

Appendix 3

Wyong Shire Council - 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 Wyong Shire Council and the Proponent's response to those issues.

ISSUE	AGENCY RESPONSE	PROPONENT'S RESPONSE
1. Integration of the Planning Process		As a general comment, most of the issues raised by Council occur again in it's proposed conditions of consent and are dealt with in more specific terms in those proposed conditions. Hence, there is considerable duplication of the discussion, and the response to Council's proposed conditions provides a clear understanding of what has been agreed and amended in the Preferred Project Report and supporting documentation.
a. This is a site specific DCP, yet references relevant Chapters of Wyong Shire Council's (WSC) DCP 2005, such as engineering, signage, car parking and exempt and complying development	<ul style="list-style-type: none"> Current legislation requires that only one DCP apply per site. In effect, the introduction of this DCP will mean that there will be 2 separate DCPs applying to this site. What are the implications therefore for the validity of the controls within DCP 2005 both for the site specifically and the shire as a whole? It is recommended that the controls under this draft DCP are incorporated under the future DCP applying to the Wyong Employment Zone (WEZ), rather than this proposed separate DCP. This should be undertaken in consultation with the applicant and Council. 	<p>Clause 74C of the EP&A Act 1979 – 203 Preparation of Development Control Plans states that the relevant planning authority may prepare a DCP and that only one DCP is to apply to the land. This land is then excluded from other DCPs. It further states that a DCP may adopt by reference the provisions of another development control plan. See below relevant clauses from the EP&A Act.</p> <p><i>(1) The relevant planning authority may prepare a development control plan (or cause such a plan to be prepared) if it considers it necessary or desirable:</i> <i>(2) Only one development control plan made by the same relevant planning authority may apply in respect of the same land. This subsection does not apply to:</i> Note. A planning authority may prepare one development control plan for the whole of its area or one plan for each precinct or locality in its area, or prepare one plan for a site (and exclude that site from the area to which other plans apply). <i>(3) A development control plan may adopt by reference the provisions of another development control plan.</i></p> <p>The proponent and its consultants met with Wyong Shire Council on 4 December 2008, and it was agreed that the draft DCP for the site would best be a State document, with a view to incorporating the site specific DCP into Council's DCP at a future date.</p>
b. The proposal does not identify whether the DCP for this proposal will be a Council DCP and incorporated into DCP 2005 or will operate under the provisions of the SEPP.	<ul style="list-style-type: none"> These issues require to be clarified in addition to the above comments regarding the validity of DCP 2005. 	As per item 1(a) above.
c. The proposal does not indicate which government agency is	<ul style="list-style-type: none"> As above. 	As per item 1(a) above.

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responsible for implementing and reviewing the DCP	<ul style="list-style-type: none"> Council requires to be advised of whether applications for development will be assessable by Council (or private certifier) or these will be referred to the Department of Planning. 	Clause 3 of Part 15 of The <i>State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)</i> states 'the consent authority for development on land within Wyong Employment Zone is, subject to the Act, the Wyong Shire Council'.
d. Complying Development	<ul style="list-style-type: none"> If the draft DCP is not incorporated into the draft DCP for the WEZ, it is recommended that the draft DCP for this proposal be amended in consultation with Council and relevant provisions incorporated into the WEZ ad DCP. Under the draft DCP there needs to be less of an emphasis on performance objectives and more of an emphasis on clearly identified development controls. This is because of the anticipated lack of involvement of a Consent Authority in an assessment process for subsequent future development within the proposed Warner Industrial Park. The classifications of, and parameters for complying development as identified under the draft DCP are too broad and general. The result will be a lack of clear controls for complying development which will have undesirable consequences and result in inconsistency of development outcomes and undermining of the draft DCP objectives. Under complying development, the draft DCP states that the development must comply with the standards contained within the DDCP, however there do not appear to be many of these. For example, energy efficiency, parking and signage are not "standards contained within this DCP" (reference is made to other DCPs for the last two of these) and therefore arguably do not appear to be applicable to new industrial buildings as complying development. There does not appear to be any checking mechanism for what use constitutes an industrial use (versus a predominantly commercial use). This is important to ensure that objectives for the industrial area are not undermined by the land becoming a source for cheap commercial land. Complying development provisions should not be included as part of this proposal. Development provisions should be consistent with Council's DCP 2005: Chapter 86 – Complying 	<p>At a meeting held on December 4, 2008, it was agreed that the draft DCP for the site would best be State document, with a view to incorporating into Council's DCP at a future date.</p> <p>The draft DCP does provide appropriate controls and also refers to Council's DCP Chapters where relevant.</p> <p>The SEPP outlines that Wyong Shire Council is the consent authority.</p> <p>Complying Development is required to meet the controls outlined in the DCP and additional clauses have been included to limit development that is complying development.</p> <p>Additional clauses have been included, in particular, referring to the relevant Chapter and Clauses of Wyong Shire Council DCP 2005. Complying Development does need to meet these controls.</p> <p>Clause 7 of the <i>Draft State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)</i> outlines the objectives of the General Industrial Zone and outlines the permissible land uses. The definitions for land uses are in accordance with the LEP template and therefore the land uses would need to comply with these definitions.</p> <p>Council's Chapter 86 - Complying Development can not apply to the site due to Clause 1.5. Development is Complying Development only if it is not prohibited under Wyong Local</p>

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	<p>Development and relevant controls for development within the WEZ.</p>	<p>Environmental Plan 1991. This LEP does not apply to the site as <i>State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)</i> applies.</p> <p>Also Councils Complying Development DCP has a number of exclusions which limits the complying development applications and excludes land as follows:</p> <ul style="list-style-type: none"> • Critical habitat • Wilderness area • Part 5 of the EP&A Act • Land below Council's "Designated Flood" • Adjacent to an overland flow path • Identified in Council's Bushfire Prone Map as Medium or High Bush Fire Risk • Integrated Development • Designated Development • Advertised development under SEPP 33 • Within 100m of the High Water Mark • Subject to slope instability or land with a slope greater than 18degrees • Identified as having Class H or P sites in AS 2870 • Identified as having soils derived from Patonga Claystone formations or acid sulphate soils • Identified as contaminated or potentially contaminated land • Is within a mine subsidence area unless the proposal has been formally approved by the relevant Mine Subsidence Board • Is identified as having an existing onsite sewage management system • Contains trees (as defined in DCP No 14) which will be moved or damaged as a result of the development • Is located within a heritage conservation area • Is subject to outstanding orders under Part 6 Division 2A of the EP&A Act • Is over a sewer main, easement or natural water course and is less than 1500mm from a sewer manhole.

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		The DCP has been amended to exclude the part of Clause 1.5 that applies to Council's LEP and Clause 1.6 has been modified however certain criteria of a general nature have been retained.
	<ul style="list-style-type: none"> Clarification regarding any change to the bushfire prone status of the site and whether this status will exclude Complying Development provisions. Council's DCP 2005: Chapter 86 – Complying Development which excludes sites identified as being subject to medium or high risk on Council's Bushfire Prone Map. The entire site is currently bushfire prone and clarification is required as to how this accords with the second paragraph of Section 6.4.1 of the draft DCP. 	The development of the site will alter the bushfire risk. Therefore, Council will need to notify the RFS that the Bushfire Prone Map needs to be amended to be in accordance with new site conditions.
e. Site Boundaries / Interface Issues	<ul style="list-style-type: none"> Insufficient landscape screening opportunities to all street boundaries will result in buildings, parking and other related aspects of the development being readily visible to the Hue Hue Road, Sparks Road and the F3. These frontages will be vulnerable to future pressure for signage and access. This will likely result in undesirable adverse visual impact to surrounding streets and properties. An established dense continuous landscape screen is necessary to avoid this situation. A higher quality of architectural design may be required to the facades of buildings with a boundary to Hue Hue Road, Sparks Road and the F3 if the setback controls are not increased. Sites with a boundary adjoining conservation reserves should have the length of that boundary fenced in (visually recessive) robust metal palisade or equivalent fencing to clearly identify the site boundaries and to discourage the potential for illegal use and dumping/storage of materials. (Cyclone wire or other materials for fencing that can be readily penetrated and damaged are not suitable). Adequacy of road widths for cycleway and pedestrian facilities within a landscaped setting is queried. Urban Interface Area (UIA) and Edge Treatment requirements need to be applied to all industrial lots which adjoin conservation zones as per DCP 2005: Chapter 66 – Subdivision 	<p>Future landscaping will be subject to individual development application assessment and must meet Wyong Council's landscape policy requirements.</p> <p>The DDCP includes fencing requirements along the conservation areas except where the development incorporates recreation facilities and amenities for employees addressing the open space.</p> <p>Road widths and location of cycleways were agreed to by Council officers at a meeting held on 4 December 2008. Refer revised Concept Plan Appendix 1 of Preferred Project Report.</p> <p>DCP 66 has a minimum 15m to a maximum of 50m setback to significant vegetation. However, this can be contained within the final development lots for industrial subdivision. The Concept Plan for WIP incorporates the buffer areas, and WSUDs in accordance with the plan for the WEZ and a further 10m setback is proposed on the individual allotments. Refer</p>

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		<p>Appendix 1 of the DDCP for Warner Industrial Park.</p> <p>Council's draft DCP for the WEZ proposes a 20 metre setback along Hue Hue Road and Sparks Road for Warner Industrial Park. Clause 2.3.3 Warnervale Aerodrome Precinct DDCP (WEZ) proposes a 15m setback along Sparks Road (Page 15).</p> <p>Wyong Council's Subdivision Development Control Plan No 66 also only includes a 15m setback for proposed future industrial buildings along collector roads (Clause 6.2.1 page 49).</p> <p>Therefore, Council must consider that suitable landscape treatments can be implemented within a 15m setback. The DDCP for Warner Industrial Park provides sections on how the landscape treatment is proposed for the properties that adjoin Hue Hue Road and Sparks Road (Appendix 1 Visual and Landscape Management Strategy) and is considered appropriate.</p> <p>Proponent suggests increasing maintenance period to 3 for landscaping in prominent locations (Sparks & Hue Hue Road frontages).</p>
	<ul style="list-style-type: none"> The minimum building setback of 15 metres to all existing street frontages (i.e. F3, Hue Hue Road and Sparks Road) is insufficient to provide any adequate level of landscape screening of the development. 20 metre setbacks would be more appropriate and also align with the controls contained in the draft DCP for the WEZ. If the landscaping setback remains at 15 metres, this shall be required to be landscaped at an appropriate density to the satisfaction of Council. 	<p>See above comment</p>
	<ul style="list-style-type: none"> The proposed minimum allotment size of 2000sq.m. is not sufficient to allow for large (semi trailer and B-double) truck manoeuvring on each site. The number of smaller allotments within the development should be restricted to ensure that there is a diversity of lot sizes and to preserve large allotments and avoid the situation where every allotment is subdivided to the minimum. Overall, there appears to be too many smaller allotments, which are not practicable for larger vehicle movements. 	<p>The DDCP for WIP proposes a minimum lot size of 2,000m2 to allow flexibility within the Industrial Park so that it can meet future demand if there is a requirement for smaller lots. The minimum lot size of 2,000m2 is also in accordance with Council's DDCP for the WEZ which includes a minimum lot size of 2000m2 for the Warnervale Aerodrome Precinct and the Automotive Precinct and other Council DCP chapters including North Wyong Industrial Area, Warnervale East Industrial Area and the Subdivision DCP, which all have a minimum lot size for</p>

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		<p>industrial land of 2000m2.</p> <p>However at the meeting held December 4, 2008, it was agreed the DCP should be amended so that not more than 10% of the industrial zone would be subdivided into lots less than 2000m2.</p> <p>The Concept Plan for the Warner Industrial Park has a minimum lot size being 4300m2 and provides a range of lot sizes as follows:</p> <table><tr><td>Lot Size</td><td>Number of Lots</td></tr><tr><td>< 5000m2</td><td>7</td></tr><tr><td>5000-10,000m2</td><td>61</td></tr><tr><td>> 10,000m2</td><td>22</td></tr></table>	Lot Size	Number of Lots	< 5000m2	7	5000-10,000m2	61	> 10,000m2	22
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<ul style="list-style-type: none">Controls regarding strata subdivision are warranted e.g. if less than the 2000sq.m. minimum lot then the applicant be required to demonstrate adequate manoeuvring and loading facilities by semi trailer and B-double trucks for any strata subdivision application. Otherwise, strata development has the potential to undermine the objectives for the draft DCP to promote the orderly use of land as a regionally significant site for employment generation.	<p>Further detail not required at this stage. Future development will be subject to the lodgement of a separate development application. Vehicle manoeuvring can be addressed at this stage.</p>									
<ul style="list-style-type: none">Controls should require a minimum of one (1) loading bay for each development entity/operation. In the event of strata subdivision a minimum of one (1) loading bay for each unit. Sharing a loading facility between units is not appropriate.	<p>Clauses 3.2 and 3.10 of the draft DCP has been amended to include this provision. Refer Appendix 13 of the Preferred Project Report.</p>									
<ul style="list-style-type: none">There is a lack of environmental controls applying for external storage under the draft DCP. The draft DCP controls only mention screening (aesthetic/visual) requirements. This is not appropriate given the sensitivity of the surrounding natural catchment and the objective of the draft DCP to reduce the impact of development on natural eco systems including downstream waterways.	<p>The DDCP includes section 5.0 Environmental Management, which incorporates objectives and controls in relation to the protection of the surrounding natural catchment.</p>									
<ul style="list-style-type: none">Consideration for specifying a height controls may be appropriate given the proximity and visibility of the development to the F3 freeway.	<p>Height controls in the draft DCP are in accordance with the Obstacle Limitation Surface map for Warnervale Airport. At the meeting held with Council on February 12, 2009, The proponent advised that the height restriction in relation to trees</p>									

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		near the F3 had been dropped from the DDCP since it would seriously limit the ability to provide large buildings in accordance with the intent of the zone. However, additional design controls have been added.
	<ul style="list-style-type: none"> The draft DCP states that development should be of a high quality appearance but there are no parameter given for this (i.e. what would stop an applicant from proposing a huge metal shed with no windows). The few controls that apply appear to be 'suggested' or 'encouraged' which is not sufficiently specified in the case of Complying Development. 	<p>Controls for industrial buildings include:</p> <ul style="list-style-type: none"> Appropriately modulated and articulated to reduce the visual impact of large industrial buildings; Public entries to buildings should be clearly expressed and visible from the street; Avoidance of large expanses of blank walls and curtain walling Encouraging minor steeping of the street frontage and articulation of building facades Locating offices/staff rooms to face onto open space; FSR of 1:1; Site coverage 50%; Varying Setbacks; Use of high quality, durable, UV stabilised/resistant building materials; Integration of lightweight cladding materials in the design when visible from a public place; Reflectivity of external glass not to exceed 20%; Use of colours reflecting the natural landscape; Use of appropriate bold highlight colours; Simple roof structures relating to industrial buildings; Roof lines and facades to provide visual interest and an appropriate sense of scale; Integration into the design of things such as air conditioning units, roof top pergolas, lift over-runs, telecommunications devices, etc; Exclusion of structures such as masts, stacks, etc except where integrated into the design Screening of storage areas and loading docks; Landscape treatment works for the private and public domain. A Landscape Masterplan has been prepared.
	<ul style="list-style-type: none"> The draft DCP requires that development be 'energy efficient' with very little guidance outlining how this will be achieved for each development and what requirements apply. The concern is 	Controls have been incorporated in the draft DCP. It has also been amended to refer to Council's DCP 2005 Chapter 75 – Industrial Development where required.

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	that this will result in the bare minimum or consideration only as an afterthought. This does not encourage or reward innovation in energy efficient building design. Both incentives and base benchmarks will be required to be identified in the draft DCP (these will need to be states as minimum standards for complying development). Section 3.8.1 uses the term 'suggested use however, basic requirements should be clearly identified if energy efficiency is to be a serious element in future development. (E.g. requiring Green star rating or ABGR).	
	<ul style="list-style-type: none"> Clarification under Section 3.8.3 that colours should be 'visually recessive' as well as from the 'natural landscape (noting that natural colours are not necessarily visually recessive). 	The DDCP includes that colours are generally neutral greys, grey greens and blue greys, with details to be submitted with the development application
	<ul style="list-style-type: none"> Section 3.12.1 should include the requirement that all vehicles are to enter and exit the site in a forward direction and capacity should be made for on site queuing of trucks. 	<p>Conditions addressing on site manoeuvring of vehicles are included in the DDCP.</p> <p>The proponent does not agree that separate provision should be made for the queuing of trucks (Note: This is not a requirement of Wyong Council's DCP 2005 – Draft Chapter 36 – North Wyong Industrial Area)</p>
	<ul style="list-style-type: none"> There does not appear to be any controls restricting illuminated signage on buildings facing the F3 (i.e. under complying development). Appropriate controls are necessary given the array of other objectives through the draft DCP to ensure any visual impacts to the freeway are minimised. Although it states that building heights should not be visible above the tree line along the F3, inclusion under Section 3.11 should be made to ensure that no signage (on a building or otherwise) shall be directly visible to the freeway (including through illumination). 	The draft DCP has been amended to exclude illuminated advertising visible from the F3 as Complying Development. The draft DCP also incorporates the provisions of Council's DCP 2005 – Chapter 50.
	<ul style="list-style-type: none"> No basic controls or design standards have been included for waste storage facilities within developments. Also, no waste management plan requirements (e.g. new and altered buildings under complying development provisions). 	Provisions have been included in the draft DCP (Clause 3.14) Additionally, the Landscape Maintenance Guidelines (Page 18 of Appendix 1 of the DDCP) states that upon completion of construction works, a site shall be properly cleaned up with all rubbish removed in a manner consistent with best practice waste management principles and any approved waste management plan applying to the development.
	<ul style="list-style-type: none"> No 'Safer By Design' Principles and considerations appear to have been included under the draft DCP. 	The DDCP encourages the implementation of CPTED principles through appropriate landscape treatment in accordance with Council's Landscape Policy.

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		The draft DCP is consistent with Council's other DCP's.
	<ul style="list-style-type: none"> Ensuring landscaping is predominantly drought resistant, low maintenance, indigenous species. 	The Visual and Landscape Management Strategy (Appendix 1 of the DDCP for Warner Industrial Park) outlines that vegetation should be indigenous to the site. A Planting Schedule and Recommended Species are incorporated into this document.
	<ul style="list-style-type: none"> The plan requirements (Page 30) should include all reference to levels being to AHD. 	A clause has been added for AHD to be used for all levels.
2. Stormwater and Integrated Water Cycle Management (IWCN)		
a. The proposal identifies a pipeline to carry recycled stormwater from the Warner Industrial Park along Hue Hue Road to Wyong River	<ul style="list-style-type: none"> Council does not support the proposed route of this pipeline. The size of the disturbance footprint required would have a significant impact on the existing vegetation along that route. Independent stormwater schemes are not supported as it will ultimately increase the cost of providing stormwater infrastructure to the remainder of the WEZ. Council staff have held discussions with the proponent about entering into a cost sharing arrangement for the pipeline which follows an alternative route along the F3 Freeway which follows the gas pipeline. This would enable the discharge of recycled stormwater from the remainder of the WEZ, Warnervale Town Centre and surrounding catchments. The details of this Pipeline Construction including timing, sizing, contributions etc are to be included within the Planning Agreement between Council and the Proponent. This is presently being negotiated with the proponent. Council is yet to ascertain whether the stormwater pipeline for the Warner Industrial Park will be required to discharge to the brickpits before being transferred into the pipeline. Whilst the Link Road is not likely to proceed in the immediate future, the RTA has identified that such a network is still required. 	Wyong Council has amended its proposed pipeline route which will reduce costs. It has also advised that the implementation of its water pipeline will not delay Warner Industrial Park. Therefore, the proposed stormwater route along Hue Hue Rd for Warner Industrial Park is no longer proposed.
b. The proposed pipeline does not discharge into the proposed Bailey's Wetlands as proposed by the WEZ IWCN Strategy.	<ul style="list-style-type: none"> Based on the findings of a draft Environmental Study, Bailey's Wetland and the proposed storage at the brick pits is not initially required to enable treatment of the stormwater for water quality 	Refer comments above.

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	or for flow management. It may be required in the future if Council ultimately decides to discharge above the Wyong River Weir and higher water quality standards are required to be met. However at this stage no charges will be levied against development for this part of the regional stormwater harvesting scheme.	
c. Stormwater discharge from development which occurs prior to the development of the Stormwater Discharge Pipeline to Wyong River is not addressed.	<ul style="list-style-type: none"> DCP controls were introduced into the WEZ DCP to enable at least 50% of the WEZ to be developed until such time that the stormwater harvesting scheme is operational. Appropriate consent conditions have been developed which should be attached to any approval. However further details are required on how the developer proposes to stage the development to implement this requirement. 	Council officers, at a meeting held on 4 December 2008, agreed that 50% of WEZ was unlikely to be developed within 3 years. This is further addressed in the Statement of Commitment and response to Council's proposed conditions..
d. Contaminated water quality as a result of spills, leaching etc flowing into the Stormwater Discharge Pipeline has not been addressed.	<ul style="list-style-type: none"> Additional management controls are to be included within the DCP or permissible uses schedule of the SEPP and added as conditions of consent. 	DDCP has been amended.
3. Flooding		
a. The crossing at Buttonderry Creek is shown on the plan as a culvert or a bridge. It is noted elsewhere within report documentation that this crossing is a 30 metre clear span.	<ul style="list-style-type: none"> Should a culvert be utilised for this crossing, backwater effects will need to be assessed. Consent conditions have been recommended which require additional modelling to be undertaken to ensure that such effects will be addressed appropriately. 	The Concept Plan refers to a 'culvert or a bridge'. The Environmental Assessment refers to the Buzz report undertaken in 2006 and refers to a single 30m span to cross Buttonderry Creek which was the preferred option and that it would not create any adverse impacts on flood behaviour
b. An exemption for 25% of each allotment for irrigation purposes is allowable however elsewhere in the applicants documentation it is stated rain tank water is to be included for allowance of irrigation.	<ul style="list-style-type: none"> Should the rain tank water not be irrigated (as it would be assumed that this 25% would be developed) then this associated tank volume will not be available for future 'airspace' and retention. 	See comments above.
c. It is noted that storages will be designed in accordance with Ecological Engineering's calculation shown in Table 5.2 and 5.7.	<ul style="list-style-type: none"> There is no mention of additional channel retardation forming storage that is required as shown in Ecological Engineering's table 5.10 – Retardation storage Design for WEZ Catchments. The proponent will need to clearly identify which parts of the development (within public and private areas within the industrial estate) are providing compensatory flood storage in order to ensure that all uses are flood compatible. 	<p>The concept design of the constructed wetland and stormwater storage systems was developed in accordance with Ecological Engineering's (EE) IWCMS (Nov 06) (i.e. Schematic Layout, Figure 5.8). Individual stormwater storages and constructed wetlands (EE subcatchments A; B; C1 and C2) were designed based on EEs 'Functional Design Element (Plans)' which includes retardation storage.</p> <p>Compensatory flood storage has been designed to be integrated with stormwater storages and constructed wetlands. Provision of compensatory storage (~20,000m³) is detailed in Sections 4.2 and 4.4 of DHIs 'WEZ Additional Flooding Assessment'.</p>

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d. B2 Stormwater Management	<ul style="list-style-type: none"> Management of stormwater in B2 channel is deemed to be not appropriate as overland flow is likely to affect proposed Lot 1 and potentially other lots adjacent to the road/overland floor path. The DHI letter (May 2007) indicates that this has been investigated however details of these investigations and outcomes/solutions have not been provided. 	Further investigations show that a suitable engineering solution is likely. The proposed detailed stormwater plan will address <i>"Piping of the B2 flowpath needs to be designed so that any residual overland flow up to and including the 1% AEP event can be safely conveyed through the proposed the development"</i> . Addressed in response to Council's proposed conditions.
e. Storage Modelling	<ul style="list-style-type: none"> The documentation doesn't indicate how flood storage areas have been modelled – inconsistencies exist between the two reports submitted within the documentation. 	Further to response to 3c above. The hydraulic model was adjusted to incorporate proposed compensatory storage into the downstream cross sections of B1, B3 and F2.
f. Flood reports within the provided documentation are ambiguous and have identified that the 1% AEP has been reduced by 500mm.	<ul style="list-style-type: none"> If this level is incorrect, this could pose serious risks to landowners and access to and from the site. Consent conditions have been recommended which require a revised flood model and analysis of the flood stormwater drainage for the total development site for all watercourses. It is recommended that the RTA be consulted about the impact of increased flooding behind the F3 – Freeway embankment. 	<p>Buzz Engineering reviewed the Matrix Plus Buttonderry Ck Flood Study (Nov 2005) and associated hydraulic model and found that informal detention upstream of Hue Hue Rd was not modelled. DHI extended the hydraulic model upstream of Hue Hue Rd to enable informal detention by the road to be correctly represented. This resulted in a significant reduction in predicted flood levels especially the 1% AEP.</p> <p>Extensive modelling has been completed to support the proposed development and throughout the process Wyong Council was involved in the DHI investigations and the 'WEZ Additional Flooding Assessment'. This flooding assessment was reviewed concurrently by WSC (Tom Wallace) and Buzz Engineering (Chris Puslednik) and was found to be robust by both parties. Further modelling has been completed to assess climate change scenarios, channel roughness and the inclusion of the Delahunty Lands at the northern extent.</p> <p>The RTA will be consulted. This has been included as a proposed condition of consent.</p>
4. Environment		
a. The proximity of this development site to Buttonderry Waste Centre	<ul style="list-style-type: none"> Council is concerned that odour issues may be of a nature which results in unsuitable working conditions. It is recommended that an odour study is undertaken for the site. 	Council officers at a meeting held on Dec 4, 2008, agreed to exclude this condition.
b. Biocertification and Environmental Offsets	<ul style="list-style-type: none"> A biocertification application has been developed for the entire WEZ (which includes the current proposal). The Department of 	The proposal has been designed in accordance to the draft strategy. The draft Statement of Commitments in the Preferred

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	Environment and Climate Change (DECC) has still not signed off on this. It is not only unclear but is a matter of great concern to Council that this proposal might not make a contribution towards the broader biodiversity offsetting strategy for the WEZ. Council staff have met with the proponent and have indicated that they will need to pay a proportional share for the entire WEZ (as would have been required by the WEZ Section 94 Contribution Plan). Council staff have indicated that an equivalent payment could be made through the Planning Agreement which is in the process of being negotiated with the proponent to ensure that no funding shortfall arises.	Project Report outlines the works and monetary payments proposed for the development.
c. Vegetation Management Plan needs to be consistent with WEZ Plan of Management. Additional requirements might also need to be introduced to satisfy any conditions for biocertification from DECC.	<ul style="list-style-type: none"> A draft Vegetation Management Plan has been prepared. There are a number of inconsistencies with Council's own WEZ Plan of Management for future conservation areas. Additional requirements may be required by DECC. A development consent condition has been recommended to ensure that Council has a sign off on this before construction comments. 	<p>A Vegetation Management Plan has been prepared for the site.</p> <p>The WEZ Plan of Management is for the Buttonderry Creek corridor, whilst the Vegetation Management Plan for the Warner Industrial Park covers the land that is subject to development only and excludes management for the riparian, public reserve and open space areas, which is covered in the separate management plan prepared by Council.</p>
d. The Urban Interface Area (UIA) and Edge Treatment requirements outlined in draft Wyong Shire DCP 2005 Chapter 66 – Subdivision are to be applied to all industrial zones adjoining conservation zones.	<ul style="list-style-type: none"> Appropriate consent conditions have been recommended to ensure that this policy is applied. 	<p>Refer previous section 1.e dot point 4. The Concept Plan has been prepared in accordance with the recommended plan for the Buttonderry Creek corridor as outlined in the DCP for the WEZ.</p> <p>Specific setbacks have been incorporated into the DDCP with respect to the conservation corridor. The environmental corridor will be subject to an environmental management plan under the proposed conditions of consent.</p>
e. Minimise impacts arising from IWCM facilities and infrastructure provision.	<ul style="list-style-type: none"> A number of consent conditions have been recommended to address these issues: <ul style="list-style-type: none"> Placement and construction of drainage, constructed wetlands and other IWCM infrastructure is to be sensitively located, designed and landscaped to enhance habitat values for threatened amphibians and mitigate identified key threatening processes (e.g. <i>Gambusia</i> and frog chytrid). Services such as water, sewer, power and telecommunications that are unavoidably required to be within the wildlife corridor are to be sensitively 	A detailed Environmental Management Plan for the Buttonderry corridor will be prepared as part of Construction Certificate documentation.

ISSUE	AGENCY RESPONSE	PROPONENT'S RESPONSE
	<p>placed so as to avoid, protect or retain known habitat features (e.g. hollow bearing trees, dams, drainage lines etc).</p> <ul style="list-style-type: none"> o All road crossing that traverse conservation land are to be designed by a suitably qualified Ecologist with features to assist with fauna movement and to reduce mortality (e.g. underpasses, landscaping, lighting issues, speed suppression, glide poles – as appropriate). o All necessary fire protection measures (asset protection zones, fuel free and fuel reduced zones) are to be contained within industrial zoned land. o Perimeter road access has been reduced from the earlier proposals. Greater effort should be made to increase the use of perimeter roads where development adjoins environmentally significant lands. 	
5. Traffic and Transport		
5.1 General		
a. Details of proposed road ownership have not been provided within the exhibition material, nor who will be approving the construction of these roads.	<ul style="list-style-type: none"> • There is a concern that if Council is not the Certifying Authority for the development, roads will be constructed in a manner which is inconsistent with Council's standard requirements. In addition, unusual site conditions or inappropriate fill materials may result in a change of requirements for pavement design and construction. • Council may use its powers under the Roads Act to deny the developer access from the existing local roads (i.e. Hue Hue Road and Sparks Road) if it is not involved with the approval process for the design and construction of the roads and intersections. 	<p>Clause 4.1 of the DDCP for Warner Industrial Park includes a control that the new intersections are to be implemented at the entry to Precinct 14 at Sparks road and Hue Hue Road as shown in Appendix 1 of the DCP and that roads and intersection works shall be designed and constructed to the requirements of the consent authority and the RTA if relevant.</p> <p>A condition of consent is included in agreement with Council in relation to the pavement requirements.</p>
b. Access is not prohibited to those lots fronting Hue Hue Road and Sparks Road	<ul style="list-style-type: none"> • Given the location of these roads, there will be development pressure for convenience related business such as petrol stations, etc. This creates traffic issues associated with left in left out traffic congestion. A consent condition has been recommended to prohibit direct access onto Sparks Road and Hue Hue Road. 	<p>Appropriate restrictions concerning access have been incorporated into the DDCP.</p>
c. The roads indicated on the concept plan are approximately 13m wide (excluding the road reserve).	<ul style="list-style-type: none"> • Council does not consider that the width of these roads will enable access for B-Doubles. 	<p>The road reserves and dimensions have been amended in discussion with Council and are agreed by Council as follows and as shown on the concept plan.</p>

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		Road No.	Road Reserve	Dimensions
		1	24m	4.5 – 14 – 5.5
		2	21m	4.5 – 13 – 3.5
		3 (Part)	19.5m	4.5 – 14 – 1.0
		3 (Part)	23m	4.5 – 14 – 4.5
		4	23m	4.5 – 14 – 4.5
		4 (Part)	19.5m	4.5 – 14 – 1.0
		5	21m	4.5 – 13 – 3.5
		6	21m	4.5 – 13 – 3.5
5.2 Public Transport				
a. Public Transport has not been provided within the proposed development area and is restricted to Hue Hue Road and Sparks Road. This is particularly important given the proximity of the site to the Warnervale Town Centre.	<ul style="list-style-type: none"> Bus servicing needs to be provided in accordance with the local bus company and Ministry of Transport (MOT) requirements. The applicant needs to provide a letter from the MOT and local bus company stating that it will agree to extend the current bus service to include the proposed development. Bus shelters need to be developed at the proponent's expense. A consent condition has been recommended for the provision of these shelters. 	<p>Roads within the development have been designed to cater for coach movements.</p> <p>Bus stops have been provided within the estate, in the vicinity of proposed lots 4 & 19 as detailed on the Concept Plan. It is envisaged that public busses will enter from Sparks Road, travelling north down proposed road no. 1, then exiting onto Hue Hue Rd via proposed road No. 5.</p>		
5.3 Management of External Traffic Impacts				
a. Intersection locations, design and construction	<ul style="list-style-type: none"> Council has additional requirements for the design, location and construction of the proposed intersections of Hue Hue Road and Sparks Road. Consent conditions have been recommended to address this issue. Consultation will also be required to be undertaken with the RTA in relation to these issues. 	The Proponent has consulted with the RTA. The Authorities requirements will be incorporated into final design plans prepared for the Construction Certificate		
5.4 Management of Internal Traffic Impacts				
a. Internal road widths, access, footpaths, speed control, intersections, uncoupling areas. b. Lot sizes for access and egress. c. Access to adjoining properties. d. No footpaths and cycleways have been shown (both internal/external to the precinct).	<ul style="list-style-type: none"> Council has identified that all pavements within the development must be capable of supporting B-doubles and B-Triples. The current proposal does not adequately address this issue. Access to adjoining properties has not been addressed as part of the proposal. The proposed minimum lot size of 2000m2 raises concerns that they may not be large enough to accommodate access and 	<p>Roads within the estate have been re-designed to accommodate B-triples.</p> <p>Access to all land within the Warner Industrial Park has been provided. Access to adjoining lands being the public reserves which is not part of this application is from the existing Kiar Ridge Road.</p> <p>Refer to Section 1.e dot point 5.</p>		

ISSUE	AGENCY RESPONSE	PROPONENT'S RESPONSE
	<p>egress in a forward direction, particularly by heavy vehicles.</p> <ul style="list-style-type: none"> Consent conditions have been recommended to address these issues. 	<p>Footpaths and cycleways have been shown on the Concept Plan (Environmental Assessment Appendix 2 – Concept Plan and Engineering Plans). A Revised plan has been prepared in response to matters discussed with Council and the proponent and is attached in Appendix 1 of the Preferred Project Report.</p>
6. Visual and Landscape Management		
<p>a. The Visual Analysis does not identify controls for reducing visual impact of the site from the F3 Freeway.</p> <p>b. Landscape Strategy</p> <p>c. Visual Impacts, Setbacks and Landscape Design</p>	<ul style="list-style-type: none"> The proponent will need to demonstrate that the landscaping strategy will effectively screen future industrial buildings at some locations. The vista of main concern is the F3 – Expressway. At this point the freeway is elevated above the natural ground level. Additional landscape screening may be required on Lots 47, 65-69, 101 and 120-121 to properly screen industrial buildings from being viewed along this major visual corridor. Additional controls should be identified within the DCP which identify requirement for development consent for large scale advertising and visually unappealing buildings (e.g. tin sheds) from being constructed where this will be visually significant. The character and perception of Wyong by visitors and locals will be impacted on by the clearing of vegetation for the development and visual character of the development. The WEZ DCP proposes the establishment of a 20 metre visual landscape buffer which must be embellished and transferred to Council to screen the industrial estate. The proponent is only providing a setback screen of 15 metres in width. 20 metre setbacks would be more appropriate and also align with the controls contained in the draft DCP for the WEZ. A condition has been recommended that the landscaping setback remains at 20 metres, this shall be required to be landscaped at an appropriate density to the satisfaction of Council. The ownership of the setbacks has not been identified within the exhibition documentation. This requires clarification. It is recommended that these areas be embellished and transferred 	<p>The development provides for a major vegetated buffer of approximately 60metres between the F3 and the closest lot. The closest buildings are likely to be approximately 100m from the F3 and will incorporate screen planting in accordance with the DDCP and Council's Landscape Policy.</p> <p>Controls are included in the DDCP for advertising and buildings.</p> <p>The site has previously been identified for industrial use and supporting employment generating developments. Appropriate landscaping, to Council's landscape policy is applied.</p> <p>Refer to previous Section 1.e dot point 5.</p> <p>As above.</p> <p>The dedication of land at no cost is unreasonable and not provided for in the Section 94 plan. Dedication of setbacks is also not required in other Council industrial DCPs and therefore disadvantages Warner Industrial Park.</p>

ISSUE	AGENCY RESPONSE	PROPONENT'S RESPONSE
	<p>to Council at no cost.</p> <ul style="list-style-type: none"> Note that a number of lots back onto the main roads with their attendant storage, parking and poor building presentation. To ensure that this development does not have a negative impact on the character and perception of Wyong, additional controls should be stipulated within the relevant DCP. 	<p>Direct access onto Sparks Road and Hue Hue Road is not permitted in accordance with Council's recommendations. Controls have been included in the DDCP for Warner Industrial Park to ensure that the visual presentation from these roads is considered see clauses 3.5, 3.6, 3.9, 3.12, 3.13, 4.3 of the DDCP and Appendix 1 Visual and Landscape Management Strategy.</p> <p>The DDCP provides adequate controls.</p>
d. Open Space	<ul style="list-style-type: none"> There is concern that the open space provided within the development does not provide enough social cohesion or support. The proposal for the public reserve at the rear of an unbroken line of industrial lots suggests dumping and misuse of the reserve will occur. The proponent needs to demonstrate how the edge of this reserve will be treated to protect its natural values. 	<p>The DDCP encourages staff amenities to be located facing public open space areas. Provision for walking trails has been made throughout the development. It should be noted that Council has made the comment that it wants lots adjoining the open space to be fenced.</p> <p>The DDCP provides provisions in relation to individual allotments addressing the open space areas.</p>
e. Movement	<ul style="list-style-type: none"> Safe movement to other areas and within the development area is critical to the take up of alternative transport access to the area from adjacent residential areas. 	<p>Provision for pedestrian pathways has been made throughout the development.</p>
f. Signage	<ul style="list-style-type: none"> An integrated signage strategy should be developed to control obtrusive visual material within the proposed industrial estate. Compliance with Council's DCP Chapter 50 – Advertising Signs will also be required. 	<p>The DDCP for Warner Industrial Park provides guidance for signage and also refers to Council's DCP Chapter for Advertising Signs for additional controls.</p>
g. IWCM Structures	<ul style="list-style-type: none"> IWCM structures and ponds need to be integrated with landscape treatment strategies over future public lands and parks. 	<p>Water quality and treatment facilities are incorporated on the concept plan.</p>
7. Lot Sizes and Land Use Mix		
a. A minimum allotment size of 2,000m2 has been provided for within the draft DCP	<ul style="list-style-type: none"> If this minimum lot size is endorsed, this should only be applicable to a proportion of the lots (e.g. 5% of the total number of allotments). Large numbers of small lot sizes will encourage non-industrial uses – such as office premises – and strata subdivision which will detract from the original intent of the area. This condition should be reflected in the planning agreement and 	<p>Refer to previous Section 1.e dot point 5.</p> <p>Further, Council does not restrict the amount of allotments on other industrial zone land within the LGA and therefore a restriction on this site will disadvantage the Industrial Park and does not allow the flexibility to meet future employment</p>

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	amended relevant DCP.	demands. The permissible land uses of the site are controlled through the SEPP and subject to approval. However, and additional clause has been included to minimise the number of allotments of 2000m ² .
b. The proposed land uses within the IN1 and E2 zones are broader than those currently proposed by the Standard Instrument.	<ul style="list-style-type: none"> Any inclusion of additional land uses within these zones will also be required to be adopted throughout Wyong Shire if this zone is utilised when Council prepares its Comprehensive LEP. As Council has just commenced work on this project, the implications of including these land uses within these zones are unknown at present. Land uses adopted should be consistent at least with those proposed for the remainder of the WEZ. Council has previously raised concerns about the wide range of permissible land uses allowable in the IN1 – Industrial zone. Particular concern was raised with the permissibility of neighbourhood shops and Council requested its removal from the land use table. It is not clear whether these concerns will be addressed (see Council's letter dated 18 March 2008 for further information). 	<p>Council does not have to include these land uses within the zones for its LEP as the LEP does not relate to this land as the SEPP (Major Projects) 2005 (Amendment No 21). Refer Clause 5 of the draft SEPP.</p> <p>Additional land uses are proposed to assist in increasing the employment opportunities in the area. The proposed land uses meet the objectives of the SEPP and this is detailed in the Preferred Project Report.</p>
c. The proposal needs to provide a mix of industrial lots sizes to cater for a mix of industries.	<ul style="list-style-type: none"> Lots 1 and Lots 10 – 13 must not be used for service stations or fast food outlets. This is because there is a need for high quality buildings and landscape controls in the south part of the estate which fronts Sparks Road. The size and scale of the 'ancillary support uses to reduce the need for workers to travel outside of the site for day to day convenience uses and services' needs to be clarified. 'Neighbourhood shops are identified as a proposed use. In terms of Council's Retail Strategy, this would not include and supermarkets and only a small convenience shop plus food and drink. They should not compete with any other centres in the Shire, especially Warnervale Town Centre. 	<p>Service station and fast food outlets are not permitted. Appropriate controls have been incorporated in the DDCP including building and landscape design.</p> <p>It is requested that the restriction of 80m² for neighbourhood shops is increased in the SEPP. Neighbourhood shops and support facilities are subject to separate application and approval by the consent authority and should be dealt with on a merits basis. The DDCP has been amended to include a limitation of 2000m² GFA for neighbourhood shops.</p>
8. Water, Sewer and Other Infrastructure		
a. Energy Australia identified that a 132kV/11kV substation is required for the development. This was prior to the addition of that land owned by LG Delahunty and Delcare Constructions Pty Ltd	<ul style="list-style-type: none"> The concept plan does not identify the location of this substation. It is also recommended that the size of this substation is upgraded to accommodate for those additional lots, if required by Energy Australia. 	Consultation was undertaken with Energy Australia (refer Appendix 11 of the Environmental Assessment). Energy Australia identified that a new 132kV/11kV zone substation will be required to meet the needs of the proposed 90 lot subdivision which includes the land owned by LG Delahunty and Delcare Constructions Pty Ltd.
b. Provision of water and sewer to the development	<ul style="list-style-type: none"> Council will need to provide water supply and sewerage services 	Noted. Covered by the conditions of consent and Statement of

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	<p>to this development. All works shall be completed in accordance with the draft Development Servicing Plan (DSP) for the WEZ.</p> <ul style="list-style-type: none"> • Council will be responsible for the construction of the 300mm water main along Sparks Road and the 200mm water main along Hue Hue Rd and terminate it as Kiar Ridge Road. • The developer will be required to connect to the 300mm main in Sparks Road and another connection to 200mm main in Hue Hue Road • Council will also provide sewerage infrastructure on the eastern side of the freeway and connect it to the existing Sewage Pumping Station C15 at the southern end of Jack Grant Avenue. The developer will be required to provide the connection from the development site to this Pumping Station. 	Commitments
c. The intersection to the development from Kiar Ridge Road has been removed from the Concept Plan.	<ul style="list-style-type: none"> • The proposed road network will enable water lines to be easily located along the road network to service the development. • This will need to be provided within the proposed drainage reserve. 	Noted. Covered by the conditions of consent and Statement of Commitments
9. Construction Impacts		
a. Estimated fill for the site has been identified to be 250,000m3. This equates to approximately 20,000 truck movements.	<ul style="list-style-type: none"> • This is anticipated to have a large impact on the residual life on Hue Hue and Sparks Road. • Contributions should be payable by the applicant for the loss of this residual life. Such contributions are to be specified in the Planning Agreement to be entered into by both Council and the Terrace Tower Group. • These contributions are also to cover the upgrading of Sparks Road to its classification as a higher mass road, given it is within 10km of a State Road. 	<p>Contributions are not payable for maintenance works.</p> <p>Contributions will be made under Section 94 and State Infrastructure Contribution – much of which is redirected towards Sparks Rd.</p>
b. The fill source for the development is currently unknown.	<ul style="list-style-type: none"> • Fill consisting of highly reactive clays will result in additional design and construction for road pavements. • Some fill may be sourced from Council's Buttonderry Waste Management Site. This however will be limited to 25,000m3 per calendar year as Council's licence does not extend to quarrying activities. <p>Haulage routes for fill and final levels need to be provided to properly assess the impacts associated with the proposal.</p>	<p>Noted.</p> <p>Filling will be subject to separate development approval at which time full details will be provided. The source of fill will be depending on timing of approval and intended commencement date of works.</p>
10. Section 94 Contributions and State Infrastructure Contributions (SIC)		
a. It is still unclear whether the SIC is applicable to this development.	<ul style="list-style-type: none"> • Council does support the imposition of the SIC on the WEZ and employment lands in general. Economic feasibility studies 	Noted.

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	conducted by Council indicate that the increased costs associated with the imposition of the SIC will significantly decrease the financial viability of the development. In order to encourage employment generation within the Shire, concessions should be made to the application of this levy.	Equally, the cost of Section 94 contributions has a financial impact on the development
b. The applicant has requested that the development be excluded from Council's Section 94 Contribution Plan and has requested that Council enter into a Voluntary Planning Agreement (VPA).	<ul style="list-style-type: none"> Council does not raise any objection to the development being excluded from Council's Section 94 Contribution Plan providing equivalent provisions are included in the VPA and Section 94 shortfalls are made up through direct payments to Council. No approvals by the Minister should be issued until such time that the VPA has been signed by both the applicant and Wyong Shire Council to properly resolve cost apportionment issues for the development. 	<p>The proponent is currently negotiating a VPA with Council.</p> <p>In the event that a VPA is not finalised, the proponent proposes it to be a condition of project approval (as adopted in other Part 3A applications)</p>
11. Additional Items		
a. Conditions relating to Project and Concept Approval	<ul style="list-style-type: none"> The opportunity for Council to review proposed conditions for the Project or Concept Approval of a Part 3A Project would be appreciated by Council. This will enable anomalies within the conditions being identified and allow rectification of resultant issues prior to the project being gazetted. In addition, this will assist Council in identifying potential administrative tasks prior to the gazettal, assisting in the smooth implementation of new provisions. 	Noted.
b. Provision of gazetted plans to Council.	<ul style="list-style-type: none"> Council requests that when a part 3A project is gazetted, Council is forwarded (with the formal notification) in electronic format a copy of any gazetted plans, including maps which alter zones, heritage provisions, permissible uses, etc. Such maps should be provided in both pdf and shape file formats to assist with the amendment of Council's GIS system. 	For Department of Planning.

Response to Wyong Shire Council's Proposed Conditions of Consent for Warner Industrial Park

Wyong Council's Proposed Condition of Consent	Comment
Prior to Project/Concept Approval	Council's proposed conditions 1-9 relate to the draft DCP. The Draft DCP has been amended to reflect some of Council's concerns, but conditions 1-9 should not form part of the Project Approval
1.	Not applicable. DDCP revised to reflect appropriate changes in discussion with Council and responses from the agencies.
Complying Development	
<ul style="list-style-type: none"> Incorporation of prescriptive development controls, including classifications and parameters for Complying Development; 	As above. The DDCP includes relevant controls for complying development.
<ul style="list-style-type: none"> Clarification and inclusion of standards applicable to development within the proposal area for issues such as (but not limited to) energy efficiency and other sustainability requirements, parking and signage; 	As above. The DDCP cross references to other DCPs for specific requirements. Is amended with respect to complying development to refer to site specific DCP
<ul style="list-style-type: none"> Incorporation of appropriate prescriptive design criteria for architectural design, building heights, setbacks, landscaping, building materials, floor space ratio (including tin sheds) etc; 	As above. Additional requirements added including the use of registered architect or appropriately experienced professional.
<ul style="list-style-type: none"> Inclusion of checking mechanisms to ensure industrial uses are being undertaken on site in accordance with complying development provisions; 	As above. The EP&A Act requires the accredited certifier to notify the Council of the determination of any complying development application. Council is the responsible authority for ensuring compliance with relevant instruments.
<ul style="list-style-type: none"> Consistency with Council's current Development Control Plan 2005: Chapter 86 – Complying Development; and 	As above. See comments in Appendix 2 of the Preferred Project Report.
<ul style="list-style-type: none"> Lots affected by bushfire prone vegetation should not be subject to complying development. 	As above. Complying Development meet the RFS requirements.
Site Boundaries	
<ul style="list-style-type: none"> Inclusion of additional controls to ensure undesirable adverse visual impacts from Hue Hue Road, Sparks Road and the F3 Freeway are avoided. Such controls are to provide prescriptive criteria (but not limited to) landscaping, setbacks, architectural design, fencing, cycleway widths, signage and building height. 	There are a number of controls proposed in the DCP to ensure undesirable adverse impacts are mitigated, including a significant vegetated buffer between the F3 & the site, and opportunity for individual development to meet Category 3 Landscape requirements. Additional controls have been added.
Design Criteria	
<ul style="list-style-type: none"> Increased building setbacks from Hue Hue and Sparks Road; 	Not agreed. This is dealt with later in submission responses. Setbacks in Warner Industrial Park are adequate. Future subdivision landscape works must comply with Category 3 treatment according to Council's Landscape Policy.
<ul style="list-style-type: none"> Development proposals seeking to creating small allotments (between 2000- 5000m2) are accompanied by a site masterplan detailing building siting, subdivision layout, integrated access, landscaping treatments and the like. 	The meeting held 4 December 2008 with Council and the Proponent, it was agreed that not more than 10% of the site (zoned area) would be subdivided into lots less than 2000m2. The proponent maintains the need for some smaller lots with a minimum lot size of 2000m2. This allotment size is consistent with Council's subdivision DCP. Future subdivision on individual allotments will ordinarily be subject to a separate development application.

Wyong Council's Proposed Condition of Consent	Comment
<ul style="list-style-type: none"> The applicant demonstrates to Council that 95% of industrial zoned land within Warner Industrial Park has retained allotment size of 5000m2 and greater. When this threshold has been exceeded no further small lot subdivision shall be permitted. 	Refer to comments above.
<ul style="list-style-type: none"> Strata subdivision; 	Agreed as per Council's normal standards
<ul style="list-style-type: none"> Loading bays; 	
<ul style="list-style-type: none"> Environmental controls (e.g. screening, Water Sensitive Urban design, landscaping, etc); 	<p>These have been incorporated as required under the WEZ and in the DDCP.</p> <p>Further controls within the site area will be provided in site specific plans;</p> <ul style="list-style-type: none"> Environmental Management Plan Vegetation Management Plan Buttonderry Creek Management Plan
<ul style="list-style-type: none"> Height controls; 	<p>The estate is intended to cater for industrial development, which by it's nature, may comprise large buildings. A maximum of 12m has been added for Complying Development.</p> <p>The locality has a maximum height limit set by the Obstacle Height Limitations applicable to Warnervale Airport</p> <p>It is noted that Council' recent consideration of Draft Chapter 36 – North Wyong Industrial Area, or other relevant DCPs do not impose a height restriction.</p>
<ul style="list-style-type: none"> Building design parameters, including energy efficiency and other sustainability requirements; 	Already included in DDCP an further requirements added as noted in this response.
<ul style="list-style-type: none"> Colours; 	Already included in DDCP.
<ul style="list-style-type: none"> Access and egress to individual lots; 	DDCP has been amended to incorporate Council's requirements.
<ul style="list-style-type: none"> Signage (including illuminated signage); 	Already included in DDCP.
<ul style="list-style-type: none"> Waste storage and waste management plan requirements; 	Clause included in DDCP in relation to Waste Management.
<ul style="list-style-type: none"> Safer by design principles; 	Safer by design principles are generally incorporated in other DCPs (refer Chapter Draft 36). The DDCP encourages the appropriate siting of offices, access, staff amenities to encourage passive surveillance and landscape treatment is in accordance with Council's Landscape Policy.
<ul style="list-style-type: none"> Landscaping species; and 	Already included in DDCP.
<ul style="list-style-type: none"> Referencing of AHD levels. 	DDCP has been amended to include Council's requirements
Visual Impact and Landscape Design	
<ul style="list-style-type: none"> Arrangement and orientation of peripheral uses to reduce demand for further clearing for commercial exposure; 	Addressed in DDCP
<ul style="list-style-type: none"> Provision of edge planting requirements which are of a scale to break down visual massing of industrial buildings; 	Addressed in DDCP. Also, Category 3 Landscape required for development within sensitive and visually prominent areas of the industrial park.
<ul style="list-style-type: none"> Screening of service and storage areas by combined fencing and massed plantings which are appropriate for long term and have low maintenance requirements; and 	Addressed in DDCP.
<ul style="list-style-type: none"> Use of locally occurring species, propagated from local seeds. 	This is addressed in the DDCP and Council's landscape policy.

Warner Industrial Park – WEZ

Wyong Shire Council

19 February 2009

Wyong Council's Proposed Condition of Consent	Comment
Open Space	
<ul style="list-style-type: none"> Passive surveillance to encourage use by workers; and 	Already included. DDCP encourages offices/staff room to face onto public areas and open space.
<ul style="list-style-type: none"> Design of WSUD devices to form a visual focal point in addition to addressing safety and visual quality as well as water treatment. 	Already included in DDCP.
2. Safe shared path connections are to be provided to public transport nodes and to major destinations within the development, such as food outlets.	<ul style="list-style-type: none"> Pathway connections are provided in accordance with Council's DCP and are shown on the Concept Plan in Appendix 1 of the Preferred Project Report. The design and location of major developments and food outlets is not known at this stage. Provision for public busses has been made in the subdivision design. Pathways have been incorporated into the road layout.
3. Any reserve within the development is to incorporate a shared path access from other parts of the estate. Shared paths crossing major roads are to use refuges to provide maximum safety to users.	To be incorporated where practicable
Integrated Water Cycle Management	
4. The Proponent is required to provide the Stormwater Discharge Pipeline (or contribute an amount towards, as agreed with Council) to dispose of treated stormwater from the development site to the disposal site at Wyong River.	Included in the Statement of Commitments and should be therefore be deleted .
5. This pipeline is to be of a size which will accommodate the projected stormwater flows from the WEZ, WTC and surrounding catchments.	Not applicable. Recommended that this condition be deleted .
6. Should funding for the provision of the Link Road become available prior to the construction of the pipeline along the F3 Freeway route, consideration is to be given to providing the Stormwater Discharge Pipeline at this location.	Not applicable. Recommended that this condition be deleted .
7. Additional controls are to be included (to the satisfaction of Council) within the relevant Development Control Plan and permissible uses schedule of the SEPP which enable management of contamination events on site and the prevention of these events resulting in pollution of stormwater entering the Stormwater Discharge Pipeline.	Additional Clauses added to DCP regarding pollution control.
8. Such controls are to include onsite detention, bunding of chemical storage areas, structural isolation of potential risks, prohibition of high risk developments, generator back ups, telemetry systems, diversion systems to sewer, multiple barriers, sluice gates, cut off etc).	See above. Recommended that this condition be deleted .
Odour Management	
9. Prior to Project or Concept Approval, an odour study is to be undertaken to the satisfaction of Council which identifies odour issues and management actions to alleviate these impacts, arising from the adjoining Buttonderry Waste Disposal Facility.	The meeting held on 4 December 2008, Council agreed to delete this condition.
Prior to Release of Construction Certificate:	
Certificates/Engineering Details	
10. A Construction Certificate is to be issued by the Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000. Works are to be designed and constructed in accordance	Agreed.

Wyong Council's Proposed Condition of Consent	Comment
with Council's Development Control Plan 2005 – Chapter 67 – Engineering Requirements for Development.	
11. A dilapidation report must be submitted to Council prior to issue of a Construction Certificate. The report must document and provide photographs that clearly depict any existing damage to the road pavement, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development and haulage route.	<p>This condition is to be deleted and addressed in amended condition 14.</p> <p>Proposed new condition 14 to include the requirements conditions of 13 and 14.</p> <p>It is premature to do so at this stage since the source of fill is unknown.</p>
Erosion and Sediment Control	
12. The control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways in accordance with the NSW Landcom Managing Urban Stormwater Soils and Construction, 2004 and Development Control Plan 200, Chapter 67 – Engineering Requirements for Development. The design plans must including the following requirements:	Agreed. A Soil and Stormwater Management Plan has been submitted. Refer Appendix 1 of the preferred Project Report. Dot points should be deleted as these requirements are covered
<ul style="list-style-type: none"> Sediment Retention Basins supporting the construction stages. Note: Calculations supporting capture rates, settling capacity and sediment storage shall be included within the plans. 	Dot point to be deleted – refer above.
<ul style="list-style-type: none"> Swales, diversion channels, pollutant traps, check dams and other structures shall be detailed and sized. 	Dot point to be deleted – refer above.
<ul style="list-style-type: none"> Collection and diversion of clean water through the construction zones. 	Dot point to be deleted – refer above.
<ul style="list-style-type: none"> Staging and sequence of works and controls within the site. 	Dot point to be deleted – refer above.
<ul style="list-style-type: none"> Maintenance schedules of all soil and water management systems. 	Dot point to be deleted – refer above.
<ul style="list-style-type: none"> Structural Engineer's Certification of all constructed basins stating structural stability for all storm events up to and including the 100 year ARI storm event. 	Dot point to be deleted – refer above.
<ul style="list-style-type: none"> The design plans, supporting calculations and details shall be approved by Council prior to issue of the Construction Certificate 	Dot point to be deleted – refer above.
Filling and Haulage	
13. The submission to and approval by Council of details for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site. Documentation regarding haulage routes, spoil destination, and fill source shall be submitted to Council/RTA prior to the commencement of works within the site. A Geotechnical analysis of all imported filling materials shall be submitted to Council for assessment and approval prior to the commencement of site works. The fill material shall be Class 1 (VENM – Virgin excavated natural material) as certified by a practising Geotechnical Engineer prior to haulage to site. The certification documentation shall be submitted to Council throughout the construction phase of the subdivision works.	<p>Delete. Refer amended condition 14.</p> <p>A report will be prepared on filling and the proposed haulage route as part of CC documentation. It is premature to do so at this stage since the source of fill is unknown.</p>
14. The approved haulage route road pavements shall be tested by a practising Geotechnical Engineering Consultant in accordance with Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and Austroads guidelines. The testing results shall be presented in a	<p>Amended condition to read;</p> <p><i>Prior to the issue of any Construction Certificate,</i></p>

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Geotechnical Engineering Report including the following requirements:	<p>~ the submission to Council and approval, of details of the source of fill, heavy construction materials and proposed delivery routes.</p> <p>~ The making good, to the satisfaction of Council, or payment of any costs incurred by Council in making good, any pavement damage or structural deterioration caused to Council's roads by the use of such roads as haulage routes for materials used in construction or the operation of the approved development.</p> <p><i>This information shall be in the form of a report by a qualified Geotechnical Engineer.</i></p> <p>The sources(s) of fill may vary during the course of the earthworks.</p> <p>Note comment from Douglas Partners:- "It should be noted that accurate determination of the relative effect or contribution of the construction traffic in comparison to non-construction traffic of the dilapidation observed during the construction period is not possible."</p> <p>It is noted that Council has provided conditions in relation to the Woolworths Distribution Centre and it is recommended that these conditions form the basis for conditions here, together with a geotechnical report for the haulage route</p>
• Dilapidation Report of effected pavements.	Dot point to be deleted – refer above.
• Comprehensive rehabilitation program for all effected haulage route pavements.	Dot point to be deleted – refer above.
• Estimate of costs for rehabilitation works. Note: A Bank Guarantee/Bond lodged with the Council will be necessary for 125% of estimated costs as agreed by Council of the rehabilitation works prior to the issue of any Construction Certificate.	<p>The proponent objects to the lodgement of a bank guarantee for 125% of estimated costs.</p> <p>The proponent will be responsible for repairing any damage to the haulage route caused by importing fill and Council has the final approval of the works.</p>
	<p>New condition: Stockpiling</p> <p>The Applicant has raised with Council the possibility of securing additional fill early in the construction phase. Provision has been made on the Soil and Stormwater Management Plan EA08 Rev D for stockpiling.</p> <p>A new condition should read;</p> <p><i>The stockpiling of fill in the locations detailed on the plan titled Soil and Stormwater Management Plan EA08 Rev D. Works shall be undertaken in accordance with the Construction Management Plan, including placement of appropriate Erosion & sediment controls.</i></p>

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Roads	
15. Separate approval from Council as the Roads Authority must be obtained under Section of the Roads Act 1993 prior to the issue of any Construction Certificate which includes any works within a Council road reserve. For any such works, design plans must be submitted to and approved by Council prior to issue of the Construction Certificate.	Agreed, but condition is redundant so should be deleted .
16. The provision of a plan of management for any works for the development that impact on any public roads and public land for the construction phase of the development, prior to issue of the Construction Certificate. This plan must be certified by a suitably qualified person prior to issue of the Construction Certificate. All works must be conducted in accordance with this plan. The plan is to include a Traffic Management Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over public areas.	Not Agreed. This is too general and is covered by amended condition 14. All external works will be subject to CC documentation. Condition should be deleted .
17. Access to Hue Hue Road and Sparks Road, with the exception of the two intersections shown on the Concept Plan, EA01, Revision F, is denied.	Not applicable. DDCP denies access. Duplicated by Council condition 85. Condition is redundant and should be deleted .
18. No direct access shall be allowed for any allotment fronting Sparks Road or Hue Hue Road.	Not applicable. As above. Condition is redundant and should be deleted .
19. Construction of the intersections shown on the Concept Plan, EA01, Revision F on Sparks Road and Hue Hue Road are to be at full cost to the developer.	Agreed, but amended condition to read "the Concept Plan, EA01, Revision I".
20. The construction, location and design of the Sparks Road/Road No 1 Roundabout intersection and approaches with the following requirements:	Agreed. At a meeting held with Council on Dec 4, it was agreed that the Sparks Rd/ Road No. 1 intersection would be in the form of a roundabout. Dot points below should be deleted since RTA/Council approval of the design is required.
<ul style="list-style-type: none"> The design shall be supported by a SIDRA model analysis of the Freeway/Sparks ramp intersection using post-development traffic volumes. 	Not applicable. Additional modelling has been undertaken for the roundabout at the Sparks Road/Road No 1 intersection. Refer Appendix 15 of the Preferred Project Report. Dot point should be deleted since RTA/Council approval required
<ul style="list-style-type: none"> Any impacts as identified by the RTA shall be mitigated by the provision of any RTA requested works. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> The submission of a Road Safety Audit with any recommendations to be carried out subject to the approval of Council. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> The provision of a steel fibre reinforced concrete (SFRC) rigid pavement of sufficient capacity to accommodate expected loads including an allowance for reactive subgrade materials. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> The roundabout geometry shall accommodate all vehicles up to and including B-triples maintaining land/direction discipline 	Agreed, but dot point should be deleted since RTA approval required.
<ul style="list-style-type: none"> Signage, linemarking and traffic facilities shall be provided in accordance with Councils/RTA requirements. Note: Traffic Committee approval of these works will be required. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> Service utility relocation and adjustment shall be undertaken to the relevant authority's requirements. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> Street lighting in accordance AS 1158. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> Roadside landscaping. Note: Estate Advertising/Direction signage requires separate Development Application approval. 	Agreed, but dot point should be deleted since RTA/Council approval required.

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<ul style="list-style-type: none"> Pavement design axle loading is to be 3 x 10⁷ with provision for HML for all vehicles up to and including B-Triples. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> The design shall be prepared in accordance Council's Development Control Plan No 67 – Engineering Requirements for Development. The design plans must be approved by Council prior to the issue of a Construction Certificate. 	Agreed, but dot point should be deleted since RTA/Council approval required.
21. The construction of the Hue Hue Road No 5 intersection and approaches in accordance with the following requirements:	Amended condition to read Construction of a sea gull treatment channelized CH intersection at the intersection of Hue Hue Road & Road No. 5 the design to be approved by Council prior to issue of Construction Certificate. Note dot points should be deleted because council must approve the design.
<ul style="list-style-type: none"> The design shall be a full "Seagull" treatment channelized CH intersection with left turn provision. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> The submission of a Road Safety Audit with any recommendations to be carried out subject to the approval of Council. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> The intersection shall accommodate all vehicles up to and including B-triples maintaining land/direction discipline and provide for "safe Intersection Sight Distance" (SISD). 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> Signage, linemarking and traffic facilities shall be provide in accordance with Councils/RTA requirements. Note: Traffic Committee approval of these works will be required. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> Service utility relocation and adjustment shall be undertaken to the relevant authority's requirements. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> Street lighting in accordance AS 1158. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> Roadside landscaping. Note: Estate Advertising/Direction signage requires separate Development Application approval. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> Pavement design axle loading is to be 3 x 10⁷ with provision for HML for all vehicles up to and including B-Triples. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> Internal roundabout to be SFRC. 	Agreed, but dot point should be deleted since RTA/Council approval required.
<ul style="list-style-type: none"> The design shall be prepared in accordance Council's Development Control Plan No 67 – Engineering Requirements for Development. The design plans must be approved by Council prior to the issue of a Construction Certificate. 	Agreed but delete . Addressed at Condition 10
22. Safety barriers shall be provided along Hue Hue Road/Road No 5 and Kiar Ridge Road adjacent all excavated buffer slopes and where hazards generate warrants for safety barriers.	Agreed.
23. Road No 5 is to be designed to reduce approach grades from Hue Hue Road and any other roads to a maximum of 3% into and through the roundabout.	Condition should be deleted as is covered by Condition 10.
24. The construction of Roads Nos 1, 4 and 5 in accordance with the following design requirements:	<p>Concept plan has been amended in consultation with Council to reflect the standards proposed by Council. Council will need to approval the final design. Condition 10 also provides design standards.</p> <p>Amended condition to read;</p>

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	<i>Internal roads to be constructed in accordance with the Concept Plan EA01, revisions 1.</i>
<ul style="list-style-type: none"> Road Reserve width 24.0 metres with a 14.0m minimum width carriageway and a shared 2.5m wide footpath cycleway to one side. Note: the shared footway shall connect to Hue Hue and Sparks Road and be extended along Sparks Road to Burnett Road. 	As above. Dot point should be deleted .
<ul style="list-style-type: none"> B-Double/Triple uncoupling and temporary storage suitable for a minimum of two trucks are to be provided at the southern end of Road No 1 and within Road No 5 in close proximity to the intersection of Roads No 1 & 4. 	As above. Dot point should be deleted .
<ul style="list-style-type: none"> The intersection of Roads Nos 1, 4 & 5 shall be designed as a roundabout with sufficient area to accommodate B-Doubles/Triples movements. The roundabout is to have a SFRC pavement. 	As above. Dot point should be deleted .
<ul style="list-style-type: none"> Pavement design axle loading is to be 3 x 10⁷ ESA with provision for HML for all vehicles up to and including B-Triples. 	Not Agreed. Refer Condition 20. This will be resolved in the approved design. Dot point should be deleted .
<ul style="list-style-type: none"> Signage, linemarking and traffic facilities shall be provided in accordance with Council's requirements. 	Agreed. Dot point should be deleted .
<ul style="list-style-type: none"> The Road No. 1 Bridge shall be designed with a minimum 30.0 clear span in accordance with AS 5100. Note: design and construction certification shall be undertaken by a suitably qualified Structural Engineer in accordance with AS 5100 having regard to expected loads from B-Triples with HML provision including the appropriate safety factor. The design shall also include adequate provision for pedestrian and cyclists. 	<p>Not Agreed. The Applicant agrees to a 30m bridge span, but not 'clear span' which has significant cost implications. Final span to be determined with further modelling. Modelling of a 20m span has previously demonstrated adequate hydraulic performance.</p> <p>Amended condition should read;</p> <p><i>The Road No. 1 Bridge shall be designed with a minimum 30.0 span in accordance with AS 5100. Note: design and construction certification shall be undertaken by a suitably qualified Structural Engineer in accordance with AS 5100 having regard to expected loads from B-Triples with HML provision including the appropriate safety factor. The design shall also include adequate provision for pedestrian and cyclists.</i></p>
<ul style="list-style-type: none"> Street lighting in accordance AS 1158. 	Agreed. Dot point should be deleted . Council must approved design and is also addressed at condition 10.
<ul style="list-style-type: none"> Roadside landscaping. 	Agreed. Dot point should be deleted . Council must approved design and is also addressed at condition 10
<ul style="list-style-type: none"> The design shall be prepared in accordance Council's Development Control Plan No 67 – Engineering Requirements for Development. The design plans must be approved by Council prior to the issue of a Construction Certificate. 	Dot point should be deleted . Addressed at condition 10.
25. The construction of Roads Nos 2, 3 & 6 in accordance with the following design requirements:	Condition Not applicable. Addressed in condition amended 24 above. Condition should be deleted .
<ul style="list-style-type: none"> Road No 2 & 6 shall have a road reserve width of 21.0 m, a 13.0m minimum width carriageway and a 1.2m wide footpath to one side. Note: the Road No 2 cul-de-sac shall 	As above.

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have a minimum 30.m kerb line diameter.	
<ul style="list-style-type: none"> Pavement design axle loading is to be 3 x 10⁷ with provision for HML for all vehicles up to and including B-Triples. 	As above.
<ul style="list-style-type: none"> Road No 3 shall have a road reserve width of 23.0m, a 14.0m minimum carriageway and a 1.2m footway to one side. 	As above.
<ul style="list-style-type: none"> Street lighting in accordance AS 1158. 	As above.
<ul style="list-style-type: none"> Roadside landscaping. 	As above.
<ul style="list-style-type: none"> The design shall be prepared in accordance Council's Development Control Plan No 67 – Engineering Requirements for Development. The design plans must be approved by Council prior to the issue of a Construction Certificate. 	As above.
26. The provision at no cost to Council of concrete footpaving (one side only) to all roads within the subdivision in accordance with Council's Development Control Plan 2005 Chapter No 66 – Subdivision and Chapter No. 67 – Engineering requirements for development. The design plans must be approved by Council prior to issue of the Construction Certificate.	<p>Agreed. However the condition should be simplified because standards are addressed by Condition 10 and the concept Plan.</p> <p>Amended condition to read;</p> <p><i>"The provision of concrete footpaving in accordance with the Concept Plan"</i></p>
27. All intersections and roads are to cater for B-Doubles and B-Triples with the vehicles maintaining land/direction discipline, i.e. not crossing the centre line. This is to be with vehicles parked adjacent to the kerb.	Agreed, but should be deleted . Addressed at condition 24. The amended concept plan accommodated B triples
28. Road widening is to be provided to allow for the maintenance of land discipline on all curves in accordance with the provisions of Council's Development Control Plan 2005, Chapter No 67 Engineering Requirements for Development and Chapter No 66 – Subdivision.	Agreed, but should be deleted . Addressed at condition 24. The amended concept plan accommodated B triples
29. Unless specified elsewhere in these conditions, road and verge widths and location of accesses are to be provided in accordance with Council's Development Control Plan 2005, Chapter No 67 Engineering Requirements for Development and Chapter No 66 – Subdivision.	Agreed, but should be deleted . Addressed at condition 10 and 24. The amended concept plan accommodated B triples
30. The provision of additional civil works necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the development, at no cost to Council. Design plans are to be approved by Council prior to issue of the Construction Certificate.	Agreed, but should be deleted . Addressed at condition 10 and 24. The amended concept plan accommodated B triples
31. All roads within the subdivision are to be a rigid concrete pavement due to the high traffic loads, high torsional loads and highly reactive subgrade conditions. The design shall be prepared in accordance Council's Development Control Plan 2005, Chapter No 67 Engineering Requirements for Development and Chapter No 66 – Subdivision.	<p>The meeting held on 4 December 2008, Council officers agreed not to require rigid concrete pavement throughout the estate and will consider design standards applied to other industrial subdivisions. The road design is subject to Council approval in any event.</p> <p>The amended condition should read;</p> <p><i>"All roads within the subdivision are to be a minimum heavily bound pavement with a 100mm thick polymer modified wearing surface. The following is to be adequately considered and included in a pavement design commentary.</i></p> <p><i>· 10 day soak CBR on the subgrade and any select fill.</i></p>

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	<ul style="list-style-type: none"> · <i>Plasticity index and shrink swell index testing for the anticipated subgrade.</i> · <i>Methods for mitigating any shrink swell impacts resulting from reactive subgrade.</i> · <i>Sub-pavement drainage treatments.</i> · <i>The submission of output files from the "Circly" design."</i>
32. Unless specified elsewhere in these conditions, all roads and intersections are to be consistent with the recommendations contained in the traffic studies completed and approved by Council as part of the Wyong Employment Zone Project (see Draft Wong Employment Zone Development Control Plan for detailed requirements).	Agreed, but should be deleted . Addressed at condition 10 and 24.
33. All lots are to provide sufficient on-site space for the manoeuvring of delivery vehicles to ensure that they enter and depart the property in a forward manner without conflicting with pedestrian movements and other vehicles parking.	Conditions address on site manoeuvring of vehicles is addressed in the DDCP and should be deleted .
34. Land is to be dedicated to permit a legal and property access road connection to the adjoining properties to the east (Lot 9 DP 239704 and Lot 5 DP 2595310. If the roads within the development are not public road than a legal Right of Way (ROW) to Lot 9 DP 239704 and Lot 5 DP 2595310 is to be provided.	Roads will be public roads and dedicated to Council. This condition is therefore unnecessary and should be deleted .
Public Transport	
35. Bus servicing needs to be provided in accordance with the local bus company and Ministry of Transport (MOT) requirements. Adequate and proper bus service facilities, including "U" turn provisions are to be provided.	This condition should be deleted and replaced with an amended condition 36.
36. The applicant is to submit a plan to Council of proposed bus stop locations in accordance with the final bus route for approval by the Local Traffic Committee. Bus shelters are also required at these locations at full cost to the developer.	<p>An amended condition should read;</p> <p><i>Should a bus service be provided through the development, the applicant is to submit a plan to Council of proposed bus stop locations in accordance with the final bus route for approval by the Local Traffic Committee. Adequate and proper bus service requirements, including "u" turn provisions are to be provided in accordance with MOT requirements. Bus shelters are also required at these locations at full cost to the developer.</i></p>
Subdivision Works	
37. This consent does not provide for staging of the development. Any staging will require a separate approval or an amendment to this approval by the Minister of Planning.	<p>The amended concept plan shows staging reflecting the land ownership and conditions relating to payments are included in the draft Statement of Commitments and the VPA. This condition should be amended to read;</p> <p><i>The proposal shall be carried out in those stages identified in the Preferred Project Report and Concept Plan (EA01, Revision I), as outline below;</i></p> <p>Stage 1 will comprise all land owned by Warner Business Park Pty Ltd (ref Fig. 3 Environmental Assessment, 2008), being an area of approximately 86.5 hectares. Works will include:</p>

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	<ul style="list-style-type: none"> • <i>earthworks and regrading,</i> • <i>construction of the main intersections at Sparks and Hue Hue Roads,</i> • <i>construction of internal Roads No. 1 – 5 and bridge over Buttonderry Creek,</i> • <i>provision of necessary infrastructure to service lots 1-69,</i> • <i>Buttonderry Creek restoration and rehabilitation works,</i> • <i>provision of stormwater storage and wetland areas located on this landholding, and</i> • <i>construction of open channel adjacent to Road No. 4.</i> <p><i>Stage 2 will compromise land owned by Delcare Constructions and LG Delahunty, being an area of approximately 17.66 hectares. Works will include:</i></p> <ul style="list-style-type: none"> • <i>earthworks and regrading,</i> • <i>construction of internal Road No. 6</i> • <i>provision of necessary infrastructure to service lots 101 - 121, and</i> • <i>provision of stormwater storage and wetland areas located on these landholdings.</i>
<p>38. The design and construction of all subdivision works in accordance with Council's Development Control Plan 2005, Chapter No 67 Engineering Requirements for Development, which are prescribed at the time of commencement of engineering works. The design plans, including an overlay of the vegetation plan identifying trees to be retained as per the approved development plans, and any trees to be removed must be approved by Council prior to issue of the construction certificate.</p>	<p>Not Agreed. This condition should be deleted. The Vegetation Management Plan, Appendix 4 of the EA outlines how vegetation is to be removed. Condition 10 provides general requirements and proposed new condition 49 deals with the conservation areas.</p>
<p>Flood Design & Drainage</p>	
<p>39. The submission of detailed designs and the preparation and submission of a revised flood model and analysis of the flood stormwater drainage for the total development site for all watercourses.</p>	<p>Agreed in principle. Condition should be expanded to simplify council's proposed conditions.</p> <p>Extensive hydrology and hydraulic modelling has been completed for the concept design. A consolidated 'Flooding and Stormwater' summary report can be prepared to summarise the results of a range of flooding investigations. A final detailed flood model (hydraulic) will be required as part of detailed design. This model will allow further assessment of design storm events and the resulting peak flowrates, flood levels and average peak velocities.</p> <p>Amended condition to read;</p> <p><i>The submission of a revised flood model and detailed designs for the stormwater drainage as part of the detailed engineering design. The submission shall include;</i></p> <ul style="list-style-type: none"> ~ <i>details and sizing of constructed wetlands and detention areas and channels including the Buttonderry Creek flood plain, channel B1 and channel F2,</i> ~ <i>Revised flood modelling based on the final fill levels; Risk assessment for major drainage</i>

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	<p><i>structures including the F3 (in consultation with the RTA) and Buttonderry Creek Bridge crossing.</i></p> <ul style="list-style-type: none"> <i>~ The need (if any) for additional debris control around inlets to F3,</i> <i>~ condition of Hue Hue Rd and any overtopping during 1:100 ARI, or works than may need to be undertaken to ensure the integrity of the batter,</i> <i>~ capture of stormwater entering the site from Kiar Ridge Road;</i> <i>~ the requirements of Water Sensitive Urban Design Solutions for Catchments above Wellands, Ma 2007, Hunter & Central Coast Regional Environmental Management Strategy and EEs IWCM Strategy WEZ (Nov 06), including the submission of further modelling to demonstrate the compliance of water quality objectives of Council's policies.</i> <p><i>The above take into account the additional modelling by DHI with respect to climate change (Appendix 16) of the Preferred Project Report.</i></p>
40. Precinct based storage shall be comprised of channel forming retardation storage and active storage.	<p>[Refer comments to 3(c)]</p> <p>This condition is now incorporated into amend condition 39 and should be deleted.</p> <p>The concept design of the constructed wetland and stormwater storage systems was developed in accordance with Ecological Engineering's (EE) IWCMs (Nov 06) (i.e. Schematic Layout, Figure 5.8). Individual stormwater storages and constructed wetlands (EE subcatchments A; B; C1 and C2) were designed based on EEs 'Functional Design Element (Plans)' which includes retardation storage.</p> <p>Compensatory flood storage has been designed to be integrated with stormwater storages and constructed wetlands. Provision of compensatory storage (~20,000m³) is detailed in Sections 4.2 and 4.4 of DHIs 'WEZ Additional Flooding Assessment'.</p>
41. The channel forming retardation storage may allow to drain over a longer period, however this storage shall not be used to store water that will be pumped to Wyong River.	This condition is now incorporated into amended condition 39 and should be deleted .
42. Additional channel retardation forming storage is to be provided in accordance with Ecological Engineering's table 5.10 – Retardation storage Design for Wong Employment Zone Catchments.	Refer to response above. This condition is now incorporated into amended condition 39 and should be deleted .
43. Constructed wetland systems shall be sized at 4% of the catchment area as a preliminary estimate however the required inlet zone shall be in addition to this area.	<p>This condition is now incorporated into amended condition 39 and should be deleted.</p> <p>The decision to delete this requirement was further reinforced by Council officers at the meeting on 4 December 2008. This matter is also addressed at Condition 51.</p>
Buttonderry Creek Flood Plain including B1 South	

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44. The submission of detailed designs and preparation and submission of a revised flood model and analysis of the main watercourse. The model shall determine the post subdivision development flood way for all storm events up to and including the 100 year ARI event. The model shall include the following design parameters:	This condition is now incorporated into amend condition 39 and should be deleted , including the dot points below.
<ul style="list-style-type: none"> Stabilising of the existing natural low flow zone to accommodate the 1.5 year ARI storm event. 	This is generally agreed, and is now incorporated into amend condition 39 and should be deleted .
<ul style="list-style-type: none"> Road No. 1 Bridge Crossing to have a minimum 30.0 metre clear span with consideration of bridge pylons and abutments to the back water and scour effects and appropriate mitigating treatments. A minimum free board of 0.50m to the underside of the superstructure during the 100 year ARI storm event. 	<p>The Applicant agrees to a 30m bridge span, but not 'clear span'. Final span to be determined with further modelling. Modelling of a 20m span has previously demonstrated adequate hydraulic performance. (See also Cond 24(6))</p> <p>This dot point is now incorporated into amend condition 39 and should be deleted. This is also partly addressed in condition 24.</p>
<ul style="list-style-type: none"> The augmentation of the existing culvert crossings to accommodate the 100 ARI storm event under Hue Hue and Sparks Road. 	<p>Council proposed new condition 44a by email on December 16 2008, requiring integrity testing of Hue Hue Road and to assess the downstream impacts in the event of road/embankment failure. The potential flood impacts have been addressed in Section 3 of the Preferred Project Report and Attachment 18 prepared by Trehu Ingold Neate.</p> <p>This dot point is now incorporated into amend condition 39 and should be deleted.</p>
<ul style="list-style-type: none"> The provision of scour protection in accordance with Austroads Waterway Design "A guide to the Hydraulic Design of Bridges, Culverts and Floodways" for all elements of the bridge structure. 	<p>A final detailed flood model as part of detailed design will quantify peak flow velocities and establish design parameters for the inclusion of scour protection to be designed.</p> <p>This dot point is now incorporated into amend condition 39 and should be deleted.</p>
<ul style="list-style-type: none"> Blockage factor 50% to culverts under F3 (freeway) or as otherwise agreed and approved by the RTA. 	<p>Additional modelling undertaken in respect to Climate Change addresses different storm frequencies (Section 3 and Appendix 16 of Preferred Project Report) This is a matter for resolution between the proponent and the RTA as part of detailed modelling during preparation of construction certificate.</p> <p>The condition should read;</p> <ul style="list-style-type: none"> <i>During the detailed design and prior to the issues of a construction certificate, the applicant shall consult with the RTA regarding the flood modelling and drainage design with respect to any impacts on the operation of the functioning of the culverts under the F3.</i> <p>Council subsequently agreed to this condition.</p> <p>Further discussions with Council and the RTA (phone conversation Feb 18, 2009) it was agreed that the blockage factor would be determined in consultation with the RTA as part of the revised</p>

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	flood modelling. This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> There is no increase in flood levels or impacts on adjoining upstream or downstream properties. 	Detailed hydraulic modelling by DHI and the results presented in their report 'WEZ Additional Flooding Assessment' (Nov 06) predict minor changes in flood levels on adjoining upstream and downstream properties. Further discussions with the RTA are planned to discuss predicted flood levels at the Freeway Embankment. This dot point is now incorporated into amend condition 39 and should be deleted .
<ul style="list-style-type: none"> Inclusion of Constructed Wetlands (Retention/Detention Basins) within the flood plain. 	Detailed hydraulic modelling includes adjusted cross sections to represent the inclusion of sedimentation basins, constructed wetlands and stormwater storages. Any revisions to the proposed development layout will require updating of the final detailed flood model (hydraulic) as part of detailed design. This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> Design and modelling details to be submitted to Council/RTA for approval prior to issue of the Construction Certificate. 	During the detailed design a final detailed flood model (hydraulic) will be completed as part of detailed design. This dot point is now incorporated into amended condition 39 and should be deleted .
<p>New condition 44a</p> <p>The submission of a Report after an investigation and testing for the adequacy on the extent of the existing Hue Hue Road, road formation and drainage structures within the area acting as a detention basin for Buttonderry Creek. The report is to cover all aspects of the adequacy of all elements within the identified zone with a commentary specifying all assumptions together with recommendations of all necessary works which are to be carried out by the Developer. Details are to include any protection measures necessary to ensure the lots adjacent to the Buttonderry Creek corridor or Hue Hue Road are not inundated should the Hue Hue Road culverts block in part or full. Design plans are to be submitted to Council for approval under the Roads Act for works within Hue Hue Road prior to issue of the Construction Certificate or as part of the Construction Certificate for works within the site. Note, no lot protection works are permitted within the Hue Hue Road reserve.</p>	This condition is now incorporated into amended condition 39 and should be deleted .
45. The natural wetting and drying cycles within the Porters Creek wetland are to be preserved and maintain groundwater recharge. A design/management strategy is to be prepared in accordance with: Water Sensitive Urban Design Solutions for Catchments above Wetlands, Ma 2007, Hunter & Central Coast Regional Environmental Management Strategy and Development Control Plan No 2005 Chapter 67 Engineering Requirements for Development prior to issue of the Construction Certificate.	The proposed development has been designed in accordance with EEs IWCM Strategy WEZ (Nov 06). Chapter 4 and Table 4.1 of this strategy. The design will afford adequate protection to sensitive receiving aquatic ecosystems especially Porters Ck Wetland. This condition is now incorporated into amended condition 39 and should be deleted .
F2 Channel	
46. The submission of detail designs and the preparation and submission of a flood model and analysis of a proposed channel. The model shall determine the post subdivision development flow for all storms up to and including the 100 year ARI storm event. The analysis shall include the following design parameters:	This condition is now incorporated into amended condition 39 and should be deleted . DHI model adopted an 'n' value of 0.06. This has been agreed in subsequent discussions with Council.
<ul style="list-style-type: none"> The channel shall be designed as a natural channel generally in accordance with the Brisbane City Council Guidelines for "Natural Channel Design". 	This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> A mannings roughness co-efficient "n" value of 0.08 for the central low flow zone and an "n" 	Not Agreed. During the meeting with WSC on 31 October 2008 it was agreed that an overall

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value of 0.12 for the remaining channel section.	roughness for the F2 channel is 0.06. This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> Blockage factor 50% to culverts under F3 (Freeway) or as otherwise agreed and approved by the RTA. 	See comments Condition 44, <i>Dot Point No. 5</i> . This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> Collection and discharge of all stormwater flows discharging from Kiar Ridge Road into the main channel. 	<p>This condition relates to lots 110/111 as clarified by Council officers at a meeting on Dec, 2008.</p> <p>Major flows from beneath Kiar Ridge Road have been accounted for in DHIs hydraulic model and flows from beneath Kiar Ridge Rd will be captured at the upstream end of the formed channel F2 and conveyed within this channel. Minor stormwater flows along the southern edge of Kiar Ridge Rd and adjacent to the proposed development will be catered for as part of the detailed design in accordance with Council's Engineering requirements. This dot point is now incorporated into amended condition 39 and should be deleted.</p>
<ul style="list-style-type: none"> The channel shall be designed to facilitate low maintenance of all aquatic and vegetative systems within the channel base and riparian zones. 	Agreed. This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> The design shall be prepared in accordance with Council's Development Control Plan 2005, Chapter No 67 Engineering Requirements for Development. The design plans must be approved by Council/RTA prior to the issue of a Construction Certificate. 	Agreed. This dot point is now incorporated into amended condition 39 and should be deleted .
B2 Channel	
47. The submission of detail designs and the preparation and submission of a drainage analysis of a proposed channel. The analysis shall determine the post subdivision development flow for all storms up to and including the 100 year ARI storm event. The analysis shall include the following design parameters:	This condition is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> Collection, conveyance and discharge of all generate upstream stormwater flows from the two upstream catchments crossing (Hue Hue Road & Sparks Road). 	The existing " <i>ill-defined</i> " channel is proposed to be replaced by a culvert for minor flows combined with a formalised overland flow path. This system will safely convey design flows up to and including the 1% AEP event.
<ul style="list-style-type: none"> The proposed system is to be designed so Sparks Road is not overtopped in a 1% ARI event and to suit the requirements of the future upgrade of the Hue Hue Road and Sparks Road intersection. 	The hydraulic model by DHI and WEZ Additional Flooding Assessment' (Nov 06) has accounted for design flows up to and including the 1% AEP beneath Hue Hue Rd and Sparks Rd. As outlined in DHIs report " <i>careful</i> " detailed design of the B2 system will be required such that it does not impact on the existing roads and the proposed development. This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> Connection of this catchment via open channel/pipelines into the Buttonderry Creek flood plain via Roads No 1 and No 2. 	Minor flows will be conveyed and discharged into water quality control measures. Minor design flows will be catered for as part of the detailed design in accordance with Council's Engineering requirements. This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> The design shall be prepared in accordance with Council's Development Control Plan 2005, Chapter No 67 Engineering Requirements for Development. The design plans must be 	Agreed. This dot point is now incorporated into amended condition 39 and should be deleted .

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approved by Council/RTA prior to the issue of a Construction Certificate.	
Stormwater	
48. The submission to and approval by Council of stormwater drainage details in accordance with the following requirements:	This condition is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> The construction of a minor system 20 year ARI design capacity piped stormwater drainage within the internal road network to service the subdivision. 	Agreed. This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> The construction of an interallotment stormwater drainage system to accommodate the 20 year ARI storm event to service each lot in the subdivision. 	Agreed. This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> The construction of reinforced concrete box culverts or approved equivalent road crossings for the two (Road No 6 crossings of) the F2 channel to accommodate a 100 year ARI storm event. 	This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> The rehabilitation of the existing ripple cell headwall, trash screen, stream bank protection and energy dissipater at the Hue Hue Road Buttonderry Creek crossing. 	Disagree. During the meeting with WSC on 31 October 2008 it was determined that Council would clarify this condition. This is Council's responsibility. This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> The design shall be prepared in accordance with Council's Development Control Plan 2005, Chapter No 67 Engineering Requirements for Development. The design plans must be approved by Council/RTA prior to the issue of a Construction Certificate. 	Agreed. This dot point is now incorporated into amended condition 39 and should be deleted .
49. The provision of a complete planting schedule for all water quality and quantity management structures, prepared by a suitably qualified and experienced practitioner. Plants to be used shall be generally endemic to the Buttonderry Creek catchment and appropriate for the proposed application. Design plans are to be submitted to and approved by Council prior to the issue of a Construction Certificate and all works, completed, inspected and approved by Council prior to the issue of a Subdivision Certificate.	<p>Condition 49 should be expanded to address environmental issues in the Buttonderry Creek corridor and buffer to the F3.</p> <p>Amended condition 49 to read;</p> <p><i>"The submission of an EMP for the Buttonderry Creek corridor and conservation corridor adjoining the F3 to address;</i></p> <ul style="list-style-type: none"> <i>~ planting and maintenance of water quality and detention structures,</i> <i>~ rehabilitation of the environmental corridors,</i> <i>~ creekline stabilisation and rehabilitation,</i> <i>~ access requirements for maintenance,</i> <i>~ bushfire management in accordance with the Preferred Project Report, the Environmental Assessment and the requirements of the Rural Fire Service,</i> <i>~ potential for preservation and enhancement of biodiversity values within the corridors,</i> <p><i>The report to be prepared by appropriately qualified environmental consultant and incorporate Category 3 landscape report in accordance with Council's Policy."</i></p>
50. The design and construction of additional stormwater drainage works consisting of stabilised capture and conveyance structures within Kiar Ridge Road to accommodate a 100 year ARI storm event. The works shall include connection of the drainage works into the F2 open drainage channel within the site. A control structure and energy dissipater outlet shall also be provided within the F2 channel connection	This condition is now incorporated into amended condition 39 and should be deleted .

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point. The design and construction shall be undertaken in accordance with Council's Development Control Plan 2005, Chapter No 67 Engineering Requirements for Development prior to the issue of a Construction Certificate.	
51. The submission of MUSIC & flood storage modelling requirements to Council and the RTA in accordance with the Council approved detail design of the development to demonstrate compliance with the pollutant removal targets as a minimum of:	This condition is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> 90% reduction in gross pollutants > 5mm. 	
<ul style="list-style-type: none"> 85% reduction in the average annual total suspended solids load. 	
<ul style="list-style-type: none"> 65% reduction in the average annual total phosphorus load. 	
<ul style="list-style-type: none"> 45% reduction in the average annual total nitrogen load. 	
<ul style="list-style-type: none"> No visible oils and greases for the 1.5 r ARI event and 	
The provision of:	
<ul style="list-style-type: none"> Culvert inlet structure/s treatment/s to ensure that the Freeway (F3) is not overtopped in the 500 yr ARI event. 	Additional modelling undertaken in respect to Climate Change addresses different storm frequencies (Section 3 and Appendix 16 of Preferred Project Report) This is a matter for resolution between the proponent and the RTA as part of detailed modelling during preparation of construction certificate. This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> Flood storage is to demonstrate storage capabilities with reference to groundwater levels identified in the geotechnical investigation. 	An assessment of the preliminary geotechnical investigation by Douglas Partners (dated April 2008) found free groundwater was observed in test pits and was generally found greater than 1m below ground level. The soils were generally found to comprise silty sand overlying stiff clays with claystone/sandstone beneath. Ingress rates of groundwater from stiff clays into stormwater storages are likely to be insignificant. This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> Cut/fill compensatory storage with regards to the ultimate development. 	Refer to response above - Condition 3c. This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> Impacts of the 5 yr, 20 yr and 50 yr together with the 100yr and greater on the existing culvert systems under the freeway (F3). 	Refer to response above - Condition 39 This dot point is now incorporated into amended condition 39 and should be deleted .
<ul style="list-style-type: none"> The proponent is to consult with the RTA regarding the impact of the peak flood 100 year flood levels. Such levels are to remain 500mm below the top of the F3 embankment. Confirmation of the compensatory flood storage behind the F3 batter is also required to be submitted to the RTA and Council. 	Additional modelling undertaken in respect to Climate Change addresses different storm frequencies (Section 3 and Appendix 16 of Preferred Project Report) This is a matter for resolution between the proponent and the RTA as part of detailed modelling during preparation of construction certificate. This dot point is now incorporated into amended condition 39 and should be deleted .
The design plans must be submitted to and approved by Council and the RTA (where impacts on their assets) prior to the issue of a Construction Certificate.	Agreed. This dot point is now incorporated into amended condition 39 and should be deleted .
52. The submission of stormwater commentary providing calculations and design documentation regarding impacts of climate change, specifically tailwater level increase and increased rainfall intensity. The commentary shall identify where best practice safety, evacuation or other standard criteria are exceeded and proposed mitigation measures and cots to limit or remove such impacts or justification where it is considered that such impacts may be acceptable without mitigation. Design details of any	This condition is now incorporated into amended condition 39 and should be deleted . DHI was commissioned to prepare a sensitivity analysis in accordance with DoP requirements. As part of the detailed design a commentary based on this additional flooding investigation. Refer Appendix 16 of Preferred Project Report.

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works necessary now must be approved by Council prior to the issue of a Construction Certificate and be prepared in accordance with Council's Development Control Plan 2005, Chapter No 67 Engineering Requirements for Development.	
53. The provision of Flood Warning signage to all approaches to flood areas within the development site. Design details shall be prepared in accordance with Council's Development Control Plan 2005, Chapter No 67 Engineering Requirements for Development. The design plans must be approved by Council prior to the issue of a Construction Certificate.	Agreed. However, this condition is addressed in condition 10 and now incorporated into amended condition 39 and should be deleted .
54. The construction of stormwater drainage system consisting of a piped system to capture and convey the 20 yr ARI with an overland flow path for the 100 yr ARI event in the vicinity of proposed lot 23 from the existing system under Hue Hue Road including the provision of any berms and easement/s to cater for the 1% flow. The design shall be prepared in accordance with Council's Development Control Plan 2005, Chapter No 67 Engineering Requirements for Development. The design plans must be approved by Council prior to the issue of a Construction Certificate.	Agreed. However, this condition is addressed in condition 10 and now incorporated into amended condition 39 and should be deleted .
55. Should development occur prior to the Regional IWCM Strategy being in place the provision of an interim IWCM Strategy will be required. This system will generally consist of the following:	<p>This matter to be addressed in the draft Statement of Commitments and VPA.</p> <p>This condition has since been amended by Council following the meeting of December 4. to read;</p> <p><i>Should more than 50% of the Wyong Employment Zone be developed prior to the stormwater harvesting pipeline being operable, interim stormwater treatments arrangements will be required. Any obligations for Wyong Shire Council/Terrace Towers will be addressed in the Planning Agreement.</i></p> <p>The proponent is in generally agreement to this condition, subject to Council meeting it's obligation with respect the timing of the pipeline. The matter is addressed in the draft Statement of Commitments and the VPA and the condition should either be deleted and left to the VPA, or amended to read;</p> <p><i>"Should more than 50% of the Wyong Employment Zone be developed prior to the stormwater harvesting pipeline being operable, interim stormwater treatments arrangements will be required. These interim stormwater arrangements will only apply to the development for a period agreed to between the parties under the VPA referred to in the Statement of Commitments."</i></p>
<ul style="list-style-type: none"> Storage ponds, pumps with pump rates as identified for the ultimate scheme. 	See above. Delete dot point.
<ul style="list-style-type: none"> The limiting of the number of lots to be released to provide a release area a maximum equivalent to 50% of the NDA of the total development to allow for spray irrigation until the commissioning and operation of the ultimate scheme. 	Council officers, at a meeting held on December 4, 2008, agreed that 50% of WEZ was unlikely to be developed within 3yr and therefore agreed to drop any restriction limiting development based on this matter. Further, Council will permit the disposal of surplus stormwater at the airport site This condition is now subject to Council having the pipeline operational within 3 years of the WIP approval. See above. Delete dot point.
<ul style="list-style-type: none"> Temporary spray irrigation system to disperse of the interim harvested rainwater to limit the 	See above. Delete dot point.

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discharge from the site is to be remove and the	
<ul style="list-style-type: none"> Details demonstrating that the wetting and drying cycles are achieved in accordance with condition No. 57. 	See above. Delete dot point.
Filling & Lot Regrading	
56. The proposed lots shall be filled and regraded to ensure that they are flood free for all storms and including the 100 year ARI storm event. The finished surface level of the lots shall include the following:	<p>At a meeting held on Dec 4, Council officers acknowledged that the Council's current Flood Policy, does not require additional freeboard. Notwithstanding, this condition has since been amended by Council and is agreed to by the proponent. The amended condition reads;</p> <p><i>The proposed lots shall be filled and regraded to ensure that they are flood free for all storms up to and including the design 100 year ARI event. The finished surface level of the lots shall be graded to facilitate drainage and include the following freeboard:</i></p> <ul style="list-style-type: none"> <i>A minimum freeboard of 300mm (which includes the Mine Subsidence Board's 200mm freeboard) is to be provided to each developable lot above the design 100 year ARI flood level.</i> <i>Comply with the freeboard requirements of the Roads and Traffic Authority (RTA) with regards to the design 100 year ARI flood level (or as nominated by the RTA) the developable lots and the Freeway.</i> <i>Designs are to include local overland flow paths and are to be submitted to Council for approval prior to issue of the Construction Certificate.</i>
<ul style="list-style-type: none"> A minimum freeboard of 300mm above the 100 year ARI flood level shall be applied to each developable lot. 	Delete dot point. See above
<ul style="list-style-type: none"> A minimum freeboard of 500mm above the 100 year ARI flood level shall be applied to each lot adjacent to the Fr (freeway) corridor. 	Disagree The basis for this condition could not be established by either Council or the MSB and has therefore been dropped. Delete dot point.
Landscaping	
57. The provision and maintenance of landscaping in accordance with Council's Policy L1 – Landscape for Category 3 development including the engagement of an approved landscape consultant and contactor to undertake the design and construction of the landscaping. All landscaping design works are to be approved completed prior to issue of the Construction Certificate. The following matters must be addressed to the satisfaction of Council:	<p>Agreed in part. This condition has been modified by Council by email advice dated December 16, 2008, but in relation to setbacks, is not agreed to by the Applicant.</p> <p>Amended condition 57 should read;</p> <p><i>The provision and maintenance of landscaping in accordance with Council's Policy L1 – Landscape for Category 3 development including the engagement of an approved landscape consultant and contactor to undertake the design and construction of the landscaping. All landscaping design works are to be approved completed prior to issue of the Construction Certificate.</i></p>

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	The subsequent dot points below have been addressed in amended condition 49.
<ul style="list-style-type: none"> Demonstration how a 50 metre wide wildlife dispersal corridor will be provided which will simultaneously provide landscape screening and stormwater discharge functions on the portion of the development which adjoins the Sydney-Newcastle Expressway. 	This is now addressed under amended condition 49. Dot point should be deleted .
<ul style="list-style-type: none"> The proposed list of plant species (trees, shrubs and ground covers) to be used, details of their height and spread at maturity and maturity at time of planting; 	Agreed. This is now addressed under amended condition 49. Dot point should be deleted .
<ul style="list-style-type: none"> The provision details of the extent of irrigation and the water supply source for proposed landscaping works; 	Agreed. This is now addressed under amended condition 49. Dot point should be deleted .
<ul style="list-style-type: none"> The position of an external drainage materials; 	Agreed. This is now addressed under amended condition 49. Dot point should be deleted .
<ul style="list-style-type: none"> The location of any external signposting and lighting; 	This is now addressed under amended condition 49 and draft DCP. Dot point should be deleted .
<ul style="list-style-type: none"> Details of how planting shall be used as an integral part of the overall design of the estate and in the development of each allotment including: <ul style="list-style-type: none"> Use of trees to provide shade to buildings, outdoor recreation areas and carparking areas, trees shall also be used to line streets so that a continuous canopy at mature spread is created on each side of the estate roads. 	This is now addressed under amended condition 49 and draft DCP. Dot point should be deleted .
<ul style="list-style-type: none"> Use of shrubs to restrict views into and from the allotments and to enhance tree-planting schemes and ground covers are to be used to tie the soil together in areas not grassed or paved. 	This is now addressed under amended condition 49 and draft DCP. Dot point should be deleted .
<ul style="list-style-type: none"> The use of visually unobtrusive security fencing, in terms of colour, size and design, and located behind the landscape setback area. No barbed wire will be permitted. 	This is now addressed under amended condition 49 and draft DCP. Dot point should be deleted . Security fencing will be located on boundary.
<ul style="list-style-type: none"> No display areas shall be located between landscape setbacks and buildings in any location which faces the F3-Expressway, Sparks Road and Hue Hue Road. Major entries shall be designed with clear directory signage. 	Not applicable. This is now addressed under amended condition 49 and draft DCP. Dot point should be deleted .
<ul style="list-style-type: none"> The provision of setbacks of a minimum 20 metres wide and fully embellished with landscaping fronting Sparks Road, Hue Hue Road and the Sydney Newcastle Expressway prior to being transferred into Council ownership at the owners' expense, unless specified differently in this document. If 15 metre setbacks are proposed, landscaping will need to be provided at an appropriate density to the satisfaction of Council. 	<p>Disagree. Dot point should be deleted. This is now addressed under amended condition 49 and the draft DCP.</p> <p>A 15 metre setback is proposed and will be retained within the allotment and not dedicated to Council. Landscape treatment is in accordance with the Landscape and Visual Management Strategy (Appendix 1 of the DDCP for Warner Industrial Park). The applicant is prepared to sell the land to Council, but not fence on the building line. Landscaping in the setback is required to a Category 3 standard and must be approved by Council. Additional screening may be gained by planting existing road reserves at this location and the retention of existing vegetation. The applicant will investigate the as part of construction certificate documentation.</p>
<ul style="list-style-type: none"> Selection of trees for mature scale and habit to break up the visual mass of large buildings. 	Not applicable. In accordance with DDCP requirements. This is now addressed under amended condition 49. Dot point should be deleted .

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<ul style="list-style-type: none"> Prohibition of access from Sparks Road to allotments over proposed landscape setbacks. 	Not applicable. In accordance with DDCP requirements and duplicated at condition 88. This is now addressed under amended condition 49 Dot point should be deleted .
<ul style="list-style-type: none"> All landscape works shall be in accordance with the measures identified in the Sparks Road Urban Design Framework Report (once completed and adopted by Council). 	Not applicable. The report has not been adopted by Council and the applicant disagrees with the requirements of the draft report. Refer comments above regarding setbacks. Dot point should be deleted .
<ul style="list-style-type: none"> Proposed landscape works are to maintain necessary sight distances for roads and intersections. 	Agreed. Dot point should be deleted . Addressed under condition 10 and amended condition 49.
58. All road verges are to be wide enough to accommodate the structural plate of a large tree and service requirements.	Condition should be deleted . Council has agreed to the road verges contained in the amended concept plan (EA01) Revision I.
Environment	
59. An Ecological Management Plan must be prepared by the Proponent and approved by Council. This is to provide detail to assist in the coordination of land management actions of conservation areas and site clearing. Equivalent provisions are to be implemented to those outlined in the WEZ Plan of Management.	This is now addressed under amended condition 49 and biodiversity commitments in the Statement of Commitments and VPA. Condition should be deleted .
60. Placement and construction of drainage, constructed wetlands and other IWCM infrastructure is to be sensitively located, designed and landscaped to enhance habitat values for threatened amphibians and mitigate identified key threatening processes (e.g. Gambusia and frog chytrid).	This is now addressed under amended condition 49 and should be deleted
61. A survey report prepared by a registered surveyor for services such as water and sewer shall be submitted to Council for approval prior to issue of the Construction Certificate. The survey report shall be accompanied by an Ecological Report that identifies protected or know habitat features/species demonstrating the proposed route as being the most appropriate having regard for the ecological features of the site (e.g. hollow bearing trees, dams, drainage lines etc).	This is now addressed under amended condition 49 and the amended Vegetation Management Plan (Appendix 4 of the EA). Condition should be deleted .
62. All road crossings that traverse conservation land shall be designed in consultation with a qualified Ecologist. The design shall incorporate features to assist with fauna movement and to reduce mortality (e.g. underpasses, landscaping, lighting issues, speed suppression, glide poles – as appropriate).	This is now addressed under amended condition 49 and should be deleted .
63. All necessary fire protection measures (asset protection zones fuel free and fuel reduced zones) are to be contained within industrial zoned land. No measures shall encroach upon conservation areas.	Disagree. This condition should be deleted . Access roads are required along the edges of the environmental corridor for maintenance purposed. In addition, areas within the corridors will be used for water bodies. This matter is dealt with in Appendix 12 of the Environmental Assessment – Bushfire Assessment, and the draft DCP and will also be addressed as part of amended condition 49.
Trees	
64. In relation to tree and vegetation protection, the following requirements are necessary:	This is now addressed under amended condition 49 and the VMP (Appendix 4 of the Environmental Assessment). Condition should be deleted .
<ul style="list-style-type: none"> Trees and vegetation within the retained naturally vegetated buffers and conservation areas 	Agreed, but dot point to be deleted . See above.

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are to be protected by the erection of a minimum two strand stock fence with parawebbing as per the consulting Arborist and Ecologist's direction, and maintained in good working order for the duration of the works. The consultants are to provide certification to Council that all temporary fencing is in place prior to the issue of a Construction Certificate.	
<ul style="list-style-type: none"> All fenced tree protection areas are to be clearly marked as "No Go Area" on all final approved engineering plans. The location of threatened species habitat and Endangered Ecological communities are also to be marked on all plans. 	Agreed, but dot point to be deleted . See above.
<ul style="list-style-type: none"> All fenced tree protection areas are to be clearly marked as "No Go Area" on the fencing itself. 	Agreed, but dot point to be deleted . See above.
<ul style="list-style-type: none"> No clearing of vegetation or storage of vehicles, fill or material or access is to occur within the "No Go Area". 	Agreed, but dot point to be deleted . See above.
<ul style="list-style-type: none"> The consultant Arborist/Ecologist may require other habitat and/or trees to be protected via fencing from time to time. This fencing is to be erected at the appropriate root zone protection limits (as determined by the consultant Arborist/Ecologist), prior to works being carried out around that particular habitat of tree. 	Agreed, but dot point to be deleted . See above.
<ul style="list-style-type: none"> The management protocols and requirements within these conditions relating to tree and vegetation retention, protection are to be included in all contract documentation, plans and specifications used by each civil contractor and subcontractors. 	Agreed, but dot point to be deleted . See above.
<ul style="list-style-type: none"> Ecologist on site during tree felling to check for habitat for relocation, sectional dismantling of tree etc. 	Agreed, but dot point to be deleted . See above.
<ul style="list-style-type: none"> The consultant Ecologist and Arborist are to provide appropriate inductions to all on-site staff in relation to these ecological protocols. 	Agreed, but dot point to be deleted . See above.
<ul style="list-style-type: none"> Timber from the site is to be reused on site where practical by way of milling, wood chipping or similar. 	Agreed, but dot point to be deleted . See above.
<p>65. The applicant is to engage a suitably qualified and experienced ecologist, arborist and soil erosion consultant to supervise the construction of each stage of the development and to ensure and certify to Council's Development Ecologist that the trees and vegetation located within the retained naturally vegetated buffers are adequately protected during construction. Evidence of this engagement is to be forwarded to Council's Development Ecologist prior to the issue of a Construction Certificate.</p> <p>The Consultant ecologist and arborist are to provide reports to Council's Development Ecologist for review certifying how the proposal is meeting tree retention and protection requirements following completion of the following stages of development:</p> <ul style="list-style-type: none"> Following erection of required tree protection fencing (and prior to the issue of a Construction Certificate). Following induction of each civil contractor and subcontractor. Following initial clearing and excavation/filling of the site. Following provision of services. 	This is now addressed under condition 10 and amended condition 49. Condition should be deleted .

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<ul style="list-style-type: none"> Following completion of each construction phase (and prior to the issue of a Subdivision Certificate) Council's Development Ecologist is to be notified as soon as practicable (and not more than 24 hours after) if a breach of these ecological protection conditions occurs. 	
Ecological	
66. The applicant shall demonstrate how Urban Interface Area (UIA) and Edge Treatment requirements are satisfied as per Council's Development Control Plan 2005, Chapter No 66 – Subdivision for all industrial lots which adjoin conservation zones.	<p>This is now addressed under amended condition 49 and under the draft DCP. Condition should be deleted.</p> <p>The Buttonderry Creek corridor has been designed in accordance with the requirements of the WEZ.</p> <p>Conservation zones are covered by a separate plan of management.</p> <p>Specific provisions (eg, special bushfire requirements to NE corner) are provided in the draft DCP.</p>
67. All environmental land that is to be transferred into Council ownership shall be transferred in a condition acceptable to Council and all management plan actions shall be satisfied prior to hand over.	Not applicable. Duplicated in condition 89. This is now addressed under amended condition 49 and under the maintenance arrangement of the draft Statement of Commitments and the VPA. Condition should be deleted .
Mine Subsidence	
68. Development shall satisfy any development and building design guidelines established by the Mine Subsidence Board.	Agree, but condition is unnecessary – the MSB has provided it's requirements which are addressed in the draft DCP. Condition should be deleted .
Other Requirements	
69. A Geotechnical Engineer's report shall be prepared supporting the controlled filling of all lots. The lots are to be "structural filled" to the requirements of AS 37982007. The report shall include details of the removal of all organic or unsuitable materials, depth of select fill, grades of the finished surface level and proposed filling materials, lot sizes, layer thicknesses, test locations and results. Inspection reports and certification shall be submitted to Council upon completion of each stage of works. The report must be approved by Council prior to the issue of a Certificate.	<p>Disagree.</p> <p>Consulting Geotech Engineers (DP) advise:- <i>"In order to provide a report expressing an opinion on the compliance of the earthworks to the specification, Level 1 inspection and testing would be carried out during placement of filling within the proposed industrial allotments. As defined in AS3798 – 2007, this requires full time attendance by a geotechnician who would also carry out testing during the placement of filling...."</i> This would place an unnecessary cost burden on the project.</p> <p>Amended condition to read;</p> <p><i>The provision of level 2 testing to be carried out on imported filling. Such works to be carried out by a qualified Geotech engineer, with reports submitted to Council prior to the issue of subdivision certificate certifying the adequacy of the fill. The report shall include details of the removal of all organic or unsuitable materials, depth of select fill, grades of the finished surface level and proposed filling materials, lot sizes, layer</i></p>

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	<i>thicknesses, test locations and results. Inspection reports and certification shall be submitted to Council upon completion of each stage of works</i>
Water and Sewer	
<p>70. An application under section 305 of the Water Management Act 2000 is to be made to Council as the Water Supply Authority. Advice will be provided under Section 306 of the Water Management Act 2000 detailing all necessary works and contributions for the development. Detail designs of the water and where works will be required to be submitted to and approved by Council under the Water Supply Act 2000 prior to issue of the Construction Certificate. Designs to be in accordance with Council's Development Control Plan 2005, Chapter No 67 – Engineering Requirements for Development.</p> <p>Advisory Note:</p> <p>The developer will be required to connect to the future 300mm main in Sparks Road and another connection to the future 200mm main in Hue Hue road (as provided by Council).</p> <p>The proponent must construct infrastructure within the development site (i.e. sewage pumping station and associated 225mm gravity main, rising main) and connect to Council's sewerage system on the eastern side of the freeway. The developer will receive credit for the pumping station and the associated 225mm gravity main and the rising main as identified in the draft DSP. There will be no credit for the 150mm sewer gravity mains within the development site.</p> <p>All water supply infrastructure within the development site will be provided by the proponent.</p> <p>Payment of the following contribution charges as identified in the draft DSP are:</p> <ul style="list-style-type: none"> • Water supply is \$3,550 per lot • Sewerage is \$4,825 per lot. <p>Additional contributions may be applicable depending on consumption and discharge rates.</p> <p>NOTE: These rates are subject to change. Appropriate arrangements for payment of these items are to be included in a Planning Agreement which is in the process of being negotiated between the Terrace Tower Group and Wyong Shire Council.</p> <p>Final requirements for the provision of water and sewer will be provided under section 306 of the Water Management Act, 2000 by Council's Water Authority.</p>	<p>Agree.</p> <p>The advisory note is noted should be deleted from any approval.</p>
Prior to Commencement and During Works:	
Approved Plans	
71. A copy of the stamped approved plans must be kept on site for the duration of site works and be made	Agreed, but should be deleted and dealt with as part of construction certificate documentation.

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available upon request to either the Principal Certifying Authority or an officer of the Council.	
Inspections	
<p>72. Inspections as a minimum as identified in Development Control Plan 2005, Chapter No 67 – Engineering Requirements for Development must be undertaken and certified in accordance with Section 109C(1) a of the Environmental Planning and Assessment Act. Should Council be appointed as the Principal Certifying Authority (PCA), the inspections must be carried out by Council, or may be carried out by an Accredited Certifier with Council's prior agreement. In these cases, a record of the results of the inspection must be forwarded to Council as soon as is practicable after the inspection and any associated Compliance Certificate must be forwarded to Council within 2 days of issue. Occupation Certificate. 48 hours prior notice must be given to Council of the required inspection.</p> <ul style="list-style-type: none"> At the commencement of any clearing work (ie, prior to any demolition, excavation, clearing or building work): Check for compliance with Department Consent conditions, including: <ul style="list-style-type: none"> All requirements of the approved Ecological Management Plan (EMP); The installation of siltation controls, waste controls, hoardings, site fencing and other environmental protection measures. Sewerage inspections: Check sewerage connections, or on-site sewage management facility, have been installed in accordance with the Construction Certificate, or on-site sewage management facility approval respectively. 	Agreed but should be deleted as is dealt with under condition 10.
Record of Inspections Carried out	
<p>73. In accordance with clause 162B of the Environmental Planning and Assessment Regulation 2000, the certifying authority responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not PCA, the PCA is to forward a copy of all records to Council.</p> <p>The record must include details of:</p> <ul style="list-style-type: none"> The development application and construction certificate number; The address of the property at which the inspection was carried out; The type of inspection; The date on which it was carried out; The name and accreditation number of the certifying authority by whom the inspection was carried out; and Whether or not the inspection was satisfactory in the opinion of the certifying authority that carried it out. <p>Inspections to be arranged with Council as the Principal Certifying Authority. Notice of required inspection must be given 48 hours prior to inspection, by contacting Council's Customer Service Department on (02) 4350 5555.</p>	Agreed, but should be deleted and dealt with as part of construction certificate documentation.

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Other Authorities	
74. Other public authorities may have separate requirements and should be consulted in the following respects: <ul style="list-style-type: none"> • Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments; • AGL Sydney limited for any change or alteration to gas line infrastructure; • Energy Australia for any change or alteration to electricity infrastructure or encroachment within transmission line easements; • Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure. 	Noted and agreed, but should be deleted from the approval.
Site Requirements	
75. The provision of a temporary closet on site from the time of commencement of building work to ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in the building activity. The temporary closet is to be a water closet connected to the sewerage system or approved septic tank or a chemical closet supplied by a licensed contractor approved by the Council.	Agreed.
76. All earthworks are to be limited to the area outlined on the approved site plan.	Agreed, but will form part of the construction certificate documentation and should be deleted . This matter is also addressed in the VMP.
77. The Principal Contractor (or Owner/builder) is to erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work; the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder); and stating that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated PCA.	Agreed.
78. Construction work is only to be undertaken in accordance with the provisions of the Environmental Protection Authority's Environmental Noise Control Manual – Guidelines for Construction Noise as identified below: Australian Eastern Standard Time (AEST): Monday to Sunday 7.00am to 6.00pm Australian Eastern Daylight Time (AEDT): Monday to Sunday 6.00am to 8.00pm	Agreed, but will form part of the construction certificate documentation and should be deleted . This matter is also addressed in the VMP and condition 10.
Trees	
79. Tree protection measures and exclusion fencing must be installed in accordance with Council's Development Control Plan 2005 Chapter No 67 – Engineering Requirements for Development. Documentary evidence from a qualified Arborist / Horticulturist that suitable tree protection measures have been installed may be submitted to the Principal Certifying Authority and Council, or alternatively Council must be notified to undertake an inspection of the works.	Addressed by amended condition 49 and draft Statement of Commitments. Should be deleted . This condition also duplicates Condition 65.
Prior to Release of Subdivision Certificate:	

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Contributions and Works in Kind	
80. The payment to Council of contributions in accordance with the Voluntary Planning Agreement between the Proponent and Wyong Shire Council.	Condition should be deleted . Addressed in the draft Statement of Commitments and VPA.
81. The carrying out of Works in Kind in lieu of the payment of contributions as outlined in the Voluntary Planning Agreement between the Proponent and Wyong Shire Council.	Condition should be deleted . Addressed in the draft Statement of Commitments and VPA.
Aboriginal Relics	
82. If Aboriginal engravings or relics are unearthed during construction, all work is to cease immediately and the National Parks and Wildlife Service must be notified. Works may only recommence following endorsement for such from the National Parks and Wildlife Service.	Noted, but this should be deleted as is covered under separate legislation.
Certificate / Engineering Details	
83. A Subdivision Certificate is to be issued by the Certifying Authority prior to the registration of the plan of subdivision. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.	Noted, but this should be deleted since the EP&A Regulations must be considered by the certifying authority
84. The submission to Council of documentation to demonstrate full compliance with all consent conditions in accordance with Section 157 Clause 2(f) of the Environmental Planning and Assessment Regulations 2000 prior to issue of the Subdivision Certificate.	Noted, but should be deleted . This will be a matter for registration.
Other Requirements	
85. The plan of subdivision and Section 88B instrument (Conveyancing Act 1919) shall establish the following restrictions, with the Council having the benefit of these covenants and having sole authority to release, vary or modify these covenants. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision. <ul style="list-style-type: none"> Prohibiting direct vehicular access to proposed Lots 1, 10-12 from Sparks Road. Prohibiting direct vehicle access to Lot 1-5, 17-25 from Hue Hue Road. Prohibiting direct vehicular access to Lot 1 Road No 1 within 50.0 metres from Sparks Road and lot 10 to be accessed from Road No 2. Prohibiting direct vehicular access to lots 19 & 20 from Road No 5. The creation of "Easement for Support" over excavated batter slopes adjoining the existing or proposed road reserves to benefit the Council. 	Agreed.
86. All necessary "Easements to Drain Water and for Services" are to be approved by Council prior to issue of the Subdivision Certificate and registered with the plan of subdivision. Note: "Easements to Drain Water" shall be created over the constructed swale drainage system.	Agreed.
87. The preparation and execution of a "Legal Agreement" between the applicant and Council to ensure the continued maintenance and performance of the stormwater management system within the Buttonderry Creek flood plain and adjoining Wet Detention/Retention systems for a minimum 5 year period or 80% completed development upon the created Lots after Subdivision registration.	Condition to be deleted . Dealt with in draft Statement of Commitments & VPA. The five years is excessive. Notwithstanding this, the proponent intends to make arrangements for the ongoing maintenance of Buttonderry Creek and detention systems.
88. Dedication of road reserves as "Public Road" upon completion of the subdivision works at registration of the Final Plan of Subdivision.	Agreed and included in draft Statement of Commitments.
89. Transfer of Lands for drainage purposes in Fee Simple of the constructed drainage systems in	Agreed and included in draft Statement of Commitments.

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accordance with Council's procedures.	
Public Transport	
90. Any bus route through the development which is acceptable to the MOT and bus operator, is to be fully constructed prior to the release of the Subdivision Certificate.	Disagree. Condition should be deleted as is dealt with under amended condition 36 and should not be used to delay issue of subdivision certificate. Internal roads have been designed to allow for coaches. Bus stops have been nominated throughout the development as detailed on the concept plan.
Dilapidation	
91. Any damage not shown in the Dilapidation Report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to the release of the Subdivision Certificate.	Disagree. Condition should be deleted . Dealt with under amended condition 14.
Dust Control	
92. Appropriate measures must be employed during demolition, excavation and construction works to prevent the emission of dust and other impurities into the surrounding environment. All such measures are to be coordinated with site sedimentation controls to ensure polluted waters do not leave the site.	Agreed, but condition should be deleted as is dealt with under construction certificate documentation, condition 10 and other legislation in relation to pollution.
Erosion and Sediment Control	
93. All erosion and sediment control works must be approved by Council prior to issue of the Subdivision Certificate.	Agreed, but condition should be deleted as is dealt with under construction certificate documentation and condition 10.
Roads	
94. All works requiring Council's approval as the Roads Authority under Section 138 of the Roads Act 1993 must be approved by Council prior to issue of the Subdivision Certificate. All details are to be in accordance with Council's Development Control Plan 2005 Chapter No 67 – Engineering Requirements for Development.	Delete . Duplicated condition 10.
Subdivision Works	
95. The certification by a Registered Surveyor, prior to issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.	Condition is redundant and should be deleted and dealt with as part of the certification process.
96. The satisfactory completion of all subdivision works in accordance with Council's Development Control Plan 2005 Chapter No 67 – Engineering Requirements for Development.	Delete . Duplicated condition 10.
97. The provision of Works as Executed information as identified in Council's Development Control Plan 2005 Chapter No 67 – Engineering Requirements for Development prior to issue of the Subdivision Certificate. The information is to be submitted in hard copy and in electronic format in accordance with Council's "CADCHECK" requirements. This information is to be approved by Council prior to issue of the Subdivision Certificate.	Delete . Duplicated condition 10.
98. The provision of a maintenance bond in accordance with Council's Bonding Policy for a minimum of 6 months after the satisfactory completion of that section of work excepting the flood plain works which is to be maintained as nominated in condition No. 110.	Delete . Duplicated condition 10. Council is responsible for certifying the roadworks prior to issue of the subdivision certificate.
Water and Sewer Services	
99. A Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development must be obtained from Wyong Shire Council as the Water Supply	Delete . Duplicated condition 70 and can be dealt with as part of the certification process.

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Authority prior to issue of the Subdivision Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.	
Other Requirements	
100. The constructed Water Management System within the Buttonderry Creek Flood Plain and connecting channels (F2 & B2) must be completed, operational and planted out in accordance with the Landscape Plan prior to the issue of a Subdivision Certificate.	Delete as is duplicated in other conditions and amended condition 49.
101. The completion of landscaping in accordance with Council's Policy Number L1 – Landscape for Category 3 development including the engagement of an approved landscape consultant and contractor to undertake the design and construction of the landscaping.	Delete as is duplicated in other conditions and amended condition 49.
Protection of Conservation Areas	
102. The following permanent site fencing is required to be erected prior to the issue of a Subdivision Certificate: <ul style="list-style-type: none"> The north-eastern boundary of proposed Lots 5, 6 9 and 13 (as shown on the Concept Plan EA01 Revision F) is to be fenced with a typical 4 strand stock fence. This will permanently delineate the extent of any underscrubbing for bushfire management purposes; The western boundary of proposed Lots 14-17 (as shown on the Concept Plan EA01 Revision F) is to be fenced with a typical 4 strand stock fence. This will permanently delineate the extent of any underscrubbing for bushfire management purposes; The southern boundary of proposed Lots 61, 62, 69, 121, 120 and 101 (as shown on the Concept Plan EA01 Revision F) is to be fenced with a typical 4 strand stock fence. This will permanently delineate the extent of any underscrubbing for bushfire management purposes; The eastern most boundary of proposed Lots 65-69 and 101-110 (as shown on the Concept Plan EA01 Revision F) is to be fenced with a typical 4 strand stock fence. This will permanently delineate the extent of any underscrubbing for bushfire management purposes. This fencing does not include approved accessways.	Delete as is duplicated in other conditions and amended condition 49.
Ongoing Operation	
The following conditions must be satisfied during use / occupation of the development	
Advertising signs	
103. No advertisement is to be erected on or in conjunction with the development without prior development consent unless the advertisement is an 'approved sign' under Council's Advertising Signs Development Control Plan 2005 – Chapter No 50 – Advertising Signs.	Delete condition. Dealt with under draft DCP.
104. Advertisements and Advertising structures including (but not limited to) illuminated signs, roof signs and pylon signs on lots fronting the F3 Freeway, Hue Hue Road and Sparks road shall require development consent and be consistent with the principles contained within the Visual and Landscape Management Plan.	Delete condition. Dealt with under draft DCP.
Other Requirements	
105. A qualified and experienced bush regenerator is to be engaged to undertake weed control within the Buttonderry Creek Floodplain, F2 Channel and Wet Detention/Retention Basins every 3 to 6 months	Delete. Addressed in amended condition 49.

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for a minimum period of 5 year. Native plant regrowth is to be left undamaged. All primary weed control must be undertaken in the first year, with follow up weed control undertaken in the second and third years. Reports are to be submitted to Council twice per year detailing weed control works undertaken.	
106. The maintenance of landscaping in accordance with Council's Policy Number L1 – Landscape for Category 3 development for a minimum period of 5 years.	Delete. Addressed in amended condition 49.
Advice	
Major open space is not to be located as a lineal edge to the development which does not have direct links to roads or shared pathways.	Delete. As per Concept Plan and draft DCP.
Major open space areas are to be located in association with proposed support developments to provided a social focal point to the development for workers and visitors.	Delete. As per Concept Plan and draft DCP.
The applicant will need to satisfy any conditions imposed by the Department of Environment and Climate Change (DECC) which are imposed as part of the biocertification of the Wyong Employment zone.	Delete. This is dealt with in draft Statement of Commitments and VPA.