

Appendix 2

Department of Planning - Response to Agency



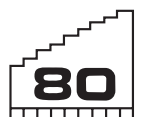
Warner Industrial Park Preferred Project Report Concept Plan and Project Application

Precinct 14 WEZ

Sparks Rd and Hue Hue Rd

Warnervale

May 2009



TERRACE
TOWER
GROUP

Warner Business Park Pty Ltd
Part of the Terrace Tower Group

The following provides the issues raised by the Department of Planning and the Proponent's response to those issues.

ISSUE	AGENCY RESPONSE	PROPONENT'S RESPONSE
Earthworks	Clear description of staging, timing and duration of earthworks	Earthworks will be carried in two stages as shown on the Concept plan. Stage 1 is land owned by Warner Business Park and Stage 2 is land owned by Delcare Constructions Pty Ltd and LG Delahunty. Stage 1 earthworks will take approximately 12 months and Stage 2 approximately 3 months if the site has to be remobilised.
	Clear description/identification of areas (and volumes) which are to be filled and cut. (current cross-sections are not sufficient to give a clear indication of the extent of works)	Further sections and a plan showing the sections are attached in Appendix 1 of the Preferred Project Report. A plan has also been prepared showing the extent of cut and fill and is attached in Appendix 13 of the Preferred Project Report. More detailed cut and fill levels will be developed as part of the detailed design and CC documentation.
	Clear identification of depths of fill and cut over final landform, as well as an analysis of implications of greater or lesser depths.	As noted above – refer Appendices 1 and 13 of the Preferred Project Report.
	Identification of final ground levels and flood levels.	As noted above – refer Appendices 1 and 13 of the Preferred Project Report. Additional plans and sections have also been prepared which identifies the creek cross sections and the 1% flood level along Hue Hue Road – refer Appendices 16 and 17 of the Preferred Project Report.
	Identification of implications of any mine subsidence on the quality and stability of earthworks, as well as potential impact of flood levels.	Mine Subsidence Board has provided its conditions for approval for the concept plan, and subsequent building structures. These MSB requirements are included in the DDCP. Further geotechnical investigations will be undertaken during the detailed design stage of the subdivision. The MSB requirements in relation to flood freeboard have been incorporated in the proposed site level.
	Details of engineering of earthworks, accounting for landform stability, potential for mining subsidence, treatment of batters particularly on floodway interface, geotechnical assessment of design and stability of earthworks.	General comments relating to cut and fill batter slopes and the placement of filling during earthworks have been provided in the Geotechnical Investigation (Appendix 9 of the Environmental Assessment). The issues in relation to potential for mine subsidence and treatment of batter slopes either within the bulk excavations or floodway interfaces will be addressed as part of further geotechnical investigations during the detailed design stage of the subdivision. Identification of necessary treatment methods for cut batter slopes is likely to require inspection and analysis during excavation works as geological features are exposed during construction.
	Details of the suitability of the proposed final landform, including limitations on structures, implications for footings and foundations, implications for road and bridge construction and design loads.	Final landforms have been designed to minimise the need for further major earthworks as part of individual site developments. More detailed geotechnical investigations will be undertaken during the CC documentation and construction phases. The CC documentation will develop a detailed specification for road pavement design to support the anticipated industrial traffic. It is intended that all roads will be transferred to Council as dedicated public roads. Council has provided a performance specification for the road pavement design.

ISSUE	AGENCY RESPONSE	PROPONENT'S RESPONSE
	Geotechnical assessment of bridge location and design, capacity and design loads.	Preliminary comments in relation to the subsurface conditions anticipated within the proposed location of the bridge, suitable footing types and geotechnical design parameters are provided in the Geotechnical Investigation (Appendix 9 of the Environmental Assessment). Further assessment of the bridge foundations will be undertaken during the detailed design stage of the bridge.
	Identification of sourcing and specifications for fill.	Fill sources have not yet been finally identified and will be determined as part of the tender negotiation closer to the time of commencement of the contract. The selected contractor will be required to provide details of haul routes and source of material. A detailed assessment of both the source of material and haulage routes has been identified as a potential condition in the response from Council.
	Assessment of environmental impacts of earthworks operations (including traffic movements) on the environment, including construction techniques, air, noise and water quality controls and flora and fauna safeguards.	<p>A Vegetation Management Plan has been prepared (Appendix 4 of the Environmental Assessment). This VMP outlines the measures that are to be undertaken in relation to land clearing, erosion and sedimentation measures and maintenance options within the development areas. An Environmental Management Plan will be developed as part of the CC Documentation and Civil Contract. A separate Environmental Management Plan will be developed for the Buttonderry Creek Corridor and other Conservation Zone land in accordance with Council's draft Buttonderry Creek Management plan and the requirements of DWE.</p> <p>The general fill specification for lot filling and roads will be determined as part of additional Geotechnical investigations to be carried out during the detailed design and CC documentation. Engineering Works will be in accordance with Wyong Shire Council, except where the proponent has agreed to a higher specification as for example in the case of the road pavement design. An Environmental Management Plan will be undertaken as part of the construction certificate documentation.</p>
	Implications of any limitations on location of infrastructure and utilities (such as roads, sewerage, stormwater pipelines, cables, gas pipelines etc) due to design limitations of engineered cut and fill.	Final design levels will be determined having regard to servicing requirements. The general fill specification for lot filling and roads will be determined as part of additional Geotechnical investigations to be carried out during the detailed design and CC documentation.
	Identification of the location and design (sizing) of site infrastructure and reticulation systems (as it would be expected that these systems would be installed as part of the proposed earthworks) and description of the intended regime of connections of ultimate development to these systems.	This is partly included in the concept design and will be further resolved during the CC Documentation with relevant utility agencies. Initial consultation has been held with these agencies and there are no known impediments to servicing the land. (Refer Section 8.0 of the Environmental Assessment.) Council has a program to provide water and sewer to nearby connection points.
Drainage Flooding and	Current flooding regime - channels, drainage corridors, flowpaths, storage, flood levels, discharge points etc.	A number of reports were undertaken on behalf of Wyong Shire Council to identify existing characteristics and determine the development potential of the Wyong Employment Zone. The landowners within the Wyong Employment Zone contributed towards these studies. The Integrated Water Cycle Management Strategy for the Wyong Employment Zone prepared by Ecological Engineering for Wyong Shire Council in November 2006 describes the current flooding regime. This report formed part of the

ISSUE	AGENCY RESPONSE	PROPONENT'S RESPONSE
		<p>public exhibition documentation for the Wyong Employment Zone and therefore was not included in the documentation for the Warner Industrial Park.</p> <p>Section 2.0 of the Ecological Engineering report provides an appraisal of the site including rainfall, the topography of the site and the water catchments which include:</p> <ul style="list-style-type: none"> • Buttonderry Creek Portion – the southern half of the precinct drains to Buttonderry Creek. A small external catchment enters the site at the far south western corner under Hue Hue Road. Buttonderry Creek is the main waterway, which drains the WEZ catchment and represents the largest northern tributary of Porters Creek Wetland. It enters the site at the western boundary of Precinct 14 via culverts under Hue Hue Road as a well defined waterway draining a 615ha catchment. It meanders through Precinct 14 in a south easterly direction combining with a number of smaller tributaries and subcatchments before discharging under the F3 Freeway via large box culverts. • Central Waterway – the northern half of Precinct 14 drains to the Central Waterway. The Central Waterway enters the site at the northern boundary at which point it is draining a catchment of 106ha. The waterway continues to the centre of the site as a flat broad heathland-sedgeland waterway with no defined channel or drainage line. Runoff from the site drains to the middle of the site where the Central Waterway exists as a flat wetland basin. During runoff events this zone is thought to fill and drain via one or two pathways (i.e. east or west) under the F3 Freeway.
	<p>Description of works which will impact upon the current drainage and flooding regime, including location and quality of fill, volumes of flood/storm water storages, areas of impermeable surface, channel treatment.</p>	<p>Appendix 18 of the Preferred Project Report includes plans outlining the Water Sensitive Urban Design proposal for Warner Industrial Park. The plans identify locations and preliminary sizes for water storages, water quality and drainage structures. These are based on Water Quality modelling undertaken by Buzz Engineering and DHI Environment. Further detailed design of the water quality basins, detention basins and drainage channels will be undertaken as part of the CC documentation.</p>
	<p>Description of changes the proposed development would have on the flood regime - changes to volume and velocity, changes to flood levels and channels, changes to other flooding characteristics (upstream and down stream).</p>	<p>The flooding and drainage issues are addressed in a series of reports prepared for Council and the Proponent. Water Quality Modelling was carried out by BUZZ and JWP Pty Ltd and appended to the Environmental Assessment. BUZZ and JW Prince (JWP) advise as follows:</p> <p>In summary, compensatory flood storage is proposed for the south-east of Precinct 14, adjacent to the Freeway embankment with the aim of minimising the flood levels along the channel F2. The results are shown in Table A2 for cross-section Option A and Table A4 and Table A6 for cross-section option B & C respectively. The model testing showed the proposed storage reduced the maximum flood level in the downstream parts of the</p>

ISSUE	AGENCY RESPONSE	PROPONENT'S RESPONSE
		<p>F2 channel for all options. With the storage in place, flood levels adjacent to the Freeway embankment are expected to reflect the levels for the existing (undeveloped) floodplain i.e. the analysis shows that the proposed development will have negligible impact over existing 1% AEP flood levels immediately adjacent to the Freeway embankment.</p> <ul style="list-style-type: none"> • Fill levels and final land surface levels are provided in the revised Trehy Ingold & Neate (TIN) drawings included in the Preferred Project Report. Appendices 1, 13 and 18 • The stormwater, storages and management of excess stormwater are in accordance with the WEZ studies by Ecological Engineering and Council's latest proposals to convey surplus stormwater via a pipeline to be constructed along the F3 corridor. The preliminary sizing and location of drainage and water quality/storage structures, fill batters and services are shown on the drawings by TIN included in the preferred Project Report. • Council has agreed to modify and simplify conditions for water quality as part of its proposed conditions for approval. • Detail design of the drainage and water quality/storage ponds will be done as part of the CC documentation. • In relation to infrastructure, the drainage studies and proposed sewer crossing of the F3 were sent to the RTA and its response included in the Environmental Assessment. The post 1% AEP development flows are contained within the existing site and do not affect the F3 Freeway.
	Description of the impacts of changes to the flooding and drainage regime – including flood levels and final land surface levels, impacts of flow velocity, discharges from the site, impacts on fill batters, impacts on infrastructure, adequacy of storages, adequacy of proposed excess stormwater drainage system.	Refer to notes above.
	Assessment of the adequacy of the impacts of changes to the flooding and drainage regime.	<p>The flood mitigation measures include controlled filling, compensatory excavation, an engineered channel (F2), a piped flowpath (B2) and an overland flowpath (B2). The effect of these mitigation measures has been to largely contain flood-prone areas (up to and including the 1% AEP) within drainage reserves and to minimise any increases in flood levels.</p> <p>The residual flood impacts are local increase of flood levels upstream of the proposed pipeline (B2); overland flowpath associated with piping B2; and increased flood levels at the Freeway, but are still contained within the site.</p> <p>Compensatory flood storage is proposed for the south-east of Precinct 14, adjacent to the Freeway embankment with the aim of minimising the flood levels along the channel</p>

ISSUE	AGENCY RESPONSE	PROPONENT'S RESPONSE
		F2. The results are shown in Table A2 for cross-section Option A and Table A4 and Table A6 for cross-section option B & C respectively. The model testing showed the proposed storage reduced the maximum flood level in the downstream parts of the F2 channel for all options. With the storage in place, flood levels adjacent to the Freeway embankment are expected to reflect the levels for the existing (undeveloped) floodplain i.e. the analysis shows that the proposed development will have negligible impact over existing 1% AEP flood levels immediately adjacent to the Freeway embankment.
	Description of overall water balances for the proposed development - water in, water usage, water out - under expected normal and flooding scenarios.	The water quality/storage system was designed in accordance with Ecological Engineering's various studies to provide adequate storage for surplus flows to be held and pumped to Council's proposed pipeline. The treatment train and water balance analysis assumptions by JWP Pty Ltd are provided in the Environmental Assessment.
	Description of the management and operation of stormwater and drainage system, including location of treatment facilities, dual-pipe water re-use reticulation system, ongoing management arrangements and responsibilities and details of the content and operation of the proposed water "Management Deed" (plans showing location of proposed reticulation systems and facilities would assist).	The preliminary sizing and location of water quality/storage structures are shown on the drawings by TIN included in the preferred Project Report (Appendix 18). The management system will be developed as part of the detailed design of the drainage and water quality/storage ponds will be done as part of the CC documentation.
	Description of the installation and operation of sewerage infrastructure (which is understood to be co-ordinated between Precincts 14 and 13), the timing of Precinct 13 facilities, implications for Precinct 14 development	The sewer system has been designed to integrate with Council's extension of the sewer to precinct 13 and 14. Refer page 34 of the Environmental Assessment. The RTA has provided its requirements in relation to the F3 crossing for the sewer.
	Detailed design description of bridge on Road 1, including impacts on drainage and flooding and the stability of the structure in storm or flood events.	Detail design of the bridge will be undertaken as part of the CC documentation. Flood modelling has been undertaken based on 30m and 20m spans. A 20m span is feasible from an hydraulic and flood impact view point. However a 30m span has been adopted based on discussions with Council. The 30m wide span bridge crossing at Buttonderry Creek will provide for the natural flow channel of the creek and overbank flood flows on each side of the channel. The road way to the east and west of the bridge will comprise compacted fill material with dense groundcover plantings to stabilise the fill material. This bridge crossing has been located at the most narrow section of Buttonderry Creek. While the core riparian zone retained at the point of the bridge crossing is 30 metres wide the core riparian zone widens out to the north and south of the bridge crossing point to achieve widths of between 90-150 metres within a distance of 200 metres from the bridge crossing point. Therefore, excluding the 30 metre wide core riparian zone at the bridge crossing point, the section of Buttonderry Creek for a distance of 200 metres north and south of the bridge crossing point achieves a core riparian zone with an average width of 120 metres wide. As noted under the comments on earthworks, preliminary geotechnical investigations have been undertaken at the site of the proposed crossing.
Roadworks	In addition to roadworks design issues there should be clarification of the proposed	Wyong Council and the proponent have agreed on a roundabout at the intersection of

ISSUE	AGENCY RESPONSE	PROPONENT'S RESPONSE
	design of the Sparks Road / Road 1 intersection which is described as either a roundabout or a seagull intersection in various places in the Environmental Assessment.	Sparks Road and Road 1 into the Warner Industrial Park.
DCP	<p>It is proposed that a Development Control Plan (DCP) form part of the Concept Approval for the proposed industrial park. The DCP would establish a planning regime for the future of the site. The Proponent is aware that the Department has been preparing a State Environment Planning Policy Amendment to provide for a core planning regime for the Wyong Employment Zone.</p> <p>The DCP is at variance with the proposed Wyong Employment Zone SEPP in a number of respects. It is the Department's view that appropriate discussion and justification should be provided in order to be able to appreciate and assess the differences. In the absence of such justification the Department cannot appreciate the merits of proposed inconsistencies from the SEPP.</p> <p>Without affecting the generality of the above observation, there are some specific issues associated with the DCP, which should appropriately addressed.</p>	<p>The WIP Draft DCP was prepared in advance of Council's Draft WEZ DCP, and provides a more site specific response than the Draft WEZ DCP. The proponent has held discussions with Council officers and notes that there is merit in incorporating the Draft WIP DCP eventually as a chapter in Council's DCP. In the meantime the SEPP requires that a DCP be in place and Council's Draft WEZ DCP requires further amendment. In addition, the existing Wyong Shire exempt and complying development DCP is effectively not applicable in the WEZ and Warner Industrial Park due to the range of exclusion provisions that constrain operation of the DCP. Further detail is provided below.</p>
	2.1 - there are a range of land uses additional to those contemplated for the IN1 zone on the SEPP, such additional proposed used require appropriate justification	<p>Under the Wyong Employment Zone SEPP, the following land uses are permitted with consent on land within the Zone IN1 General Industrial: boat repair facilities; child care centres; community facilities; depots; earthworks; environmental protection works; filming; freight transport facilities; helipads; kiosks; light industries; industries; liquid fuel depots; neighbourhood shops; recreation facilities (indoor); roads; transport depots; truck depots; warehouse or distribution centres.</p> <p>One of the objectives of the Zone IN1 General Industrial is to facilitate development for a wide range of employment-generating industrial, manufacturing, warehousing, storage or research purposes, including ancillary office space.</p> <p>There are a number of other land uses that are appropriate in an industrial zoned area that have not been included. The land uses that do not appear in the SEPP and have a different definition under the LEP template and therefore are not permissible include the following and each is addressed why the particular land use should be included as a permissible land use in Warner Industrial Park.</p> <ul style="list-style-type: none"> • Function centre – this land use provides a support service for the industrial uses within the area e.g. holding conferences close to the workplace. It is also a land use that can be used outside of normal business hours and therefore brings activity into the area after hours increasing security. • Self-storage Units – the objective of the SEPP includes storage, however self-storage units are not permissible. Self-storage units will provide a support

ISSUE	AGENCY RESPONSE	PROPONENT'S RESPONSE
		<p>service for the surrounding industrial uses.</p> <ul style="list-style-type: none"> • Timber and Building Supplies – Larger areas are often required to store such supplies and also involve truck movements and therefore industrial zoned land is appropriate. • Industries retail outlet – this use is only permissible when it is situated on the land where the industry is carried out. Some industries may be disadvantaged as this is not permissible. • Landscape and garden supplies – as per timber and building supplies. • Vehicle body repair workshop – this use is permissible in the eastern area of the WEZ but is not permissible in Warner Industrial Park. • Vehicle repair station – as above. <p>Warner Industrial Park will not be competitive with other industrial areas on the Central Coast including other parts of the WEZ and elsewhere in NSW as the range of permissible land uses in the industrial area are not as broad as other industrial areas. This will disadvantage Warner Industrial Park and the above land uses are requested to be included as permissible land uses.</p>
	2.2 - the proposed retailing of goods "serviced or warehoused" on sites does not appear appropriate as there is no connection with manufacture or like processes.	Refer to comment above in relation to Industries retail outlet.
	3.1 – there have been concerns that initial subdivision lot sizes proposed in the concept plan subdivision are too small and that there may be greater flexibility by initially providing larger allotments with potential to subdivide later depending on demand.	<p>The concept plan has been designed to allow a range of lot sizes to be able to meet market demand. This allows lots to be ready to the market without having to obtain further planning approval for subdivision. It also allows flexibility in the long term to meet changing demands in either consolidating lots or further subdivision of larger lots.</p> <p>The minimum lot size for industrial parks under Wyong Shire Council's DCP Industrial land is 2000m². Again, Warner Industrial Park will be disadvantaged if it is not permitted to subdivide to the same size. The Concept Plan proposes a minimum lot size of 4,300m², and the DDCP for Warner Industrial Park includes a control that only allows subdivision to a minimum of 2,000m² over a maximum of 10% of the zoned industrial area.</p>
	3.4 – the Department would like to understand the basis for the proposed standards. For reasons of greater land use efficiency, the Department is potentially supportive of higher floor space ratios and site coverage, if this is environmentally sustainable and utilities have the capacity to cater for such.	<p>The floor space ratio has been increased in the DDCP from 0.8:1 to 1:1. Significant costs are associated with this industrial project that do not apply to the Sydney metropolitan or Hunter areas. Additional costs will reduce the ability of this project to compete with other areas in the region. It is noted that State Government and Council has made an effort in reducing costs but an increased FSR will also assist. It should be noted that not all lots will achieve an FSR of 1:1 due to the proposed setbacks, landscape and carparking requirements, however this FSR will provide maximum flexibility.</p>
	3.8.1 - refers to the use of energy rating systems, however, provides no aspirational	The energy reduction objective was stated with reference to industry-recognised rating

ISSUE	AGENCY RESPONSE	PROPONENT'S RESPONSE
	targets as an outcome of using these systems.	schemes, and this implies that buildings achieving sufficient energy reduction to be included under either of the nominated schemes would be necessarily achieving best practice energy reduction. It removes the need to establish targets and allows buildings to continue to achieve increasingly better ratings, as general best practice improves across the construction industry.
	4.1 - references to Figure 1 should be to Figure 2 of the DCP.	DDCP has been amended.
	5.1 and 5.4 - refer to a "comprehensive integrated storm water and water quality system" having been developed for Precinct 14, but this system does not appear to be fully described or assessed in the Environmental Assessment. In the context of 5.4 such a document should be capable of being properly cited so it could be used in project development / assessment.	Wyong Shire Council is in the process of finalising the integrated storm water and water quality system as the system is being amended to reduce costs for the WEZ. Additional information has been included in the DDCP. Following discussions with the Proponent, Council has proposed an amended set of criteria for water quality as part of its suggested conditions.
	5.2 - refers to the need for individual developments preparing a "Soil and Stormwater Management Plan", however, it is considered that such an approach should be integrated with an overall scheme for the whole Precinct.	A soil and stormwater management plan is required for the overall subdivision and is provided in Appendix 1, however the development of each lot will also need to identify how it will manage soil erosion.
	6.3 and 6.4 - appear to consistently mis-cite SEPP (Amendment No 21) as Amendment No 1.	The DDCP has been amended.
	6.4 - outlines provisions for complying development which are inconsistent with the proposed Wyong Employment Zone SEPP; such inconsistency requires justification. Given the range of considerations which any prospective development would have to account for through the SEPP/DCP process and given the factors which these processes require to have assessed, it is difficult to imagine that any "Industrial Use, Industrial and warehouse buildings, alterations and additions" could or should be considered as Complying Development. However, the Department would be happy to discuss with you the potential identification of appropriate criteria to enable nomination of complying development.	<p>The SEPP requires that complying development is in accordance with Chapter 86 of Wyong Council's DCP. This chapter has a number of restrictions, which will mean that in reality no applications can be dealt with as complying development. Discussions have been held with Wyong Shire Council and it is not in a position to amend its Chapter 86 in the near future.</p> <p>Refer to Appendix 3 Response to Wyong Shire Council's issues as further detail is provided in relation to the requirements to be complying development under Council's DCP.</p> <p>Discussions were held with the Department of Planning in which it advised that the DCP should include appropriate exempt and complying development to allow development to proceed quickly and efficiently. Hastings Exempt and Complying Development Control Plan was given as a good example of a DCP to use. The application for the Warner Industrial Park is for Concept Approval and Project Application and was based on the subdivision as well as the full development of the site, and therefore the Department advised that it would be justified that a majority of development be included as complying development given that the investigatory work has been done upfront.</p>