permitted in NSW, which are 4% (in Gosford and Burwood councils), and 3% (in Newcastle, Liverpool, Parramatta and Chatswood councils).

A condition has been recommended that allows the proponent and council to agree on alternative developer contributions arrangements or items (eg. through a voluntary planning agreement) to replace the contributions in Table 11.

### **5.21 Signage**

No details of proposed signage have been included as part of the subject application although some indicative signs have been shown on the architectural elevations and perspectives. Accordingly a condition is recommended to make it clear that no signage is approved and that any signage will require a separate development approval if it is not exempt or complying development, and will be subject to the DCP controls.

### **5.22 Economic and Social Impact**

An economic impact assessment has been prepared for the proposal by Pitney Bowes (2011). The proposed development will provide a sub-regional shopping facility within the new Warnervale Town Centre which is located within a rapidly expanding area of the Central Coast. WTC is intended to service the growth areas of the Wyong Local Government Area as articulated in the Central Coast Regional Strategy 2006-2031. The report notes that the trade area for the WTC is a population of over 110,000 persons, expected to increase to 136,380 by 2021. It notes that 900 jobs are proposed within Stage 2 of the WTC development with a further 6000 jobs to be located within 1km of the site within the Wyong Employment Zone. A further 4,500 additional jobs are expected to be created in the North Wyong Region. The economic assessment notes that the main competitive facility within the total trade area is the Lake Haven Shopping Centre located 4.5km to the east. In addition Westfield Tuggerah is a regional shopping centre located 10km to the south west.

The economic impact analysis confirms that the proposed retail facility is viable and that the proposed floor space is supported having regard to the existing and future population within the trade area.

The proposed retail facility is consistent with the Central Coast Regional Strategy 2006-2031 and with relevant planning instruments. It will provide a much needed retail and leisure facility to service the surrounding residential growth areas as well as providing a new Civic Square and Main Street within easy walking distance of the new railway station as the hub for community life. It will also provide a significant number of new jobs both during construction and ongoing and will provide additional competition in the marketplace. Accordingly it is considered that the economic impact of the proposal will be positive.

A Social Impact Assessment has also been prepared by to assess the social impact of the proposal and consistency with the Warnervale / Wadalba Human Services Strategy. The report concludes that the development will result in positive social impacts including improved access to town centre facilities, provision of employment within the local area, provide shopping variety (and in the future housing choice) and will provide passive surveillance to improve public safety. The report considers that the development is consistent with the objectives of the Warnervale / Wadalba Human Services Strategy.

It is considered that the proposal is appropriate and will not result in any unacceptable social impacts. In this regard it is noted that the DCP provides for residential development integrated with the town centre facilities to provide a mixed use town centre. However it is understood that the market does not currently justify apartment development as part of the proposal. The development provides for sufficient land to enable this type of development to occur once the market demand occurs and once the railway station has been opened. It is therefore considered that the proposed stand-alone retail development is appropriate as the first stage of the WTC.

### **5.23 Traffic Impacts**

A transport impact assessment has been prepared to determine the transport impacts of the proposed development by Colston Budd Hunt and Kafes (2011) and a letter to update the report submitted with the PPR dated 7 September 2012. The report notes that the development will be well serviced in terms of public transport, pedestrian and cycle access once the railway interchange is established. It also notes that a work place travel plan will be implemented to optimise travel to the site by means other than private vehicle. It notes that car parking and access arrangements comply with relevant standards. In terms of traffic generation the report notes

that subject to the upgrade of Sparks Road and required intersection works, access to the site will be acceptable and surrounding intersections will operate as a satisfactory level of service.

The traffic impacts of the proposal are considered to be acceptable subject to construction of relevant roads, road upgrading and intersection works as outlined. Some of the required works are to be undertaken by other parties (RMS, UrbanGrowth NSW or Wyong Shire Council) therefore appropriate arrangements should be put in place to ensure these works are completed prior to the subject development becoming operational. A condition has been recommended accordingly.

## 5.24 Ecologically Sustainable Development Principles

There are five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted and recognise the true cost of activities (the valuation principle).

The department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Integration Principle** - The economic and environmental impacts of the proposal have been considered in the assessment. It is considered that the environmental impacts of the development will be adequately mitigated and managed having regard to the proposed commitments and recommended conditions of approval. The impacts of development on the site are considered to be balanced through appropriate management measures.
- **Precautionary Principle** – The Environmental Assessment and PPR are supported by technical and environmental reports that conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts have been identified. Conditions are recommended to ensure that potential impacts are adequately managed and mitigated.
- **Climate Change** – The subject land is not affected by flooding and it is considered that this will not be altered by the impacts of climate change.
- **Inter-Generational Principle** – Through implementation of the recommended environmental management practices the proposal will ensure that the environment is protected for future generations. The benefits of the proposal include provision of retail, commercial and leisure facilities to service the needs of the local community. The proposal includes appropriate mitigation measures to minimise the impact of the development on the long term management of the environment.
- **Biodiversity Principle** – The proposal will not result in any unacceptable impacts on biodiversity having regard to recommended mitigation measures and recommended conditions of approval.
- **Valuation Principle** – The proposed development will provide a commercial centre for the development, to encourage more sustainable communities eg. more pedestrian and cycling opportunities. The provision of infrastructure will be subject to agreements between the provider and developer.



## 5.25 Objects of the Act

It is considered that that the proposed development will meet the objects of the Act in section 5 of the EP & A Act 1979, subject to the recommended conditions of approval and commitments, including:

- (a) to encourage:
  - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
  - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
  - (iii) the protection, provision and co-ordination of communication and utility services,
  - (iv) the provision of land for public purposes,
  - (v) the provision and co-ordination of community services and facilities, and
  - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
  - (vii) ecologically sustainable development, and
  - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

## 6 CONSULTATION AND ISSUES RAISED

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### 6.1 Director General's Environmental Assessment Requirements

The Director General's Environmental Assessment Requirements (DGRs) were issued on 1 December 2010. In the course of preparing the DGRs, the department consulted with Wyong Shire Council, the Department of Environment, Climate Change and Water (now the Office of Environment and Heritage), the Roads and Traffic Authority (now Roads and Maritime Services), Transport NSW, RailCorp, NSW Health and Department of Education and Training. The DGRs also required the proponent to consult with the above agencies plus the Commonwealth Department of Environment, Water, Heritage and the Arts, local Aboriginal Land Councils, NSW Rural Fire Service and utility/infrastructure providers.

On 1 December 2010, the Director General issued environmental assessment requirements (DGRs) pursuant to Section 75F of the Act. The key issues to be addressed in the DGRs related to:

- Built Form/Urban Design
- Residential land use opportunities
- Design, ownership and maintenance of the public domain
- Development staging
- Economic Impact Assessment
- Social Impact Assessment
- Biodiversity
- Heritage
- Development Contributions
- Transport and Accessibility
- Ecologically Sustainable Development
- Drainage and Stormwater management
- Hydrology, Water quality and management
- Topography and site preparation
- Geotechnical and contamination
- Waste and chemicals
- Bushfire risk assessment
- Noise and vibration
- Utilities infrastructure

These issues were adequately addressed in the proponent's EA and subsequent documentation to enable a thorough assessment of the proposal and identification of appropriate mitigation measures through recommended conditions of approval.

### 6.2 Public Exhibition and Notification

The Environmental Assessment was exhibited from 31 August 2011 to 4 October 2011, for a period of 35 days. Advertisements were placed in the Sydney Morning Herald, Daily Telegraph and Central Coast Express Advocate. Neighbouring residents/landowners were also notified of the exhibition by mail by the department.

The EA was made available to the public at a number of sites including:

- Department of Planning & Infrastructure, Information Centre, 23-33 Bridge Street, Sydney.
- Department of Planning & Infrastructure, (Central Coast Office), Level 3, 107 Mann Street, Gosford NSW.
- Wyong Shire Council, Civic Centre, 2 Hely Street, Wyong.
- Wyong Shire Council Library, Lake Haven Shopping Centre, Goobarabah Ave, Lake Haven.

The Preferred Project Report was lodged in October 2012 and it was placed on the department's website in accordance with the department's policy. Revised details were provided on 5 April 2013 and 29 April 2013 and also placed on the department's website.

### 6.3 Submissions

The department received 5 submissions from the public (3 in support, 2 raising concerns about aspects of the proposal) and 10 submissions from government agencies.

Submissions were received from the following government agencies:

- Wyong Shire Council
- Office of Environment and Heritage
- Transport for NSW
- RailCorp
- RTA
- NSW Rural Fire Service
- NSW Health
- NSW Police
- AusGrid
- Landcom (now known as UrbanGrowth NSW)

Copies of the submissions are included on disc with the EA, PPR and revised PPR details. Recommendations provided by government agencies were considered as part of the assessment of the project and included as conditions were required.

The key issues raised in relation to the proposal include:

- Bulk and scale of the development
- Design and ownership of Main Street and Civic Square
- Access to and within the development site
- No residential component included
- Biodiversity
- Local contributions
- Much needed infrastructure, employment opportunities and other facilities

An assessment of these key issues has been undertaken in Section 5 of this report. A summary of submissions received can be found in Appendix B.

## 7 CONCLUSION

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The department has assessed the Environmental Assessment, Preferred Project Reports and considered the submissions in response to the proposal. The key issues relating to the proposal are:

Item	Key Issues
Internal road design and construction	Timing of the construction of the Entry Road, and Roads W05, W06 and W08 in relation to the commencement of development on the site.
Civic Square	The size and design of the square, and whether this should be dedicated to the council.
Main Street	Gradient of the road to respond to the difference in levels of the proposed Hill Top Park. Also whether this road should be dedicated to the council.
Commuter car park	The number of spaces provided, design standards, use of the car park prior to opening of the new railway station, and future of the car park when the site north of Main Street is redeveloped.
Biodiversity	The timing of biodiversity certification, offsets required if works commence prior to the biodiversity certification. Also management of tree hollows during construction.
Local infrastructure contributions	Amount of contributions payable, and which works can be considered as contributions as works in kind.
Stormwater	Capacity of stormwater detention basin on UrbanGrowth NSW's site to cater for run off from the development.

The department has considered the issues relating to the proposal and supports the proposal subject to recommendations for a number of conditions to ensure that all environmental impacts are minimised or managed to an acceptable level.

The proposal is considered to be in the public interest as it provides a key retail and commercial function in urban zoned land to meet the demands of a growing population in the Warnervale region. The proposed development is considered to provide environmental, social and economic benefits to the region, subject to recommended conditions.

## 8 RECOMMENDATION

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It is recommended that the Planning Assessment Commission, by way of delegation from the Minister for Planning and Infrastructure:

- (A) **consider** all relevant matters prescribed under Section 75J(2) of the Environmental Planning and Assessment Act, 1979, as contained in the findings and recommendations of the attached report;
- (B) **approve** the application, subject to conditions, under section 75J(1) of the Environmental Planning and Assessment Act, 1979, having considered all relevant matters in accordance with (A) above;
- (C) **sign** the attached instrument of approval at Appendix A.