



28 September 2011

Mr Michael File
Director Strategic Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Department of Planning
Received
29 SEP 2011
Scanning Room

Dear Sir

Re: Project Application for Fabcot Pty Ltd (Woolworths) Retail Facility at Warnervale Town Centre

As the owner of lands adjoining the southern boundary of the subject application, Landcom supports the orderly development of the Warnervale Town Centre and therefore wishes to provide comments on the project application and supporting documentation that has been prepared in relation to this project. We also refer to the Director General's requirements for MP 10_0195 dated 1st December 2010 (DGR's).

Our comments are structured to address the DGR's in that sequence, and we advise as follows:

Overview

We note that the Environmental Assessment Report (EA), on many occasions references the incorrect figures. This may lead to misunderstandings.

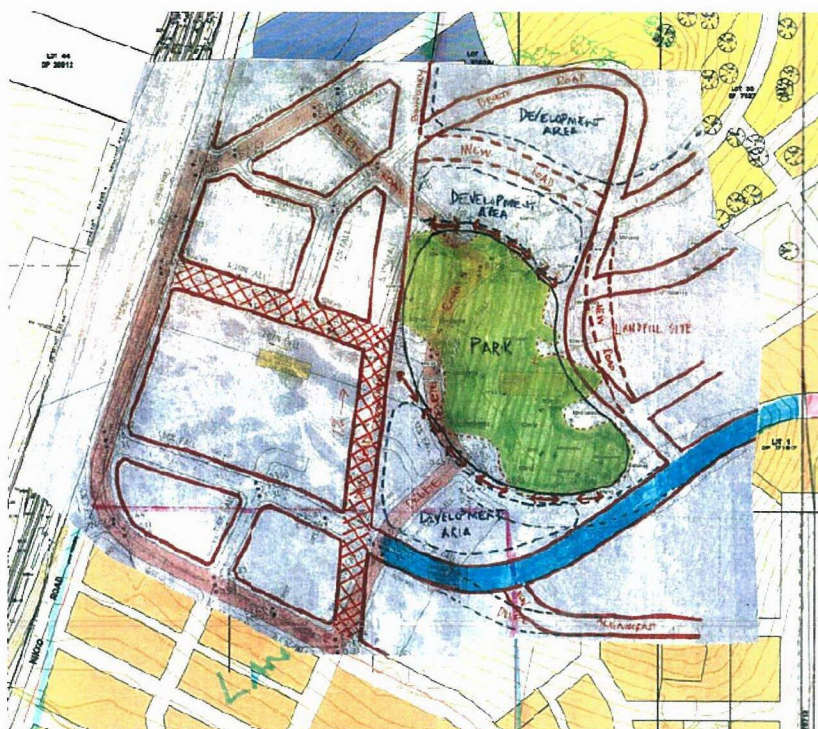
A major concern with the EA is that the whole documentation relies on an outdated road network within the retail centre. The original Development Control Plan proposed a ring road system that was later found to run through a large area of landfill that is owned by Council.

During subsequent analysis, Council has determined that it is economically unviable to disturb this material as the whole site would need to be remediated. That process involves removing all affected material off site.

For that reason Council and Woolworths have agreed on an alternate road system avoiding the landfill area, with that area eventually to be developed as a central park.

See indicative sketch of road layout below.





The implications of this change in the road network affect many of the matters under discussion in the body of the report. For example Section 2.2.4 Warnervale Design Analysis states "This contributes to the establishment of a smooth transition between contrasting elements of the high activity areas around the future Railway Station and the more casual nature of the Hill Top Park". This advice is now outdated.

It is therefore important that the document reflects current considerations.

Our comments on this application are based on the understanding that sufficient detail is to be provided by the applicant to allow an assessment of the various matters at a detailed level, similar to assessment of a Development Application.

(a) Project Description

Amongst other things the project application is to include "construction of associated physical infrastructure (on and off site) including new access roads, intersections, communications, energy, water supply and sewerage".

Comment: We note that the application does not address the construction of the RTA intersection on Sparks Road, but relies on the State Government to provide funding for that facility. We further note that the access and all associated services that support this application rely on construction of a major access road from the RTA intersection to the Fabcot site through Landcom's holdings. In other words the whole application relies on these works preceding the subject application.

We are unaware of any State funding for the intersection. It remains uncertain how this is to be managed and what expectations or presumptions the proponent has relied on regarding timing / coordination and forward funding of infrastructure on other landowners land ahead of the development of that adjoining land.

We advise that this outcome is far from certain as agreements between the parties in relation to the sharing of design and construction costs, for these facilities have not been reached.

(b) General Requirements

Condition No. 5

A Draft Statement of Commitment outlining commitments to infrastructure provision and other matters.

Comment: The application provides no detail on the provision of access roads and services, but relies on construction of those facilities through Landcom's and Council's property. Therefore access and funding agreements should be included as conditions of any consent or Project Approval.

Key Assessment Requirements

Built form/urban design.

Condition No. 5

The submission of detail sections and elevations of the proposed development to 1:500 scale. All interfaces of development to adjoining sites and streets should be shown.

Comment: We refer to our comments above about the outdated street network used in this report. We are unable to find any detail sections and elevations of the bulk earthworks that are intended for the development of the site nor information about interfacing with adjoining streets. **It is therefore difficult to provide informed comment.**

Condition No. 8

Identify the extent of any overshadowing of the proposed residential precincts to the south of the site.

Comment: Whilst this condition has been addressed in part we note that the impacts of overshadowing are not discussed or assessed.

Condition No. 9

Detailed design of infrastructure including roads (including typical road cross sections and long sections as per the DCP cross sections illustrating any proposed variations if applicable), drainage, open space, water supply, sewer, pavements, street and public domain lighting, pedestrian and bicycle infrastructure.

Comment: The initial infrastructure assessment (IIA) prepared by Mott Macdonald explains that some of these issues cannot be addressed at this stage. For instance the timing and design of sewer for the northern catchment is not yet known. The information lodged does not clarify that the delivery of these facilities relies on agreements with Landcom and Wyong Shire Council. Therefore access and funding agreements should be included as a condition of consent.

Development Staging

- (1) *Provide details of the staging of development including a staging plan clearly identifying each stage of the retail project and potential staging of the remainder of the site which will be subject to separate approvals.*

Comment: We find no reference to staging information within the body of the report. The Compliance Table (Appendix M) states that staging information is not necessary, as subdivision is not proposed. The creation of public roads within this site will create a subdivision. It is therefore difficult to provide informed comment.

Biodiversity

- (1) *Assess any potential impact on any surrounding waterways in terms of water quality and aquatic ecosystems.*

Comment: Our review of the documentation notes that the site is assessed as partially contaminated in reports prepared by Douglas Partners Part 1 Assessment and Coffey Geotechnics Part 2 Assessment. There is no assessment of the impact of disturbing that contamination on the surrounding waterways, particularly in relation to the groundwater aquifer.

Water quality testing should be carried out to establish a base and repeated on a quarterly basis within Landcom's site as directed by Landcom's Ecological Consultant. The purpose of this monitoring will be to determine that both surface waters and groundwater are not adversely impacted by the subject works. Should any impact be determined, then the applicant is to take immediate steps to rectify that impact at their cost and to Landcom's satisfaction.

Development Contributions

- (1) *Provide a detailed analysis regarding development contributions in consultation with Wyong Council and any other relevant parties. Include a summary of all applicable local and state contributions frameworks and details of the proposed contributions with detailed justification.*

Comment: We note no information is included concerning the Section 94 Contributions Plan for the Warnervale Town Centre which we understand is still being prepared with a draft yet to be exhibited. It has been a difficult exercise for Council, reconciling community expectations with predicted income. This issue will need to be addressed in full, to allow the Town Centre to achieve its potential.

- (2) *Key matters to be addressed should include (but not be limited to) commuter car parking, bus interchange, local roads, water and sewer infrastructure, community facilities, civic square and the Sparks Road/access Road intersection. Outline the various methods that the project will employ to mitigate impacts on infrastructure and services and timing of delivery.*

Comment: We refer to our earlier remarks concerning the provision of roads and services through Landcom's property to access the Town Centre. Of particular note is the requirement to address the Sparks Road/access road intersection which has been estimated to cost between \$8M to \$12M. The documentation provided suggests that this work will be funded by others. Traffic modeling has been completed by GHD Newcastle and it found that the projected traffic flows using the intersection will be as follows:

• Town Centre Retail	-	76%
• Railway Station	-	8%
• Adjoining Residential Development	-	16%

It is therefore unclear how the funding of this intersection will be addressed by the proponent. The contribution to traffic flowing through the intersection by the various developments should be taken into consideration in determining funding of the intersection works.

We also refer you to Section 4.2.2 of the IIA. The impacts of the revised road system around the central park are significant for the matters considered here.

Transport and Accessibility

- (1) (b) *Identify the extent of any road improvements, including intersection upgrades, required on existing and proposed road network to cater for the largest anticipated service and delivery vehicles in the short, medium and long term.*

Comment: We refer to the comments above. We reiterate that the major contributor to traffic through the RTA intersection and the access road will be the subject development as part of the Town Centre Zone.

- (1) (e) *Consider and assess any staging options for improvement works to the Sparks Road intersection based on the traffic generation of the development.*

Comment: Refer Section 4.2.1.1 of the IIA. It is unclear how this matter is to be addressed.

Drainage and Stormwater Management

- (1) *The EA should address drainage and stormwater management issues, including on site detention and re-use of stormwater, water sensitive urban design (WSUD), integrated water cycle management and drainage infrastructure.*

Comment: The IIA addresses this matter at a superficial level.

Refer Section 4.4.1 of the IIA. It states “There is a need to integrate the design with Landcom to ensure pipes are sized through the downstream Landcom site to accommodate the upstream developed flows.” Therefore access and funding agreements should be included as a condition of any consent.

That section continues “The stormwater management philosophy and masterplan layout are presented on MMT Plan 10S183C-MPEA 16, 17, 18.” These plans present a catchment plan and conceptual piped drainage system for the subject site only. It is therefore difficult to provide informed comment.

Hydrology, Water /Quality and Management

- (1) *Identify the impacts of the development on the existing hydrology, hydrogeology and geology of the site. **Note:** The hydrology impacts of development were previously quantified and addressed through the implementation of the Porter’s Creek IWCM Scheme and this work should be acknowledged by the assessment.*

Comment: We refer to the Geotechnical Reports that are included in this application. Both reports conclude that site contamination exists, and that further assessment is required. This work should be undertaken, in consultation with

adjoining landowners with relevant safeguards agreed. Refer our comments on Biodiversity above.

Topography and Site Preparation

- (2) *Details of the location for the disposal of excess cut and the methodology of transportation to this location.*

Comment: The (IIA) notes that approximately 102,500m³ of material will be excavated and removed from the site. Reference to the geotechnical reports confirms that contaminants do lie within some of the surface material. We find no mention of the methodology for transporting material or for controlling the disturbed contaminants. Nor is there any detailed discussion of where any material for disposal will be taken.

The section "Description of Proposed Development" within the Environmental Assessment (EA) states "Specifically, this Project Application seeks approval for the following:

- Site preparation and bulk earth works for proposed new roads, infrastructure and buildings."

The application suggests that these matters will be addressed later by the contractors, and does not address them. It is therefore difficult to provide informed comment.

- (3) *The EA shall provide a preliminary construction management plan to address the potential impacts from construction and site preparation works.*

Comment: It is therefore difficult to provide informed comment.

Geotechnical and Contamination

- (1) *Identify any implications for development of slope stability, rehabilitation (compaction) and the presence of potential and actual acid sulphate soils. Outline actions, management and mitigation measures required to address.*

Comment: We find no detailed discussion addressing this matter. It is therefore difficult to provide informed comment.

- (2) *Identify and detail any measures to be undertaken to appropriately remediate the site, including protocols to address unexpected finds, in accordance with State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).*

Comment: We find no detailed assessment of this issue. The geotechnical reports recommend further assessment, and the IIA states that this will occur in the future. It is therefore difficult to provide informed comment.

Utilities Infrastructure

- (1) *Prepare a preliminary utility and infrastructure servicing strategy that provides evidence that the development can be adequately served in terms of water, sewerage, stormwater, gas electricity and communication services.*

Comment: Access and funding agreements should be included as a condition of any consent.

In conclusion, Landcom supports the orderly development of the Warnervale Town Centre. In order to co-ordinate the town centre delivery, agreements are required between the adjoining owners that deal with access, servicing of lands and contamination and their funding.

In order to fully assess the application more detailed information is required.

We submit this response to the Department of Planning for its consideration during the process of determining this application.

Please call me on 9841 8740 or Keiran Wallington on 98418673 or Mobile 0419 966 606 if you have any queries or wish to discuss this submission.

Yours sincerely



Rod Smith
Development Director, Urban Renewal