

# Preferred Project Report

Revision A - May 2009



## Warner Industrial Park Concept Plan and Project Application

Precinct 14 WEZ  
Sparks Rd and Hue Hue Rd  
Warnervale



TERRACE  
TOWER  
GROUP

Warner Business Park Pty Ltd  
Part of the Terrace Tower Group

## Peter Andrews + Associates Pty Ltd

**paa.design** architecture planning urban design

PO Box 494 Terrigal NSW 2260  
Studio 11a 210 Central Coast Highway Erina  
Studio 67 Windmill Street Millers Point  
P: +61 2 4365 6272  
E: [info@paadesign.com.au](mailto:info@paadesign.com.au)  
W: [www.paadesign.com.au](http://www.paadesign.com.au)

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## 1.0 INTRODUCTION

The Minister for Planning declared the Warner Industrial Park of State of regional environmental planning significance on 14 September 2007. The Director General's requirements were issued on 13 December 2007 for the Concept Approval and Project Application for Warner Industrial Park. The Environmental Assessment for Warner Industrial Park was publicly exhibited from 20 August 2008 to 22 September 2008. Submissions in relation to the proposal have been received from various agencies.

The Preferred Project is generally in accordance with the exhibited Environmental Assessment dated June 2008. Further discussions with the agencies and investigations have been undertaken in response to the agency submissions. The Subdivision layout and associated Engineering Plans have been amended to reflect the agreed changes and are attached in Appendix 1. This Preferred Project Report outlines the proposed changes to the Concept Plan and Project Application and addresses the agency submissions.

Since the public exhibition of the Warner Industrial Park which forms part of the Wyong Employment Zone, the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21) was gazetted on 7 November 2008, which rezones Wyong Employment Zone for industrial and ancillary land uses.

The Preferred Project Report was submitted to the Department of Planning on 19 February 2009. The Department of Planning in its letter dated 28 April 2009 has requested further information. This Preferred Project Report has been revised to provide the additional information as requested by the Department of Planning. The following table outlines the Department of Planning's issues and identifies where the information has been included.

Information on the various points of clarification raised by the Department of Planning is generally found in the appendices to the Preferred Project Report and the Environmental Assessment. However, a summary report by JW Prince has been prepared to provide an overview of the water quality, stormwater and flooding issues and Douglas Partners has provided a summary of the geotechnical proposals for the management of the site during construction.

**Table 1 – Department of Planning's Points of Clarification**

<b>Points of Clarification in DOP letter dated 28 April 2009</b>	<b>Relevant Section</b>
Elements of proposals for drainage, stormwater and flood management should be brought together in a coherent package to show intended operations and effects of the works, together with an assessment of their impacts. (In particular, the proposed management of water from the south-west catchment is unclear.)	Section 3.4 and Appendix 20.
A proper explanation should be provided of the workings of the water management scheme, including location of works, design and treatment, e.g. landscaping of works, stability of works and design volumes. A 'water balance' model should be provided showing expected water volumes – water coming onto the site, on-site usage, water discharges – the effects or impacts of these operations should be described and assessed. A description should be provided of the operation of the water management system in high rainfall events and identification of whether it offers any flood mitigation effect. Ongoing management effort in the maintenance of the water management scheme, responsibilities and cost implications should be discussed and described.	Section 3.4 and associated appendices outlined in the section.
Clarification of the proposed treatment of Hue Hue Road (i.e. whether and at what time it is to be upgraded) and any impact of this on drainage to the Warner Industrial Park.	Section 3.3.
Water management during bulk earthworks construction should be described and assessed	Section 3.6.
A description of current and future flooding levels, showing current flood footprint and flood footprint for the project as designed. Impacts of flooding	Section 3.4 and associated appendices

on final site and operations (including floodway/earthworks interface) should be described and assessed.	outlined in the section.
Geotechnical proposals and strategies for construction and management of earthworks (both cut and fill) to ensure ongoing stability of the site.	Section 3.6 of this report and also Geotechnical Report Appendix 9 Environmental Assessment
Description of available safeguards and measures to address potential subsidence (including whether the proposed DCP should contain any measures e.g. requirements for detailed geotechnical advice, to direct attention to this issue) and implications of subsidence on buildings, roads, infrastructure, drainage systems etc.	Section 5.0.
Greater detail on location and design of the proposed bridge over Buttonderry Creek, which should reference design standards or specifications, foundation locations and treatment, and implications of these works with respect to flooding.	Section 3.3 and Appendices 1 and 15.
Revisit the Statement of Commitments and incorporate into the DOP's preferred template. This should also include any agreed Conditions of Consent proposed by Wyong Shire Council or incorporate as an annexure to the Statement of Commitments.	Section 5.0.

## 2.0 CONSULTATION

Consultation was undertaken with the various agencies throughout the preparation of the Environmental Assessment. Following the public exhibition of the Environmental Assessment (June 2008), responses have been received from the various agencies. Further discussions have occurred between the Proponent, its consultants and the various agencies to clarify matters raised in the submissions. Responses to each agency are attached in the appendices as outlined below.

- Department of Planning (Appendix 2)
- Wyong Shire Council including issues and conditions of consent (Appendix 3)
- Mine Subsidence Board (Appendix 4)
- Ministry of Transport (Appendix 5)
- Roads and Traffic Authority (Appendix 6)
- Department of Environment and Climate Change (2 submissions) (Appendix 7)
- Department of Water and Energy (Appendix 8)
- Department of Primary Industries (Appendix 9)
- NSW Rural Fire Service (Appendix 10)
- Department of the Environment, Water, Heritage and the Arts (Appendix 11)
- Railcorp (Appendix 12)

### **3.0 KEY ISSUES**

The key issues that have been identified from the responses received include the following:

#### **3.1 Development Control Plan**

A site specific DCP is proposed for Warner Industrial Park. The SEPP (Major Projects) 2005 (Amendment No 21) requires that development does not occur until a development control plan has been prepared for the Wyong Employment Zone. Wyong Shire Council has prepared a draft Development Control Plan, however this plan has not been adopted. It is also felt that Council's draft DCP for the Wyong Employment Zone is also restrictive and differs greatly from other industrial areas within the Wyong LGA, which will disadvantage the Wyong Employment Zone.

The draft DCP for Warner Industrial Park has been amended following receipt of responses and discussions with the agencies. The revised draft DCP is attached in Appendix 13 and a summary of the detailed changes is outlined in Section 4.0.

The Subdivision Plan (Appendix 1) has been amended from the Environmental Assessment to include changes agreed with Wyong Shire Council with respect to internal road widths, cycleway and footpath locations and the bridge over Buttonderry Creek. Also refer to Appendix 3 Wyong Shire Council – Response to Agency.

#### **3.2 Land Uses**

It is requested that additional land uses are included other than the land uses identified in the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21). One of the objectives of the Zone IN1 General Industrial under the SEPP is to facilitate development for a wide range of employment-generating industrial, manufacturing, warehousing, storage or research purposes, including ancillary office space.

There are a number of other land uses that are appropriate in an industrial zoned area that have not been included that will meet the above objectives. The land uses that do not appear in the SEPP, and have a different definition under the LEP template and therefore are not permissible, that should be included in the SEPP are listed below. Each land use is addressed with a justification of its relevance as a permissible land use in Warner Industrial Park.

- Function centre – this land use provides a support service for the industrial uses within the area e.g. holding conferences and staff training close to the workplace. It is also a land use that can be used outside of normal business hours and therefore brings activity into the area after hours increasing security.
- Self-storage Units – one of the objectives of the SEPP is storage. Self-storage units will also provide a support service to the users of the Warner Industrial Park.
- Timber and Building Supplies – Larger areas are often required to store such supplies and also involve truck movements and therefore industrial zoned land is appropriate.
- Industries retail outlet – this use is only permissible when it is situated on the land where the industry is carried out. Some industries may be disadvantaged if this use is not permissible.
- Landscape and garden supplies – as per timber and building supplies.
- Vehicle body repair workshop – this use is permissible in the eastern area of the WEZ but is not permissible in Warner Industrial Park, but it is likely that large trucks will use the estate and it is logical to allow servicing and repairs within the estate.
- Vehicle repair station – as above.

Warner Industrial Park will be less competitive with other industrial areas on the Central Coast and elsewhere in NSW as the range of permissible land uses are limited under the SEPP (Major Projects) 2005 (Amendment No 21) for this site. The Wyong Local Environmental Plan 1991 permits the above land uses within its General and Light Industrial Zones as noted in the extract of its landuses from its LEP below. Therefore, a company seeking land for industrial purposes will purchase elsewhere in the Shire as the range of uses are broader under the Wyong Local Environmental Plan 1991. This will disadvantage the Warner Industrial Park and the above land uses are therefore requested to be included as permissible land uses within the SEPP. In addition, the inclusion of the above land uses in the SEPP will reduce the need to travel as a broader range of uses is being provided within the Industrial Park.

**Table 2 - Extract – Wyong Local Environmental Plan 1991**

**Zone No 4 (a) (General Industrial Zone)**

**1 Objectives of zone**

The objectives are:

- (a) to provide opportunities for the development of large scale industrial, service and storage activities which by nature of their operations should be isolated from residential areas, and
- (b) to restrict commercial, retail or other development except where it is ancillary to the use of land within this zone for industrial, service and storage purposes, and
- (c) to enable the Council to provide more detailed guidelines about industrial development in a development control plan.

**2 Without development consent**

Nil.

**3 Only with development consent**

Any purpose other than a purpose included in item 4 of the matter relating to this zone.

**4 Prohibited**

Aerodromes; agriculture; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; caravan parks; commercial premises; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); exhibition homes; group homes; hazardous industries; hazardous storage establishments; hotels; intensive agriculture; large scale commercial premises; large scale retail establishments; medical centres; motels; motor showrooms; offensive industries; offensive storage establishments; palliative day care centres; plant hire establishments; plant nurseries; reception establishments; registered clubs; residential flat buildings; restaurants; roadside stalls; rural industries; self storage establishments; service stations; shops; tourist accommodation; toxic waste incinerators; transitional group homes.

**Zone No 4 (b) (Light Industrial Zone)**

**1 Objectives of zone**

The objectives are:

- (a) to provide opportunities for the development of a wide range of industrial, service and storage activities which do not have a materially detrimental effect on the amenity of adjoining residential areas, and
- (b) to restrict commercial, retail or other development except where it is ancillary to the use of land within this zone for light industrial, service and storage purposes, and
- (c) to enable the Council to provide more detailed guidelines about industrial development in a development control plan.

**2 Without development consent**

Nil.

**3 Only with development consent**

Any purpose other than a purpose included in item 4 of the matter relating to this zone.

**4 Prohibited**

Abattoirs; aerodromes; agriculture; boarding houses; bulky goods sales rooms or showrooms; caravan parks; commercial premises; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); exhibition homes; generating works; group homes; hazardous industries; hazardous storage establishments; industries (other than light industries); intensive agriculture; large scale commercial premises; large scale retail establishments; medical centres; motels; offensive industries; offensive storage establishments; palliative day care centres; reception establishments; residential flat buildings; restaurants; roadside stalls; rural industries; sawmills; shops; tourist accommodation; toxic waste incinerators; transitional group homes.



### **3.3 Roadworks**

RTA required additional traffic modelling of the Sparks Road and Precinct 14 Intersection. A further traffic analysis was undertaken by TAR Technologies using SIDRA dated 14 October 2008 (Appendix 14) and the forecast traffic flows to 2018 based on a single lane roundabout, which concludes that the proposed roundabout at Sparks Road and Precinct 14 would be unlikely to interfere with the F3 Freeway / Sparks Road off load ramp.

A roundabout is Council's preferred treatment for the intersection of Sparks Road and the Precinct 14 entry. The Subdivision Plan (Appendix 1) includes the proposed roundabout at this intersection.

The Department of Planning has requested further information in its letter dated 28 April 2009 in relation to the proposed bridge over Buttonderry Creek. The bridge will be located as shown on the Subdivision Layout (drawing number E01J Appendix 1). The bridge has been located to minimise the impact on Buttonderry Creek. A General Arrangement Plan (drawing number 19426 EC01 A) for the bridge including the location and preliminary design has been prepared and is attached as Appendix 15.

The Department of Planning has also requested information to be clarified in relation to the treatment of Hue Hue Road. The proposed works to be undertaken on Hue Hue Road is the design and marking of a seagull at the intersection of Hue Hue Road with the entry to Precinct 14. These works will be undertaken prior to the first Construction Certificate for the Industrial Park. The works will not involve any upgrading works along Hue Hue Road and therefore will not impact upon the drainage of the Warner Industrial Park.

### **3.4 Drainage and Flooding**

DHI Water and Environment undertook further flood modelling to assess the potential impacts of climate change, specifically, increases in rainfall intensity of 10%, 20% and 30% above the 1% AEP event in response to the Department of Environment and Climate Change's comments on the Environmental Assessment.

The modelling indicates that the downstream end of channel F2 is sensitive to increases in runoff, partly as a result of increased flow interactions from Buttonderry Creek. As catchment runoff increases, the excess flow off-site is restricted by the existing culverts under the freeway, causing flood levels in the south eastern corner of Precinct 14 to increase.

The modelling predicts that velocities at the downstream end of the F2 channel to decrease as the water level increases. At the peak water level of 20.01m the velocities are predicted to be less than 0.1 m/s adjacent to the freeway for the 1% AEP plus 30% rainfall scenario.

A copy of DHI's report including plans showing the above is provided in Appendix 16.

Plans and sections have been prepared outlining the Water Sensitive Urban Design proposal for the site and are attached in Appendix 17.

Trehy Ingold & Neate has also prepared a plan showing the extent of the 1% flood level over Hue Hue Road and this plan is attached in Appendix 18. The analysis indicates part of Hue Hue Road is topped by approximately 177mm during a peak event (the existing situation), but also indicates that flood waters are contained within the Buttonderry Creek corridor and do not impact proposed lots.

Further information has been collated from the existing data provided as part of the Environmental Assessment and Preferred Project Report dated February 2009 to outline the proposed works in relation to the stormwater and drainage works. A plan has been prepared that shows the existing 1% flood extent on the site and identifies the proposed 1% flood extent on the development site upon completion of works (Appendix 19). A separate summary report has also been prepared on the Warner Management Scheme for the site and is attached as Appendix 20.

### 3.5 Biodiversity Conservation

The Minister is requested to make a determination that no further environmental assessment is required for the project or any particular stage of the project, including the subsequent construction of buildings by others upon land zoned IN1, pursuant to the provisions of Section 75(1)(c) of the Act. The reasons for seeking this declaration are:

- The proposal has been designed taking into account the recommendations of extensive environmental assessment undertaken over the Wyong Employment Zone, including Murray & Bell (2007), draft Biocertification Report prepared by Wyong Shire Council (2007), and site specific assessment by Conacher Environmental (2008);
- The proposal has retained a significant environmental corridor running through the site (approximately 20ha), which will be rehabilitated, managed and later transferred to Council;
- Conservation land has been since rezoned E2 Environmental Conservation; and
- In addition to the dedication of significant conservation land within the site, the Proponent is making a significant monetary contribution, as detailed in the draft Statement of Commitments, for the acquisition of off-site compensatory habitat, pursuant to the draft Biocertification Report.

### 3.6 Earthworks

The Site Disturbance and Earthworks Plan (Appendix 1 – Drawing No. EA02) shows the finished contours across the development site. The majority of lots will require filling and regrading due to flooding requirements. Additional cross sections have been prepared to show the extent of cut and fill (Appendix 1 – Proposed Earthworks Sections) and a further plan has been prepared which shows the extent of cut and fill (Appendix 13).

Further detailed responses are provided in Appendix 2 - Response to Department of Planning.

A Geotechnical Report was submitted as part of the Environmental Assessment (Appendix 9 of the EA). This report outlines the proposal and strategies for construction and management of earthworks (both cut and fill) to ensure ongoing stability of the site. Douglas Partners has provided a further summary report on the site preparation measures, excavation and filling batters and the geotechnical inspections and testing required during the earthworks. This summary report is attached as Appendix 22.

### 3.7 Proposed Conditions of Consent

The proponent has had extensive consultation with Wyong Shire Council in relation to its submission to the Department of Planning on the public exhibition of Warner Industrial Park Environmental Assessment. The response to Wyong Shire Council is attached in Appendix 3. This response includes addressing Council's issues as well as responding to its Proposed Conditions of Consent. The conditions that should be incorporated have been included into the Draft Statement of Commitments in Section 5.0 of this report.

## 4.0 PREFERRED PROJECT

The preferred project is generally in accordance with the publicly exhibited Environmental Assessment and Appendices (dated June 2008), except where outlined below.

Concept Plan approval is being sought for:

- Adoption of the Draft Development Control Plan – Warner Industrial Park dated February 2009, to:
  - Regulate the ongoing development of the individual lots within WIP after the initial subdivision has been created in accordance with the Project Approval described below.
  - Provide guidelines for the design and maintenance of the proposed public domain within Warner Industrial Park.
  - Specify requirements in relation to exempt and complying development.
- To enable additional permissible uses beyond those identified in the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21) including:
  - Function centre;
  - Self-storage Units;
  - Timber and Building Supplies;
  - Industries retail outlet;
  - Landscape and garden supplies;
  - Vehicle body repair workshop; and
  - Vehicle repair station.

Project Approval is being sought for:

- Torrens title subdivision of the site into 90 lots for employment lands for industrial and ancillary uses into a variety of lot sizes to meet anticipated demand.
- Creation of a residual lot(s) of lands (approximately 24 hectares) incorporating riparian zones and drainage corridors to be managed to conserve biodiversity and to provide compensatory flood storage and stormwater treatment areas for the development;
- Removal of hazardous material from the site and any structures and where necessary land remediation;
- Vegetation clearing;
- Bulk excavation works (including excavation and compaction);
- Temporary stockpiling of fill to be located in cleared areas on the site and implementation of sedimentation and erosion measures in accordance with council's policies (refer Appendix 1 of this Preferred Project Report for the location of the stockpiling areas);
- Construction of physical infrastructure including roads and services, the drainage channel, water quality ponds and drainage detention basins;
- Construction of landscape works including entry statements, street tree planting and rehabilitation of riparian zones and drainage corridors;
- Construction of external intersection roadworks for the Precinct 14 entry with Sparks Road being a single lane roundabout and the Precinct 14 entry with Hue Hue Road being a seagull intersection;
- Construction of the external water and sewerage connections; and
- The subdivision to be undertaken in two stages due to the land ownership.



The main changes to the proposal from that outlined in the Environmental Assessment include:

- **Water Cycle Management Scheme**

Wyong Shire Council has advised that its Integrated Water Cycle Management Scheme has been revised to reduce costs and delays to development. The Proponent has agreed to be part of the scheme and therefore the alternative Water Cycle Route for Warner Industrial Park proposed in the Environmental Assessment is no longer required.

Wyong Shire Council has also advised that measures can be implemented in the short to medium term should the scheme not be completed prior to the development of Warner Industrial Park to address surplus stormwater disposal via irrigation.

- **Development Staging**

The subdivision is proposed to be undertaken in two (2) stages reflecting the land ownership:

**Stage 1** will comprise 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:

- earthworks including regrading and filling;
- construction of the main intersections at Sparks and Hue Hue Roads;
- construction of internal Roads No. 1 – 5 and bridge over Buttonderry Creek;
- provision of necessary infrastructure to service lots 1-69;
- Buttonderry Creek restoration and rehabilitation works;
- provision of stormwater storage and wetland areas located on these landholdings; and
- construction of open channel adjacent to Road No. 4.

**Stage 2** will compromise land owned by Delcare Constructions and LG Delahunty, being an area of approximately 17.66 hectares. Works will include:

- earthworks including regrading and filling;
- construction of internal Road No. 6;
- provision of necessary infrastructure to service lots 101 - 121; and
- provision of stormwater storage and wetland areas located on these landholdings.

- **Concept (Subdivision) Plan**

The exhibited concept (subdivision) plan has been amended as follows:

- Road 1 intersection with Sparks Road is now shown as a roundabout;
- Road No. 3 increased in width by 2m to 23m, (but narrowed on arc near Lot 61);
- Road No. 4 increased in width by 1m to 19.5m;
- Road No. 5 increased in width by 2m to 23m;
- Internal carriageways generally increased by 1m to 14m, as agreed to with Wyong Shire Council (Note: carriageway widths exceed current Council policy);
- Minor variations to some lot areas due to increase in road widths;
- Inclusion of a Stage Boundary denoted generally along western boundary of Lots 5 DP259531 & Lot 9 DP239704;
- A small portion of residual land located to the north-east of proposed Lot 26 will now form part of Lot 26;
- Bridge over Buttonderry Creek is detailed as 30m long, 13.5m wide; and
- Minor modifications to the location of stormwater storage and wetland areas within the Buttonderry Creek riparian corridor.

A copy of the revised Subdivision Layout and associated Engineering plans are attached in Appendix 1.

### • Draft Development Control Plan

As previously noted, several meetings have been held with Wyong Shire Council to discuss its requirements in relation to the Draft Development Control Plan for Warner Industrial Park (WIP DDCP). The outcomes of the meetings and discussions in relation to the WIP DDCP have been incorporated where relevant. A summary of the amendments to the WIP DDCP are outlined in the table below. The amended WIP DDCP is attached in Appendix 13.

It has also been agreed with Wyong Council that the WIP DCP would operate as a State DCP in the short term, and could later be incorporated into Council's DCP 2005 when the WEZ DCP is finalised.

**Table 3 – Amendments to the WIP DDCP**

Issue / Section of DDCP	Comments
1.6 Amendments to Development Control Plan	A new clause has been included to outline any future amendments to the DCP.
1.7 Relationship	Reference made to certain chapters of Wyong Council DCP 2005 also applying to the land where outlined in the DDCP.
2.0 Proposed Development	The land uses have been amended to be in accordance with the SEPP and include other appropriate land uses relevant to an industrial zone. Justification for these land uses is provided in this report and in the response to the Department of Planning's issues in Appendix 2.
2.5 Child Care, Café, General Store and Tenant Services	A provision has been included to allow such facilities a maximum gross floor area of 2000m <sup>2</sup> . This will allow a small cluster of shops and limit the need of occupants of Warner Industrial Park to travel for convenience services.
2.6 Brothels	Deletion of Clause.
3.1 Subdivision	A further objective has been included to allow flexibility of further consolidation or subdivision to assist in meeting future market demand.
	A control has been included that the minimum lot size is 2,000m <sup>2</sup> , with not more than 10% of the industrial zoned land to have an area less than 2,000m <sup>2</sup> .
	Inclusion of Chapter 66 Subdivision of Wyong Council DCP 2005 applying to the site unless specified.
3.2 Community Title and Strata Subdivision	Inclusion of a minimum of one loading bay per unit as required by Council.
3.3 Built Form	'Where possible' has been added to the control in relation to large expanses of blank walls and curtain wall should be avoided. As large expanses of blank wall are likely to occur along side boundary especially where development occurs along the lot boundary. Measures have also been incorporated.
	Additional clauses included in relation to improvements over 50 metres requiring structural separation; approval required by the MSB for all improvements; and Reference made to Clauses 3.8, 3.9 and 3.13 for further design controls.
3.4 FSR and Coverage	The FSR has been increased from 0.8:1 to 1:1. Justification is provided in Appendix 2 – Response to Department of Planning of this Preferred Project Report.
3.5 Height	The control of height of buildings and structures to not be visible above the tree line along the Sydney Newcastle freeway has been deleted. It will be difficult to meet this demand especially when the range of vegetation along this corridor will differ. The objective of ensuring a high quality appearance is to be achieved particularly from the F3 Freeway remains.
	Additional clause has been included requiring particular attention to detail for buildings visible from F3 Freeway and / or Sparks Road.
3.6 Setbacks	Similar controls to the side setbacks have been included for rear setbacks, apart from the setbacks adjoining Hue Hue and Sparks Road, the F3 Freeway and the Environmental Corridor.
	Additional clause permitting parking in setback subject to appropriate landscape treatments included.
	The words "on-ramp" included after F3 Freeway in dot point one of the controls.
	Reference to bushfire protection measures included Riparian in dot point two of Riparian Buffers.
3.7 Minimum Floor Level	Minimum floor level set at 300mm. This reflects the Mine Subsidence Board request for an additional 200mm freeboard above Council's requirements to cater for the 1:100 year flood event.
3.8 Building Materials, Finishes and Energy Efficiency	Additional control included as per Council requirements for developments to use energy efficient products, by reference to Clause 3.16 of Wyong Shire Council's DCP - Chapter 75 – Industrial Development.
	Control amended to include specific requirements in relation to building construction for bushfire as outlined by RFS.
3.8.2 Sewer Mains	Clause added to provide controls when building adjacent or over sewer mains.
3.8.4 Colours	Clause added to require details to be submitted with development application.
3.9 Roofscape	Clause deleted in relation to height restriction as height restrictions are outlined in 3.5.

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Precinct 14 Wyong Employment Zone

	The words "visually screened" added within dot point three.
3.10 Access and Carparking	Clause added requiring justification for any encroachments into setback area.
	Clause added to discourage parking within the principle road frontage setbacks except where objectives met and appropriately screened.
	Inclusion of Clause 3.7 of WSC DCP 2005, Chapter 75 – Industrial Development.
3.11 Signage	Additional information included so that Directory Boards are in accordance with the WIP DDCP and other signage generally in accordance with Council's DCP for signage. Also, illuminated signage visible from the F3 will be subject to separate consent.
3.12.3 External Storage	Reference corrected to 3.12.2. 'Appropriately' included for screening. Difficult to totally screen from all public areas. The term 'display' replaced with 'storage'.
3.13 Landscaping	Objectives have been amended to include the connection to Council's system for stormwater and an additional objective has been included to prevent the uncontrolled storage on public open space.
	Additional wording has been included to provide security fencing adjoining conservation and drainage area except if the land use includes amenities and recreation facilities for employees and inclusion of a top rail on security fencing.
	Additional wording to include that the landscape treatment also be in accordance with the concept plan for the site.
	Reference made also to Clause 3.10 of WSC DCP 2005, Chapter 75 – Industrial Development and Council's Landscape Policy and Guidelines.
3.14 Waste Management	Additional clause on Waste Management added.
3.15 Lighting	Additional clause on Lighting added.
4.1 Traffic and Transport	Figure 1 amended to Figure 2. The words "where necessary" added before reference to the RTA.
	Clause added saying that internal roads must be in accordance with Concept Plan and Appendix 1.
5.2 Soil & Stormwater Management	Clause added requiring a water quality report to be submitted with a development application.
5.3 Water Quality and Water Reuse	Reference included on water reuse for public landscape areas.
5.4 Riparian Zone Management	Deleted DCP area and inserted 'Wyong Employment Zone'.
	Amended to cite reference for Integrated stormwater and water quality system.
	Objective amended to include the treatment of Buttonderry Creek and the F3 Freeway Buffer zone in accordance with the Concept Plan also.
6.4	Complying Development provisions have been amended so as to adopt Council's DCP (Chapter 86) in relation to general clauses. Also, qualifies provisions at Clauses 1.5 and 1.6 of Council's DCP with respect to areas where Complying Development provisions do not apply. Additional parameters being a maximum height of 12 metres and 5,000m <sup>2</sup> of gross floor area included. Part C amended to clarify fencing provisions.
7.3 Application Requirements	Removal of requirement for company seal or seal of the body corporate.
References	Included references for Conacher Environmental Bushfire Assessment Report and Vegetation Management Plan.
Appendix 1 Visual and Landscape Management Strategy	This appendix incorporated a visual assessment and landscape strategy to meet the Director General's Requirements. However, these have now been simplified so as to outline the visual and landscape strategies only that are required for the WIP DDCP. It essentially removes information about the existing visual amenity of the Warner Industrial Park. The Strategy has also been amended to reflect road cross sections as agreed with Council.



## 5.0 STATEMENT OF COMMITMENTS

The following table outlines the Statement of Commitments for the Concept Plan and Project Approval for the Warner Industrial Park. These Statement of Commitments have incorporated the relevant conditions of consent that have been determined in liaison with Wyong Shire Council.

**Table 4 – Project Application - Statement of Commitments**

Subject	Commitments	Approved by Whom	Timing
1.0 General	The development shall be carried out in accordance with the Preferred Project Report (Revision A – May 2009) and Environmental Assessment Report (June 2008) prepared by Peter Andrews + Associates Pty Ltd.	Department of Planning	Concept Plan and Project Approval
2.0 Staging	Staging of the development will be in accordance with the staging of works set out in the Preferred Project Report.	Department of Planning	Project Approval
3.0 Development Contributions and Works In Kind	Contribution towards the Special Infrastructure Contribution for the Wyong Employment Zone – Special Contribution Area.	Department of Planning and Land Owners	Subject to legislation
	The entering into a Voluntary Planning Agreement with Wyong Shire Council in relation to: <ul style="list-style-type: none"> <li>Roadworks and traffic management.</li> <li>Water recycling and reuse pipeline.</li> <li>Conservation works and transfer of land in accordance with the Wyong Employment Zone Draft Biodiversity Strategy.</li> </ul>	Council and Land Owners	Prior to commencement of works
4.0 Statutory Requirements	A Construction Certificate is to be issued prior to the commencement of any works. The application is for the certificate is to satisfy the Environmental Planning and Assessment Regulation 2000.	Certifying Authority	Prior to commencement of works
	The plan of subdivision and Section 88B instrument (Conveyancing Act 1919), in favour of Wyong Shire Council, restricting direct vehicular access from Sparks Road and Hue Hue Road to the proposed allotments in the subdivision.	Not Applicable	Prior to issue of the Subdivision Certificate for each stage
	The creation of "Easement for Support" over excavated batter slopes adjoining the existing or proposed road reserves to benefit the Council.	N/A	
	All necessary "Easements to Drain Water and for Services" are to be registered with the plan of subdivision. Note: "Easements to Drain Water" shall be created over the constructed swale drainage system.	N/A	
	The certification by a Registered Surveyor, that all services and domestic drainage lines are wholly contained within the respective lots and easements.	N/A	
	A Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development must be obtained.	N/A	
	The dedication of internal roads to Wyong Shire Council.	N/A	
5.0 Construction	Works are to be designed and constructed in accordance with Wyong Shire Council's DCP 2005 – Chapter 67 Engineering Requirements for Development unless otherwise specified in the Preferred Project Report.		Prior to the issue of Construction Certificate
	The provision of level 2 testing to be carried out on imported fill. Such works to be carried out by a qualified Geotech engineer, with reports submitted 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 thicknesses, test locations and results. Inspection reports and certification shall be submitted to Council upon completion of each stage of works.	Wyong Shire Council	Prior to the issue of Subdivision Certificate for each stage
	The stockpiling of fill is to be located in the areas detailed on the plan titled Soil and Stormwater Management Plan EA08 Rev E. Works shall be undertaken in accordance with the Construction Management Plan, including placement of appropriate erosion and sediment controls.	Department of Planning	As part of the construction works
6.0 Roadworks and Traffic Management	Design and construction of intersection works at the entry to Precinct 14 on Sparks Road to be a single lane roundabout in accordance with the Subdivision Layout in Appendix 1. To be designed in accordance with Wyong Shire Council and RTA.	Wyong Shire Council /RTA	Prior to first Construction Certificate

Subject	Commitments	Approved by Whom	Timing
	Design and construction of intersection works at the entry to Precinct 14 on Hue Hue Road to be a seagull intersection in accordance with the Subdivision Layout in Appendix 1. To be designed in accordance with Wyong Shire Council.	Wyong Shire Council	Prior to first Construction Certificate
	<p>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.</p> <ul style="list-style-type: none"> <li>• 10 day soak CBR on the subgrade and any select fill.</li> <li>• Plasticity index and shrink swell index testing for the anticipated subgrade.</li> <li>• Methods for mitigating any shrink swell impacts resulting from reactive subgrade.</li> <li>• Sub-pavement drainage treatments.</li> <li>• The submission of output files from the "Circlly" design.</li> </ul>	Department of Planning	As part of the constructions Works
	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 during the construction works.	N/A	As part of the construction works.
	<p>The submission 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>This information shall be in the form of a report by a qualified Geotechnical Engineer.</p>	Wyong Shire Council	Prior to the issue of the Subdivision Certificate for each stage
	Provision in the design for a possible future bus service through the subdivision including satisfactory arrangements for bus shelters.	Department of Planning	Project Approval
	Provision of onroad cycleway on Sparks Road.	Department of Planning	Project Approval
	Incorporation of off road cycleways and footpaths in accordance with the Subdivision Layout in Appendix 1 of the Preferred Project Report.	Department of Planning	Project Approval
7.0 Biodiversity and Environmental Management	<p>The submission of an Environmental Management Plan for the Buttonderry Creek and the Environmental Corridor adjoining the F3 to address:</p> <ul style="list-style-type: none"> <li>• planting and maintenance of water quality and detention structures,</li> <li>• rehabilitation of the environmental corridors,</li> <li>• creekline stabilisation and rehabilitation,</li> <li>• access requirements for maintenance,</li> <li>• bushfire management in accordance with the Preferred Project Report, the Environmental Assessment and the requirements of the Rural Fire Service,</li> <li>• potential for preservation and enhancement of biodiversity values within the corridors,</li> <li>• DWE guidelines with respect to riparian zones.</li> </ul> <p>The report to be prepared by appropriately qualified environmental consultant and incorporate Category 3 landscape report in accordance with Council's Policy.</p>	Wyong Shire Council	Prior to Subdivision Certificate
	Rehabilitation of the Buttonderry Creek and Environmental Corridor on the eastern boundary of the site and upon completion the dedication of the land to Wyong Shire Council in accordance with the Voluntary Planning Agreement and the above Buttonderry Creek Plan of Management.	Wyong Shire Council	Prior to the issue of the Subdivision Certificate for each stage and upon completion of the works
	Maintenance of the Buttonderry Creek and environmental corridor along the boundary of the F3 Freeway in accordance with the		Upon completion of



Subject	Commitments	Approved by Whom	Timing
	Voluntary Planning Agreement.		the works
	Clearing of works outside the designated Environmental Corridors will be undertaken in accordance with the Vegetation Management Plan included as Appendix 4 of the Environmental Assessment.	Department of Planning	During construction
	Construction work will 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	N/A	During construction
8.0 Integrated Water Cycle Management and Stormwater	<p>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:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p>Designs are to include local overland flow paths.</p>	Wyong Shire Council	Prior to the Construction Certificate
	<p>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;</p> <ul style="list-style-type: none"> <li>Details and sizing of constructed wetlands and detention areas and channels including the Buttonderry Creek flood plain, channel B1 and channel F2.</li> <li>Revised flood modelling based on the final fill levels; Risk assessment for major drainage structures including the F3 (in consultation with the RTA) and Buttonderry Creek Bridge crossing.</li> <li>The need (if any) for additional debris control around inlets to F3,</li> <li>Condition of Hue Hue Rd and any overtopping during 1:100 ARI, or works that may need to be undertaken to ensure the integrity of the batter.</li> <li>Capture of stormwater entering the site from Kiar Ridge Road.</li> <li>The requirements of Water Sensitive Urban Design Solutions for Catchments above Wetlands, May 2007, Hunter &amp; 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.</li> </ul>		
9.0 Mine Subsidence	<p>In accordance with the Mines Subsidence Board requirements, finished surface levels to include a 200mm freeboard above Wyong Council's requirements to cater for the 100 year ARI flood level. This is addressed in the item above in relation to Stormwater Management.</p> <p>The number and size and boundaries of lots substantially as shown on the approved plan.</p> <p>Notification being made to the Board of any changes to lot numbering and of the registered DP number.</p> <p>The Mine Subsidence Board's advice that the land is in a Mine Subsidence Area to be included on the Section 149 Certificate.</p> <p>All engineering works to be carried out in accordance with Wyong DCP 2005 Chapter 67 Engineering works with particular regard to areas prone to mine subsidence, and having regard to the Mine Subsidence advice on possible subsidence parameters of:</p> <ul style="list-style-type: none"> <li>Maximum Vertical subsidence of 200mm;</li> </ul>		



Subject	Commitments	Approved by Whom	Timing
	<ul style="list-style-type: none"> <li>Maximum Ground Strains of <math>\pm 2\text{mm/m}</math>;</li> <li>Maximum Tilt of <math>2\text{mm/m}</math>.</li> </ul>		
10.0 Utility Services	Provision of internal water, sewer, electrical, gas and telecommunication services for the proposed development.	Relevant Utility Authority	Prior to Subdivision Certificate for each stage
	Approval of the RTA to any services within the F3 Freeway Corridor.	RTA	Prior to Construction Certificate
11.0 Bushfire Protection	<p>In accordance with the requirements of the NSW Rural Fire Service:</p> <ul style="list-style-type: none"> <li>the creation of a section 88B instrument to provide unobstructive pedestrian access to the rear of proposed lots 101 to 110;</li> <li>the creation of a section 88B instrument over proposed lots 104 to 110 preventing their use for special fire protection purpose developments;</li> <li>Landscape treatment of the site to comply with the principals of the Appendix 5 of Planning for Bushfire Protection 2006.</li> </ul>	Wyong Shire Council	Prior to the issue of the Subdivision Certificate.



## **6.0 CONCLUSION**

The supporting documentation provided with the Environmental Assessment and this Preferred Project Report indicates that the project can proceed with appropriate controls to regulate future land uses and to meet environmental infrastructure requirements. The project can proceed which will assist the Government in meeting its regional employment objectives in a timely manner, and provide a catalyst for the development of other areas within the WEZ.