

# 1.3 TOWN CENTRE PLANNING CONTROLS

## 1.3.3 Local Controls

### 1.3.3.1 Wyong LEP

*Wyong Local Environmental Plan 1985* (WLEP) identifies the local planning controls applicable to land in the Wyong Local Government Area (LGA). However, the provisions of the WLEP do not apply to the subject site as the land has been declared a SSS with a specific set of zoning and planning controls under the Major Development SEPP apply.

### 1.3.3.2 Wyong Development Control Plan 2005

The Wyong Shire Council Development Control Plan 2005 (WSCDCP) and its various chapters apply to specific types of development or land within LGA, and provide guidelines and controls for development throughout the Wyong Shire Local Government Area.

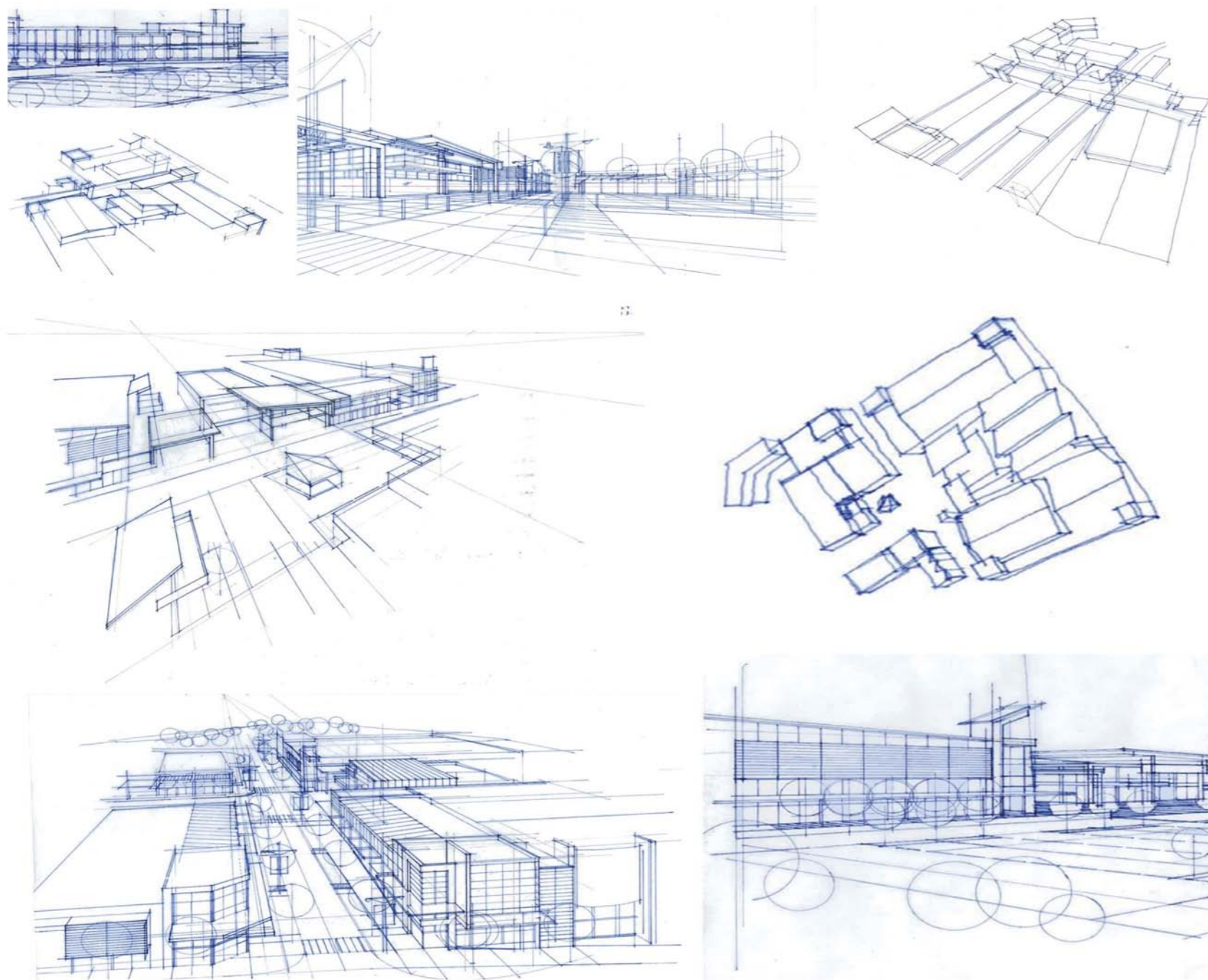
As the provisions of the Wyong Local Environmental Plan 1985 do not specifically apply to the subject site not all chapters of the Wyong Shire Council Development Control Plan 2005 apply to the subject development. However, as required by the DGEARs an assessment has been undertaken in respect of certain chapters of the WSCDCP.

In this regard, a series of Compliance Tables can be found at **Appendix M** which provides a detailed assessment against the relevant chapters of the WSCDCP.



# 1.4 TOWN CENTRE CIVIC PRECINCT ALTERNATIVES

## 1.4.1 Town Centre Design Development



A panel of specialist urban designers developed numerous Masterplans and Urban Design Analyses for the Town Centre Civic Precinct within the WTC to determine the most appropriate location for the 'heart' of the WTC (as described in the WTCDCP). A small sample of this process has been provided in this chapter of the EA.

The consensus of this process was to locate the Town Centre Civic Precinct adjacent to the future Railway Station and strengthen the east-west link along the ridge line. Inevitably this would connect the future Railway Station, the Civic Square and the Hills Top Park together with the surrounding residential areas. The "Review of Warnervale Town Centre Options" prepared by Peter Seamer for the Department of Planning in 2006 agreed with this consensus such that the site selected was the preferred location for the Town Centre Civic Precinct inclusive of the Civic Square, Main Street and proposed development positioning.

The Sparks Road access point as well as the location and levels of the future Railway Station have been determined according to the feedback from the RTA and Railcorp respectively. These key infrastructure elements together with the topography of the subject site have lead to the final positioning of the proposed development within the Town Centre Civic Precinct.

When completed Warnervale will provide a new 'Town Centre' in the Wyong LGA which utilises the principles of Transit Orientated Development (TOD).

Figure 19: Design development

# 1.4 TOWN CENTRE CIVIC PRECINCT ALTERNATIVES

## 1.4.2 Town Centre Master Plans



Figure 20: Site Masterplan 20/03/2008

This proposal follows the core values of this urban topology such that the Hill Top Park, the retail hub of the Town Centre Civic Precinct, the future Railway Station and other public domain spaces are appropriately linked through to the surrounding future residential areas of the WTC.

The culmination of this work was the WTCDP. This Project Application seeks to work within the overall intent of the WTCDP (refer to Figure 13 & 14 in Section 1.2 of this EA) and its envisaged built form outcomes. The areas for which the proposed development is not compliant with the WTCDP have been discussed in detail in Section 1.5 of this EA and justifications and reasons for the variations sought have been discussed.



Figure 21: Site Masterplan 10/07/2008

This proposal evolved from a detailed site analysis to ensure that the location of the concept infrastructure design was appropriate and the costing of the proposed engineering solutions were feasible.

As part of this analysis it was realised that the Town Centre Civic Precinct would benefit from of a 'ring road' system. As such, the circulation of vehicles would occur at the perimeter of the site and not disturb the pedestrian amenity of the Civic Square and the Main Street.

# 1.4 TOWN CENTRE CIVIC PRECINCT ALTERNATIVES

## 1.4.3 Design Alternatives



Figure 22: View along Main Street looking west

The proposed development involves a “retail premises and associated infrastructure” which seeks to deliver a vibrant, commercially viable and sustainable development focused on a Civic Square and Main Street. A detailed analysis of the subject site and its surroundings were undertaken, both the infrastructure and building form of the proposal were modified to adapt to the site’s conditions.

Various construction options have been considered for customer and commuter car parking facilities. These options acknowledged that the need for commuter car parking facilities would not be triggered until the future Railway Station is in operation.

The proposed development recognises the open space hierarchy in the WTC and seeks to provide opportunities for links between residential areas and the Hill Top Park, provide grade separation for heavy vehicles and instigate active uses along the Main Street and surrounding roads.

With this open space hierarchy criteria in mind the proposal has also incorporated two large retail premises this being the Woolworths Supermarket and Big W Discount Department Store (Big W DDS). These are commonly referred to as ‘anchor tenants’ within retail components of mixed use developments.

A number of design layouts have been considered to reflect the demands of the future tenants, the topography limitations of the site and the requirements of the WTCDCP.

The site topography has been utilised to allow the incorporation of parking levels beneath the retail floor plate. These parking levels will be accessible by lifts and travelators, enabling direct access for retail customers as well as commuters from the future Railway Station to a future commuter car park.

# 1.4 TOWN CENTRE CIVIC PRECINCT ALTERNATIVES

## 1.4.3 Design Alternatives



Figure 23: Warnervale masterplan 19/02/2010

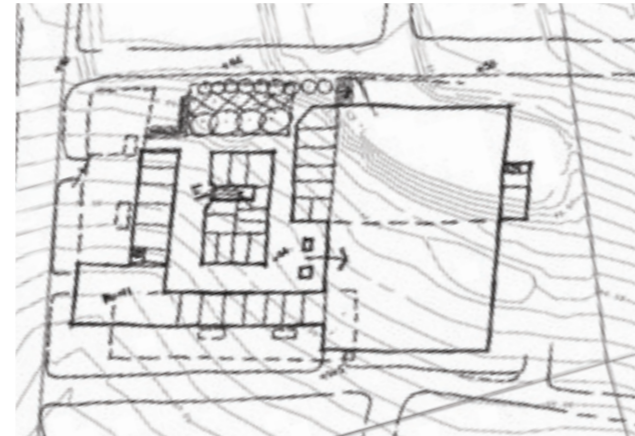


Figure 24: Warnervale masterplan 15/03/2010

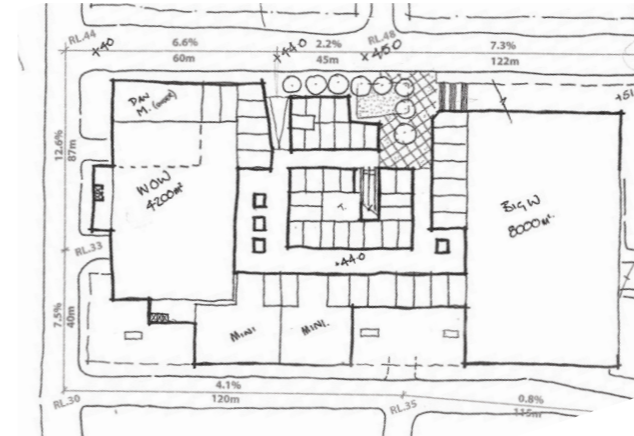


Figure 27: Warnervale masterplan 30/04/2010

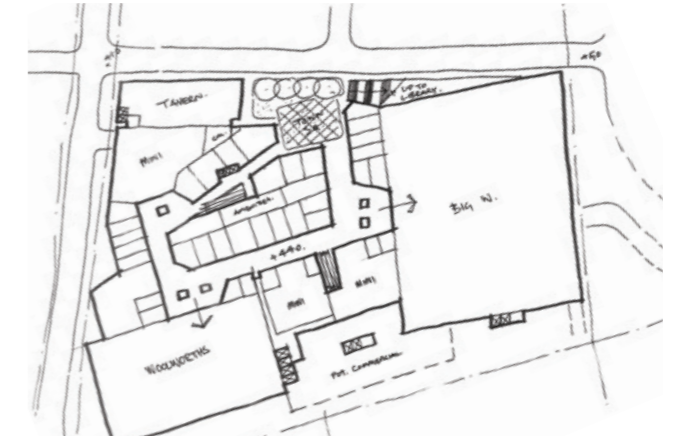


Figure 28: Warnervale masterplan 14/05/2010



Figure 25: Warnervale masterplan 10/05/2010



Figure 26: Warnervale masterplan 27/07/2010



Figure 29: Warnervale masterplan 13/08/2010

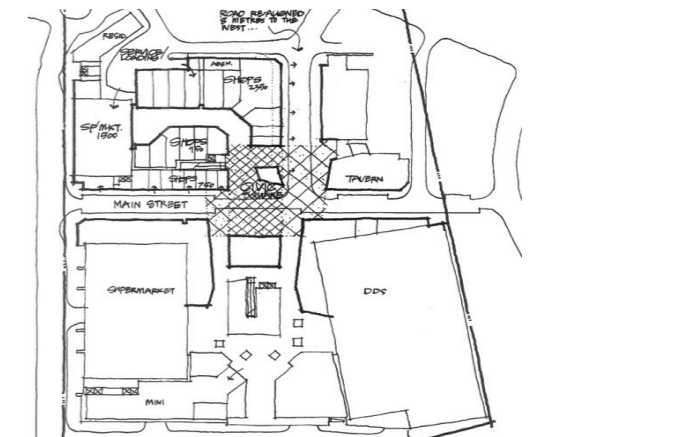


Figure 30: Warnervale masterplan 01/03/2011

Figures 20 to 27 demonstrate the relationship and position of the major anchors, key loading docks and the layout for the smaller retail stores. In an effort to 'activate' the surrounding roads with smaller retailers a number of options were considered including a primary 'retail level'. This retail level was derived from the profile of Main Street such that a level half way along Main Street became a key retail level. This ensured that both north and south of Main Street were connected with the possibility to create an open plaza that integrated both sides of Main Street.

By positioning the larger retailer anchors to the south east and south west of Main Street their bulk was reduced by utilising the natural topography of the site. A wider activation of Main Street frontage would occur if the two key linkages into Main Street form the extremities of the Civic Square.

The distance between the two major anchors create an opportunity for smaller stores and pedestrian linkages into and through the core retail area.

# 1.5 Variations Requested to the WTCDP

This section of the EA requests consideration be given to the variation of some of the development controls contained within the WTCDP on the basis that:

- a) the proposed development will remain consistent with the objectives of each of the controls,
- b) the proposed development will enable the intent of each of the controls to be achieved and will not preclude achieving the desired outcomes sought from the controls being delivered now or in the future with development in the remainder of the WTC site, and
- c) the proposed variations will deliver outcomes which on their merit are reasonable and therefore the controls should not be strictly applied.

The variations sought have been referenced by the Figures and Sections included in the WTCDP at Chapters 2, 3, 4, 5 and 6, as follows:

## a) Community Facility

Figure 2.14 (WTCDP) indicates the desired location of future “Community Facilities” within a portion of the WTC. Figure 2.14 (WTCDP) indicates with annotation ‘4’, that a youth space of a minimum of 1,000 square metres would be located on the northern portion of land fronting “main street” on the subject site. The design layout indicates that a building of some 555 square metres would be provided in this location and the final use of that space has not been “locked-in” but is indicative only in the drawings at **Appendix B**. The proponent has indicated subject to negotiations being agreed with Council on appropriate commercial terms, a youth space could be accommodated in this portion of the proposed development.

## b) Residential Densities

Figure 2.12 (WTCDP) “Residential Density Targets” indicates the subject site should target the inclusion of mixed use multi-dwelling housing over retail/commercial development with a target of 1,100 apartments in Precinct 6. It is noted that Precinct 6 extends beyond the boundaries of the subject site, and does not follow the same boundaries as the Town Centre Civic Precinct shown in Figure 2.11 (WTCDP).

The proponent is of the opinion that the market for multi-unit housing in this location, will not be desirable for a considerable period of time, as other forms of housing such as small lot detached housing are readily available in Wyong, and this will continue in the short and medium terms.

As such, this application does not propose multi-unit housing in the proposed development, apart from this form of development in this Project Application not being appropriate given the limitations in Schedule 3, Part 16, Clause 6 of the *Major Development SEPP*. However, the proposal does indicate the land has the capacity for this form of development to be provided in the future.

Chapter 3 of this EA considers the residential yield for areas within the subject site to provide for multi-unit housing in greater detail. It should be noted that as Figure 2.12 (WTCDP) crosses into adjoining land, so too does the density analysis in Chapter 3. Given the residential density requirements under the WTCDP, it is doubtful the future multi-unit development would be able to comply with the height constraints established by the provisions of the SEPP. The outcome of this would require either a reduction in the residential density or increase in the permitted height.

## c) Civic Square

Figure 2.15 (WTCDP) indicates the location of the “Civic Square” and the controls seek an open space with an area of 2,700 square metres.

Section 2.3 in Chapter 2 provides an analysis of a number of existing successful civic and town squares located in existing urban areas which are supported by existing infrastructure and people movements, with a clear rationale for an appropriately located and sized “Civic Square” for the proposed development and wider WTC.

It is considered that the size of a “Civic Square” at 2700 square metres is excessive in this location. Based on the analysis of similar town centres and some well known civic spaces, it is clear that for the WTC a “Civic Square” of this size located as per the WTCDP would be excessive. However, we acknowledge the intent of the WTCDP, this Project Application seeks to deliver a “Civic Square” that integrates both sides of “Main Street” rather than favouring one side. In addition, we are seeking to create three nodes along “Main Street” which vary in character. First is the public transport node adjacent to the future Railway Station, second is the “Civic Square” mid-way along “Main Street”, and third is the community precinct which abuts and joins the “Hill Top Park”.

# 1.5 Variations Requested to the WTCDP

## d) Street Design

Figure 3.1 “Street Hierarchy” under Chapter 3 of the WTCDP - Access and Movement, indicates the preferred location for future roads throughout the WTC. The proposed development has utilised this hierarchy and location of streets as closely as possible. However, due to site topography which is now known in detail as shown in the survey at **Appendix C**, a couple of layout changes are proposed which are considered to be minor and still deliver the connectivity envisaged by the WTCDP road layout and street hierarchy.

Section 2.7 of Chapter 2 in this EA provides a detailed analysis of the road layout and infrastructure design undertaken for the proposed development.

Figure 3.15 “Indicative Levels for Local Streets” under Chapter 3 of the WTCDP - Access and Movement indicates a number of Reduced Levels (RLs).

The indicative RL’s have been varied in order to incorporate a functioning Railway Station and provide an accessible and walkable “Main Street”. The RLs indicated in the civil concept drawings at **Appendix G** have been developed as a result of consultation with Railcorp concerning the future Railway Station and Landcom in relation to the road RLs and location down-hill of the subject site. The variations sought demonstrate the proposed development will provide a balanced outcome while at the same time achieving the intent of the controls in Figure 3.15 of the WTCDP.

## e) Public Domain

Section 4.1 Public Domain of the WTCDP includes reference to Table 3 in Chapter 4, which seeks to activate the Civic Square with the library. The proposed development does not specifically include a library usage, as this is indicated in Figure 2.14 Community Facilities of the WTCDP to extend across the land controlled by Council. Fabcot has been in discussions with Council on this matter among other considerations for a considerable period of time. The design does not preclude the Council occupying floor area within the proposed development for the purposes of a library subject to commercial negotiations.

## f) Setbacks

Figure 5.1 Building to Street Alignment and Setbacks under Chapter 5 Building Form of the WTCDP indicates a zero setback for all street blocks of the subject site.

Not all facades have a zero setback, due to the varying nature of the proposed development’s design, each façade has differing configurations in order to animate and activate the street edges. Variance in the building setback along the façade is an important tool which will provide for outcomes consistent with the objectives of the control and will still be consistent with Safer by Design principles.

## g) Active Street Frontages

Section 6.2 of Chapter 6 Pedestrian Amenity of the WTCDP, seeks active frontage uses at street fronts in the Town Centre Civic Precinct. The proposed development cannot provide active street frontages to each of its facades, this is mainly due to the site’s topography.

The eastern façade is largely below grade and future development along the eastern boundary is likely to abut the proposed development, which in this respect provides little utility to support an active facade. All of the facade of the proposed development along each of the frontages proposed to “Main Street” provide for street activating opportunities, with the key corners along with much of the façade that abuts the southern boundary. The western façade facing the rail corridor has proportionally less activation.

## h) Continuous Awnings

Section 6.5 Awnings in Chapter 6 Pedestrian Amenity and Figure 6.3 Location of Street Awnings indicate all street frontages of the subject site are to have continuous awnings. Continuous awnings have not been provided around the entire development. In the alternate, awnings have been provided to primary pedestrian paths and areas.

# 1.6 Key Environmental Considerations

## i) Commuter Car Parking

Section 7.4 On-Site Parking in Chapter 7 Access, Parking and Servicing indicates in control c) that 500 car spaces are to be provided for commuter car parking in the locations indicated at Figure 3.14 of the WTCDP.

A commuter car park will be provided upon the proposed Railway Station being opened within the WTC Precinct.

**Appendix M** includes a Compliance Table to assess the proposed development against the WTCDP and where a variation is requested provides justifications.

The following section provides an assessment regarding the key environmental consideration identified in the DGEARs.

### 1.6.1 Utilities and Infrastructure

To assist with determining the requirements associated with future infrastructure servicing for the land, Mott McDonald were engaged to address the relevant DGEARs and a copy of this report can be found at **Appendix E**. This report has advised:

*There are a number of infrastructure issues associated with the servicing of the site; these are broadly outlined below.*

#### **Sustainable Water Management**

##### *Water Quantity Management*

*An open detention basin is proposed on the Landcom site upstream of Sparks Road. This shall serve the contributing upstream catchment from the proposed developed public and private domain comprising part of the Woolworths, Landcom and Council owned sites. On site storage tanks shall be considered on some development sites if required to provide additional storage to meet Council's design criteria.*

##### *Water Quality Management*

*Water quality management measures shall be provided to meet Council's performance objectives. For the public domain gross pollution traps shall be located at sub-catchment nodal locations and secondary treatment in the form of bio-sinks shall be considered within at tree wells and garden beds. Water quality measures within the private domain shall be provided within each development lots to meet the performance objectives.*

#### *Water Saving*

*Water saving measures shall be considered within the private domain. Bathroom taps, showers and toilets shall incorporate water saving devices and rainwater harvesting and retention for irrigation and toilet flushing shall be considered for the private domain.*

#### *Services Infrastructure*

*The Town Centre is currently not serviced. Preliminary discussions have been undertaken with the service providers. The site can be serviced with all services. Site developments shall be coordinated with the provision of lead in services.*

#### *Sewer*

*Wyong Council is currently planning the lead in gravity sewer to the south of Sparks Road. The sewer service to the southern catchment of the Woolworth's site shall be connected to this main via proposed mains through the Landcom site. Longer term development of the east side catchment of the Woolworths site depends on providing a sewer service from the west.*

#### *Water Supply*

*Council has confirmed that the site can be serviced from the existing mains in Sparks Road. The servicing of the Woolworth's development is dependent on the extension of these mains through the proposed landcom development to the south of the site.*

#### **Power**

*Ausgrid is currently planning a regional substation to the south of Sparks Road to service the proposed Town Centre. The servicing of the Woolworth's development is dependent on the provision of mains from this substation through the proposed landcom development to the south of the site.*

#### **Gas**

*Gas can be supplied off the mains in Sparks Road*

#### **Communications**

*Communications shall be provided from lines in Sparks Road.*

#### **Road Planning**

##### *Road Hierarchy*

*The proposed geometric road layout and typical cross sections have generally been adopted from the Warnervale Town Centre DCP. The road cross section for road W01 adjacent to the rail corridor was developed in close consultation with Railcorp and NSW Transport. The station entrance location has been coordinated and agreed in line and level with Railcorp. The bus stop and Kiss 'n' Ride locations have been agreed to by Railcorp and Transport NSW. The proposed cycleway network comprises both on road and off road sections in general accordance with the DCP with modifications as discussed with Council. Typical road cross sections for each road accompany this report.*

# 1.6 Key Environmental Considerations

*A single lane roundabout is proposed on Road W01 (Nikko Road) to provide for bus and other vehicle turning. This shall be retained in the longer term layout.*

## Road Grading

*The site is steep and this presents a particular planning challenge in the grading of the roads. A 'best fit' road grading has been optimised respecting the various design parameters – rail concourse level controls (the major control) , grading limits for buses/trucks, grading limits for pedestrians, topographical considerations and the objective to minimise and balance cut/fill. This latter objective was not possible due to the competing objectives and the site characteristics. Road grading has been co-ordinated with the adjacent site developers and preliminary road long sections accompany this report.*

## 1.6.2 Waste Management and Minimisation

A Waste Management and Minimisation Plan (WMP) has been prepared refer to **Appendix L**, but as the specific tenants for all of the floor space within the proposed development are not yet known the proponent cannot make an assessment of the operational purposes associated with all the development, a more detailed waste management plan will be required to deal with all materials prior to commencement of operations.

Also, as a builder is yet to be appointed, and this will not occur until an approval has been obtained for the proposed development and a tendering process has been completed. Matters associated with construction management such as excavation, removal of excavated material, construction access, delivery of materials, traffic management including car parking for construction workers will need to be determined prior to the issue of a Construction Certificate by way of submission of a detailed Construction Management Plan, refer to the condition proposed in the draft Statement of Commitments (refer to **Appendix T**).

## 1.6.3 Transport and Traffic Impact Assessment

Traffic impacts and traffic infrastructure provision has been assessed in light of the existing network and traffic generation estimates applied for the overall floor space for the retail premises and ancillary development by Colston Budd Hunt and Kafes who have advised:

*As the proposed development will form the first stage of development within Warnervale Town Centre, this transport assessment has considered the effects of the proposed development prior to the area being fully developed with access to the area being a single connection to Sparks Road.*

The report by Colston Budd Hunt and Kafes can be found at **Appendix P**. Parking provision, access and loading provision have all been accommodated in accordance with Wyong Shire Council's requirements. The matters raised by the RTA during the various consultation meetings have been addressed in detail in the report prepared by Colston Budd Hunt and Kafes.

## 1.6.4 Access and Network

The road network is shown in Figure 3.1 of the WTCDP and the proposed development has been designed to comply as closely as possible, however a number of variations are proposed which are discussed in detail at Section 1.5 of this EA. The road network will allow for access within and through the proposed development.

The overall design seeks to implement all the public domain and access requirements of the WTCDP.

The development has been designed to be accessible throughout, and thus the reduced levels have been carefully selected along with the finished levels within the buildings, so as provide for appropriate access and connections to the proposed road network levels.

# 1.6 Key Environmental Considerations

## 1.6.5 Economic Impact

The economic impact of the proposed development has been considered in terms of:

1. Its long term strategic planning as it has been recognised that Warnervale Town Centre should form part of the facilities for the Central Coast for a significant period of time, and
2. Its economic impact when operational.

In terms of the long term planning, at the time of the declaration of the subject land as a SSS, the Department of Planning completed the SSS study, and this report advised:

*The listing of the Warnervale Town Centre in Schedule 3 of the Major Projects SEPP is a matter of significance for environmental planning for the State, for the following reasons:*

- *The Warnervale Town Centre is strategically located adjacent to the proposed Warnervale train station; and near to the proposed Wyong Employment Zone (another proposed State significant site).*
- *Listing the site will allow the establishment of planning parameters for future land use, type and scale of development, consistent with state and regional objectives and the local planning context.*
- *The NSW Government's Metropolitan Strategy through the Department's Metropolitan Development Program (MDP), nominates the site as part of a coordinated and staged release of land supply to support regional planning objectives.*
- *The site is listed as a priority for land release on the Central Coast in both the Draft Central Coast Regional Strategy 2006-2031 and the MDP.*
- *The site will assist in delivering the employment and residential targets of the Employment Lands for Sydney Action Plan and the draft regional strategy.*
- *The site will provide up to 1,700 dwellings for 4,000 – 5,000 residents, and will service over 40,000 people from the broader Warnervale area.*
- *The site contains an ecologically endangered community, threatened flora and fauna, one of which is listed as vulnerable by state and commonwealth legislation; and locally and regionally significant vegetation.*
- *The site will provide significant conservation outcomes for threatened flora and fauna, which will ensure the maintenance and improvement of the site's biodiversity values.*

The SSS study also indicated that the future development would comprise a number of components and in particular:

- *A mixed use town centre containing 25 000 square metres of retail space, 8 000 square metres of commercial space and 8 000 square metres for bulky goods*

The development as submitted consists of approximately 21,960 square metres of retail floor space, 1,610 square metres of bulky goods floor space, 4,730 square metres of commercial floor space and 5,310 square metres of leisure floor space.

The proponent has sought specialist advice in relation to the proposed development both in terms of its size and the benefits which will flow from Duane Location IQ who have prepared a report which can be found at **Appendix F**, and an Economic Impact Assessment has been completed by MapInfo which can also be found at **Appendix F**.

It is considered that while the proposed development seeks a slightly different mix of floor space compared to the SSS study (2008) and the Wyong Shire Retail Strategy Review (2005), the variation as proposed is still consistent with the intention of the strategic planning, as the different mix reflects market conditions which have changed over time. In addition, Location IQ has advised:

*In relation to Warnervale Town Centre, the Retail Strategy Review indicated a centre of 25,000 sq.m of retail floorspace as being supportable. In addition, non retail floorspace is identified as contributing at least a further 10% of floorspace to each of the centres. At Warnervale, therefore, a centre of around 27,500 sq.m was envisaged.*

*The Wyong Retail Strategy, however, did not consider other uses that would typically locate in a Town Centre as compared with an enclosed shopping centre such as cinemas, commercial offices, gymnasiums and taverns.*

With respect to the overall impact of the development, Location IQ has advised that the proposal is satisfactory and will result in a diverse number of important positive economic benefits, as follows:

*The development of the planned Warnervale Town Centre will result in a range of important economic benefits. These key positive employment and consumer impacts will include the following:*

- *The provision of a wider range of shopping and leisure/entertainment facilities for local residents, including a discount department store, a major full-line supermarket, a discount supermarket and a provision of mini-major and retail specialty floor space together with entertainment/leisure facilities such as a gymnasium, cinemas and tavern in a convenient location.*
- *The reduction in travel time and petrol cost savings for the population to*

# 1.6 Key Environmental Considerations

frequent larger retail facilities and particularly a discount department store, a major full-line supermarket and a range of retail specialty shops.

- Price competition with more options available for consumers.
- The retail component of the development at 30,000 square metres is projected to employ around 1,399 persons as summarised in Table 2. Taking a conservative view and allowing for an estimated 10% of the total increase to be as a result of the reduced employment at existing retail facilities, the net additional jobs are estimated at 1,259.
- The additional 1,259 permanent retail employees would earn an average annual wage of around \$28,800 as sourced from the ABS. This represents an additional \$36.3 million in salary and wages for the local economy, directly as a result of the retail component of the development.
- Further jobs would be created from the supplier induced multiplier effects as a result of the retail jobs for the on-going running of the retail component of the Warnervale Town Centre as well as from the construction of the development. Jobs created include both full-time and part-time positions. In total, some 1,195 jobs are projected to be created in the broader community, based on ABS Input/Output Multipliers.
- The Warnervale Town Centre will create a substantial number of additional jobs, both for the construction and related industries during the construction phase of the development and for the economy generally once the development is completed.
- The estimated total capital costs for the construction of the development are \$154.0 million. By using the appropriate ABS Input/Output Multipliers that were last produced in 1996/97 and a deflated estimated total capital cost of construction of \$120.9 million (i.e. in 1996/97 dollars), it is estimated that the construction period of the Warnervale Town Centre would create some 817 jobs.
- The additional construction jobs (817), will result in a further 1,356 jobs in the broader community based on ABS Input/Output Multipliers (refer Table 3).
- The creation of jobs is particularly important within the Wyong Shire which includes Warnervale, Wyong, Tuggerah, Bateau Bay, Toukley and Summerland Point. The unemployment rate for the Wyong Shire is 8.3% (September 2010). The level of unemployment is significantly higher than the balance of New South Wales and the national averages of 5.5% and 5.3%, respectively.
- Retail trade accounts for some 14.6% of all jobs in the Wyong Shire as compared with 12.3% for the balance of New South Wales and 11.3% for Australia. Retail is an important employer in non-metropolitan locations and will continue to be in the future.
- Retail jobs are also the largest provider of youth employment. As such, the

Warnervale Town Centre would not only increase the number of employment opportunities in the region but would also specifically generate youth employment opportunities which are currently limited in the surrounding area. This will be important for the region, and particularly the immediate population, which is a young, family based population.

- Additional jobs would also be created in the tavern, offices, gymnasium and cinemas.

As such, there is a clear economic benefit which can be delivered in Warnervale by the proposed development. The proposed development is not envisaged to result in a significant adverse economic impact such that would warrant refusal of the application.

## 1.6.6 Flora and Fauna

The subject site on which the proposed development is to be located has been extensively cleared of vegetation and currently contains a number of compacted rock/bitumen areas and previously formed part of a plant nursery which occupied the land. A number of studies and investigations regarding the ecological considerations for the Warnervale Town Centre land have been undertaken over a significant period of time, and these can be summarised as follows:

- Forest Fauna and Eastcoast Flora Surveyors, Flora and Fauna Investigations Report, Draft v. 4, July 2004 and Final Version dated 1 July 2004
- EcoLogical Australia Pty Ltd, Warnervale Town Centre Conservation Management Strategy Discussion Draft, Aug 2005
- EcoLogical Australia Pty Ltd, Ecological Framework Warnervale Town Centre (Revised), Sept 2005
- EcoLogical Australia Pty Ltd, Ecological Framework Warnervale Town Centre (Draft), Aug 2005
- EcoLogical Australia Pty Ltd, Ecological Framework Warnervale Town Centre, Mar 2005
- EcoLogical Australia Pty Ltd, Draft Plan of Management: Warnervale Daisy Reserve, May 2006
- EcoLogical Australia Pty Ltd, Statement of Management Intent for Warnervale Daisy, Final Draft, 7 Apr 2007

# 1.6 Key Environmental Considerations

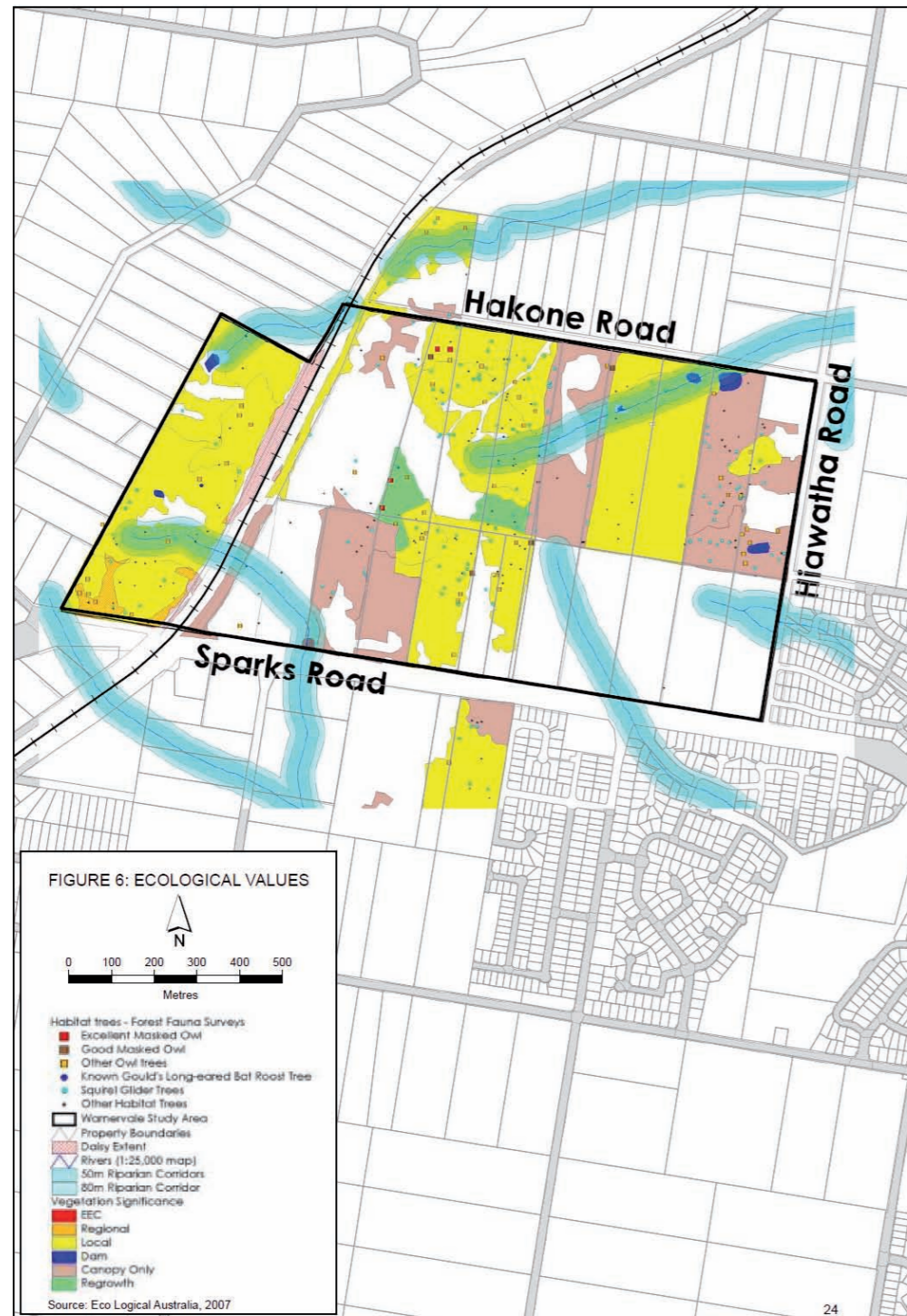


Figure 31: State Significant Site Study Figure 6

The SSS study advises in relation to biodiversity, as follows:

*Biodiversity conservation is an important component of sustainability. The WTC proposal has protected significant vegetation as far as possible through the protection of the Heath Wrinklewort Daisy Reserve in a conservation zone, the retention of ridgeline vegetation, and the protection of a number of watercourses and riparian vegetation.*

*An important biodiversity issue in the WTC is the loss of native vegetation due to habitat removal. Whilst these impacts have been avoided where possible, they still involve a nett loss of native vegetation within the study area. It is proposed to offset any loss through the purchase of appropriate lands.*

Further the SSS study advises:

*The Site has a number of ecological values, which are discussed in further detail below. Figure 6 identifies the Site's ecological values including habitat trees, the extent of the Heath Wrinklewort daisy population, the location of watercourses, the extent of riparian corridors, Sydney Coastal Estuary Swamp Forest EEC, and regionally/locally significant vegetation (canopy and regrowth).*

*In addition to the ecological values of the Site, a number of identified threatened flora and fauna species, potentially occurring threatened species (10 species), the Sydney Coastal Estuary Swamp Forest EEC and locally significant vegetation communities hold high conservation value.*

Figure 6 from the SSS study is shown in Figure 31. It is noted that the subject site is largely unimpacted by the mapping in Figure 6 of the SSS study.

## 1.6 Key Environmental Considerations

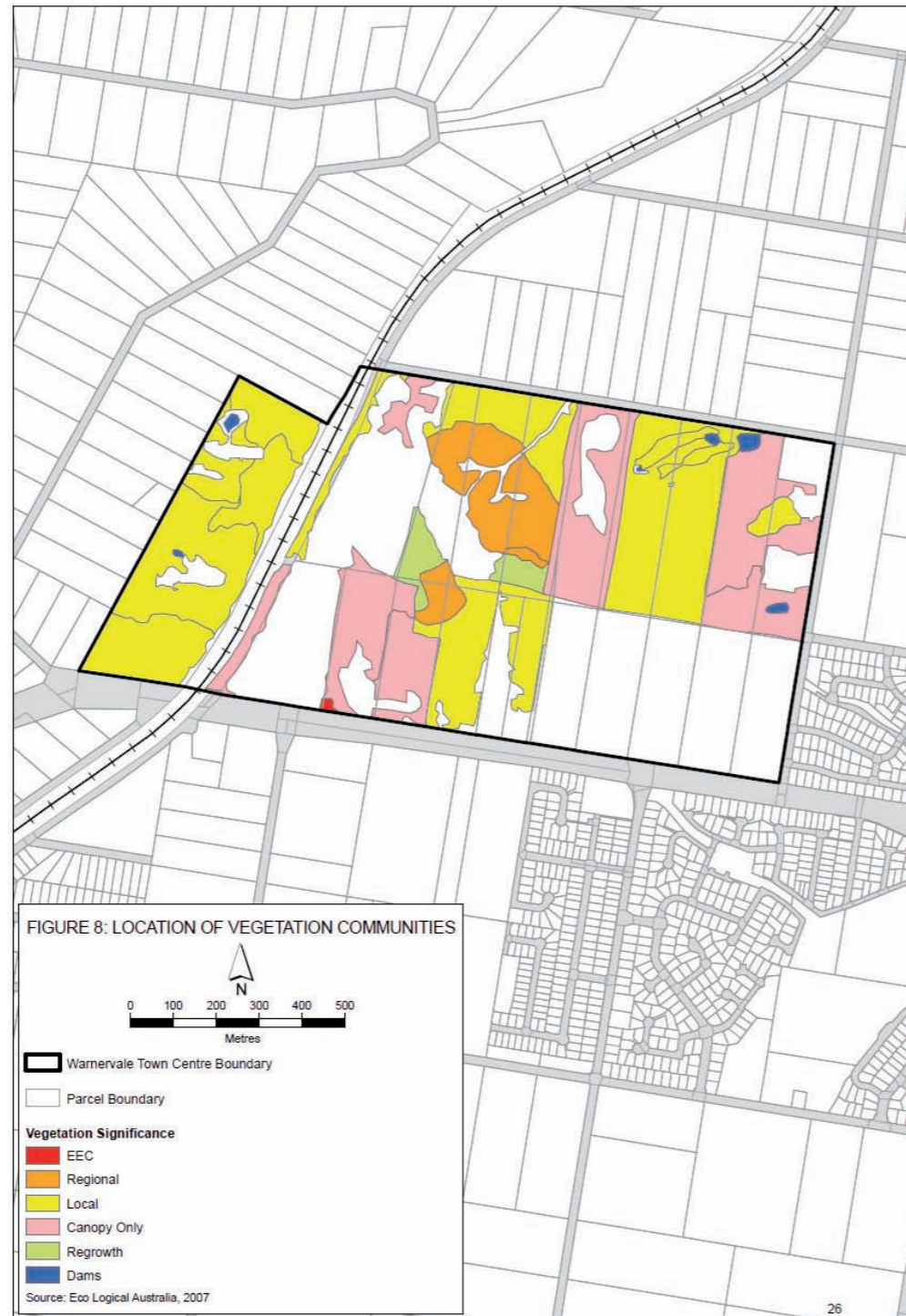


Figure 32: State Significant Site Study Figure 8

The subject site has largely not been identified as containing “a major vegetation community”, based on the extract from the SSS study Figure 8 is reproduced here in Figure 32.

The SSS concluded:

*The recommendations made by Ecological Australia have been incorporated where possible through the retention of hill top vegetation, the provision of the daisy reserve, riparian corridors and public open spaces. In addition, an offset strategy to accommodate the loss of vegetation communities on a “like for like” basis has been negotiated with DECC.*

In light of the work already completed, given the subject site was not identified as containing a specific ecological matter which would require further investigation and that the site was not identified as being unsuitable for future development for the purposes of the development as envisaged in the Town Centre Civic Precinct, the proponent has not undertaken any further ecological investigations on the site.

The proposed development will implement the ecological outcomes which have already been the subject of extensive investigations as part of the preparation of the SSS and the WTCDP.

# 1.6 Key Environmental Considerations

## 1.6.7 ESD Measures

Woolworths have consciously implemented a program to reduce their carbon footprint which starts with the construction and fit-out process of all new developments. The development will comply with Section J of the Building Code of Australia. Energy saving devices which have been incorporated into the Woolworths operations, include:

- Performance glass
- Applied sun shading devices, such as overhead louvers, awnings, screening and blinds to protect solar exposed glazing on elevation
- Insulation ratings to roof and wall sheeting
- Operable windows to purge building at night
- Zoned air conditioning to optimize systems flexibility
- Energy efficient lighting
- Water efficient fittings and fixtures to amenities areas
- Solar / gas fired heating if applicable

In addition, the following operational components of the supermarket will include

- Refrigerated Cases:
  - EC fans – lower energy use
  - Front fences – reducing cold air spill
  - Night blinds – reduces energy consumption after hours
- Lighting
  - Trial of compact fluorescents over metal halide lamps – lower energy use for same illumination.
  - Use of T5 fluorescent lights over T8 – more energy efficient
  - LED shelf lighting – uses less energy and produces less heat
- Building
  - Polished concrete floors – lower ongoing maintenance
  - Building envelope complies with BCA energy requirements

Information on Woolworths ESD measures can be found at **Appendix J**.

## 1.6.8 Heritage

The portion of land on which the development is proposed within the Warnervale Town Centre does not contain any known European Heritage items or European archaeological heritage. This was confirmed in the SSS study. While the site is highly disturbed, it is understood that investigations concerning Indigenous heritage were undertaken as part of the SSS study technical investigations.

The SSS study advised:

*The Site (including a lot to the north of Hakone Road) has been the subject of an archaeological investigation. It is likely that the Site and surrounding areas were used by Aboriginal communities prior to the founding of the Colony of NSW.*

*Most of the Site has been cleared as a result of previous logging or farming activities. No Aboriginal Sites were located on the Site and there are unlikely to be any due to its wet nature and the absence of rock formations for grinding grooves at creek level.*

*The investigation notes that due to the semi-closed to open nature of the Site and the absence of suitable stone for tool manufacture, it is likely to have been used only occasionally and would have been unsuitable for long term camp sites. The absence of suitable stone material, mean that large or dense artefact scatters are unlikely to have been left.*

*Very few old growth trees remain on the Site and it is unlikely that scarred or carved trees exist. In addition, the absence of outcropping and clearly defined drainage lines precludes any likelihood of finding other Site types.*

*The DECC Aboriginal Sites Register does not record any Aboriginal Sites within the Site. The investigation notes that the absence of Aboriginal Sites probably an indication of the extent to which past land use practices destroyed archaeological evidence. It notes that site types may have been present once but in easily accessible locations that generally did not survive the impact of European settlement.*

*Archaeological records may be present on the Site and surrounding area. If such records exist, then they may be concealed by residential subdivisions and agricultural grasses. Finding such archaeological material present on Site would not be observable other than by chance.*

*The Darkinjung Local Aboriginal Land Council were consulted on the cultural significance of the Site.*

*They advise that there are no cultural constraints to the proposed development of the Site.*

*The results of the investigation are that no artefacts or Sites of Indigenous origin were identified in the survey area. The investigation concludes, that in the absence of any defined art factual context, or places of indigenous cultural significance within the Site, there are no archaeological or cultural constraints to the rezoning proposal.*

In light of the work already completed, given the site was not identified as containing a specific archaeological matter which would require further investigation and that the site was not identified as being unsuitable for future development for the purposes of the proposed development within the Town Centre Civic Precinct, the proponent has not undertaken any further heritage investigations on the site.

Refer to latest heritage information at **Appendix O**.

# 1.6 Key Environmental Considerations

## 1.6.9 Crime Prevention

A detailed Crime Prevention Through Environmental Design (CPTED) report has been prepared to evaluate the design of the proposed development (which seeks to implement Safer by Design Principles, and this can be found at **Appendix I**. The following table summarises the Safer by Design considerations:

CPTED PRINCIPLE	DESIGN RESPONSE
Surveillance	Additional measures to enhance surveillance and maximising of sight lines need to be implemented. Sight lines in corridors between corners, lift doors and entrances need to be created to minimise hiding opportunities. This can be achieved through the provision of mirrors and dual frontage/doors addressing both sides for lifts, removal of unnecessary walls/obstructions, clear glazing of lift lobbies and car park portals, as well as maximising sight lines from inside front door of rooms to corridors.
Access Control	The use of security shutters/swipe card access to all levels. All levels accessible via lifts and travelator. Necessary to ensure effective use of physical and symbolic barriers to attract, channel or restrict the movement of people to minimise opportunities to commit crime.
Territorial	The design of the proposal will need to incorporate aspects to define and distinguish areas strictly for private use/access from the areas utilised for public and semi-public purposes.
Space Management	The creation of a well-kept and attractive space will help to attract more people, and thus reduce the likelihood of crime occurring through increased passive surveillance. The use of quality design combined with the implementation of an appropriate management, upkeep and cleaning strategies will reinforce perceptions of safety.

Table 3: Summary of Safer by Design considerations.

## 1.6.10 Social Impact Assessment

The proponent has considered issues associated with the social impacts of the proposed development and the positive flow-on effects being broader than just economic associated with the provision of a new development in Warnervale.

Overall the public benefits of the proposed development include:

- Provision of Main Street,
- Provision of a new road network, new water and sewer infrastructure,
- Provision of a parking facility,
- An opportunity for community art,
- Provision of a Civic Square,
- Provision of cycle paths,
- Provision of a bus set down interchange area,
- Maintain, improve and provide choice for parking, including spaces to meet demand for persons seeking access to the shopping facilities,
- New and vibrant streetscape presentations to each street frontage,
- Improved shopping facilities, provision of additional choice and price competition in Warnervale,
- Provision of accessible paths of travel throughout the development and between each building, and
- Accessible toilet facilities.

A Social Impact Assessment regarding the proposed development and its impacts within the Wyong LGA can be found at **Appendix K**.

Based on the new employment generating potential of the development during the construction phase including the indirect jobs and when operational will provide for local jobs, the provision for additional local shopping needs to be met and there is potential to include on-site “commercial/retail” space, which may be suitable for a library, community facility, medical centre or community meeting space, it is considered that the proposal will have many socio-economic benefits.

# 1.6 Key Environmental Considerations

## 1.6.11 Geotechnical Site Suitability and Soils

The geotechnical investigations determined that the site is not impacted by groundwater and this would not be a factor during excavation. Further investigations are recommended as part of the structural design for the development associated with earthworks and the preparation of construction certificate drawings. Refer to **Appendix N**. The proposed excavation depth is not likely to result in an impact to any groundwater.

It is unlikely that the construction or development of the site as envisaged will have adverse impacts on soil quality subject to appropriate management regimes being implemented during the construction phase to manage any acid sulphate soil encountered. The development can implement these measures during the construction phase with the use of building materials to manage soil salinity.

It is suggested that should this be an issue, the Department can recommend the imposition of conditions on any consent granted to require a soil salinity study in accordance with the Department of Water and Energy (DWE) publication entitled “Site Investigations for Urban Salinity” and “Building in a Saline Environment” dated 2002 (DWE publication) and can require construction methods comply with those outlined in the DWE publication.

## 1.6.12 Contamination Investigations

As part of the SSS study, investigations included contamination reporting which advised:

*Previous environmental and geotechnical investigations have been undertaken for parts of the Site. A 2004 preliminary study for a portion of the Site (some of WSC and Landcom land) notes that the soil landscape of those lots is expected to have adequate bearing capacity for low rise buildings, subject to specific engineering design. It also notes that if civil work or deep excavation is required, heavy ripping, blasting or hydraulic rock breakers may be required. The study concludes that the lots are suitable for development with careful management, and recommends further investigation. The lots are identified in the proposal for residential, open space and some retail/commercial uses (WSC); and open space and residential uses (Landcom).*

*A 2005 preliminary investigation carried out for the southern portion of the Site fronting Sparks Road and currently owned by Landcom and WSC found that the bedrock will provide a good base for stable foundations for development.*

*The 2005 investigation recommended that further detailed studies be carried out prior to rezoning of the Site and augmented during the subsequent DA process given that all DAs would require a geotechnical study. The extent of cut and fill options and impacts will need to be assessed for commercial and higher density residential developments. The conclusion from the investigations is that with careful management of engineering works, the soils would be suitable for the proposed rezoning.*

*Following from the above recommendation, a 2006 Stage 1 Environmental Site Assessment (ESA) was carried out for 11 lots. It identified potential contamination issues for the Site, as follows:*

- o Quarrying in the northern part of the Site (Fabcot and WSC lots);
- o Landfilling (WSC lots in the northern part of the Site);
- o Nursery land uses (Fabcot);
- o Demolished buildings; and
- o Surface filling, filling beneath buildings and illegal dumping.

*Of the above potential contaminants, the former landfill on WSC's lots has the greatest potential to affect the suitability of the Site for the proposed rezoning. The ESA states that areas of filling identified prior to and during development of the Site, may need to be excavated and waste materials disposed of. The advice of a qualified environmental consultant would be required if such areas are identified.*

Additional Phase 2 Investigations have been undertaken and this information can be found in **Appendix H**.

## 1.6.13 Stormwater Management and Water Sensitive Urban Design

Prior to releasing the site's runoff, it is proposed to filter the water to ensure that the water quality downstream is not impacted upon. Furthermore, a soil erosion and sedimentation control plan has been prepared to minimise siltation and water quality impacts during construction. The concept civil design proposes:

- WSUD measures to manage on site and upstream stormwater and improve water quality;
- Water quality monitoring programs and maintenance of the WSUD elements to ensure their on-going success;
- The implementation of soil and water management measures to mitigate against surface water run-off and sedimentation onto adjoining lands; and
- Recycling water where possible.

# 1.6 Key Environmental Considerations

The impacts that have been identified in the WSUD assessment for the Project can be appropriately managed and have not been found to result in serious or irreversible environmental damage as a consequence of the proposal

The development is supported by concept design drawings demonstrating that the proposal can provide the necessary stormwater infrastructure system in accordance with Wyong Shire Council's design requirements.

Water quality and quantity can be managed consistent with the performance objectives established in the WTCDCP such that pollutant loads and discharge of water do not cause adverse impacts. Erosion and sediment control is proposed to be managed through the implementation of the erosion and sediment control plan prepared by Mott McDonald. Concept drawings have been prepared by Mott McDonald for drainage and stormwater design and can be found at **Appendix G**.

## 1.6.14 Noise and Vibration

As part of the SSS study, investigations included a noise and vibration assessment which advised:

*A noise and vibration impact assessment has been carried out for the regional and district road and rail systems. The results indicate that the predicted noise levels for traffic and trains in areas adjacent to roads and the railway will exceed recommended external noise levels, when assessed against criteria in DECC Environment Noise Control Manual.*

*The assessment recommends a mitigation strategy to reduce predicted noise levels. This includes the following measures:*

- o establishing a 70km/h speed limit on Sparks Road;*
- o constructing noise barriers along Sparks, Hakone and Hiawatha Roads, and the rail line;*
- o restricting dwellings in noise affected areas to single storey; and*
- o providing buffer zones between building footprint and nearest road kerb.*

*Noise issues are proposed to be managed through further mitigation measures at the development application stage. The Draft WTC DCP requires that noise mitigation measures be implemented for land within 60m of the north south rail corridor and 10m of Sparks, Hakone and Hiawatha Roads. These areas are identified in Figure 14 below.*

Vipac concluded that there are no human or structural issues associated with rail-induced vibration.

Noise and vibration may occur during the construction phase and will be managed by the restriction in the hours permitted during the construction phase.

The development can be designed to comply with the required noise and vibration requirements and these can be implemented at the Construction Certificate stage via the imposition of conditions. A referral is required to be sent to Railcorp as the proposed development is within 60m of the rail corridor.

Refer to latest acoustic information at **Appendix Q**.

## 1.6.15 Natural and Technological Hazards

A number of hazards including: bushfire, acid sulphate soils, landslip and flooding have been considered.

### Acid Sulphate Soils

The site is not known as having any acid sulphate soils.

### Flooding

The site is not affected by flooding.

### Landslip

The land is not identified as having landslip issues.

### Bushfire

The site is identified as bushfire prone land and the SSS study advised:

## 1.6 Key Environmental Considerations

*The Site is identified as bush fire prone on the Wyong Bush Fire Prone Land Map (Figure 13). Preliminary advice from the RFS is that future DAs for residential development or Special Fire Protection Purpose developments on the Site will be subject to s100B of the Rural Fires Act 1997 and s79BA of the EP&A Act. The requirements of Planning for Bushfire Protection are also required to be considered in the planning stages of the Site's development.*

Figure 13 from the SSS study is extracted and shown in Figure 33 opposite.

No known technological hazards have been identified.

As such, further investigation of these issues may need to be undertaken to determine the extent of hazards and what impact this may have on the future planning for the land as part of the development proposal.

### 1.6.16 Construction

Construction of the proposed development, when the works are approved, will be undertaken in accordance with EPA and Work Cover guidelines to minimise the impacts upon nearby premises and occupants and ensure the safety of workers.

Accordingly, it is considered that the impact upon the environment is acceptable.

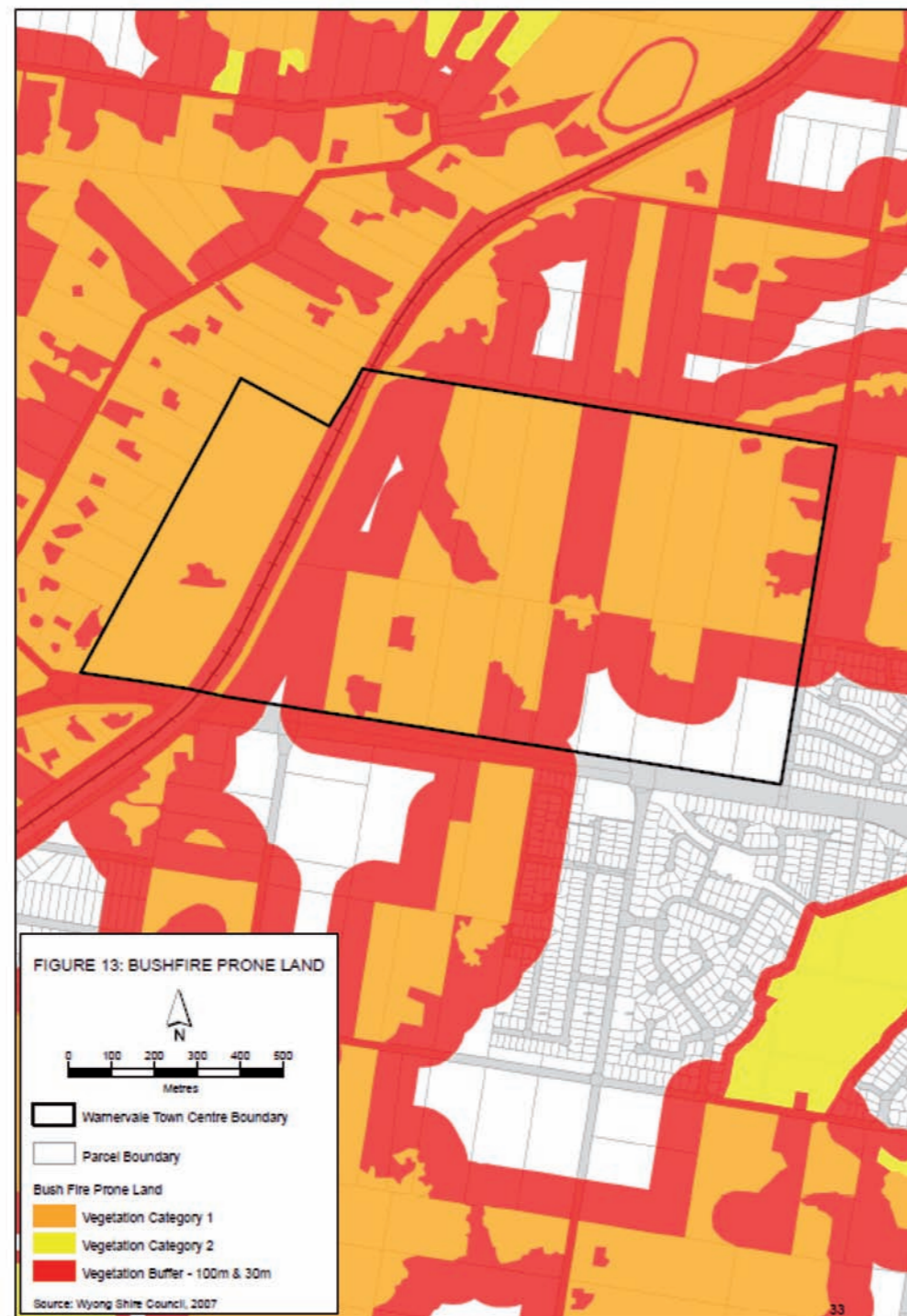


Figure 33: State Significant Site Study Figure 13

## 1.7.1 Contributions

At the time the WTC was gazetted as a SSS, and effectively rezoned, a Special Infrastructure Contributions Plan and Order were created on 30 October 2008 for all of the land within the Warnervale Town Centre.

It is noted that the purpose of the Special Infrastructure Contributions Plan includes:

- 1.1 *The Plan outlines a proposal in relation the funding mechanism for the provision of sub-regional and regional infrastructure necessary for the release and development of the land within the Warnervale Town Centre (WTC) being certain sub-regional and regional roads, motorway connections, public transport upgrades and biodiversity offsets.*

The Special Infrastructure Contributions Plan also advises:

- 3.4. *This Plan outlines the transport and other infrastructure that is necessary to facilitate the development of the Warnervale Town Centre that will be funded through the application of a special infrastructure contribution (SIC) levied on all development which require consent within the Warnervale Town Centre—Special Contributions Area. The principles relevant to the determination of the contribution are set out below.*

The Special Infrastructure Contribution Plan advises how much is payable and when it applies, as follows:

- 8.1. *To fulfil this cost with a NDA of 46 hectares, the SIC contribution rate for the Warnervale Town Centre—Special Contributions Area will be \$140,000 per hectare of Net Developable Area for residential uses.*

It is noted that the proposed form of development does not trigger the provision of the Special Infrastructure Contribution as no residential use is sought in this application. This is because residential development cannot be considered as being consistent with the provisions of Part 16 Clause 6 in Schedule 3 of the **Major Development SEPP**.

The proposed form of development is for a “retail premises” and ancillary development.

As discussed in Section 1.3 of this EA, the Minister made a declaration on 4 November 2010 under Clause 6 of **Major Development SEPP** that the proposed development at the corner of Nikko Road and Hakone Road, Warnervale is development of a kind described in Part 16 Warnervale Town Centre, as a project to which Part 3A of the Environmental Planning and Assessment Act 1979 applies. Clause 6 in Part 16 of Schedule 3 states:

*Development for the purposes of retail premises within the Warnervale Town Centre that has a capital investment value of more than \$20 million and a floor space area of more than 5,000 square metres.*

The design has left opportunities for future residential development to be integrated within portions of the Fabcot site and thus this will generate the opportunity to generate contributions under this levy into the future which will be the subject of separate applications.