

**WYONG SHIRE COUNCIL**

**SUBMISSION TO NSW DEPARTMENT OF PLANNING**

**PUBLIC EXHIBITION**

**WARNERVALE TOWN CENTRE**

**INTRODUCTION**

Council has been waiting for the State Government for nearly two years to release its plans for the Warnervale Town Centre. The Minister for Planning, the Honourable Frank Sartor, called in the project as a State Significant Development on 26 June 2006. Therefore Council, on behalf of the Community, is very pleased to see the Department of Planning producing their plans and making them available for public comment after this considerable wait.

The Department of Planning put a number of documents on exhibition. These include:

- State Significant Site Study;
- Draft State Environmental Planning Policy (Major Projects) 2005 (Amendment No. 24);
- Special Infrastructure Contributions Plan;
- Biodiversity Certification Report;
- Draft DCP – Warnervale Town Centre; and
- Various Technical Documents.

In addition to these Council has exhibited its draft Section 94 Plan for the WTC.

Notwithstanding the above Council is also charged with ensuring that the plans are functional, practical and achieve Council's objectives; drafted with community input over the last 5 years of planning this important area. The ten adopted objectives are:

- 1 A vibrant town centre that encourages community life and town centre living.
- 2 Integration of uses including retail, commercial, community, recreation and residential throughout the town centre.
- 3 Comfortable access grade throughout the town centre core to ensure equity in accessibility.
- 4 A clear legible road hierarchy with distinct and clear entry points.
- 5 Activation of public domain and open space for maximum time periods.
- 6 Public perception of safety through ongoing activity and surveillance throughout the town centre and railway station.
- 7 Maximising the opportunities for public buildings to be iconic, of visual and architectural merit and provide key orientation points for the Town Centre.
- 8 The Town Centre Core is to become a multi-destination hub which advocates and integrates alternative transport modes (eg. buses, walking and cycling).



- 9 Retain the treed ridgelines as key elements of the landscape character of the Town Centre.
- 10 A commercially viable retail precinct.

These objectives, together with the considerable time and expertise that Council staff and management have put into this project, are the basis and benchmark for this submission.

This Submission is divided into four parts – major issues and concerns, general comments, detailed comments on each document in the above order and Appendix 1 (Recommendations from Gabriel Morrish).

Council considered a report on the public exhibition of the proposed Warnervale Town Centre on 12 March 2008. At that meeting Council resolved:

<INSERT RESOLUTION FROM 12 MARCH 2008 MEETING>

## MAJOR ISSUES

The report considered by Council on 12 March 2008 included the following major issues and concerns with the proposal.

- *Slope of the access road into the town centre core area.* The main access road into the town centre is too steep for buses, pedestrians and cyclists. The road does not follow the contours of the hill, creating a circuitous route and many right angle turns. There have been repeated representations to the DoP regarding this, but the plans have not altered. Additionally, the location of the road solely within the Council landholding is not consistent with Council's standard approach to ensure the costs of development are equitable across landowners. It appears that the Council land is being fully impacted in order to remove any impact on the adjacent property owned by Landcom.
- *Traffic gridlock will occur on the eastern side of the railway station.* All traffic to and from the western side is channelled into a single intersection at the corner of the railway line, bus/rail interchange and the beginning of the town's Main Street. This corner will be the focus of a lot of the activity within the town centre - commuters, through-traffic, shoppers, cyclists and pedestrians (able bodied and disabled, young, old, mothers with prams). This is combined with the current design of the overbridge being vastly inadequate to cater for vehicles, off-road cyclists, pedestrians and turning lanes associated with the traffic lights on the eastern side of the line. In addition, all through-traffic using the main north/south link road from Watanobbi to Charmhaven will pass through this intersection.
- *Commuter parking.* There is a significant lack of detail given regarding:
  - The number of commuter carparks proposed;
  - The timing of provision of these spaces;
  - The source of funding and who will be providing the carparking.

Officers from the Department of Planning have been unable to provide answers on these questions, however departmental staff have suggested that commuter parking would be subject to a fee.



- *3 Storey “Walk-ups”*. The proposal contains 628 dwellings within 3 storey buildings, likely to be in the form of ‘walk-ups’ without lifts (page 13 of DCP). This is nearly 40% of the total 1,700 dwellings. This type of development is not desirable on a large scale or in concentrated areas. It does not contribute to the objectives of providing accessible, safe and convenient accommodation that reflects the future demography of the area, within a sustainable building style. Council does not seek to encourage a Dee Why style of development for the next generation and beyond. Therefore, yields proposed are unlikely to be achieved, impacting on the amount of contributions collected across the precinct, with shortfalls having to be met by Council and the wider community.
- *Town Centre densities, height and yield*. The proposed densities in and adjacent to the town centre are considered low for a centre based around a major public transport interchange (bus, train, taxi). The State government has repeatedly stated that higher density and higher development, if it is to be provided in any area, should be located adjacent to transport nodes and town centres. The WTC proposal shows low and medium density development (maximum height limit of 8.5m) immediately adjoining the southern boundary of the shopping area, well within an average walking distance of the transport interchange. This land is in the ownership of Landcom and a DoP officer stated that Landcom had made representations to the Department which had been taken into account in the concept planning of this area. Further to this, 400 apartments are proposed within the town centre area. This is highly unlikely to occur unless there are stand alone residential flat buildings as the development of the ‘big box’ shopping centre on the southern side of Main Street with its need to provide plant and equipment, together with the 12m height limit, will stifle the number of apartments that will be achieved. Again, this would impact on the amount of contributions collected.
- *Lack of active “kick a ball” space*. With 1,000 dwellings and nearly 2,000 residents anticipated to live in the immediate vicinity of the town centre, there is no outdoor, flat, cleared, open area proposed where residents and visitors can kick a ball, fly a kite or generally participate in unorganised activities. The aquatic centre and adjacent community facilities will provide excellent indoor recreation and entertainment opportunities for residents; however, outdoor space should also be provided in association with the aquatic centre. Council would normally require some 1.2ha of open land for this number of residents in a standard residential estate. The DoP has significantly reduced the size of the Hill Top Park, removing any open space from around the aquatic centre and integrated child/family centre. The Ridge Top Parks to the north of the aquatic centre and on the western side of the railway line will be required, via the biocertification process, to retain and enhance their native tree canopy. They are steep and rugged hill tops. Council is required by the DoP to prepare Plans of Management for all open space areas to ensure this occurs.
- *Retail Centre*. The Main Street is 400m long with the Railway Station as the centre. A DoP officer described the centre as spanning both east and west of the railway line with retail, commercial, commuter parking and residential on both sides of the station. This is already an issue for long standing town centres in suburban Sydney (eg Hornsby) and is not appropriate for this site. Nonetheless, if it persists, there needs to be a plan that explicitly guides the timing and staging of the centre. The first stage should be concentrated on the eastern side of the station to ensure the viability and vitality of the new town centre is well established in the first 10-15 years of development. The 2ha of retail/commercial land located on the western side of the station is large enough to accommodate a second shopping centre as a separate identity, while still achieving the residential and commuter parking targets. Without a staging plan, this area could be developed early and significantly affect the establishment of the major centre on the western side of the railway line.



- *Lack of Main Street focus.* The proposal (Figure 5.6 of the DCP) shows a 3 storey shopping centre stepping down the slope of the southern side of Main Street. Concern is raised that the development of this shopping centre will significantly detract from the Main Street focus envisaged for this town centre. The pedestrian links (Figure 6.1) focus on an internal pedestrian path through the shopping centre with only one link to the Main Street and one to the Civic Square. The DCP identifies the civic square as being located on Council land. There does not appear to be any funding regime for details within the DCP to support this proposal. Main Street is likely to become a secondary focus with even less focus and economic viability for shops on the northern side of the Main Street. Council staff have strived to ensure that both sides of Main Street are active, vibrant and viable. There is no evidence given that this design will achieve these objectives, considered vital to the development and sustainability of this centre. Further, the location of the town square, library, knowledge centre and Arts & Cultural Facility is not integrated into the heart and focus of Main Street. These facilities have been separated from the shopping centre, located opposite the aquatic centre. This is contrary to Council's objective of providing an integrated regional community based facility within the centre of town which would serve as the focal point of town's activity and vitalisation of the Main Street.
- *Development Levies.* There is a lack of certainty as to what precinct facilities Council can charge for under s94 (ie. aquatic centre, integrated child and family centre, youth space and arts and cultural centre) and the SIC does not provide sufficient detail to assess the total cost of each item against the amount recouped by the levy and whether sufficient funds will be available to complete the items identified in a timely manner. Despite repeated requests, there has been no consultation with Council on the total amount of these combined levies prior to exhibition. Therefore, staff have been unable to assess the impacts these may have on affordability or likely land take-up rates. Meetings prior to exhibition were promised by the Minister and the Director General of the DoP, but did not eventuate.
- *Aquatic Centre precinct.* The SEPP provisions in relation to the Aquatic Centre precinct are overly restrictive in the permitted uses that would be considered complementary to the development of an aquatic and recreational facility. Uses such as allied health activities, sports medicine and the like should be included.

Additional issues include:

*Biocertification prior to gazettal of rezoning:* It is essential to the overall delivery of the WTC that the biocertification of the precinct be approved, in writing, by DECC prior to gazettal of the rezoning for two main reasons: Council and other landowners need to know what, if any, conditions are going to be placed on that approval – this may require changes to the DCP, SEPP or Contributions Plan and it may affect the achievement of the dwelling targets across the precinct. Both these issues have flow-on effects across the precinct that may affect the viability and timing of developing within the WTC. Without biocertification each landowner will be required to prepare individual SIS's and seek approval from DECC – a time consuming and very unpredictable process.

*Application of Section 94 by Minister for Planning:* Council is concerned that Section 94 contributions may not be charged by the Minister for Planning on any Part 3A approval thereby affecting the overall contributions for the WTC and increasing the burden of unpaid contributions onto the wider community. There is some \$31 million of contributions attributable to the commercial/retail/bulky goods areas. Council seeks the Minister of Planning's assurance



Further to Staff's review of the project Council commissioned Gabriel Morrish, GMU Architects to review the Draft DCP provisions. Her detailed recommendations and proposed amendments are Appendix 1 of this submission. These are generally concurred with by Council with one exception – the proposal to locate a school on the Hilltop Park precinct is not supported by Council as it is the site for the Aquatic Centre. The Dept of Planning is requested to take these comments and recommendations into account when reviewing the DCP.

## GENERAL COMMENTS

- The funding of community facilities for the precinct is not clear due to the anticipated changes to the Planning legislation in respect of Section 94 plans. Council and the community need some assurances from the State Government that the section 94 contribution levels will not be cut. The DCP clearly and repeatedly identifies the Aquatic Centre and the other community facilities to be provided in the WTC and acknowledges that they are to be integrated into the centre.
- It is not clear how the Section 94 will apply to any Part 3A application that may be made directly to the Planning Minister, as the WTC does not fall under WLEP 1991, the Environmental Planning Instrument that normally underpins Council's Section 94 plan. Council is seeking legal advice on this.
- If Section 94 contributions are to be cut or reduced by the Minister for Planning in any way, the state government must identify and make public a state source for funding for facilities in the WTC.
- Population yield (4000 to 5000) appears to be grossly optimistic for two reasons:
  - (a) The yield of 1700 residences would be too high given that:
    - There is unlikely to be residential development above a big box commercial facility given the broad spans of such buildings;
    - There is only one or two stories of residential above the retail facilities given height restrictions;
    - There is an unproven market for three story walk-ups in this area likely leading to townhouse style develop on the Landcom land; and
    - Stand-alone residential flat buildings are not permissible in the B2 Local Centre Zone, only shop top housing.
  - (b) The densities used compute the yield (2.2 persons / residence to 2.7persons / residence) are optimistic. Occupancy rates of 1.8-2.0 should be used as this would reflect the future demographics of the area and the increasing number of single person households.
  - (c) Some of the important positive elements of the original master plan seem to have been lost in the translation to the new plan included in the DCP. For example, the green ridge link in the centre of the site, the visual links from the ridge to the park on Sparks Road and beyond, the mid block connector road through the main retail block on the southern side of high street and loss of some of the original logic and efficiency in the movement system.



- (d) The retention and establishment of the 'green ridge' seems to have been partially lost with the lengthening and intensification of development at the eastern end of high street. It's critical that view lines from Sparks Road to the ridge are maintained in order to expose the special character of the site and establish a strong and recognizable sense of place.
- (e) Shadow impacts on residential development needs to be reviewed especially impacts of retail / commercial on High St.
- (f) More emphasis is needed up front with WTC's key differences and advantages over other existing centres. WTC is a more sustainable retail and community centre, not a car-based centre. Sustainability only comes up very late in document.
- (g) Page 40 states that a Public Domain Plan is to be prepared by Council prior to any development in the WTC but it is not clear if this is prior to the State's consideration of any Part 3A application. The overall theme of the public domain for the town centre has not been established. With the likelihood of a big box shopping centre on the southern side of Main Street, backing onto Main Street there is no stated requirement that the applicant consult with Wyong Council, the eventual asset owner of the public domain on the details of this. The theme of the public domain needs to include street furniture, colours, paving details, branding of the centre, signage, way finding, entry signs etc. This needs to be coordinated and agreed before any development consent or State Government approval is issued for any development in the WTC. The cost of preparing a Public Domain Plan is likely to be over \$100,000.

## DETAILED ISSUES

### STATE SIGNIFICANT SITE STUDY

This study is the overview report of the proposal. It is similar to a State of Environmental Effects for a Development Application. Any comments on the contents of this document are incorporated in points discussed below.

### DRAFT SEPP (MAJOR PROJECTS) 2005 (AMENDMENT NO. 24)

The Minister for Planning has determined that the WTC land will not be part of the Wyong LEP 1991 or DCP 2005. DoP proposes to create an amendment to the Major Project (State Significant) SEPP and put separate provisions, development guidelines and planning legislation for this land. (it is noted that land use definitions may differ from WLEP 1991 as they are defined under the Standard Instrument Order 2006).

**Clause 2:** Interpretation: reference to Wyong DCP should be "as amended from time to time" not set at a date. Should the date remain 23.5.07 then any amendments to the DCP since then will not be able to apply to future development in the WTC.

**Clause 6:** Part 3A projects: includes "retail premises" only. It is assumed that this will apply to the Big Box Shopping Centre located on the southern side of Main Street. Does it also include mixed use development? Figure 5.6 of the Draft DCP shows a cross section showing a mixed use development comprising shopping centre with residential apartments above? If this is the case there may be a similar development on the western side of the railway station that could be Part 3A. 5,000m<sup>2</sup> is not a large floor area of retail when combined with a full line supermarket and some specialty shops and \$20 million value of development is not significant when incorporating underground or multi-deck car parks.



**Clause 8:** Land use zones: Will SEPP 4: Change of Use apply or will all subsequent uses require DA consent? Council seeks that SEPP 4 should apply. The zoning of the Hill Top Park area (Aquatic Centre and Family Centre) should be amended to B2 – Local Centre Zone. This would allow a greater range of uses to be incorporated and complementary to these facilities which may enhance that precinct eg medical centre associated with the recreation centre, restaurant integrated with either facility, office facilities that complement the centres, telecommunications, retail premises to activate the street frontage or complement the centres. None of these uses are permissible in the RE1 Public Recreation zone which restricts the long term uses of this anchor site at the end of Main Street.

The proposed RE1 zone in the south western corner adjacent the railway line (eastern side) should be zone SP1 Special Activities Zone as it will be taken up by the IWCM/ WSUD water quality and drainage ponds, not recreation and open space.

**Clause 9:** R1 General Residential zone: home occupations are currently permissible without consent within WLEP 1991, but not included within the Draft SEPP. Only home businesses and home industries are permissible and will require consent under the SEPP? Why is this a requirement when we should be encouraging people to work from home and facilitating that as easily as possible? The SEPP (Clause 29) has a 30m<sup>2</sup> restriction applied with any variation needing the concurrence of the DG of Planning. Home occupations and home businesses should be exempt or complying development under the draft SEPP.

Home industries should not be prohibited in the R1 zone. The definition includes 'light industry' and should not be encouraged in a residential area where it is proposed to have minimum residential densities of 20 dwellings per hectare. While clause 29 of the draft SEPP restricts the size of these industries the area will not be enhanced by their inclusion.

Office premises should not be a permissible use in the R1 zone and Dual Occupancies should be permissible use, with consent (if there are specific requirements for these then DoP could add provisions to clause 29 of the draft SEPP to regulate them [similar to bedroom restrictions for B&B's]).

**Clause 11:** SP1 Special Activities Zone: could the WSUD and IWCM area in the south western section of the Landcom land be zoned SP1. This zone would allow the area to be identified specifically for this use plus allow incidental and ancillary development. This zone would be more appropriate than the proposed RE1 zone.

**Clause 13:** RE1 Public Recreation zone: this should not apply to the IWCM area in the south western corner near the rail line. This area will not be available for open space or significant recreational purposes. As such it should not be counted in the total open space for the WTC. It will be totally taken up by water quantity and quality devices eg ponds, wetlands. Any recreational use of this area in the long term cannot be anticipated or planned at this stage. Therefore it is not an area that should be seen as providing recreational/open space for the adjoining neighbourhood on Landcom's land. Further, roads require consent in this zone. Roads are ancillary and incidental to the provision of community facilities, kiosks and recreational uses of these areas. They should not require separate consent.



**Clause 14:** E2 Environmental Conservation zone: pedestrian paths require consent, but are not a defined land use within either the SEPP or the Standard LEP template. What is its definition? Does its definition include cycleways, pathways as part of road reserves etc? Roads require consent. This should be deleted as the road is nominated within the DCP and can be assessed under Part 5 of the EP&A act. As council has no power to permit variations to the DCP and Plans of Management are required to be prepared for these areas, the requirement for consent for roads in this zone is overly restrictive. With only three permissible uses in this zone no other structures, works or public facilities will be able to be placed in this zone eg. public amenities, shelters, seating and the like. While public utilities are permissible without consent across the whole of WTC, the definition of public utilities is restricted to water, sewer, electricity and natural gas. Therefore all other facilities, works and structures are prohibited. "Environmental Facility" should be added as a permissible use with consent as this would allow seating, shelters, bird hides or the like to be proposed and a merits based assessment undertaken by the consent authority.

**Clause 17:** Subdivision: a lot size map is referred to but no such map exists. Referral to Council's subdivision DCP will not suffice as the zones contained in the Draft SEPP are different to those under WLEP 1991. This will be the same for provisions relating to residential flat buildings and medium density development. Council's documents do not reflect the zones in the Draft SEPP. The lot size map needs to be provided.

**Clause 21:** Exceptions to development standards: This clause allows an applicant to seek a variation to a development standard in the draft SEPP or other EPI (noting that WLEP 1991 does not apply to the WTC). However, WSC is the consent authority for the large majority of developments in the WTC but has no power to grant any variation. This clause explicitly states that the concurrence of the Director-General has to be obtained for all variations, no exceptions or degree of variation. Council proposes that the DoP consider giving Council some degree of delegation to consider and determine variations under the provisions of the SEPP. eg 10% increase in the size of uses contained in Clause 29 of the SEPP (B&B, home businesses, home industries, kiosks, neighbourhood shops). Under the draft SEPP WSC could not approve, without the DG's concurrence, a home business over 30sqm that was proposed within an existing home, not even if it was 31sqm or 36sqm (the size of a double garage).

**Clause 21(6):** What is the minimum lot size in the E2 (Environmental Conservation Zone)? With no development standard for lot sizes, this subclause is superfluous.

**Clause 22:** Land Acquisition: The draft SEPP includes a land acquisition plan with Council nominated as the authority of the State to acquire the land. The acquisition of the Heath Wrinklewort reserve (DoP land) is not agreed by Council and has not been included in Council's draft Section 94 Contributions Plan. The DoP is to transfer the land to Council at no cost and Council will take over the final management of the reserve. The Heath Wrinklewort reserve should be deleted from the Land Acquisition Map.

**Clause 22 (3):** Would allow the use of land, acquired under this clause, to be used for any purpose, with consent. This clause should be amended to include restrictions that relate to and protect the land for its future purpose of open space, recreation or conservation.

**Clause 29:** Controls for miscellaneous permissible uses: these are very restrictive and cannot be varied to any degree without the concurrence of the D-G of Planning. See comments under clause 21 above.





## SPECIAL INFRASTRUCTURE CONTRIBUTIONS (SIC) PLAN

It is noted that the SIC will only apply on per hectare basis to “Net Developable Area for residential uses” (clause 8.1 and 10.1). This means that development in the commercially zoned area of town that does not contain residential uses will not pay any contribution towards the upgrade of state roads or the biodiversity offsets. Therefore developers such as Woolworths, who do need to clear some native vegetation, will not be required to contribute to the vegetation offset scheme (\$4 million) and roads. This is not equitable with the State’s Government’s approach on WEZ where SIC is being applied to employment generating land. The Government needs to be clear on which approach it intends to take. Council seeks that that part of the SIC which applies to the vegetation offset scheme be applied to retail and commercial development that requires clearing of land.

A map of the calculated Net Developable Area has not been made available to Council to enable the areas used to derive the NDA and therefore the breakdown of the SIC. No indication is given as to how the large amount of mixed use developments would be assessed under the general terms of “NDA for residential uses”. If the zoning map is the basis for the NDA calculation for residential uses, then the concept plan showing significant amounts of vegetation retention in the Residential Northern Precinct (Figure 2.10 Town Centre Plan) is a concern. Should development not yield the anticipated NDA based on zoning, then contributions to SIC will be less than anticipated and the timing of the provision of this state level infrastructure will be pushed back as funds will not be generated as quickly or as much as anticipated. This delays infrastructure and affects the emerging community in the immediate area and the wider district. The NDA plan should be made available to Council, the public and landowners to allow its full and proper review.

**Clause 2.1:** The NDA figures do not match the NDA figures from the draft contributions plan. This may be because the department calculates NDA differently to Council in that it includes internal streets plus half the width of any adjoining access roads. It may also be because it includes existing developed areas. As stated above, Council needs to have the calculations behind the NDA figures. Also, having two separate definitions for NDA is confusing for developers and landowners. It is suggested that the Department use the same definition for NDA that Council uses in all its contributions plans that contain NDA based contributions.

There is no mention of the 8,000m<sup>2</sup> of bulky goods development.

**Clause 4:** There is no reference to the admin costs being funded from the SIC. However the table in Clause 9.3 shows \$250,000 being provided for planning, delivery and implementation. DoP need to provide details of what this money will be spent on. At present, Council is required to administer the SIC program with no cost recovery.

**Subclause 8:** States that Council and the applicants are to provide utilities. This is not totally correct. Council provides water and sewer but other authorities provide other utilities eg. natural gas, electricity etc.

**Subclause 9, 10 & 11.1:** How are credits calculated? What happens if a developer proposes to construct 100 metres of Sparks Road. There is no supporting documentation behind the costs associated with upgrading of the sections of Sparks Road. Description of how credits apply and a breakdown of the cost calculations need to be provided.

**Subclause 11:** Will mean that there will be a shortfall in funds for the SIC. Will the State Government meet this shortfall or has the amount of shortfall been taken into consideration when calculating the SIC. Again, the detailed calculations behind the costs and NDA need to be made publicly available.



**Clause 7:** Who is to pay the remaining 25% of the cost of infrastructure needs to be identified and should be publicly available.

**Clause 8:** The imposition of the levy will significantly impact on the feasibility of development within the Warnervale Town Centre. The amount and application of this levy must be practical and equitable to all developers. Where land is to be cleared for development for uses other than residential, then the biodiversity offsets portion of the SIC should be applied to that development. Eg retail shopping centres, bulky goods and commuter car parking areas. It is not clear how the SIC will be applied to mixed used areas eg Town Centre Western Precinct (precinct 5) which is a mixture of residential, commercial and retail area, probably all on the one land parcel (ie. 3 storeys with retail at ground and residential above).

**Clause 9:** There is no program for expenditure of the funds collected from the SIC. Therefore there is no indication of when the road upgrades, bus subsidies and biodiversity offsets fund will be spent. Additionally, the table has been wrongly calculated, the total contribution amount is \$6.45 million not \$6.5 million. The DoP should make publicly available the detailed costs to support the values for the works identified.

**Clause 10:** What is the definition of “access road”? Does this mean Mountain Road, Hakone Road or Hiawatha Road, or Sparks Road? This clause makes reference to Sydney Water. This should be changed to the Gosford Wyong Councils Water Supply Authority.

**Clause 11:** Council cannot calculate the credit amounts without the supporting calculations?

**Clause 12:** Will Council be a party to the works in kind agreements? If so, a template should be provided for Council's comment. Subclause 3's last dot point does not make sense. Council needs to be notified when the agreement are executed.

**Clause 14:** This clause makes reference to both quarterly and annual indexation. Council recommends quarterly. Is there a land component for the SIC? It has not been identified. If not, there is no need for this clause.

**Clause 15:** When are the SIC payments required to be transferred from Local Government to the State Government. Some clear guidelines are required.

## **BIOCERTIFICATION REPORT**

The DoP have had a consultant prepare a report seeking DECC's approval for the area to biocertified. If approved by DECC, this will remove the requirement for the proposal to obtain further flora and fauna approvals under NSW legislation. Council supports this initiative for the town centre due to the tradeoffs that need to be acknowledged between environmental outcomes and the economic and social needs of a new town centre. These may be able to be negotiated on a site by site basis through the SIS process.

Council's comments in relation to the proposed biocertification refer to the likely conditions, operation and implementation of any approval that may be issued by the DECC. While details are not available at this time there are questions that arise which need to be confirmed by DoP.

- Council has not agreed to the compulsory acquisition of the Heath Wrinklewort reserve on the DoP land. It has not been included in the draft Section 94 plan currently on exhibition by Council. The land, owned by DoP, is to be transferred to Council with Council agreeing to the ongoing management of the reserve in the future.



- Council is to be required to prepare Plans of Management (POMs) for all public open space areas and environmental zones prior to any development within the WTC. It is anticipated that these would need to be endorsed/approved by DECC as a condition of the biocertification approval. These POMs will require substantial time and resources to prepare, particularly as a 'maintain or improve' methodology will need to be proven in all cases. Council is concerned that the cost of preparing these for nearly 15ha of land will be substantial (anticipated at over \$100,000 to have them prepared prior to development commencing on the WTC) and where the vegetation is not in the best of condition costs of bringing it up to a quality standard to the satisfaction of DECC may be over a \$1 million. These costs should be either paid for out of the \$4 million offset fund or be included as part of Council's Section 94 plan which allows for the acquisition and embellishment of locally provided open space.
- There is no need to prepare separate Plans of Management for most individual blocks of public land. These can be restricted to a Plan for the Heath Wrinklewort Reserve, one for the Riparian Corridor and one for other natural areas.
- Council is concerned that the report suggests that while the majority of the biodiversity values in the development zones will be lost, native trees will be required to be retained in development zones. If there is a requirement for retention of owl, bat and squirrel glider trees this may significantly impact the development potential of Council's land, immediately adjoining the town centre, proposed to house the majority of the higher density apartment buildings. The flow-on effects of this would be a reduction in the dwelling target overall. The DCP needs to be amended to acknowledge that "development objectives prevail in all lands, except conservation zones on the Warnervale Town Centre Site".
- The plan requires future vegetation removal to obtain approval under Council's vegetation controls. These are very similar to the CMA requirements under the Native Vegetation Act which do not apply to urban zones. Why do they apply here? Close examination of Council's vegetation controls means that you need approval to mow areas if there is any likelihood of native vegetation. This has been stated in Council meetings. If certification is given by DECC, why is further approval needed to remove trees?
- The identified loss of good quality Heath Wrinklewort plants and reserve area could be significantly reduced if the bridge crossing of the Railway was moved north of the proposed station, as previously proposed by Council. If this is not proposed, then it should be noted that the bridge needs to be widened from its current specification due to additional lanes needed to cater for traffic, cycleway, pedestrian paths linking east and west of the town centre. This will increase the likely impact on these species.
- Page 20 of the report recommends that the \$4 million offset funds be paid to the DECC prior to commencement of any clearing on the WTC. This is not acceptable unless the State Government is willing to fund the offsets upfront and accept payments from development as it occurs. The SIC contribution plan, prepared by DoP, requires payment of monetary contributions prior to the issue of subdivision certificate. This serves to clarify DoP's approach to the contribution.



## **DRAFT DEVELOPMENT CONTROL PLAN (DCP)**

The DoP have had prepared a draft DCP to guide development of the WTC. This DCP is to be adopted under the SEPP, not WLEP 1991. Therefore, Council in applying the DCP to DAs will not be able to vary from its provisions at all. The Minister has not provided any delegation to Wyong Council to apply 'generally in accordance with' or any other variation to this document. Therefore, applicants will need to negotiate with the State Government for each and every major or minor variation that they may seek, no matter how that can be justified. Given the high likelihood that this will occur over an area of 119ha, subject to detailed planning of each property that has not yet occurred this will frustrate development and delay to roll out of the area.

The comments on this document have been divided in the sections of the DCP for ease of reference.

### **General Comments**

- Heath Wrinklewort is referred to by a wide variety of terms including "daisy", "Heath Wrinklewort" and "Heath Wrinklewort Daisy". They should be amended to refer to it by its common name "Heath Wrinklewort".
- Has this plan been assessed against the standards provided for in the Growth Commission's controls that apply to similar release areas in Sydney? eg the drainage line should be listed as a Category 3 riparian corridor as required Development Code – Confirming Urban Capability.
- If the road layout changes, how is building height and zoning addressed?

### **Section 1: Introduction**

- The DCP is to be read in conjunction with the relevant chapters of Wyong's DCP 2005 with the WTC DCP to prevail in the case of inconsistencies. While this is desirable, it has not been confirmed by either DoP or Council's legal advisors (at the time of writing) that this can legally apply.

### **Section 2: The Warnervale Town Centre**

- The interchange – how it works, the relationship between buses, cars, taxis, pedestrians and the provision for layover (10 buses?) needs to be fleshed out further. The SSS states that there are two stages: stage 1 being the train station, Stage 2 the transport interchange and commuter parking. Timing, location and funding of these major infrastructure works are not sufficiently detailed in the DCP to provide any level of certainty about these. This is a major issue in relation to achieving the onground outcomes of the objectives for the WTC. Council requests that details of these be made publicly available.
- Compatibility between some of the uses needs to be examined eg. the relationship between bulky goods and residential, the rail line and proposed residential on the eastern side of the line (acoustic analysis shows issues), commercial and residential uses on west side of rail line, high density residential (40 dwellings/ha) on Hakone Road – how does this integrate with planned uses on north side of road etc?.



- What are 'other complementary retail and commercial activities' on the town centre western precinct? There is some 20,000m<sup>2</sup> of local centre zoned land which could be fully developed for retail shopping thereby splitting the Main Street in two. A staging plan should be publicly exhibited that shows the timing of each side of the main street. The western town centre precinct should only occur in the long term – after the eastern town centre precinct is a mature, vibrant centre capable of absorbing the competition across the rail line. Hornsby in Sydney is a classic example of a town split by rail line with one side trading strongly, the other struggling. This should not happen in Warnervale.
- The proposed civic square is not the 'heart' of the precinct. The heart of the precinct is now the train station, with a 400m Main Street, anchored by the Aquatic centre at one end and no anchor in the western town centre precinct. Council had envisaged a civic square near the centre of the Main Street – the main focal point of a 200-250m long Main Street. It would have been the activity centre of the town, surrounded by community facilities and active frontages on all sides. The cinemas, library and community facilities would open onto the square, and be close to the train station creating a sense of safety for residents and visitors as all facilities would feel close by and accessible from all points of the centre. It would be only 100m from the train station and 100m to the Aquatic Centre. This proposal pushes the civic square to the end of Main Street, open to a busy uncontrolled intersection, at the side of a shopping centre. It has deemphasized the focus of Main Street as the focal point of the town. With the likelihood of a food court in the multi level shopping centre, the promotion of outdoor dining will not be successful due to the competition within the shopping centre. The main pedestrian access will be via the shopping centre on the southern side of Street. The shopping centre only has one access onto the Main Street.
- Page 11 states that the Residential Northern Precinct has a 'significant number of habitat trees requiring protection.' This is contradictory to the Biocertification report that acknowledges that the 'majority of biodiversity values in the R1 zone will be lost, with native trees retained, where possible. These two statements have very different connotations with significant flow on effects should dwelling targets not be able to realized in this precinct, very close to the main centre of town. DECC have previously acknowledged that owls and bats are not likely to use an area that is highly urbanized, well lit and full of people and activity. Native and exotic trees will be planted, as required by the provision of the DCP.
- Page 12: States that the western and southern residential precincts are within walking distance to public transport. The State Government has constantly promoted the location of high density living close to transport, especially trains and buses. The location of the southern residential precinct (located predominantly on the Landcom) this directly adjoining the town centre and the shopping centre, within 400m of the train station, however this area is only a mixture of low and medium density housing forms. This area, being on the lower slopes of the precinct could accommodate higher buildings – 5/6 storeys without reaching the obstacle height limitations of the Warnervale Airport. This is an underdevelopment of this precinct which should be reviewed in detail.



- Page 12: Not all the open space areas nominated are appropriate for recreation opportunities of local residents and the wider community. The Hill Top Park, while appearing to accommodate the proposed Aquatic Centre and Family Centre is not large enough to supply an active outdoor recreation space that would be suitable to kick a ball around, fly a kite or participate in other unorganized sports. The south-western open space adjacent the railway line is too small to provide sufficient room for water quality, quantity and drainage purposes, little lone an open space area for residents of the southern residential precinct. Both these areas need to be enlarged to accommodate the proposed, removed from the open space calculations and stop being promoted as adequate for this area.
- Page 13/14 Development Targets: it is unclear from Table 1 and Table 2 what the real makeup of dwellings totaling 1,700 dwellings for the WTC is. One table describes housing type (no apartments mentioned but 898 dwellings in mixed use or 3 storey), the other 774 apartments. This is confusing and misleading. 628 dwellings are quoted as being within 3 storeys, which in Wyong have historically been constructed as walkups, -with no lifts. 898 dwellings = xx% of total dwellings, 774 = xx% of total dwellings and 628 dwellings = 24% of total dwellings. This many apartments is the equivalent to between 6-8 eight storey developments in number. These dwelling and population targets will not be achieved in either the locations nominated or within the form of dwellings proposed.

398 dwellings are proposed in the town centre (zoned B2 Local Centre). However, residential flat buildings are not a permissible use in this area, only shop top housing. When only able to be developed within a 12m high building that contain high ceilings for retail and commercial at ground and first floor it is difficult to establish how this many apartments over one or two floors of a development will achieve this number of dwellings within the town centre and be a viable proposition for developers that are more oriented to providing retail shopping centres or commercial premises.

It has been noted already in this submission that the potential flow-on effects of not achieving the target dwelling numbers and residential population within the WTC is significant in terms of the collection of SIC and Section 94 contributions that are to provide funds and facilities for residents and the wider community, and the overall functionality of the town centre. Council requests that the locations, form of development and spread of dwelling types be reviewed in light of height limits that may be able to achieved in various locations across the site (especially the Landcom and DoP land adjoining the town centre), the density of development proposed within those areas, the land uses permissible within the B2 zone and the requirement for all residential flat buildings or shop top housing to have lifts (to provide equity of access for all residents given the likely future demography of the area and its topography).

Additionally, it should be noted that dwellings/ha do not necessarily equate to number of people and population generated. This is dependent upon the occupancy rate of each dwelling. The DCP requires applicants to demonstrate to the consent authority (as part of the subdivision application) how the density targets will be achieved. This does not provide a mechanism for ensure that dwellings targets in the B2 Local Centre Zone are achieved as they will not be part of subdivision approvals.



- One of the key factors to density/affordability is an appropriate mix of dwelling types, ie. not all 2/3 bedroom units. The DCP needs to mandate a percentage of 1 bedroom units that are fully accessible for each development. This is provide a broader range of dwellings that is not likely to be provided if current development within Wyong Shire is indicative of the development industry. The future demography of the area, NSW and Australia indicates more single person households for a number of reasons. This is a long term plan for a mixed use town centre. It should provide opportunities for a variety of people, dwelling types and housing forms to be catered for, including disabled, aged and single.
- Dual occupancies are not currently a permissible use with the WTC. This is a legitimate form of dwelling type and should be permitted in the lower density areas. Where studios over garages are indicated, there are no rear lane accesses shown. This should be amended with lane profiles provided within section 3 of the DCP.
- Page 15, Figure 2.12: The schedule of dwelling types noted in each precinct does not take into account the recommendations of the noise and vibration report which states that dwellings within noise affected areas should be restricted to single storey. Figure 14 page 33 of the SSS nominates areas within the Landcom land (Southern Residential precinct) and DoP land (Western Residential precinct) as affected. Medium density townhouses will have to be restricted to single storey in these areas, however the height map within the draft SEPP permits 8.5m (2/3 storeys). The height map and/or the precinct maps need to be amended to correctly reflect this restriction.
- The dwelling targets on the southern slope are high given the aspect and slope. 40 dwellings/ha would suggest townhouses or attached dwellings but there are no lanes for rear car access indicated (although block depths are noted as 35m so this would allow for lanes). Generally, the street pattern needs to be better integrated with the WSUD strategy and cycle/pedestrian movement so that there is a clearer hierarchy and way finding system.
- Will Design Guidelines be required? Will a Design Review Committee to be set up to provide faster approvals where they comply with the provisions of the DCP?
- Page 18 Community Facilities: It is acknowledged that the medical centre and Youth space have been located within development on Main Street. However, there is no detail in regard to the footprint of the Aquatic Centre or the Integrated Child and Family Centre which are separate facilities in separate buildings. The DCP should be amended to show the presently endorsed footprint of both facilities. This is regard the following spaces should be used:
  - Library/knowledge centre (2,400m<sup>2</sup> + 2,100m<sup>2</sup>).
  - Medical Centre (2,000m<sup>2</sup>).
  - Youth Space (1,000m<sup>2</sup>).
  - Art and Cultural Facility (minimum 1,000m<sup>2</sup>).
  - Aquatic and Recreation Centre (3ha).
  - Integrated Child and Family Centre (2,000m<sup>2</sup>).
- Page 16: The controls require clarification as they are open to interpretation.
- Page 17: A lower threshold for the submission of employment details is required. These only cover Part 3A applications and very large individual applications. It is suggested that it be reduced to \$5 million or 1,000m<sup>2</sup>). Council currently requires details for priority employment generating applications (over \$5 million).



- Page 19: The DCP notes 12.2ha of open space. However, review of each nominated area shows the following is relation to Council's classification of open space.

Ridge Park West: Local open space.

Ridge Park East: Local open space.

Ridgetop Park: Part local open space and conservation of canopy.

Hilltop Park: Not local open space as land taken up by buildings and car parking.

Entry Park: Not local open space due to IWCM/ WSUD land take up requirements.

Neighbourhood Parks (2): both local open space.

Riparian Corridor: not local open space due to need for conservation.

- Page 20: It is unclear whether the required staging plan is to be provided for the WTC or for each land owner with the subdivision application.
- A staging plan should be prepared by DoP and publicly exhibited for the whole WTC to ensure that the development of the eastern section of Main Street is not undermined by the development of the Western Town Centre Precinct on DoP land.

### Section 3: Access and Movement

- Page 22: Open space/pedestrian/cycle links to existing housing and uses surrounding the site needs to be reviewed in particular at the eastern end of site on Hiawatha Road. Where are key linkages/connections to/from? Two pedestrian overpasses should be shown - across Hiawatha Road (just north of Mataram Road) and across Sparks Road (linking the main entry to development on the southern side of Sparks Road).
- Intersection alignment for Nikko Road/Sparks Road needs to be looked at. The eastern entry (shown black on Figure 3.1) seems to have been downgraded on some of the maps. This should remain the main egress point for the town centre with strong landscape emphasis leading up to the ridge line. Nikko Road is less appealing and should be focus for servicing/buses etc. Main entry needs further fleshing out of landscape and arrival experience.
- Nikko Road crosses the IWCM/WSUD and drainage area. This will require considerable filling and culverts to cater for the amount of water discharge from north to south in this area. This needs to be taken into consideration in the costing of this road.
- Servicing of the school and aquatic centre – buses, drop off etc needs further attention. How will circulation work? Where are safe drop-off points? How can conflict between public transport, private vehicles and pedestrian be avoided in areas like the train station and the corner of Main Street and the Civic Square. The latter is an uncontrolled intersection adjacent the main focal hub of social interaction and transversing to the Aquatic centre.
- Page 25 Figure 3.3: How is this diagram to be interpreted, ie. are driveways required to be paired as shown?
- Page 28 Figure 3.6: How does the awning of the trench allow access for maintenance?
- Page 37: Is power required to be underground?
- The location of the mid-block access between Virginia Road and Minnesota Road does not appear to satisfy the RTA's requirement for it to be 500 metres from Minnesota Road.





- The road needs to be moved further to the west to align with the common boundary between the Council and Landcom properties.
- The Sparks Road median in front of the access road opposite Virginia Road is shown open on the cover sheet and Figure 2.2 of the DCP. The median should be closed. Access to this road should be left in and left out only at Sparks Road.
- Figure 3.1 shows the Main Access street with a 90 degree turn. This is not conducive to large volumes of traffic which are anticipated along this road. The road should be a continual curve. This will also assist in reducing the gradient of the road to an acceptable amount. See further comments below on Figure 3.15.
- There will be significant congestion and conflicts at the Bus/Rail Interchange with the location of the signalised major intersection at this corner. It is suggested that the design of the Railway Station should consider relocation the entry point to the station or relocate Main Street north of the Railway Station. Previous plans for the town centre showed the road north of the train station which reduced both the impact of the crossing on the good quality Heath Wrinklewort plants and the amount of traffic and congestion at this intersection point.
- The “Traffic Impact Assessment January 2007” report by Council is based on a different road layout to that proposed in this draft DCP. The traffic report needs to be revised to take into account the revised road layout and parking/delivery area access points.
- Figure 7.1 shows signals at many intersections. Analysis is required to determine the layout of the intersections and hence land/property requirements and cost of the works. The extent of land required at the intersections needs to be identified after a review of the traffic report and analysis of the intersections has been carried out.
- The consequences of the intersection designs will have a major impact on s94 Contribution Plans eg cost of Main Street bridge over the railway line – see below. An urgent review of the traffic report needs to be undertaken to determine extent and cost of intersections.
- The cost of the intersection of Main Street and road Type 6B, including the bridge over the railway (because intersection is so close to the railway line) would be extremely high. Cost of bridge structure, which would include turning lanes etc, is most likely to increase from current estimate of \$4.3 million to approximate \$11 million. Options should be considered to change the road layout, including moving the intersection away from this intersection.
- The radius of Type 6B (Nikko Road north) curve connecting with Hakone Road, appears to be too small. It needs to be checked for safety. There is a need to check the radius of Type 6B (Nikko Road north) curve connecting with Hakone Road and ensure that it is satisfactory for at least 60 km/hr.
- Figure 3.10 (Type 6B) does not show any parking lanes for buses. Also, if bus stops are proposed on the eastern side of Nikko Road, it is not good practice to have bus passengers cross the road. It does not encourage easy transition between transport nodes. Parking lanes need to be shown for bus parking (up to 10 buses) on Figure 3.10 as well as retaining the two travelling lanes in each direction.



- The width of the travelling lanes (3.0m) shown on Figure 3.11 (Type 7) for the roads that will be used by the large delivery vehicles are too narrow. The width of any lanes need to be widened to 3.5 metres for those roads likely to be used by large delivery vehicles.
- The width of the parking lanes (2.3 m) shown on Figure 3.11 (Type 7) for the roads that will be used by the large delivery vehicles are too narrow. If there is a queue waiting to get into the delivery areas, there is insufficient width for the vehicles to wait safely. The width of these lanes should be at least 3.2 metres.
- Figure 3.15: No levels are shown for Nikko Road south. What is its grade as it needs to be assessed and the road levels adjusted if it is too steep.
- Figure 3.15: Gradients on some roads identified as bus routes and cycleways appear to exceed 10%. This is too steep. The main road into the Town Centre from Sparks Road should be realigned to reduce the grade to an acceptable level of 7% for buses and cyclists. This has been identified to the DoP on many occasions by Council staff but continues to be ignored.
- Section 7.3 (a)? - 4<sup>th</sup> dot point: This may not satisfy AS 2890.1 Figure 3.2 and Figure 3.3. This clause needs to be modified to ensure that it complies.
- Section 7.3 (a)? - 1<sup>st</sup> dot point: This location may not be safe. There may not be sufficient sight distance. The DCP needs to include that the Sight Distance requirements at Access Driveways be in accordance with AS 2890.1, Figure 3.2, with desirable 5s gap and AS 2890.1 Figure 3.3, Minimum Sight Distance for Pedestrian Safety.)
- The RTA is unlikely to accept signals at the Sparks Road/Hiawatha Road intersection. Previous advice from the RTA indicated that this intersection may become left in/left out in the future. It most likely too close to the Minnesota Road intersection for lights. Treatment of this intersection needs to be confirmed with the RTA.
- No pedestrian overbridge across Sparks Road is shown. The requirement for this will be based on the likely development on the southern side of Sparks Road. At this time it is proposed that Playing Fields and a High School be located opposite the main entry into the town centre. Is the RTA in agreement with there being no pedestrian overbridge?
- How are the commuter parking areas to be incorporated into the developments? The integration, funding, timing and commitment to the provision of the commuter parking needs to be identified in the DCP.

#### **Minor Access and Movement Issues across the DCP**

- Section 3.3 (d): The location of where bus stop shelters are to be provided is unclear. A clearer description is required.
- Figure 3.13: The plan view is to be adjusted to be consistent with the cross-section.
- Figure 3.14: No off road cycleways are shown to the existing school Refer to Section 3.2 Objectives. This is essential and should be provided.



- Section 4.2 (h) - 4<sup>th</sup> dot point: Need to specify vehicular and pedestrian safety
- Section 4.3 – Illuminated signs: Need to include that they are not to create traffic safety issues.
- Section 4.4 – Controls: Need to included that the Precinct Projects need to comply with vehicular and pedestrian sight lines in accordance with AS2890.1
- Section 5.1 (a): It is likely that some additional land will be required at the signalised intersections. Need to add “and any requirements for intersection treatments.”
- Section 5.1 (d): This may cause problems on roads with zero setbacks. Need to include that it is not pertinent on roads with zero setback.
- Section 5.1 – Controls: Need to included that they need to comply with vehicular and pedestrian sight lines in accordance with AS2890.1
- Figure 5.4 and 5.6: No details are provided in Section 3 for “Service Lanes”. This should be included with specifications given/shown.
- Section 6.3, 6.4 – Controls: Need to add “Sight distance for motorists and pedestrians and Vehicle Footpath Crossings need to be in accordance with AS 2890.1”.
- Figure 6.4: Does not comply with AS 2890.1 (Figure 3.3 Minimum Sight Distance for Pedestrian Safety).
- Figure 6.4: Depending on the number of vehicles using the access location, the width of the driveway may not comply with AS 2890.1, Section 3. Also, in some instances, the width of the access will be determined by the swept path of the delivery/service vehicles. Figure 6.4 needs to be amended to conform to AS 2890, with a note that “All vehicles to enter and leave in a forward direction.”
- Section 6.6 (e): This treatment is not appropriate at entries to developments.
- Section 6.8 (k): There should not be any intrusions into the road reserves. They will be a safety hazard.
- Need to clarify that “pubic space” does not include “road reserve”.
- Section 7.1 (c): Need to add also in accordance with AS 2890.1 – “Off-street car parking”.
- Figure 7.1 should show major routes for “private, bus and delivery traffic” as identified in the text.
- Section 7.3 (e): This is not in accordance with Council and RTA policy for commercial/retail etc developments. The reference to “three point turn” must be deleted.
- Section 7.3 (f): This is contrary to AS 2890. Controls should add “Use of Service Lanes encouraged” – Refer to Figure 5.6.”



- Section 7.5 – Controls – Waste (Garbage) Storage and Collection: Concerns with safety issues/conflicts with vehicles reversing. Need to add a clause that “Collection vehicles are to enter and depart properties in a forward manner. Reversing on-site will only be permitted where there is no conflict with pedestrians or other vehicles.
- Section 7.5 (n) – Service Docks and Loading/Unloading Areas: Concerns with safety issues/conflicts with vehicles manoeuvring reversing. Need to make sure that there is adequate room for the manoeuvring of vehicles in these areas. Add in “manoeuvring” before the word “loading”.
- Section 7.5 – Service Docks and Loading/Unloading Areas: Concerns with safety issues/conflicts with vehicles entering/departing the site. Need to add requirement that service/delivery vehicles enter and leave the service docks and loading/unloading areas in a forward manner and are separate from general parking and pedestrian areas.
- Section 9.2 (i): Generally safer to have driveways on side streets rather than main roads
- Figure 9.5: Should the fence heights be maximum rather than minimum? Conflicts with Section 9.14. Higher fences will create sight distance problems for motorists.
- Section 9.6 Zero Line Setbacks – Controls: Need to add that they must satisfy sight distance requirements in accordance with AS2890.1.
- Need to add in Controls, “Sight distance requirements in accordance with AS 2890.1 needs to be adhered to.”
- Section 3.1 – 2<sup>nd</sup> dot: Need to include cyclists.
- Section 3.1 (f): Need to add in safety for motorists, cyclists and pedestrians.
- Figure 2.10 is not consistent with other plans. The western access on Sparks Road is different to the location shown on other Figures.
- Section 9.9 Controls: Need to add that they must satisfy sight distance requirements in accordance with AS2890.1
- Section 9.10 (b): Need to add that they must satisfy sight distance requirements in accordance with AS2890.1
- Is adequate kerb side parking available for the buses? Insufficient details provided to assess this.
- Need to check with MOT on number of buses that need to be catered for, now and in the future.
- Width for services shown on Figures 3.2 to 3.13 is not adequate. The 900 mm shown is not adequate to include water and possibly sewer. Should be widened to 2700mm.
- Figure 3.14 shows an on-road cycleway on one of the Type 1 roads. This is not shown on Figure 3.2



- The width of through traffic lanes (3.2m) on Figure 3.6 (Type 5A) are inadequate for the larger vehicles crossing over the railway line (west of Nikko Road).
- The through lane widths shown on Figure 3.6 (Type 5A) need to be increased to 3.5 metre wide for that section of road west of Nikko Road.
- The width of parking lanes shown on Figure 3.9 (Type 6A) and Figure 3.10 (Type 6B) are too narrow (2.3 m) to be adjacent to large moving vehicles.
- The width of parking lanes shown on Figure 3.9 (Type 6A) and Figure 3.10 (Type 6B) need to be increased to 2.5m.
- Figure 3.3 (Type 2): The travel lane widths (3.0m) are excessive and will encourage faster speeds. They should be reduced to 2.8m
- Figure 3.14: Shows an on-road cycleway on one of the Type 2 roads. This is not shown on Figure 3.3.
- Figure 3.4 (Type 3): The travel lane widths (3.0 m) are excessive and will encourage faster speeds. They should be reduced to 2.8m.
- Figure 3.8 (Type 5C): No off-road cycleway is shown on this figure. One is shown on Figure 3.14.
- Figure 3.8 (Type 5C): No provision for services is shown on this figure. They should be shown with a width of 2.7m.
- The width of the travelling lanes (3.2m) shown on Figures 3.9 (Type 6A) and 3.10 (Type 6B) are too narrow for large delivery vehicles. They should be 3.5m.
- Figure 3.12 (Type 8) and Figure 3.13 (Type 9): The travel lane widths (3.0 m) are excessive and will encourage faster speeds. They should be 2.8m.
- The width of Type 6A Nikko Road, south of the Main Access Street is excessive. Only one travelling lane and one parking lane is required for each direction.
- The road reserve widths shown on Figure 3.1 do not match the dimensions shown on the Figures for the individual streets. These should be amended to be consistent.
- Section 3.2 (d): Width of cycleway is inadequate for two-way flows. A minimum of 2.5m should be applied.
- Section 3.3 (a): The minimum 3.6m carriageway width conflicts with widths shown elsewhere in the document. These should be amended.

#### **Section 4: Public Domain**

- Page 41: Assume that the control on Preparation of Plans of Management does not prohibit issuing of consents on these lands?
- Page 40: Add to the list of objectives: To provide public domain elements including public art in a coordinated manner with a unifying theme.



- Page 40: Add – To contribute to the expression of community identity.
- Page 40: Reference to Table 4 should be Table 3.
- Page 41: Public Square Controls: this should be the Integration of high quality public art into the design of the square.
- Page 43: Add the following to 4.2(h): integrated public art
- Page 45: Add objective – To ensure that signage location and design do not detract from public art works in their vicinity.
- Page 45: Have regard to views of the sign and any supporting structure, cabling and conduits, from all angles and in relation to adjacent structures including visibility from street level and nearby higher buildings.
- Page 47: Provide public art that is integrated into broader design projects.
- Street tree planting strategy a good start – needs to be more flexible to allow mix of native and exotic plantings, where appropriate.
- There is a lack of detail in regard to areas of Open Space. The current provisions do not give confidence that DCP objectives can be achieved.
  - For example the Hilltop Park is shown as 2.1ha in the contributions scheme. On this is located the Aquatic Centre and the Integrated Child and Family Centre. The current endorsed size of Aquatic Centre and Parking is 2ha. The current endorsed size of Integrate Child and Family Centre is 0.2ha. This means that the objective of providing "for active open space and community uses in a landscaped setting" may be unachievable with the present land budget (as noted previously in this submission). Indeed the money used to acquire open space will not be used to provide open space but, rather, to provide buildings. It is suggested that the masterplan and land budget needs to be revised to provide a central parkland to serve the higher density residential areas.
- The DCP calls up the need for the preparation of a Public Domain Plan, which does not include Public Art as an issue. The DCP should be amended to require the preparation of a masterplan for Public Art in accordance with Council's draft Public Art Policy.
- There is no explicit objective to give equitable access to playgrounds to all residents and no indication that this is a consideration in the open space plan shown in the plan. The DCP should be amended to show playground access as an objective and give and amend the Open space Controls diagram to show how this will be achieved.
- The tree species shown in the streets will create a strong tree canopy for the town centre. In order to achieve this it will be critical that the trees are able to grow to a healthy and safe mature form by providing a structural root plate adequate for the mature trunk calliper size that can be anticipated for the species given. The cross section for Type 1 calls up an 1800 mm wide available root ball space for high canopy trees. The DCP should show adequate root ball width in cross sections to achieve the objectives to "high quality streetscapes" and to "consider public safety".



## **Section 5: Building Form**

- Nature of pedestrian link between retail blocks on southern side of the Main Street – open not enclosed – fronted by high activity retail – safety issues?
- Precinct 7: Apartments close to bushland – area needs to be appropriately landscaped and well lit – safety/access issues.
- Section 5: Building form: this section needs to be clearer that these are the maximum building envelopes not build-to-lines ..... otherwise we will encourage very boxy buildings to maximise yield.

## **Section 6: Pedestrian Amenity**

- The DCP specifically precludes the use of overpasses.
- The bus stops are shown as being located on the ridgeline which is up to 26 metres above residential areas. This plan does not meet the objective of “encouraging the use of public transport within and beyond the WTC.” The Controls diagram should be amended to show alternative bus stops lower down the slopes.
- As previously raised, there is a potential issue for pedestrians crossing from civic square to the Hill Top Park; given potential traffic volume and road configuration at this intersection.
- Page 64: (d) (h): These controls need to be repeated in Section 5 with strong emphasis.

## **Section 7: Access, Parking and Servicing**

- Page 71: Art & Craft Centre 1 space/15m<sup>2</sup> GFA, youth centre 1 space/15m<sup>2</sup> GFA – rate seems too high – check Bob Burch
- Need to add Community Centre 1 space/20m<sup>2</sup> GFA?

## **Section 8: Environmental Management**

- The draft DCP nominates various locations for detention areas. With the exception of the one detention area located east of the school precinct, all other detention areas are located on areas nominated for open space or environmental conservation. The draft Section 94 contributions plan identifies an allowance for the embellishment of these open space areas. The draft contributions plan identifies additional land for stormwater storages which are not shown on the plans in the DCP.
- SW-1: Inadequate land space area has been allocated within the south west corner to cater for a flood storage detention basin to retard developed catchment flood flows. This flood storage basin must also act as a storage facility and be sized to capture treated stormwater in excess of that required to preserve Porters Creek wetland hydrology.
- SE-2: Inadequate land space has been allocated within this area to cater for a flood storage detention basin to retard developed catchment flood flows. This flood storage basin must also act as a storage facility and be sized to capture treated stormwater in excess of that required to preserve Porters Creek wetland hydrology.



- N-1A and N-1B: It appears that the land allocated is not adequate to provide two treated stormwater storage facilities that have been conceptually sized to capture treated stormwater in excess of that require to preserve Wallarah Creek wetland receiving environment hydrology.
- Land area requirements: The land areas quoted below have been extracted from the IWCM report for the WTC. The land areas are specific to providing the detention/storage facility area with batters.

SW-1 - Approx area 12,175m<sup>2</sup>

SE-2 - Approx area 2,810m<sup>2</sup>

N-1A - Approx area 3,360m<sup>2</sup>

N-1B - Approx area 1,975m<sup>2</sup>

- It appears that Figure 8.1 of the DCP addresses the requirement for flood DETENTION areas only and does not acknowledge that two of the detention areas must also provide a storage facility sized to capture treated stormwater in excess of that required to preserve Porters Creek wetland hydrology/Wallarah Creek wetland hydrology. These are SW-1 and SE-2. The CP addresses the need for these areas, but the surface area is inadequate.
- Figure 8.1 of the DCP ignores the treated stormwater storages for N-2A and N-2B catchments. These treated stormwater storages are addressed by the CP only. The DCP needs to be modified to reflect the CP treated stormwater storage areas.
- For SE-1, Figure 8.1 of the DCP acknowledges the requirement for the mitigation of increased catchment runoff by applying a retarding/detention area. This is located at the base of the school site, and the total area required for this detention area is approximately 6,000m<sup>2</sup>. The original intent of the detention basin design was to capture and mitigate development flood flows from the area external to the school site and of the school site. The CP Figure 4 does not address this detention area.
- Figure 8.1 of the DCP does not consider the requirement for the mitigation of flood flows resulting from the increase in hardstand areas. The configuration of the roads and land zonings in the SW corner ignores the existing riparian corridor and its associated values - flow conveyance to the downstream receiving environment - Woongarah Creek and existing developed areas. The strategy layout ignores the need to safely and adequately convey the flow of flood waters for minor, moderate and major storm events from the SW riparian corridor to ultimately discharge downstream. The proposal requires the riparian corridor to be filled with a major access road crossing through flood detention basin. The SW catchment drains via culverts under the railway line from the west to east. These culverts have been ignored. Ignoring the drainage for this area can create a number of issues, including:
  - Impact on flood levels and flood flows on downstream areas ie. existing development south of Sparks Road and into Hamlyn Terrace.
  - Creation of nuisance flooding in downstream areas.
  - Flood and drainage impacts on the proposed development on the northern side of Sparks Road.
  - Ecological impacts on the conservation areas west of the railway line due to the area not draining as per existing conditions.
  - Impacts on the railway.





## **Section 9: Residential Development Controls**

- Page 117: 9.7 Building Height: does the second control apply to dwelling area or dwelling building length?
- Agree with the need to maintain three hours to adjoining PPOs, could be extended to maintenance of potential for the adjoining allotment when developed in accordance with Section 9 being able to achieve 3 hours.



## APPENDIX 1 – GABRIEL MORRISH’S RECOMMENDATIONS AND AMENDMENTS

Gabriel’s Recommendations are as follows:

- To retain the visual link to ridge line canopy from Sparks Road and reinforce the site’s unique topographical character, buildings along the southern side of the main street should be limited to 2 storeys/8m in height and step down the slope, with a maximum height above existing ground level of 12m. Some allowance for height increases, to a maximum of 12m, could be considered at corner sites along the main street, closer to the station.
- To take best advantage of the sloping topography of the site the supermarkets should be tucked beneath the DDSs. This would result in the department and specialty stores addressing Main Street with a link to the supermarkets on the lower floor.
- Two additional streets - with parking, trees and generous footpaths - should be located between the main street and the main access road to improve access, night time surveillance and activation along building edges. The locations of these roads are indicated on figures within the main body of this report.
- To increase permeability and retail opportunities, such as open-air arcades and cafes, direct mid-block pedestrian connections should be provided through all buildings along the main street. The Bus, Cycle and Pedestrian Routes diagram (DCP Figure 3.14) should indicate these links. The figure should also indicate pedestrian links from the road ends in the east of the site to Hiawatha Road so that access to the town centre from existing residential development can be improved.
- Parking decks and loading along the northern side of the main access road - and throughout the town centre - should be sleaved by active uses. Parking within the town core should be located below ground.
- The service road located between the main access road and the main street should be shown on all relevant DCP diagrams.
- A height limit of 12m or 3 storeys on the northern side of main street is acceptable providing it does not result in continuous overshadowing of the southern footpaths from 11am to 3pm in mid-winter.
- Reconsideration to locating a primary school close to the main street is strongly encouraged to create one trip multi function journeys.
- The town square should be relocated a short distance to the west along main street so it is more centrally located within the town core. The square should have three active building edges (i.e. not be located on a corner) with connections to arcades and shops in the centre of the retail block. The square should have a maximum street frontage of 25m and a depth of around 20m to 30m. These controls should be included within the DCP.
- The land parcel on the top of the hill – containing the aquatic centre and community building - should have a height limit of 6m. In addition, the DCP should include designated building locations to stop overbuilding and maintain the park/green setting.



- Commercial and retail buildings throughout the town centre should have attractive and active street frontages. Blank walls to the street are to be avoided. Separate diagrams for each lot within the town core should be included in the DCP covering all design aspects including vehicle and pedestrian access, building envelopes, building uses, entries, setbacks, through-site links, landscaping etc.
- The prioritisation of pedestrians over vehicles in the town centre, particularly at intersections and around the rail / bus interchange, is encouraged.
- More detailed plans and controls are needed in the DCP to demonstrate the layout, functionality and public domain character of the rail / bus interchange. It's not clear whether there is sufficient land allocated in the plan for the number of bus stops and layovers required.
- The functionality of the commuter car parks - including how they are accessed and whether they provide a safe environment for users - needs further explanation in the DCP.
- The northern ridge park has a nominated height limit of 8.5m on the Height of Buildings Map when all other drawings indicate that the land is to be public open space. The maximum building height on the map should be 0m.
- The two lots located in the far north west of the site (on the DoP land) should be dedicated as medium-density residential. The lots could be amalgamated to allow for provision of a landscaped internal courtyard, with parking located below ground. The land parcels located between these lots and the station are most suitable for commercial use. The north south oriented street separating the residential and commercial should be sufficient width to include trees, parking and footpaths on both sides.
- In the north of the site (adjacent to Hakone Road) the proposed commercial uses should extend along the eastern side of the bulky goods site and a 6m landscaped setback provided in order to ensure a high amenity streetscape facing the recommended open space area (discussed in the following point). Commercial uses on both blocks should have active building frontages to streets. The Hakone Road frontage of the bulky goods site should also be landscaped to improve its appearance. Loading should occur mid-block via Hakone Road. These controls should be included within the DCP.
- The Noise and Vibration drawing in the State Significant Site Study indicates that land immediately alongside the rail line will be adversely affected by noise and vibration. The DCP needs to articulate specific residential building design and other mitigation measures to address these issues. The same applies for lots around the periphery of the site. Mounding should be considered as a last option as it visually isolates the site from surrounding areas. If required, lots should be setback further from noise and vibration sources.
- The DCP Residential Development controls should be broken into sections to separately address each of the dwelling typologies (e.g. 3 storey apartments, town houses, single dwellings etc.).
- A wide range of lot frontages and sizes should be included in the plan and expressed in the DCP to encourage housing diversity and provide choice for different ages and demographics (the elderly, singles, families, low income earners etc.).



- The DCP should include provision for affordable housing.
- Higher residential densities are encouraged in some areas north of the main ridge and west of the rail line. These areas, which are close to the station and offer good residential amenity, are indicated in the main body of this report.
- Residential development on the steeply sloping, densely wooded by regionally significant vegetation and highly exposed land south of the hill top is not supported. Part of the area, indicated on figures within the report, should be dedicated as public and private open space. Adjacent residential development should be maximum 8m high to limit visual impact from Sparks Road and preserve the green ridge as the dominant landscape feature of the site. These controls should be included in the DCP.
- South facing apartments should be designed as through-apartments to maximise solar access to living and private open space areas. This should be mandated within the DCP.
- A yield target of 40 dwellings per hectare in the Southern Precinct is probably too high given the southern aspect, slopes, view impact from Sparks Road and the endangered ecological community adjacent to the site boundary. A mix of attached and semi-detached single storey cottages and two-storey townhouses would be appropriate for the Precinct. The single storey dwellings would be most suitable along the north-south oriented roads (except Hakone Road) in order to retain good views from Sparks Road up to the ridge line. The road alignment alongside the endangered community needs to be amended in the plan to ensure sufficient buffering of the community.
- For detached housing, the dwelling and paved areas (excluding the drive way) should not occupy no more than 70% of the area of the lot. Large double storey free standing homes on small lots is strongly discouraged.
- The general street block length of 250m in the DCP (Figure 9.1) should be reduced to 200m to improve permeability.
- The lot depth of 35m in the DCP should be reduced to 30m for detached dwellings.
- For smaller lots, the minimum lot depth of 20m when multiplied by frontage widths of 8-10m is less than the minimum required lot size of 250m<sup>2</sup>. DCP Figure 9.1 indicates that lots load from the front. This is likely to be unworkable if an active street frontage is to be achieved. Also, orientation on such small lots will be critical to achieve solar access. These lots must be integrated development and designed to maximise the flexible use of the lot. These controls should be included in the DCP.
- The DCP should specify that no more than three consecutive lots may have the same frontage unless they are terrace housing in which case a maximum of six lots is acceptable before a break in built form.
- Inclusion of WSUD is a positive aspect of the scheme. However, it is not immediately apparent whether the detention basin in the south-west of the site will be large enough to deal with the volume of stormwater capture. A detention basin should also be included in the plan down slope of the development west of the rail line.
- The DCP should require that stormwater is harvested for reuse in the town centre (as well as for irrigation as currently proposed).



- Vegetated median swales on local roads are encouraged on streets parallel with the contours in order to break up the building bulk. Where minor local streets have a service role only, such as at the rear of properties along the main access road, they should be narrowed by including parking on one side only and reducing the carriageway width. This should be reflected in the plan and DCP.
- Street parking bays should be interspersed with street trees (say 3 parking spaces then a tree) to improve the appearance of streets, shade and discourage speeding. The DCP street sections should be amended accordingly.
- Bicycle lanes should be added to Nikko Road or the 1.5m footpath should be widened to a 3m shared path. A refuge island should be included in the middle of the road to improve safety and convenience for pedestrians. The DCP street sections should be amended accordingly.
- Servicing of the school (ie. location of bus stops, parking, drop-off areas etc.) needs to be further articulated in the DCP. Similar to the station interchange, there is currently little clarity on the layout, functionality or urban character in the DCP.
- Vehicle speeds on all streets should be limited in the DCP to 40km/hr to improve safety in what will be a high activity centre and to encourage pedestrian and bicycle movement.
- Playgrounds, walking paths, picnic areas, dog exercise areas and other recreational facilities should be indicated in the DCP. A public domain materials and finishes palette should also be included in the DCP.
- The Street Tree Planting Strategy (DCP Figure 4.1) should be more flexible by allowing non-native trees to be used on all streets. Exotic deciduous trees can provide superior solar access to evergreen native trees and add colour and character to streetscapes. The DCP figure should be amended accordingly.
- The DCP should emphasise that wherever possible existing mature indigenous trees and vegetation should be retained throughout the town centre, including on housing lots.
- Some environmentally sensitive areas that are not adequately protected in the scheme, given their level of significance. As previously noted, the steeply sloped land below the hill top containing regionally significant vegetation should be retained and protected as a conservation area. The endangered ecological community in the south west of the site needs to be buffered from adjacent development to ensure its survival. In the north of the site the two Masked Owl habitat trees of “excellent” quality should be retained within a conservation area to create a continuous green habitat corridor from the hill top to Hakone Road (and separate conflicting bulky goods and residential uses in the northern part of the site). The above amendments, as well as details of access controls to environmental conservation areas, should be included in the plan and DCP.

