

2.2 DA/111/2015 - Proposed Woolworths Retail Premises at Wadalba

TRIM REFERENCE: DA/111/2015 - D12168320
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SUMMARY

An application has been received for a Woolworths retail premises (shop) at 1 Figtree Boulevard, Wadalba. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Fabcot Pty Ltd
Owner	Fabcot Pty Ltd
Application No	DA/111/2015
Description of Land	Lot 195 DP 1006789 1 Figtree Boulevard, WADALBA NSW 2259
Proposed Development	Woolworths retail premises (shop)
Site Area	15, 470 m ²
Zoning	B2 - Local Centre
Existing Use	Vacant Land
Employment Generation	476 Jobs
Estimated Value	\$10,187,000

RECOMMENDATION

- 1 That Council grant consent to DA/111/2015 subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues.**
- 2 That Council advise those who made written submissions of its decision.**

PRECIS:

Proposed Development	Woolworths retail premises (shop) including signage and carparking
Permissibility and Zoning	B2 - Local Centre
Relevant Legislation	Environmental Planning and Assessment Act 1979 WLEP 2013
Current Use	Vacant Land
Submissions	Submissions received representing 5 parties

THE SITE

The site is situated on the south eastern corner of Figtree Boulevard and the Pacific Highway, Wadalba adjacent to the existing Wadalba village centre and the Wadalba Community school. To the south of the site is a 20m wide Council owned drainage channel and then the Orchid Way road reserve. The subject allotment is relatively flat with a cross fall less than 2%, has an irregular shape and is approximately 1.55 hectares in area.

There is existing landscaping within the Pacific Highway and Figtree Boulevard frontages. Landscaping within the Pacific Highway frontage is partially within the site and partially within the highway reserve and includes an earthen mound to provide noise attenuation from highway traffic. The acoustic mound is partially constructed within the subject site. Aside from the landscaping within the frontages the site is generally devoid of significant vegetation.

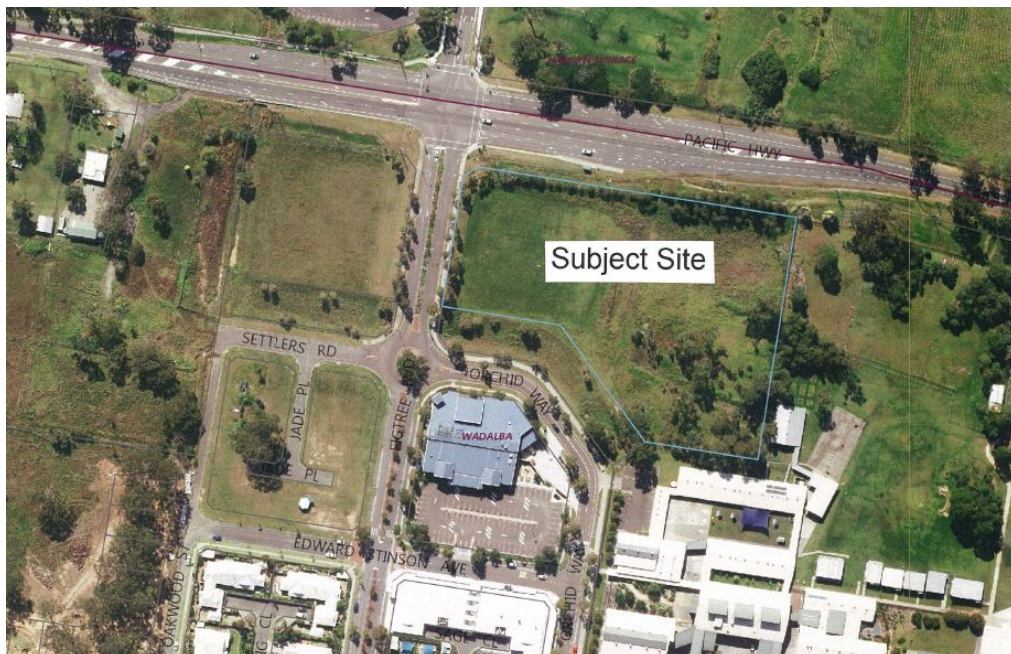


Figure 1: Aerial Photograph

The site was rezoned via a planning proposal (RZ/10/2012) to B2 Local Centre under the Wyong Local Environmental Plan 2013 (WLEP 2013). The rezoning came into force in July 2014.

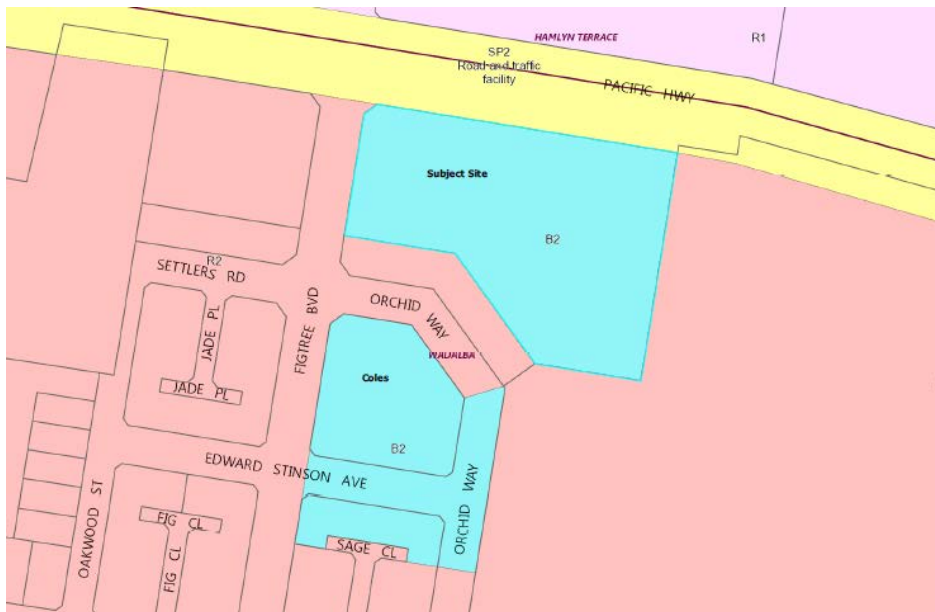


Figure 1: Extract of zoning map

The WLEP 2013 does not contain specific height or floor space ratio controls for the subject site. The land is not identified as being bushfire prone, as having potential or actual acid sulphate soil or as containing endangered ecological communities.

The site is located within the Swansea North Entrance Mine Subsidence District and is located within the Porters Creek Catchment and Council's records indicate that the site is affected by flooding.

Access to the site is available from Figtree Boulevard however a layback and formal access does not currently exist to the site.

SURROUNDING DEVELOPMENT

The site forms the northern part of the Wadalba local centre. Wadalba is bound on its northern edge by the Pacific Highway and development on the northern side of Pacific Highway is generally comprised of an existing hotel, residential development and vacant residentially zoned land subject to future development.

The Figtree Boulevard carriageway forms an urban design town entry feature comprising a tree lined dual carriageway with a landscaped central median and cycle way/shared path leading from the Pacific Highway past the local centre. Upon completion of the broader suburb Figtree Boulevard will be a major north south spine for Wadalba.

The other major north-south corridor identified in the master plan for Wadalba is Orchid Way which terminates at an intersection with Figtree Boulevard after a short westerly deviation around what is effectively the northern extent of the existing village centre. There is a significant tree located within a roundabout at this intersection which is a significant feature of entrance to the suburb.

Existing development south of the site is a mix of land uses ranging from low and medium density dwellings, a public school and the local centre which contains a Coles supermarket, various retail and service businesses.

The existing Coles is approximately 1500m² in area and is separated from a row of street front shops and commercial units by at grade car parking. The shops that front directly to Edward Stinson Ave are serviced at the rear by at grade parking and Sage Close whereas Coles has a loading dock adjoining Orchid Way (on the northern side of the building). The conditions of consent for the Coles development stipulate that all delivery vehicles are 'to be limited to 14 metres in length to ensure adequate turning areas' with deliveries 'only to be made outside school peak usage periods'.

The Wadalba Community School is located opposite to the Coles development, adjoins the subject site and is a significant contributor to the character of the precinct. It's location within the centre promotes multi-purpose trips, and provides a key community service in the heart of the growing local centre. During peak school periods traffic congestion is encountered in the surrounding road network. The traffic congestion is particularly apparent through the Figtree Boulevard / Orchid Way roundabout and Figtree Boulevard/Pacific Highway signalised intersection.

Council recently granted consent to the erection of medium density residential dwellings and a childcare centre on the land west of the subject site known as 2 Figtree Boulevard. Consent was granted for this development with access to be provided via a bridge over the Council Drainage Reserve from Settlers Road.

No particular architectural style, material or colour pallet is dominant within the existing village centre. The Coles supermarket and school have roof elements of wide low pitch gable rooves utilising pre-coloured metal materials. External to the building the school and the Coles development also share some elements of exposed timber pergola style structures.

Signage within the village centre is comprised of lightbox wall signs, fascia signs and a prominent freestanding multiple occupancy pylon sign within the road reserve on the south western corner of the Figtree Boulevard/Pacific Highway intersection.

THE PROPOSED DEVELOPMENT

The proposed development is described by the Statement of Environmental Effects (SoEE) as comprising the following:

- Site preparation works and tree removal,
- Construction and fitout of a retail building comprising the following,
 - Woolworths Supermarket with a Gross Floor Area of approximately 3591m², and;
 - A specialty shop unit with a Gross Floor Area of approximately 200m²
- Vehicle access driveways, loading dock and car parking at grade for 213 spaces inclusive of accessible parking spaces and designate parent parking, 8 motorcycle spaces,
- Supporting civil works to provide vehicular access and access to reticulated services to the site,
- Landscaping, and
- Signage.

Provision for a public art zone has been made within the north western corner of the site adjacent to the Pacific Highway/ Figtree Boulevard. The specific nature of the public art is to be determined prior to construction commencing. The provision of public art to a value of \$50,000 is being negotiated as part of the VPA which has been offered by Woolworths.

The site plan depicts an access to Orchid Way to be provided over Council's drainage channel. The access and associated works to Orchid Way do not form part of the current application however; the applicant has indicated that it is their intention to negotiate the construction of the access with the land owner, namely Council. While the access does not form part of the current application the consideration of the environmental impacts of the proposal below has contemplated the provision of the Orchid Way access. The provision of a range of works including the delivery of public road works is being negotiated as part of the VPA which has been offered by Woolworths.

The value of the Woolworths development work is in the order of \$10M. The proposed hours described within the Statement of Environmental Effects are daily from 6 a.m. to 10 p.m. 7 days per week. The applicant anticipates that approximately 148 people will be employed by the supermarket.

A use has not been nominated for the specialty shop unit however; the traffic report depicts the use as being a BWS liquor store. In order to remove any ambiguity if consent is granted to the development a condition of consent is recommended that requires further consent to be obtained prior to the use of the specialty shop.

HISTORY

July 2014 – RZ/10/2012	- Rezoning notified on the Legislation Website
October 2014 – PL/106/2014	- Pre-lodgement meeting held
February 2015 – DA/111/2015	- Current Application is submitted
May 2015 – DA/111/2015	- Additional information is submitted
July 2015 – DA/111/2015	- Proposal is amended and re-notified
November 2015 – DA/111/2015	- Additional information is submitted

SUBMISSIONS

Submissions from the public

The proposed development was notified in accordance with Wyong Development Control Plan 2013 Chapter 1.2 - Notification of Development Proposals, from 18 February 2015 to 6 March 2015 and again from 18 June 2015 to 8 July 2015 in response to an amendment to the application that reconfigured site resulting in material changes to the proposal.

Submissions were received during both notification periods representing in total, six individual parties. Two submissions are characterised as objections to the proposal while three of submitting parties raised matters in relation to particular elements of the proposal while not adopting a stance of objecting to the development. The remaining submitting party has raised no objection to the proposal, but has made a request in respect of the provision of infrastructure in the locality.

The matters raised in the submissions are summarised as follows.

- The development will require the amplification of sewer services,
- Economic Impact Assessment and economic impact of the proposal,
- The development will have traffic impacts,
- Pedestrian Facilities,
- Potential additional Retail Liquor outlet,
- Central Coast Regional Strategy and the role of Wadalba in the hierarchy of centres,
- Impact on Warnervale Town Centre development,
- Impacts on Figtree Boulevard,
- Lack of activation of the street frontages,
- Potential for impact on school activities.

A detailed response to these matters is raised in submissions

<i>Matters raised in submission</i>	<i>Assessment Considerations</i>
Request that a condition of consent require the developer to connect nearby residential development to the reticulated sewerage system	The conditions of consent require the developer to make provision for the reticulated sewerage system to be extended to service the site however, as there is no nexus between the development and extending the sewer beyond the boundary of the site Council is not able to pursue this request beyond the boundary of the site.

Matters raised in submission	Assessment Considerations
<ul style="list-style-type: none"> • The Economic Impact Assessment (EIA) whilst providing a quantitative assessment of the trade capacity within the defined main trade area, fails to provide any qualitative assessment of the existing floor space across the retail spectrum. This is a vital consideration in judging the impact on the overall viability of other centres within and beyond the trade area as opposed to the impact on individual traders within those centres such as the competing supermarkets. EIA's should also consider how the trade impact on the competing centre's anchor stores, (generally a supermarket), will impact the other space within those centres as a consequence of the loss of customer traffic and consequential flow-on trade to the centre more generally. To suggest that a particular supermarket can withstand a loss of trade and customers fails to consider the flow-on impacts of those same customers on smaller associated specialty shops. Is Council only concerned with the impacts on other supermarkets or on the trade and viability of all retail outlets in the affected centres? • The additional floor space, if used for a supermarket, represents an additional supply of almost 25% on what was deemed necessary in the Wyong Shire Council Retail Strategy (WSCRS). Does Council not consider this significant? a 2,000 sqm supermarket and 800 sqm of specialty stores would have a capacity of around \$21 million based on the inferior sales rates per square metre of specialty shops compared to supermarkets. This is 40% difference in trade compared to the assessment in the Wyong Retail strategy. Where will this trade be drawn from? What other existing smaller neighbourhood centres will be impacted? 	<ul style="list-style-type: none"> • The EIA appropriately considers that the economic impacts of the proposal. It found that the proposal is not likely to undermine the viability of any existing retail centres or development. A qualitative assessment of existing retail space is not considered necessary to consider development of zoned local centre land. The quality, composition and competitiveness of existing centres are relative to centre management. Impacts on trade capacity, other centres including large formats and specialty retailing has been considered when the land was rezoned to B2 Local Centre in 2014. The EIA focused on an analysis of supermarkets and stores with floor space above 500m² as stores below this threshold are generally not considered large enough to support a weekly shop and therefore operate in a different market segment to that of the proposed development. The development comprises one specialty shop which is not a critical mass in terms of offering a sufficient range of goods or services to constitute a destination that would undermine specialty stores within other centres. The proposal is not considered likely to result in a negative economic impact, but will contribute to competition within the retail grocery market segment. • The proposed development is in accordance with the existing zoning of the property B2 Local Centre. The property was rezoned in 2014, and expansion of the size and offer of retail potential of Wadalba was approved. At this time the inconsistency with the Wyong Retail Strategy was contemplated and it was determined that with consideration of the rapidly growing residential development within the area, that the proposal had merit and was thus approved. With regard to the additional floorspace the EIA indicates that the proposal will trade at a suboptimum level for a period

Matters raised in submission	Assessment Considerations
<ul style="list-style-type: none"> The EIA references the proposal as a "Convenience" centre. However, assuming the adjacent Coles Centre remains open for business should this proposal proceed, Wadalba will boast over 4,860 sqm of retail floor space in one location. This compares with around 2,000 sqm or less found in other "Convenience" Centres as opposed to "Neighbourhood" or "Sub-district" centres. Sub-district centres generally range from 4,000 sqm upwards. Do Council intend that the rezoning should provide for a larger, higher order centre? Was this sized centre contemplated fully in the Retail strategy? 	<p>while the size of the market expands as a result of new housing provided in the locality. The statutory controls do not place limitations of the floorspace permitted on the site and in light of the considerations of merit the proposal is supported.</p> <ul style="list-style-type: none"> The proposal to rezone the property to facilitate a supermarket on the site was considered as part of the planning proposal completed in July 2014. The centre is zoned B2 Local Centre under WLEP 2013 which is consistent with other centres within the Shire. It is noted that Wadalba local centre services the growing residential release catchments of both Wadalba and Hamlyn Terrace. While the retail offer within Wadalba has expanded compared to the Retail Strategy, the proposal to permit a supermarket on this site has been through a comprehensive planning proposal process, and has been approved. The subject DA is consistent with the objectives of the B2 Local Centre zone.

Matters raised in submission	Assessment Considerations
<ul style="list-style-type: none"> Whilst the EIA has modelled changes in trade assuming the new space is trading by 2017, we believe the impact on weaker centres with the sub-region is underestimated. Kanwal Village, Coulter Shopping Centre and the existing Wadalba Centre will be hit by the cumulative impact of not only this proposal, but also proposed extensions at Lake Haven (Gorokan), the development of the Warnervale Centre and changes to Wyong Town Centre. The EIA has not accounted for these circumstances or discussed the relationship of the existing traders and the possible dependency of the trade generated by the anchor stores such as IGA or Coles in these smaller centres. There could be a significant level of disruption in these smaller centres which drives at the viability of the overall centre. Is the future of small and micro business of concern to Council? Is it valid to only consider the impact on the big two, Coles and Woolworths? 	<ul style="list-style-type: none"> The EIA identifies that the local community is currently underserved in terms of supermarket floorspace, the proposal seeks to fill this void and not undermine other neighbourhood centres. The proposal is not considered likely to result in a negative economic impact, but will contribute to competition within the retail grocery market segment. The development comprises one speciality shop which is not a critical mass in terms of offering a sufficient range of goods or services to constitute a destination that would undermine specialty stores within other centres. The proposal being for a supermarket and one specialty within the zoned Wadalba local centre, adds diversity to the local retail offer, increases competition and reinforces Wadalba as a local shopping destination which in turn can support local retailers.
<ul style="list-style-type: none"> The analysis acknowledges proposals to develop a significant number of lots in East Wadalba but dismisses the potential to develop a retail centre in that area on the basis it has not happened to date. This is convenient at best and should not be dismissed given the qualitative issues mentioned earlier and the likelihood retail development in East Wadalba could occur at some time in the future. Is council satisfied with this simple dismissal? The development is described as having the capacity to create 148 additional jobs. However of equal and perhaps more importance is the potential for the displaced jobs at other locations. It is difficult to understand how there will be a net increase of 148 jobs given the EIA has not identified escape expenditure and therefore the existing stores are capturing the existing trade presumably with the complement of existing employment. Moreover the nature of employment is likely to change. Owner operators and mature workers in small business will 	<ul style="list-style-type: none"> The proposal for a centre in the nearby East Wadalba locality could be considered as part of the future rezoning of this RU6 Transition zoned land. This is subject of a separate process to this development application. It is noted however that the draft Central Coast Regional Strategy 2015 does not identify a new centre to service the future East Wadalba development. There has been no evidence provided with the submission with regard to which owner operators or mature workers will be forced out of business or employment by the proposal. It is recognised that the development may result in some minor reallocation of jobs within the retail sector employment however, this is not likely to be to the extent that a negative social impact is perceptible. The merits of the proposal does not rely solely upon the number of jobs to be created at the site and it is very likely that

<i>Matters raised in submission</i>	<i>Assessment Considerations</i>
<p>potentially be forced out of business or employment as part-time and casual employment is offered in the big supermarkets.</p>	<p>staffing numbers will ramp up over time as the store reaches a point of optimum trading as describes in the EIA. The proposal is not considered likely to result in a negative economic impact, but will contribute to competition within the retail grocery market segment which will have benefits to the community.</p>
<ul style="list-style-type: none"> The previous objection contained a peer review of the Traffic Study by GTA that was exhibited with the planning proposal. GTA concluded that there was a lack in some of the detail provided within the report to adequately assess the traffic and transport implications of the development. GTA specifically related this to the perceived discrepancy in the data between the two assessments undertaken and the lack of justification provided. We note that the amended plan changes the proposed flow of traffic, but in a way that increases the impact of the proposed development on the already over-strained road traffic and transport resources in the area. The amended plan now proposes to bring the entrance to the Woolworths carpark closer to the roundabout located at Orchid Road. This exacerbates the existing traffic flow problems that are created by the fact that Orchid Road, already services a primary school and up to 90 customer vehicles that are located in neighbouring sites. 	<ul style="list-style-type: none"> Council's traffic engineer has undertaken to review the capacity of the Figtree Boulevard and Orchid Way intersection in respect to level of service and traffic impacts. It was concluded that the intersection has sufficient existing capacity and that any future upgrade of the roundabout would be attributed to general grown of the broader catchment not just this proposed development. The traffic impacts of the proposal have been considered and the amended proposal is considered to be satisfactory subject to the conditions of consent.
<ul style="list-style-type: none"> Before and after school times there are many children and pedestrians crossing the roads between the shops and the existing supermarket and school. It is considered that an additional crossing at Orchid Way near the proposed vehicle access to allow direct access to the retail and school precinct is required in order to make the precinct more pedestrian 	<ul style="list-style-type: none"> It is agreed that additional road safety measures may be required as a result of the development. A road safety audit is required as a condition of consent. The road safety audit considers the safety of all road users in a qualitative and quantitative manner that aims to fill in the deficiencies created by simply designing to prescribed standards. The audit

Matters raised in submission	Assessment Considerations
friendly.	process and may or may not require the provision of an additional crossing or other measures that will ensure the safest road environment practicable. Additionally the proposal seeks to provide footpaths linking Orchid Way to the Pacific Highway bus stop which will improve accessibility.
<ul style="list-style-type: none"> No objection to the supermarket is raised however, if the specialty store is utilised for the purposes of a bottle shop it would result in a 4th retail liquor outlet within a radius of approximately 150m. The area is already well serviced by liquor outlets. Concerns are held that an additional liquor outlet will have a negative social impact particularly in such close proximity to the school. 	<ul style="list-style-type: none"> Council does not have the ability to prohibit a bottle shop within the proposed speciality store however, the recommended conditions of consent requires that the future use of the speciality store will be subject of a separate DA which will consider social impacts if a bottle shop is proposed.
<ul style="list-style-type: none"> The proposed development is inconsistent with the role of Wadalba as a village centre as identified in the Central Coast Regional Strategy. The proposal should not proceed without a comprehensive analysis of the implications on the North Wyong Structure Plan, Warnervale Town Centre and other planned centres (ie Precinct 7A and East Wadalba). There has been significant public and private investment into the planning and delivery of the Warnervale Town Centre. The structure planning of the whole North Wyong region could be said to be based around a new major centre at Warnervale. Furthermore, the development of the scale proposed may pre-empt, delay or inhibit planned investment and growth of retail development at Precinct 2 (East Wadalba) and Precinct 7 which have received Gateway Determination to proceed for urban release. 	<ul style="list-style-type: none"> As discussed in the main body of this report the proposal is consistent with the zoning of the site. The site is consistent with the Town Centre classification under the draft Central Coast Regional Strategy 2015. The EIA submitted with the application indicates that there will be some overlap between the catchments of the proposal and Warnervale Town Centre however, subject to continued growth in the size of the market the development is not likely to undermine the viability of Warnervale Town Centre. The relevant statutory controls make provision for both centres to proceed, in line with the local development within each catchment. The EIA has considered the implications of the proposal on other opportunities and the assessment of the application indicates the proposal is in keeping with the public interest. The proposal for a centre in the nearby East Wadalba locality could be considered as part of the future rezoning of this RU6 Transition zoned land. This is subject of a separate process to this development application.

Matters raised in submission	Assessment Considerations
	<p>It is noted however that the draft Central Coast Regional Strategy 2015 does not identify a new centre to service the future East Wadalba development.</p>
<ul style="list-style-type: none"> • Instead of a single left in – left access from Figtree Boulevard (setback about 70 metres) from the Pacific Highway intersection and a further access to Orchid Way across Council’s drainage reserve, the entire access to the car orientated site is via two congested access points at the entry gateway to Wadalba. The first entry-exit is only around 40 metres from the Pacific Highway intersection and the second entry-exit (about 20 metres separated) about 20 metres from the existing 4 way intersection round-a-bout. Furthermore, the proposal also requires a third right hand turn lane about 40 metres long to be installed within the central median strip. The proposed access provides entry and exit for over 230 car parking spaces as well as delivery trucks. Delivery trucks have to travel through the customer carpark on site to access the loading dock. • Figtree Boulevard as an urban designed gateway entry to Wadalba centre is abandoned by the proposed development. • The proposed development makes no attempt to activate Figtree Boulevard or Orchid Way. The design outcome divorces the built form of the new supermarket and retail space from the existing commercial centre by creating an open carpark to both street frontages. 	<ul style="list-style-type: none"> • The access proposed as lodged was considered to be unsatisfactory. The matters raised in the preliminary assessment and by this submission have been addressed and amended plans provided which accord with the DCP. Council’s traffic engineer has accepted the revised access layout as being appropriate. • It is agreed that the original plans impacted a key urban design element of the entry to Wadalba, being the tree lined median. The amended proposal has removed impacts to the median and has generally addressed the concern raised in the submission. • The proposed development addresses Figtree Boulevard. There are no statutory controls obliging the development to activate the Figtree Boulevard frontage by way of offering a street edge shopfront. The development has been found to be compatible with the streetscape. Additionally a VPA has been offered to Council suggesting a number of works.

Matters raised in submission	Assessment Considerations
<p>There is no street edge created by the development within the Wadalba centre. Furthermore, the Woolworths building is designed with a zero setback from the Pacific Highway frontage and relies upon the public road reserve to soften and screen the built form.</p>	<p>These elements will provide a critical link between the development and the broader precinct. The level of connectivity of the development to the local centre is considered to be satisfactory with regard to maintaining the vibrancy of the centre.</p>
<ul style="list-style-type: none"> • Overshadowing • Distractions to students – noise and flashing lights • Noise reducing boundary fence • The existing Coles loading dock has been observed to create temporary traffic congestion and safety issues associated with vehicles manoeuvring within the carriageway. Deliveries during 40km/h times 	<ul style="list-style-type: none"> • Overshadowing is acceptable as the development is well set back from neighbouring developments • A condition of consent is proposed which requires a management plan to address noise. • A condition of consent is proposed which requires a post occupation acoustic report and monitoring. • The proposal has made provision for service vehicles wholly within the site. The road safety audit may suggest additional safety measures in relation to the management of service vehicles. A condition of consent is proposed which requires deliveries to occur outside of peak school times.

Having considered the public submissions there are no matters that warrant refusal of the application subject to the conditions of consent.

Submissions from Public Authorities

Roads and Maritime Services (RMS)

Pursuant to the terms of State Environmental Planning Policy (SEPP) – Infrastructure Council sought comment from the RMS in respect of the proposed development. The RMS has provided comment at several points throughout the assessment of the proposal. Subject to certain recommended conditions of consent the RMS does not object to the proposed development. Further consideration of the RMS requirements is located in this report below in respect of the SEPP Infrastructure.

Department of Primary Industries – Water (DPI)

The relevant topographical maps depict the subject site as containing a water course however, DPI – Water have indicated that the water course has been highly modified and the proposed development is not regarded as being on waterfront land and therefore the Department has no requirements or objections to the proposal.

NSW Mine Subsidence Board (MSB)

The NSW MSB have issued conditions of consent for the proposed development.

NSW Police Force

The NSW Police Service have undertaken a comprehensive assessment of the proposal referred to as a *Safer by Design Crime Risk Evaluation* which indicates that subject to the recommendations of the Police Service assessment, the proposal has a Low Crime Risk rating. The requirements of the Police Service are included as a requirement in the recommended conditions of consent.

INTERNAL CONSULTATION

The development application has been referred to the following Council Officers who have provided assessment of the proposal in respect of their expert area:

- Health and Building Surveyor
- Development Engineer
- Transport Engineer
- Trade Waste Officer
- Environmental Health Officer
- Environmental Health Officer (Food)
- Arborist
- Hydrologist
- Section 94 Contributions Officer
- Asset Engineer (Wyang Water)

The matters raised in the expert assessments have been considered in the assessment of the application and where relevant in the formulation of recommended conditions of consent.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory storm water, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

CLIMATE CHANGE

The potential impacts of climate change on the proposed development have been considered as part of its assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, the following matters are considered to warrant further discussion, as provided below:

Sustainable building design: The proposal is for a 'shop' for the purposes of the Building Code of Australia (BCA) which will engage the provisions of Section J of the BCA. Section J of the BCA relates to Energy Efficiency and pursues the objective of reducing greenhouse gas emissions through efficiently using energy. The Statement of Environmental Effects provides details of specific energy and water saving elements to be implemented in the construction of the development. There are no matters relating to sustainable building design that warrant specific modifications to the proposal or conditions of consent.

Bushfire Protection: The site is not identified as bushfire prone land and no specific bushfire protection measures are proposed.

Reduced Car Dependence: The proposed development is located on a major bus route and includes provision of a pedestrian access from the Pacific Highway bus stop to and through the development. The site is within walkable distance of residential development and is adjacent to the local community school which promotes dual purpose trips. A VPA offer has been made which is being negotiated. The works include provision of additional public transport facilities and pedestrian access from the site to existing cycleway/shared path network.

Flooding: The site is partially affected by flooding and the proposed building and associated works have been designed to provide a safe egress and a flood free building in the majority of flood events. Flooding has been considered in more detail below. A VPA offer has been made which is being negotiated. The works also include flood management works associated with delivery of transport improvements.

ASSESSMENT:

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the report below summarises the more salient matters for Council's assessment.

PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/POLICIES:**State Environmental Planning Policies (SEPP)**State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

The proposed development is a change in usage of the site and Council is obliged to consider the suitability of the site with regard to contaminated land. The applicant has submitted a copy of a contamination assessment. The contamination assessment indicates that site is a low risk of contaminated land being encountered on the site and further assessment and/or remediation of land is not warranted. While the findings of the report are considered generally satisfactory it is considered prudent to include conditions of consent that require inspection of the site by a suitably qualified person prior to works commencing to determine if any potentially contaminating material has been placed on the site unlawfully subsequent to report in 2013.

State Environmental Planning Policy 64 – Advertising and Signage

SEPP 64 provides for the regulation of advertising and signage within NSW. Clause 8 requires the consent authority to be satisfied that signage is consistent with the objectives of clause 3(1)(a) and the matters specified in Schedule 1 before granting consent to the display of signage. The relevant objectives are included below.

(a) to ensure that signage (including advertising):

- (i) is compatible with the desired amenity and visual character of an area,*
and
- (ii) provides effective communication in suitable locations, and*
- (iii) is of high quality design and finish.*

The development proposes 5) business identification signs (2 on the ends and 3 across the main façade and one freestanding sign. The signage is considered to be commensurate with the scale of the proposed building and the desired character of the local centre area. The signage will suitably identify the occupant of the site from the vista from the road frontages and is consistent with the intended streetscape. The signage does not impact on any noted views or vistas and is appropriate for the intended use. The proposed sign is to be lit however; this is compatible with signage in the locality and is not likely to pose a threat to the amenity of the area as it is located on the Pacific Highway frontage.

A detailed consideration of Schedule 1 matters is included as an attachment to this report. The matters specified in Schedule 1 have been adequately considered in the design of the signage and the proposal is acceptable in the terms of SEPP 64. The site will require the erection of various free standing signs which are considered to be traffic directional signs and are not subject to the provisions of SEPP 64.

State Environmental Planning Policy – Infrastructure (I-SEPP)

The I-SEPP was formulated to, amongst other things, create regulatory efficiency in the delivery of infrastructure by providing consent and consultation requirements where appropriate. The subject site has frontage to a classified road and is a traffic generating development for the purposes of the I-SEPP. These provisions of clauses 101 and 104 are therefore engaged.

Section 101: Development with frontage to classified road

The consent authority must not grant consent to the development unless it is satisfied that,

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road,*

Comment:

No direct vehicular access is proposed from the site onto the Pacific Highway. The proposed development derives access via Figtree Boulevard and subject to the proposed VPA works Orchid Way and is therefore consistent with this provision.

- b) *the safety, efficiency and on-going operation of the classified road will not be adversely affected by the development as a result of:*
- (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

Comment:

The proposed use of the site is not likely to generate any significant volumes of dust or smoke that would affect road users in the vicinity of the site with the exception of during the initial construction phase. The conditions of consent are an appropriate control of construction related impacts. No vehicular access is proposed to the Pacific Highway and conditions of consent are recommended with regard to the width and geometry of the vehicular access to the site which ensure safe and efficient traffic movement in and out of the site.

The development application includes a traffic impact study including SIDRA modelling that concluded that the local road network and intersections will retain a good level of service following the completion of the development. Council's Development Engineer and Transport Engineer and the NSW RMS reviewed the traffic report and associated modelling and subject to the recommended conditions of consent, the proposed development is considered to maintain the safe, efficient and on-going operation of the Highway.

- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Comment:

The proposed development is not considered to be sensitive to traffic noise and proposed buildings, existing noise attenuation mound and landscaping are expected to provide acceptable level of noise attenuation for the occupants of the site.

Section 104: Traffic-generating development

The proposed development is a scheduled development for the purposes of CI 104(1) and therefore before determining a development application, the consent authority must:

(a) *give written notice of the application to the RTA within 7 days after the application is made,*

Comment:

The proposed development was notified to the NSW RMS in accordance with this clause.

(b) *take into consideration:*

(i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission),*

Comment:

The RMS provided the following comment in response to the referred application:

Roads and Maritime has reviewed the information provided, including the revised design of vehicular access arrangements to the site. Roads and Maritime has also reviewed additional Sidra traffic modelling, undertaken by Colston, Budd, Hunt and Kafes, relating to projected 10 year traffic growth volumes and consideration of other approved developments which will impact on the operation of the Figtree Boulevard / Settlers Road / Orchid Way intersection.

Roads and Maritime has no objection to the proposed development provided the following requirements are included in Council's conditions of consent:

- *No direct vehicular access will be permitted to/from the Pacific Highway.*
- *Council shall ensure the proposed left in / left out vehicular access in Figtree Boulevard is of sufficient width to permit a vehicle to enter and exit the site simultaneously.*
- *The existing lane delineation arrows on the Figtree Boulevard approach to the Pacific Highway signals shall be changed to indicate left / through movements from the kerb side lane and right movements only from the centre lane in accordance with Roads and Maritime guidelines and relevant Australian standards.*
- *The traffic signal phasing at the Figtree Boulevard / Pacific Highway intersection shall be changed to accommodate the increased traffic volumes in Figtree Boulevard, to the satisfaction of Roads and Maritime.*
- *The proposed changes to the traffic signal phasing and delineation at the Figtree Boulevard / Pacific Highway intersection shall be monitored by Roads and Maritime during the Defect Period of the Works Authorisation Deed (WAD), in terms of satisfactory performance, efficiency and safety. Should the alterations be deemed unsatisfactory, the proponent will be required to repeal the alterations, at no cost to Roads and Maritime (in accordance with Clause 6.3 of the Minor WAD).*

Comment: As traffic modelling is based on assumptions, Roads and Maritime will require works undertaken at the intersection to be repealed should the performance of the intersection not reflect the results as predicted by the traffic modelling, leading to inefficiencies and / or road safety issues.

- *On determination of the DA, the developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for any changes to the intersection at Figtree Boulevard and the Pacific Highway or other road infrastructure upgrade works impacting on the classified (state) road network. In this regard the developer is required to submit concept and detailed design plans and all relevant additional information, as may be required in Roads and Maritime's WAD documentation, for each specific change to the classified (State) road network for Roads and Maritime's assessment and final decision concerning the work.*

Further advice regarding the WAD is provided in Attachment A.

- *The WAD shall be executed prior to the issuing of the first construction certificate for the proposed development.*
- *Roads and Maritime will require that all road works under the executed WAD must be undertaken to practical completion prior to the issue of any Occupation Certificate (interim or final) for the proposed development.*
- *All works shall be undertaken at no cost to Roads and Maritime or Council.*

Advice to Council

- *Roads and Maritime has no proposal that requires any part of the property.*
- *All matters relating to internal arrangements on-site such as car parking, traffic / pedestrian management, maneuvering of service vehicles and provision for people with disabilities are matters for Council to determine.*

Comment: It is noted that the design service vehicle has been changed from a 19 metre articulated vehicle to a 14.4 metre truck. The size of the service vehicle should be reflected in the conditions of consent.

- *Discharged stormwater from the development shall not exceed the capacity of the Pacific Highway stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.*

Comment: Roads and Maritime has noted that 10 percent of the runoff from the site (western section of the car park) will be piped directly into the Pacific Highway stormwater system.

- *Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site. In this regard, the applicant, not Roads and Maritime, is responsible for providing noise attenuation measures in accordance with the Office of Environment and Heritage's criteria, The NSW Road Noise Policy (July 2011).*

- *Council should ensure the developer has appropriate traffic management measures in place, designed to minimise the impacts on the traffic using the Pacific Highway and the local road network during the construction phase of the development.*

The RMS requirements have been included in the recommended conditions of consent. In this regard there are no matters raised by the RMS that are not able to be appropriately dealt with via conditions with the exception of the potential for road noise impact as it is considered that the development is not susceptible to road noise.

It is considered that this development will provide beneficial acoustic buffering between the highway and more sensitive uses such as Wadalba Community School.

Council's Traffic Engineer has undertaken to review the capacity of the Figtree Boulevard and Orchid Way intersection in respect of the potential for ongoing residential development in the area to diminish the service level of the local road network and potentially the Figtree Boulevard/Pacific Highway intersection. It was concluded that the intersection has sufficient existing capacity and that any future upgrade would be attributed to growth in the broader catchment not just this development.

(b) take into consideration:

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

The location of the site and proposed use lend themselves readily to multi-purpose trips. In this regard the proposal is located within the existing village centre and there are pedestrian linkages between the site and the village centre meaning that people will be able to park at the site and combine a supermarket shopping trip with a visit to the other shops, businesses and school and vice versa.

The movement of materials to and from the site by virtue of the proximity of the site to a goods rail siding or facility does not make the utilisation of rail facilities practicable.

The site is well serviced by the classified road network with good practical access to the main north south transport link and the subsequent east west distributor roads that radiate from the freeway to the coast. The site is readily accessible to the Woolworths Delivery Centre which is approximately 7.5 km from the site via Minnesota Road.

(b) take into consideration:

(iii) any potential traffic safety, road congestion or parking implications of the development

Comment:

The proposed development seeks to accommodate all necessary parking requirements within the site and no off-site impacts are expected in relation to car parking. The development is not expected to prejudice the safe and efficient operation of the classified road. The impact of the proposal on the local roads has been considered by Council's Traffic Engineer who, notwithstanding the existing periods of traffic congestion, has concluded that there will not be a significant detrimental impact as a result of the development. With regard to safety it is recommended that a condition be imposed requiring appropriate road safety audits be carried out on the detailed design and where necessary works be carried out or modified to ensure the safest possible outcome for the site.

Local Environmental Plans

Wyong Local Environmental Plan 2013 (WLEP)

Permissibility

Clause 2.3(1) - Zone objectives and Land Use Table

The proposed development falls under the group definition of *commercial premises* in the WLEP dictionary and is more specifically characterised as a *retail premises*. The definition of *retail premises* is included below for reference.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

The subject site is zoned B2 Local Centre which is an open zone that lists the group term *commercial premises* as permitted with consent. Pursuant to clause 2.3(1) of the WLEP *retail premises* are permitted with consent in the B2 Local Centre Zone.

As noted above a use has not been specified for the specialty shop and it is recommended that a condition of consent require further consent be obtained prior to the first use of the specialty shop unit.

Clause 2.3(2) - Zone objectives and Land Use Table

The consent authority must have regard to the objectives of the relevant zone when determining a development application. The objectives of the zone are included below for reference.

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

The proposal will add to the existing range of retail premises and businesses in the village centre and will serve the residents who live, work and visit Wadalba.

- *To encourage employment opportunities in accessible locations.*

The applicant has advised that the proposal will generate 476 jobs. The proposal will generate employment which is likely to include a transfer of employment from other existing retail developments as trading and consumer patterns adjust to the new shopping opportunity however, on balance it is considered there will be a net increase in employment within the B2 zone. The location of the employment opportunities is regarded as being accessible given the existing and emerging density of residential development in the vicinity of the village centre. The site is also located on a major bus route and will have direct pedestrian access to the adjacent Pacific Highway bus stop thereby providing accessibility via existing public transport services. The VPA offer being negotiated is proposed to include provision of a bus stop and taxi/kiss and drop space which will further increase the site's accessibility.

- *To maximise public transport patronage and encourage walking and cycling.*

As mentioned above the site is physically located in proximity to existing and emerging residential neighbourhoods and the site is serviced by existing public transport services. The site is connected to the broader cycleway/shared path network that will be connected from the street frontage to the shop front thereby making provision for convenient pedestrian and cycling access. . The VPA offer being negotiated is proposed to include provision of bridge and pedestrian path which will provide pedestrian and vehicle access more directly to Wadalba local centre.

- *To permit residential accommodation while maintaining active retail, business and other non-residential uses at street level.*

The proposal does not include any provision for residential development.

- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

The proposed development has been designed to be sympathetic to the adjoining land uses, in particular the school by providing a physical separation of approximately 30m between the proposed building and the boundary. To minimise the disruption caused by any service vehicles operating on the site boundary treatments and landscaping are proposed as a buffering measure to limit any potential conflict.

Having appropriate regard to the objectives of the zone it is concluded that the proposal meets the tests of being compatible and consistent with the objectives of the zone.

Clause 5.9 – Preservation of trees or vegetation

The removal of trees requires consent under this clause. The site is not a heritage item or located within a heritage conservation area and there are no known culturally significant items or places on the site. The site is predominantly clear of trees and has not been mapped as being of environmental significance. The removal of vegetation in accordance with the site plans is acceptable. It is noted that the proposal will introduce landscaping along the boundaries and within the car parking areas which is compatible with the proposed use.

Clause 7.2 Flood Planning

A small portion of the subject site is identified on the flood planning map as flood planning area which engages the provisions of clause 7.2 of the WLEP. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The site is located within the Porters Creek Catchment and Council's records indicate that the site is affected by flooding and/or minimum floor level requirements associated with the 20 metre wide Council drainage channel along the southern boundary (11W Figtree Boulevard). This channel conveys stormwater from an approximate 32.3 Ha upstream catchment at Q100 of rate of 9.9m³/s. A 400mm low-flow pipe traverses the northern side of the channel.

The applicant has submitted a flooding report including modelling of the flooding and drainage within the locality for both the pre and post development scenarios. The preliminary assessment of the flooding and drainage report raised the following matters for further consideration.

Building Floor level

- The proposed Woolworths floor level is 12.5mAHD. However the adjacent flood level is above this floor level. For example, the level at the south east corner of the proposed building is quoted as point 9 in Table 6 as:
 - 1% AEP flood level = 12.87mAHD (0.37m above floor level)
 - 5% AEP flood level = 12.85mAHD (0.35m above floor level)
- Furthermore Figure C2 shows the flood levels immediately adjacent to the north east corner of the proposed building about 1.5m higher than the floor level.

- Therefore there is certainly not an allowance for 0.5m freeboard and 0.15m mine subsidence allowance.

In response to the Building Flood Level comments above, the areas of concern are Point 9, the north-eastern corner of the site and Point 8 as depicted in Figure 1 below.

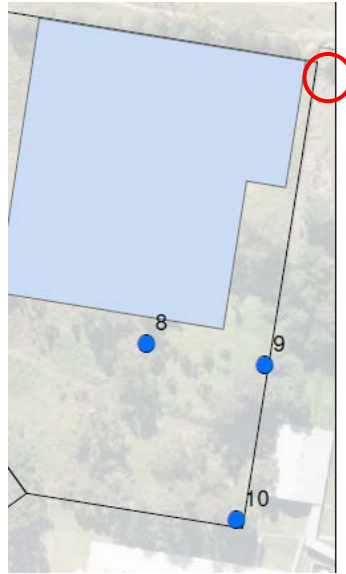


Figure 1 – Excerpt from Figure A5 from Northrop (refer Job No. NL140351, Revision C, dated 18 November 2015).

In accordance with the NSW Floodplain Development Manual, freeboard requirements are deemed necessary for developments affected by flood, flood being relatively high stream flows which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and / or local overland flooding associated with a major drainage system before entering a watercourse.

The characteristics of this floodplain including the historical environment, critical depths and critical flows indicate that the areas of concerns above are a direct result of local drainage and not a consequence of major drainage flows. The application of freeboard is therefore not a requirement of the floodplain development manual.

The proposal makes provision for the local drainage flows such as diversion swales and internal carparking grades. The floor level of the commercial building will also be approximately 240mm above the calculated flood level at Point 8.

The Council's drainage channel is considered to be a major drainage flow by the floodplain development manual. The 1% AEP event flood level for the drainage channel has been determined to be 11.5m AHD. The proposed floor level of the supermarket has been nominated as RL 12.5m AHD which is considered to be sufficient and will provide adequate freeboard, including an additional Mine Subsidence factor.

The development is not likely to have an adverse impact on flood behavior in the locality, pose an unreasonable risk to life or property, or causes an undue environmental impact through erosion or the destruction of riparian areas and is not likely to result in an unsustainable social or economic cost to the community.

Clause 7.9 – Essential services

The Council shall not grant its consent to the carrying out of any development on any land unless it is satisfied that the following services essential for the development are available to that land, or arrangements satisfactory to the Council have been made for the provision of that supply and those facilities. The relevant services are,

- Adequate supply of electricity,

The site will have access to the existing reticulated electricity network.

- Water supply and facilities for the removal or disposal of sewage,

The site currently has access to Council's sewer and water infrastructure servicing the area.

The public art zone is located in close proximity to the 150mm UPVC sewer main and manhole infrastructure located on the property. An extension of Council's sewer main will be required through the subject property in order to service current properties to the east. Protection and pier clearances to this new infrastructure will be required in accordance with Council's "Policy for Building Over or Adjacent to Sewer Mains".

The proposed development is located outside the Zone of Influence of the water main servicing the area. Suitable protection of the existing 200 UPVC water main will need to be provided as part of the Figtree Boulevard driveway access works.

The development will require a Section 307 Certificate under the Water Management Act 2000 from the water authority which in this case is Council.

Council's Trade Waste section has requested the submission of a Trade Waste application which is addressed by the recommended conditions of consent.

- Stormwater drainage or on-site conservation

The site is relatively flat with gentle fall to Figtree Boulevard and Pacific Highway.

The Applicant has previously submitted a revised Concept Stormwater Management Report by Northrop (refer Job No. NL140351, Revision C, dated 27/5/2015). As part of the latest set of documentation, revised concept stormwater management plans by Northrop (refer Job No. NL140351, Revision C, dated 16/10/2015) have been submitted.

The proposal seeks to direct approximately 90% of the site to the existing Council Drainage Reserve along the southern boundary. The north western corner (approximately 10%) will be directed to the street drainage system on the corner of Figtree Boulevard and Pacific Highway. The proposed design results in minimal grade between the loading dock area and discharge location. No on-site detention and drainage has been provided (not required due to proximity of receiving downstream system).

A discussion on the water quality treatment system has briefly been made within the above report. The system will contain first flush devices to treat roof water and a proprietary Humeceptor device within the carpark immediately upstream of the discharge location into the southern drainage channel.

The MUSIC-link report identified some parameters needing attention in accordance with Council's standard requirements (MUSIC Link). These requirements have been conditioned with a compliant model to be prepared prior to Construction Certificate issue.

- Access

The proposed access and car parking is considered to be sufficient for the needs of the development.

The proposed development will take advantage of existing services in the locality with any amplification of services at the cost of the developer and for the purposes of this clause council may be satisfied that services have been provided or suitably arranged to service the development.

Clause 7.12 – Development for the purpose of bottle shops

The proposed development does not include the use of the specialty shop as a bottle shop however, the traffic report plans depict a BWS outlet and the prospect of the specialty shop being utilised as a bottle shop has been raised in public submissions. Under the provisions of this clause development consent must not be granted to development for the purpose of a bottle shop unless the consent authority is satisfied that the development will not have a significant adverse impact on the surrounding area.

Considering the impacts of a bottle shop that does not form part of the proposal is beyond the scope of this assessment however, a condition of consent is recommended that no approval be granted by a consent authority for the use of the approved development for the purposes of a bottle shop unless the bottle shop will not have a significant adverse impact on the surrounding area. This would be subject of a separate and subsequent application for use of the specialty store.

Development Control Plans

Wyong Development Control Plan 2013

Wyong Development Control Plan 2013 (the DCP) generally applies to all land within Wyong Shire with the stated aim of, amongst other things, to identify Council's expectations and requirements for development within the Wyong Shire. The DCP is a comprehensive instrument comprising several chapters related to the development of particular sites or more generally to types or elements of development. Consideration of the more salient provisions of the DCP is included below.

Chapter 2.11 – Parking and Access

The proposal seeks to provide internal circulation roads, a 213 off-street carpark and 8 dedicated motorcycle parking spaces, and a loading dock accessed via the Figtree Ave frontage. The applicant recognises that under the VPA offer currently being negotiated, public road access to the site may be obtained along the northern boundary (Orchid Way frontage), and that access to the site could also be obtained via that public road into the future. The carpark accommodates general patrons, including people with a disability. The Applicant has submitted site plans, a Traffic Report, a Car Park Access Safety Review and a Loading Dock Management Plan.

The parking requirements of clause 3.2 are included in the table below.

Shops in Village Centre*: (between 3,000m ² and 8,000m ² Gross Floor Area)	1 space per 20m ² GFA <i>Service Requirements:</i> 1 space per 400m ² GFA up to 2000m ² GFA PLUS 1 space per 1,300m ² GFA thereafter
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Based on a total GFA of 3791m² the development requires the provision of 197 car parking spaces. In this instance the development provides a quantum of car parking surplus to the DCP minimum requirements.

The proposed off-street car parking dimensions, vehicle maneuverability and internal driveway grades generally comply with AS/NZS 2890.1 (2004) - "Off-street car parking".

The Figtree Boulevard access is sufficient to accommodate a B99 service vehicle. If access is provided to Orchid Way as is sought by the developer the site may accommodate a reticulated vehicle up to 14.4m in length. The service vehicle maneuvering is generally separated from the customer parking and pedestrian facilities. The bridge access (linking to Orchid Way) is subject to a separate matter currently being considered under a VPA.

The proposed internal driveway grades generally comply with AS 2890.2 (2002) – "Off-street commercial vehicle facilities". Changes in grade measured parallel to the angle of parking within the loading dock area require amendment in order to comply with the above standard however; this is a matter that can be satisfactorily dealt with via a condition of consent.

Five accessible parking spaces have been nominated immediately adjoining the supermarket. These spaces comply with AS/NZS 2890.6 (2009) – "Off-street parking for people with disabilities".

Specific provision for emergency vehicle parking has not been provided within the plans however, given there is a surplus of parking to be provided this is a matter that can be satisfactorily dealt with via a condition of consent.

Bus facilities are existing within the Pacific Highway frontage of the site and the proposal includes provision of pedestrian access from the building to the bus stop. The VPA offer being negotiated is proposed to include provision of bus stop, kiss'n'drop/taxi space and pedestrian path which will improve access and connectivity to the site.

Bicycle facilities are to be provided within the immediate frontage of the building while a total of 8 motorcycle parking spaces have been provided exceeding the minimum requirements of the DCP.

A design safety check was submitted with the application which is not considered adequate to satisfy the requirements of the DCP with regard to the carrying out of a Road Safety Audit. The carrying out of an audit is not considered necessary in order to complete the assessment of the proposal however; an audit is a requirement of the recommended conditions of consent.

The proposed parking provisions are considered suitable and satisfy the provisions of Chapter 2.11 Parking and Access.

Chapter 2.15 – Public Art

DCP Chapter 2.15 requires major development to implement public art as part of the development. The DCP defines 'major development' as referring to commercial, public administration, and retail (shops) development valued at \$5 million or greater in terms of total development cost. The development makes provision for public art as part of the proposal and although the DCP does not clearly delineate whether chapter 2.15 or 6.17 is to prevail in respect of the provision of public art.

Chapter 6.17 provides specific guidance in relation to the provision of public art on the subject site. The public art is to be located at the intersection of Figtree Boulevard and the Pacific Highway and is to act as an entry treatment for the Wadalba village and not contain corporate or commercial designs or logos. The public art may be located on the road reserve of Figtree Boulevard, provided it does not restrict pedestrian/vehicular visibility.

The proposal includes a public art zone in the desire location and an undertaking to erect public art. Chapter 6.17 being the later and site specific controls and are therefore the preferred controls however, the proposal is considered to be consistent with the objectives of Chapter 2.15 and subject to the conditions of consent the proposal will be generally consistent with the tenants of Chapter 2.15.

Chapter 3.1 – Waste Management

The development application included a waste management plan prepared in accordance with chapter 3.1 of the DCP detailing waste minimisation and management for the site preparation, construction and ongoing operation phases of development. Appropriate conditions of consent are proposed to manage ongoing waste management.

Chapter 3.3 – Floodplain Management

The site is located within the Porters Creek Catchment and Council's records indicate that the site is affected by flooding and/or minimum floor level requirements associated with the Council Drainage Reserve along the southern boundary of the site (11W Figtree Boulevard).

The application includes a flood report and associated modelling. The following excerpt from the flood report details the considerations of Clause 3.1 Chapter 3.3.

- a) *Minimum Habitable Floor Levels = 1% AEP flood level plus 500mm freeboard (Flood Planning Level)*

Habitable floor levels have been set to accommodate freeboard to the regional flood level in the channel adjacent. This incorporates 500mm as outlined above plus a 150mm allowance for mine subsidence.

- b) *Minimum Non-Habitable Floor Levels = 5% AEP flood level*

Noted and addressed through the flooding report and proposed consent conditions.

- c) *Minimum level requirements for electrical fittings, internal sewer fixtures, and external overflow gully risers apply as per Building Code of Australia*

This will be resolved during the detailed design phase (construction certificate).

d) Minimum levels of open car parking spaces, carports and driveways = 5% AEP flood level.

Noted and addressed through the flooding report and proposed consent conditions. It is noted that some minor ponding from localised rainfall will occur.

e) Mine subsidence allowance to be added to levels (a), (b), (c) & (d) above, if applicable.

Noted and addressed through the flooding report and proposed consent conditions. Mine Subsidence Board conditions of consent has been received for the development.

f) Low flood hazard access and egress for pedestrians during a 1% AEP flood to an appropriate area of refuge located above the Flood Planning Level.

Low flood hazard access and egress for pedestrians is provided into Figtree Boulevard from the development.

g) Low flood hazard emergency vehicle road access (Ambulance, SES, RFS) during a 1% AEP flood event.

Low hydraulic hazard vehicular access is also provided into Figtree Boulevard and to the south.

h) All proposed structural components that can withstand the forces of floodwater including hydrostatic pressure, hydrodynamic pressure, impact of debris and buoyancy forces up to the flood planning level.

The VPA offer being negotiated is proposed to include provision of bridge and retaining wall within the drainage channel. The details are subject to further design and negotiation however would be required to be designed from concrete and reinforced masonry to withstand flood forces.

i) Building materials and surface finishes at or below the flood planning level are all capable of withstanding prolonged immersion in water.

The materials noted above will be satisfactory for this purpose.

j) Negligible flood affectation elsewhere in the floodplain for a full range of flood events up to the 1% AEP flood event, having regard to: a) loss of flood storage, b) changes in flood levels, flows and velocities upstream, downstream and adjacent to the site, c) cumulative impact of multiple development in the vicinity.

The impact of the development of flood behaviour is considered negligible and is discussed further in Section 6.6 below.

k) Consideration of the impacts of climate change.

Rainfall intensity has been increased within the flooding report to consider the impacts of climate change, in accordance with the Floodplain Development Manual which is outlined in Section 6.9 below.

Being a commercial development criterion No.6 below is also applicable.

- 6 *Joint report by a professional engineer who specialises in floodplain management and a professional engineer who specialises in civil engineering to include:*
- (a) *An Evacuation Plan demonstrating that permanent, failsafe, and maintenance free measures are incorporated in to the development to ensure the timely and safe evacuation of people from the development in a 1% AEP Flood event, without significant cost or risk added to emergency services personnel. Signage of the plan must be prominently displayed around the development.*

Chapter 3.3 by virtue of clause 3.3 contains design considerations that intend to balance the flood control and prevention measures against the broader physical impacts of the development. In this instance the proposal does not include design responses such as extensive filling to mitigate the potential flood impact and consideration of the clause 3.3 matters does not raise any barriers to the carrying out of the development.

The flood modelling submitted indicates that a safe evacuation route exists and the provisions of this criterion are addressed by the conditions of consent.

The proposal is considered to meet the prescriptive criteria of Chapter 3.3 and further consideration of the proposal under the performance based controls is not warranted.

The flood report has considered the relevant provisions of part 4.0 – General Requirements of chapter 3.3 and it is considered that the development is consistent with the requirements of Chapter 3.3.

Chapter 3.6 Tree and Vegetation Management

Consent is required for tree removal in the subject zone. In this instance trees which contribute to urban design within the Figtree Boulevard frontage of the site are to be retained with the exception of those few to be removed in order to site the access to the development. Existing vegetation is also to be retained along the Pacific Highway frontage of the site. Tree protection measures for vegetation being retained on or adjacent to the site are included as recommended conditions of consent.

Chapter 5.1 - Retail Centres

Chapter 5.1 aims to identify a clear hierarchy of retail centres within Wyong Shire and for this purpose Wadalba is identified as a Local Centre.

Clause 5.1 of Chapter 5.1 requires in respect of new or additional retail floorspace a net community benefit test to demonstrate that additional floorspace will not detrimentally affect existing centres within the Wyong retail network.

The subject site was the subject of a planning proposal to rezone the land from residential to the current B2 Local Centre business zone in 2014. The planning proposal and subsequent assessment by the NSW Department of Planning and Environment considered the net community benefit of a retail development on the subject site. The planning proposal related specifically to the subject site and the current proposed use. As such that assessment considered that a retail development such as the one proposed on the subject site and by virtue of its approval it has been determined that the development will have a net community benefit.

It is pertinent to consider if there have been any material changes to the environment or proposal originally contemplated by the planning proposal. The planning proposal considered a service station as part of development on the site which does not form part of the current application. The current proposal includes a floor space greater than what was considered in the planning proposal in this regard the planning proposal considered a supermarket of 3200m² and a specialty shop of 80m² while the current proposal is for approximately 3600m² and 200m² respectively.

The proposal remains for a supermarket development and one specialty shop. While comprising additional floor area it is not considered that the proposed supermarket has been modified beyond what is a full line supermarket and specialty shop. The additional floor space is likely to provide additional utility to consumers and staff working at the store in the way of a more amenable built environment. The proposal appears to be consistent in scale with other recent Woolworths development within the Shire and in this instance is not considered to be a material change that would diminish the original findings of net community benefit.

The proposal is considered to be consistent with the design guidelines in relation to streetscape, architectural character, public amenity, car parking, servicing and design for safety outlined in clause six and subsequent subclauses of Chapter 5.1.

Chapter 6.17 – Wanervale East/Wadalba North West – Urban Release Areas

Chapter 6.17 contains site specific controls that apply in addition to the previously mentioned DCP chapters. Subclause 3.2.1 – Lot 195 DP 1006789 of chapter 6.17 was formulated in concert with the planning proposal to rezone the subject site. A summary of considerations of subclause 3.2.1 is included as an attachment to this report. The proposed development is considered to be generally consistent with the provisions of chapter 6.17 of the DCP and no matters have been raised that warrant refusal of the application.

LIKELY IMPACTS OF THE DEVELOPMENT:

a) Built Environment

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken and it is considered that the impacts of the proposed development may be managed through the conditions of consent, As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

b) Natural Environment

There will be no lasting significant impact upon the natural environment as a result of the proposal. In general, it is considered that the impacts of the proposal can be appropriately managed through the conditions of consent.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT:

There are no constraints present on the site that subject to the conditions of consent would render the site unsuitable for the proposed development.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

Submissions from the public have been addressed earlier within this report.

THE PUBLIC INTEREST: (s79C(1)(e)):

There are a number of land use strategies that are relevant to the site and or the development which are considered below.

Draft Central Coast Regional Plan 2015

The Plan represents the long term land use plan for the region comprising Wyong Shire and Gosford City and contains a series of policies and actions designed to cater for the Region's projected housing and employment growth over the period to 2031. The Proposal is considered to be consistent with the Strategy and in particular the identification of Wadalba as a Town Centre. In this regard the development will result in an appropriate mix of retail floor space for the locality.

North Wyong Shire Structure Plan (NWSSP) October 2012

The NWSSP identifies where and when development is planned to occur and ensures sufficient land exists to meet regional housing and employment targets. In this context Wadalba is identified as a "Village" and is expected to provide for a group of shops and services for daily shopping (as defined in the Sydney Metropolitan Strategy).

The growth of the Wadalba Centre as a result of the development is not considered likely to prejudice the ultimate establishment of a centre at Wadalba East nor the program for development of the Warnervale Centre. The proposal will support the emerging local residential communities.

Wyong Shire Retail Centres Strategy

Wyong Council has recently undertaken a review of retail centres in the Shire and has prepared a Strategy to manage and promote development in retail centres. The Wyong Shire Retail Centres Strategy was adopted by Council in 2013.

The retail centres strategy envisaged that Wadalba would be provided with additional retail floorspace however, the amount of floorspace proposed is greater than what was envisaged by the strategy.

In respect of the planning proposal RZ/10/2012, Don Fox Planning undertook a review of the planning proposal to rezone the land. The review highlighted that the strategy estimates were not based on detailed economic impact assessment. The EIA provided with the planning proposal indicated that the proposed development would provide a net community benefit.

The floorspace proposed in the current development application exceeds that contemplated in the planning proposal and associated economic impact considerations by approximately 500m², the majority of which is contained within the supermarket component of the development. The application includes an EIA prepared by Location IQ which considers the economic impacts of the proposal including the floorspace proposed above the previous considerations.

The EIA considered the extent and composition of the market and the existing and future retail developments and centres that have the potential to be impacted upon by the proposed development. In general the EIA concludes that an additional supermarket is warranted within the Wadalba centre and that that supermarket should be a full line supermarket to meet the needs of the local residents. It is envisaged that the additional floorspace contained within the development application in comparison to the original planning proposal will not undermine the Wadalba or other retail centres or prejudice the uptake of other potential retail developments in the region. In this regard the additional floorspace, it is said, will serve the population growth that is currently occurring in the trading area. That is, it is envisaged that the proposed development will under-trade for a period, while remaining a viable going concern, until population growth crosses a threshold where the proposed supermarket is trading at optimum.

Consideration of the economic impact of the application is required under the provisions of s79C(1)(b) of the Act, to this end the considerations are much the same as above and in consideration of the economic impact of the proposal as opposed to the effect of competition the proposal is likely to add to the range of goods and vitality of the Wadalba centre.

The development does not have to pass a test of nil impact on the existing retail environment, it is intended by the applicant to deliver a retail floorspace currently deficient in the village centre and the EIA suggests that the development is not likely to have an undue impact on other existing or proposed retail developments and centres.

The proposal is of a type that is envisaged by the strategy and the scale of the development has been supported by appropriate EIA. Having considered the relevant statutory matters including the likely impacts of the proposal and the suitability of the site, public submissions and strategies the proposal is considered to be in keeping with the public interest.

OTHER MATTERS FOR CONSIDERATION:

Section 94 Contributions

Section 94 contributions are payable under Council's Section 94 plan as summarised in the following table.

	Cos per unit Dec-14	Indexed Rate Jun-15	Unit of Cost	DVTs ha	NDA ha	GFA m ²	Contribution
Roads - Option 2 Review	\$1,463.00	\$1,463.00	DVT	1,147			\$1,677,735
Drainage Land	\$9,246.67	\$9,376.54	NDA		1.3376		\$12,542
Drainage Works	\$51,166.06	\$51,884.69	NDA		1.3376		\$69,401
Water Quality	\$63,394.99	\$64,285.37	NDA		1.3376		\$85,988
Studies	\$1.08	\$1.10	GFA			3,791	\$4,152
Administration	\$1.99	\$2.02	GFA			3,791	\$7,650
TOTAL							\$1,857,468

Water and Sewer Contributions

Water and sewer contributions are payable for the proposal under the *Water Management Act 2000* and will be included under the Section 306 Notice of Requirements for the proposal.

Voluntary Planning Agreement (VPA)

An offer has been made by Woolworths which is a matter for consideration under s.79C(1)(a)(iii). The offer is currently being negotiated between Woolworths and Council's Legal Counsel. Having considered the offer, it is proposed that conditions be imposed requiring that development provide either the Section 94 contributions payable or enter into a VPA which provides for a range of works acceptable to Council.

CONCLUSION:

The proposed development completes the planned development of the Wadalba local centre and is in line with the rezoning approved for the site in 2014. The development is in walking distance to existing services and other retailing and community uses and therefore promotes multi-purpose trips, reducing car dependence.

The proposed development has been considered in accordance with matters for consideration under Section 79 of the EP&A Act 1979 and was found to be acceptable. The proposal is consistent with the objectives of the B2 Local Centre zone and the objectives of the applicable Development Control Plan, relevant Policy and the principles of ecological sustainable development. Therefore, subject to conditions of consent, the proposed development is recommended for approval.

ANNEXURE

WDCP Chapter 6.17 Warnervale East / Wadalba North West Urban Release Areas

DCP Requirement	Comment
<p>a Any proposed access or egress to/from the site to/from Figtree Boulevard is to be designed to the satisfaction of both Council and the Roads and Maritime Service (RMS) and are to retain the integrity of the visually important tree lined entrance to the Wadalba Village. The location of proposed intersections are required to have due consideration for the efficiency of the existing roundabout and signalised Pacific Highway / Figtree Boulevard / Minnesota Road intersection.</p>	<p>The proposal as lodged included two access points on the Figtree Boulevard frontage including a right turn in lane which would have removed a large section of the central median within Figtree Boulevard. The proposed access was amended to include a single left in left out arrangement on Figtree Boulevard in proximity to the existing bridge and in doing so generally maintains the integrity of the landscaped entrance to the village from the Pacific Highway.</p> <p>As part of the VPA works currently being negotiated, a second access is proposed via Orchid Way.</p> <p>Council and the RMS have considered the traffic implications of the development and found the likely impacts to be acceptable subject to the conditions of consent.</p>

<p>a Any proposed development will be required to undertake a revised Traffic Impact Study to identify the likely traffic impacts and subsequent road upgrade requirements. The study is to be prepared in accordance with the Roads and Maritime <i>Guide to Traffic Generating Developments 2002</i> and is to include, but not be limited to the following:</p> <ul style="list-style-type: none"> i Current traffic counts for the Pacific Highway/Figtree Boulevard/Minnesota Road and Figtree Boulevard/Orchid Way intersections, inclusive of all proposed and approved developments. ii The anticipated additional vehicular traffic generated from the proposed development. iii The distribution on the road network of the trips generated by the proposed development. Predicted traffic flows are to be shown diagrammatically. iv Consideration of the traffic impacts on existing and proposed intersections and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated by the proposed development. The study is to also give consideration to the cumulative traffic impacts of other proposed and approved developments in the area. v Identifying the necessary road network infrastructure upgrades that are required to maintain existing levels of service and road safety on both the local and classified road network. This is to be demonstrated by preliminary concept drawings. Any upgrades are required to be to the satisfaction of Roads and Maritime Services and Council. vi Traffic analysis of any major/relevant intersections using SIDRA or similar traffic model, including: <ul style="list-style-type: none"> ▪ Current traffic counts and 10 year traffic growth projections (inclusive of proposed and approved developments in the area) ▪ With and without development scenarios considered ▪ 95th percentile back of queue lengths ▪ Submission of electronic input/output data files. 	<p>A suitable traffic impact study has been submitted with the development application that was subsequently revised to assess the impacts of the proposal upon amendment.</p> <p>Council and the RMS have considered the traffic implications of the development and found the likely impacts to be acceptable subject to the conditions of consent.</p>
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<p>b Appropriate access arrangements to the site over Council's drainage reserve (Lot 198 DP 1006789) are to be resolved prior to the lodgement of a development application for the site.</p>	<p>The proposal as lodged did not include provision of an access over Council's drainage reserve and accordingly at the time this provision had no work to do. The preliminary assessment of the application upon lodgement did not support the proposed access arrangements to Figtree Boulevard and the proposal was subsequently amended.</p> <p>The VPA currently being negotiated includes a proposal for the provision of a public road access over Lot 198 DP 1006789.</p>
<p>c Any access arrangement which proposes a permanent 'bridge' structure over Council's drainage reserve is to be designed so that the structure is at least 600mm above the 1% AEP flood level. Structures are to be designed and constructed in accordance with Council's Civil Works Design Guidelines and Construction Specifications. No further encroachment onto Lot 198 DP 1006789 will be accepted.</p>	<p>Detailed flood modelling and analysis has been carried out with respect to the influence of the proposal on local flooding and the impacts of flooding on the development.</p> <p>The flood reporting indicates that the proposal will provide for safe paths of travel during flood events. The construction of a bridge structure does not form part of the works for which development consent is proposed and therefore the level and nature of construction of the structure is beyond the scope of this assessment.</p>
<p>d Due to increased flooding potential resulting from development of the site, upgrade works will be required to be undertaken on the adjoining drainage reserve, including but not limited to channel deepening and vegetative plantings, in accordance with any requirements of Council.</p>	<p>Channel upgrade works that have been designed in response to the flood modelling and analysis are being negotiated through the VPA.</p>
<p>e Documentation in the form of an acoustic assessment is required to be submitted with any development application for the site which identifies the compliance of the noise impacts from building operation (including but not limited to loading vehicles, plant or other machinery) with relevant noise standards for the nearby school and residential areas.</p>	<p>A suitable acoustic assessment has been provided as part of the application. The acoustic assessment contains a number of recommendations intended to limit the potential for a negative impact associated with noise generated by the development. These recommendations are included as conditions of consent.</p>
<p>f As part of any development application for the site, a design</p>	<p>The development has provided a</p>

<p>feature for the intersection of the Figtree Boulevard and Pacific Highway is to be provided. This feature is to act as an entry treatment for the Wadalba village and not contain corporate or commercial designs or logos. This may be located on the road reserve of Figtree Boulevard, provided it does not restrict pedestrian/vehicular visibility.</p>	<p>portion of the site adjacent to the subject intersection for the purposes of providing public art. The public art is to be in the way of an entry treatment and the design will be undertaken generally in accordance with the provisions of chapter 5.1 of the DCP. The proposed pylon sign has been located south of the public art zone in order to provide sufficient buffer to the entry treatment / public art zone.</p>
<p>g Setbacks from Figtree Boulevard are to be consistent with other setbacks for existing development which have frontages to Figtree Boulevard.</p>	<p>The intent of this provision is to reinforce the streetscape and character of the area. Existing commercial development south of the site comprise building elements with little or no building setback adjacent to landscaping interspersed with areas of at grade carparking.</p> <p>Development further along Figtree Boulevard also has a significant area of residential bungalow style dwellings.</p> <p>The character of the Figtree Boulevard transitions from the intersection with the Pacific Highway from a 4 lane dual carriageway with landscaped median to the roundabout and significant tree at the intersection with Orchid Way where the street transitions to 2 lanes with a reduced median containing street trees and paving.</p> <p>The application indicates that challenges to replicating a narrow building setback to Figtree Boulevard include the vehicle access constraints and the desire to provide passive surveillance over the car park and public domain.</p> <p>In this regard were the proposal to replicate the development pattern existing south of the site there would be either little activation of the street frontage or carparking with a secondary or no building access and a lack of</p>

	<p>passive surveillance.</p> <p>The proposed development addresses Figtree Boulevard and reinforces the landscaped corridor of the transition from the highway to the residential street beyond the Orchid Way intersection.</p> <p>It is considered that fencing and timber pergola treatments should be required as part of the landscaping works to reinforce the street edge and provide consistency with development in the locality.</p> <p>The DCP is not prescriptive with regard to the required setbacks and the proposal will maintain and enhance the character of the area and is considered acceptable.</p>
<p>h The internal site layout is to be designed so as to avoid conflict between service vehicles, customer vehicle parking and movement areas and pedestrian movement paths. Pedestrian access and egress routes are to be clearly defined. A site operational management plan is to be submitted which documents how this will be achieved.</p>	<p>The site layout separates service vehicles and customer access and facilities as best as it practicable given the location of the access to the site. The recommended conditions of consent require a Road safety Audit to be carried out on the internal circulation and parking.</p>
<p>i Public areas (including car parking, footpaths/thoroughfares, site accesses, building entries etc) are to have focused lighting for safety and surveillance.</p>	<p>The risk of crime and CPTED principles were considered in detail by the NSW Police Service who are considered expert in that field. The recommendations of the Police Service address lighting and have been included as a recommended condition of consent</p>
<p>j Suitable architectural features (including surface relief or surface patterns) are to be incorporated in the building design to provide visual relief and minimise the bulk and scale of the development.</p>	<p>The proposed development adopts low pitch gable ends reflective of development in the locality while the main façade has several vertical and horizontal elements including the use of different materials and colourings. The side elevations also have texturing provide be the colour scheme. Roof top services are located within</p>

	screened areas. The proposal does not present as a bulky building.
k Awnings are to be provided on all building frontages.	An awning is provided to the front of the building which is the active component of the building. Awnings are not provided to the other elevations and it is considered there be no utility from providing awnings on these elevations.
l A variety of architectural forms and roof shapes are to be used to create visual interest. A flat monotonous roof profile will not be accepted.	As mentioned above the side elevations present a gable roof profile with a low pitch reflective of existing developments within the locality. The main façade contains a number of vertical elements that disrupt the roof profile reducing any monotony that may have arisen due to the low pitch.
m Items of plant or equipment located on roofs are to be suitably screened.	As mentioned roof top services are located within a screened area.
n Buildings adjacent to the Pacific Highway are to be constructed of high quality materials and are to incorporate significant architectural features such as those identified in 'k' to break up the building bulk.	The Pacific Highway elevation will be screened by the existing landscaping and to a significant extent by the existing acoustic mound. Through the landscaping and above the earthen mound the roof will rise and fall along the low pitch to the ridge with the wall below treated with colouring that to the static observer will break up the length of the elevation behind the landscaping while to the passing observer the intermittent colouring will create a sense of movement such that the building will not be an oppressive presence in the public domain. The building provides a small landscaped setback to the Pacific Highway boundary of the site which is acceptable in this instance due to the extent of existing screening and relatively wide verge to the carriageway. It is recognised that the development relies on borrowed landscaping in this regard however, to disregard the existing attributes of the site would lead to a duplication of

	landscaping and a loss of utility within the site that would hinder the pursuit of orderly and economic development. It is noted that the objective of the DCP is not to completely screen the building from view but to ensure the building that is visible is not detrimental to the streetscape or character of the area. To this end the proposal is consistent with the DCP.
o	<p>Developments are to be designed, constructed and operated having regard for available energy efficient materials, lighting, heating and cooling.</p> <p>The proposal is for shop for the purposes of the Building Code which will engage the provisions of Section J of the Code. Section J Section J of the BCA relates to Energy Efficiency and pursues the objective of reducing greenhouse gas emissions through efficiently using energy. The SoEE provides details of specific energy and water saving elements to be implemented in the construction of the development. There are no matters relating to sustainable building design that warrant specific modifications to the proposal or conditions of consent.</p>
p	<p>All outdoor storage areas, including areas for waste and bulk bins, are to be located in areas which not visible from public areas and screened by fencing and landscaping.</p> <p>There are no external storage proposed within areas that are readily visible from the public domain notwithstanding, this requirement will be an ongoing management matter for the life of the development and is included a recommended condition of consent.</p>
q	<p>Any hazardous material on site is to be stored in compliance with relevant health and safety requirements and construction specifications.</p> <p>The proposal is not for a potentially hazardous storage facility. The handling of materials as part of the ongoing operation of the site is generally a matter for the NSW WorkCover Authority or like body.</p>
r	<p>A landscape plan which complies with Category 3 of Council's Landscape Policy is to be prepared by an approved architect. The plan is to provide for a consistent theme or image which has regard for the context of the site, utilisation of local endemic native species and existing adjoining development and landscaping themes.</p> <p>The landscaping policy referred to in the DCP has been repealed. The proposed landscaping is considered to be acceptable in the context of the development and the locality.</p>

<p>s Landscaping is to be provided within setbacks and adjoining pedestrian movement paths where located on/adjoining the site. Strategic localities within the car parking area are to be planted with species which will provide shading.</p>	<p>Landscaping has been proposed adjoining pedestrian facilities and trees have been proposed throughout the car park that will eventually provide shade within the car park.</p>
<p>t Landscaping is to be used in preference to fencing to delineate public/private area and site boundaries; however any fencing required for protection of property or plant from vandalism is to be minimalistic.</p>	<p>An analysis of the character of the locality revealed that a combination of fencing and landscaping to reinforce the street edge is the most desirable outcome for the site and this is reflected in the conditions of consent.</p>
<p>u Signage is to be a unifying part of the local centre as well as overall building design. It is to incorporate similar elements as utilised elsewhere in the centre. Building signage is to be consistent, utilising standard formats and colours.</p>	<p>The proposal includes a pylon sign located at the Figtree Boulevard frontage. The pylon sign has been located clear of the public art zone to maintain the integrity of the village entrance feature to be provided within the public art zone.</p> <p>The northern building sign provides a strong vertical element for both the Figtree Boulevard and Pacific Highway elevations.</p> <p>The southern building sign is located within another vertical element and is commensurate with the scale of the building element and is reflective of existing signage within the locality which includes lightboxes affixed directly to walls.</p> <p>The horizontal building sign is reminiscent of a fascia sign present within the locality.</p> <p>The proposed signage is generally uniform and provides a consistent theme across the site contrasting appropriately with the random elements of the building façade.</p>

ATTACHMENTS

- | | | |
|---|-----------------------------|-----------|
| 1 | Draft Conditions of Consent | D12157943 |
| 2 | Development Plans | D12168286 |

Date: 24 November 2015
Responsible Officer: Nathan Burr
Location: 1 Figtree Boulevard, WADALBA NSW 2259
 Lot 195 DP 1006789
Owner: Fabcot Pty Ltd
Applicant: Fabcot Pty Ltd
Date Of Application: 12 February 2015
Application No: DA/111/2015
Proposed Development: Woolworths retail premises (Shop)
Land Area: 15470.00

PROPOSED CONDITIONS

Approved Plans

- 1 The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:

Title	Drawing No.	Issue	Date	Drawn By
Site Plans	A-0500	ZE	27/11/2015	MBMB Architects
Elevations	A-1500	M	27/11/2015	MBMB Architects
Ground Floor Plan	A-1100	N	27/11/2015	MBMB Architects
Signage Schedule	A-1501	I	16/11/2015	MBMB Architects

Amendments

The following amendments are to be incorporated into the approved plans,

- A. Freestanding signage and any associated structure are amended to a maximum height above natural ground of 8.0m.
- B. The podium building element containing a business identification sign is amended to a maximum height above finished ground level of 9.5m.

Certificates – Application and Approval

- 2 A Construction Certificate or Certificates are to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000 and is to incorporate the amendments as described in clause 1 of this consent.

- 3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.
- 4 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 5 Where conditions of this consent require approval from Council as the Roads Authority, a Subdivision Construction Certificate Application must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 6 Where conditions of this consent require approval from Council as the Roads Authority with the concurrence of the RMS, a completed Subdivision Construction Certificate (SCC) application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Fees and charges calculated in accordance with Council's Management Plan and must be paid prior to the issue of any consent under the Roads Act 1993. Prior to approval of the SCC application, the developer will be required to enter into an executed Works Authorisation Deed (WAD) with the RMS for any works, changes in traffic signal phasing, delineation arrows, Pacific Highway / Figtree Boulevard intersection and traffic control on State roads. The WAD is to be executed prior to the issue of the first Construction Certificate.
- 7 A separate Development Consent must be obtained for the first use of the approved specialty shop.

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

Contribution Payment Requirements

- 8 Prior to the issue of any Construction Certificate, the payment to Council of developer contributions as calculated in the formula below:

$$\text{Developer contribution} = \$1.857\text{M} \times \text{Current CPI} \div \text{Base CPI}$$

where "**Current CPI**" is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the time of payment of developer contributions pursuant to this condition, and "**Base CPI**" is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the date of this consent.

This condition is imposed pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*.

Where a Voluntary Planning Agreement under *Section 93F* of the *Environmental Planning and Assessment Act, 1979* has been entered into the provisions of that Agreement are to prevail and contributions under this condition are not payable to the extent specified in the Agreement.

Flooding Design Requirements

- 9 Prior to the issue of the relevant Construction Certificate, design drawings must be provided for the approval of the Accredited Certifier detailing the following requirements: -
- A minimum floor level of RL 12.5 metres Australian Height Datum (AHD).

Roadworks - Design Requirements

- 10 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- Concrete footpath 1.5 metres wide connecting the subject development and Pacific Highway bus shelter.
 - Pavement marking & signage.
 - Industrial type vehicle access crossing fronting Figtree Boulevard. No direct vehicular access will be permitted to / from the Pacific Highway
 - Any associated works to ensure satisfactory transitions to existing infrastructure
 - The submission to Council as the Roads Authority of street lighting and reticulation design drawings. The design shall be prepared in accordance with AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting, documentation confirming a minimum of twenty (20) year design life and be approved by the Council as the Roads Authority prior to issue of the relevant Construction Certificate.
 - Adjustment of services as required.
 - The existing lane delineation arrows on the Figtree Boulevard approach to the Pacific Highway signals changed to indicate left / through movements from the kerb side lane and right movements only from the centre lane in accordance with Roads and Maritime Services guidelines and relevant Australian standards.
 - Traffic signal phasing at the Figtree Boulevard / Pacific Highway intersection changed to accommodate the increased traffic volumes in Figtree Boulevard, to the satisfaction of Roads and Maritime Services.

- 11 Required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority prior to the issue of the relevant Construction Certificate. Note: Works associated within the Voluntary Planning Agreement will not be considered under this SCC approval process.
- 12 The submission of a comprehensive road signage and pavement marking design drawings identifying parking restrictions, accesses and traffic management facilities to Council for approval by the Local Traffic Committee prior to issue of the relevant Construction Certificate.
- 13 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service "*Dial before you Dig*" on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.
- 14 The submission to the Council as the Roads Authority of a detailed design external Road Safety Audit. An audit team with at least one (1), Level 3 Road Safety Auditor (recognised on the NSW Register of Road Safety Auditors) shall prepare the audit report. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of design drawings.

Note: The submitted report by Parking & Traffic Consultants dated 6/11/2014 is not an audit in accordance with the Austroads Guide to Road Safety Part 6: Road Safety Audit.

- 15 The submission to the Accredited Certifier a 'finalised' internal Road Safety Audit for the internal circulation roads, loading areas, pedestrian measures, internal car parks etc. An audit team with at least one (1), Level 3 Road Safety Auditor (recognised on the NSW Register of Road Safety Auditors) shall prepare the audit. Any deficiencies identified within the audit shall be resolved in accordance with the hierarchy of control commencing with eliminating the deficiency. A copy of the 'finalised' report shall be forwarded to Council for its record.

Note: The submitted report by Parking & Traffic Consultants dated 6/11/2014 is not an audit in accordance with the Austroads Guide to Road Safety Part 6: Road Safety Audit

Stormwater Drainage - Design Requirements

- 16 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
 - Stormwater disposal to either the street or Council drainage reserve.
 - Drainage pit(s) at the boundary line.
 - The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage system.

- An emergency overland flow path catering for the 100 year ARI design flows.
 - Outlets to the creeks are to be designed to disperse flows and prevent scouring of the creek banks.
 - A fully compliant revised MUSIC model prepared. The original model contained a number of failing parameters within the design such as Pavement and By-pass areas. A MUSIC-link report shall be generated with this redesign in order to verify full compliance.
 - Discharged stormwater from the development shall not exceed the capacity of the Pacific Highway stormwater system.
 - Full details of the holding tank capacity, pump type and system, discharge rate and the delivery line size for the loading dock area.
 - Swale diversion structure located along the eastern and southern boundaries to convey overland flows to the drainage channel.
- 17 The plans must be prepared in accordance with *AS/NZS3500.3:2004* and Council's *Civil Works Design Guidelines*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate. The plans shall be generally in accordance (with required amendment) with the submitted concept stormwater drainage plans by Northrop (refer Job No. NL140351, Drawing Nos. C05 & C06, Revision D, dated 17/11/2015), which are to be advanced as necessary for Construction Certificate issue purposes.
- 18 Stormwater drainage works external to the site and discharging into a public system or public land requires approval from Council under Section 68 of the Local Government Act 1993. Detailed design drawings prepared in accordance with Council's *Civil Works Design Guidelines* must be approved by Council prior to the issue of the relevant Construction Certificate. All other stormwater management works must be approved by the Accredited Certifier.

Vehicle Access and Parking - Design Requirements

- 19 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading.
 - Wheel stops for parking spaces adjacent to the building and boundaries of the site.
 - Provision of a designated emergency services vehicle car park adjacent to the building.
 - Structural barriers to prevent vehicles from entering into the adjoining Lot 198 DP1006789.

- Additional splay provided to the east of the proposed pylon in accordance with the recommendations of the traffic consultant.
 - Changes in the level of the rear loading dock area to achieve the required internal grades measured parallel to the angle of parking.
- 20 The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of the relevant Construction Certificate.
- 21 The submission to the Accredited Certifier of lighting design drawings for the carpark and public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier prior to issue of the relevant Construction Certificate.

Water and Sewer Services - Design Requirements

- 22 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.
- 23 The submission to Council as the Water Supply Authority of detailed structural design drawings and supporting information for structures (supermarket structure and public art) within the zone of influence of the sewer main (to be extended). The design shall indicate the proposed method of protecting the sewer main in accordance with Council's *Requirements for Building Over or Adjacent to Sewer Mains* policy. Design details must be approved by Council as the Water Supply Authority prior to the issue of any Construction Certificate.

Food Act Requirements

- 24 Prior to the issue of a Construction Certificate, detailed plans and specifications for the food handling areas are to be submitted to and approved by Council's Environmental Health Officer- Food.

Liquid Trade Waste Requirements

- 25 Prior to the issue of the relevant Construction Certificate, the developer must submit a trade waste application for approval to Council as the Water and Sewer Authority in order to discharge liquid trade waste into the sewerage system.

Dust Control Requirements

- 26 Prior to the issue of a Construction Certificate, suitable details must be provided for the approval of the Accredited Certifier of an appropriate system to control dust emissions from the site during construction works. The approved method of controlling dust emissions from the site is to be implemented and be maintained for the duration of construction works on the site.

Acoustic

- 27 Prior to the issue of the Construction Certificate full compliance details shall be made apparent on the plans and specifications accompanying the Construction Certificate application demonstrating compliance with the recommendations outlined specified in the Reverb Acoustics Noise Impact Assessment 2014.

Mine subsidence

- 28 Submit a final design incorporating the design methodology contained in the final "Impact Statement", for acceptance by the Mine Subsidence Board prior to commencement of construction. It shall include certification by a qualified structural engineer to the effect that the improvements will remain "safe, serviceable and any damage from mine subsidence will be slight, localised and readily repairable" taking into consideration the mine subsidence parameters:

- a) Vertical Subsidence: 0.2m.
- b) Maximum Horizontal Strain: +/- 2 mm/m
- c) Maximum Tilt: 2mm/m
- d) Maximum Radius of Curvature: 5km

Bicycle Facilities

- 29 The plans are to clearly indicate the provision of showers, change rooms and lockers for staff and the provision of bicycle parking in appropriate and well lit and sheltered locations for staff and visitors in accordance with to the issue of a Construction Certificate.

Public Artwork – Compliance Requirements

- 30 Prior to the issue of a Construction Certificate the applicant is to prepare a public art masterplan incorporating a final design concept for public art work/s in consultation with Council's Cultural Planner that provides public art as part of the development at the applicant's cost. The public art work/s is to act as an entry treatment for the Wadalba village and not contain corporate or commercial designs or logos. The public art shall be planned for, designed, approved and implemented in accordance with the provisions of Council's DCP Chapter for Public Art.

Landscaping Design Requirements

- 31 Prior to the issue of a Construction Certificate, landscape design drawings, prepared by a Landscape Architect, must be provided for the approval of the Accredited Certifier. Such landscape design plans must be prepared in accordance with the stamped approved Landscape Plans and include provision for the erection of appropriate boundary fences to the Pacific Highway and Figtree Boulevard frontages of the site. Such boundary fencing is to be comprised, at least in part, of timber materials that are reflective of and reinforce the existing landscape elements within the Wadalba town centre.

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

Ecology/Trees Requirements

- 32 Prior to works associated with the development commencing and for the duration of construction works, the following protocols are to be implemented to ensure tree and vegetation protection upon the development site:
- Trees noted for retention are to be protected by the erection of 1.8 metre-high chain wire interlocking fencing as per the engaged Arborist and/or Ecologist's direction, AS 4970-2009 - *Protection of Trees on Development Sites*.
 - Erection of tree protection measures is to be confirmed in writing to Council's Development Arborist prior to commencement of works, or alternatively Council must be notified to undertake an inspection of the works.
 - All fenced tree protection areas are to be clearly marked as "No Go Area" on the fencing itself.
 - No clearing of vegetation or storage of vehicles or machinery, waste, fill or materials or unauthorised access is to occur within the fenced tree protection areas.
 - The Arborist and/or Ecologist may require other habitat and/or trees to be protected via fencing from time to time. This fencing is to be erected at the appropriate root zone protection limits (as determined by the Arborist and/or Ecologist), prior to works being carried out around that particular habitat or tree.
 - The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.

Potentially Contaminated Land Requirements

- 33 Prior to works associated with the development commencing, a site inspection is undertaken to determine if illegal dumping has occurred since the contamination assessment was prepared in 2013. Any dumped material found on site that was not accounted for in the assessment should be removed from site and disposed of lawfully.

Roads - Preconstruction Requirements

- 34 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
 - Obtain a copy of Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 35 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Maritime Services (RMS) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 36 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

During Construction Works:

The following conditions must be satisfied during construction works.

Food Act Requirements

- 37 All liquid trade waste is required to pass through a basket arrestor with fixed screens, fitted to all floor wastes and sinks, before being discharged into the sewerage system.

- 38 Compliance with the requirements of the New South Wales Food Act 2003, the Food Regulation 2010, and AS4674–2004 – Design, Construction and Fitout of Food Premises, and AS1668, Part 11 – Mechanical Ventilation, for all food preparation and food storage areas, including liquor areas.
- 39 The installation of hand wash facilities with a minimum dimension of 500mm x 400mm providing warm running water through a common mixing spout with hands-free tap operation (consisting of elbow or wrist operated tap levers, foot or hip operated tap levers, or electronic sensor tap operation).

Ecology/Trees Requirements

- 40 No tree (or other vegetation) other than those specifically notated on the approved plan(s) as “tree to be removed” shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Consent Authority.
- 41 Removal of hollow bearing trees is to be done under the advice and supervision of a qualified and experienced Ecologist who holds an appropriate licence to mitigate against any animal welfare issues.
 - The Ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use.
 - Should a threatened species be positively identified, all clearing works are to cease and the advice of Council or the Office of Environment & Heritage must be sought.
 - When fauna are present, the animals are to be removed and suitably relocated by the Ecologist prior to felling or the tree shall be sectionally dismantled under the supervision of the Ecologist before relocating animals.

Wildlife must be relocated locally to an area with adequate resources and provided with a nest box or relocated hollow under instruction from the Ecologist.

Mine subsidence

- 42 The building work is to comply with the following requirements,
- a) Be developed from the concept design accompanying the Construction Certificate application.
 - b) Include sufficient drawing plans, long-sections, elevations and details, to fully describe the work and proposed mine subsidence mitigation measures.
 - c) Include design mitigation measures to reduce the transfer of horizontal strain into building structures.
 - d) For underground pipes or conduits allow for flexible joints, flexible bedding surround and flexible building connections and penetrations.
 - e) Ensure there is suitable provision for articulation jointing in building elements. All control joints including articulation for mine subsidence are to be shown on the design plans and elevations.
 - f) Ensure roads, driveways and pavement areas are designed as flexible structures with an asphalt surface. If a concrete surface course is required, it shall be designed so any damage is slight classification and include expansion and crack control joints or sacrificial sections.

Earthworks and Haulage - Construction Requirements

- 43 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.

Flooding - Construction Requirements

- 44 The minimum floor level of the proposed building is to be RL 12.5 metres AHD. Certification from a Registered Surveyor confirming that the minimum floor levels have been achieved must be submitted to the Principal Certifying Authority when the structure reaches floor level stage.

Services/Utility Requirements

- 45 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 46 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;

- Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
- Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Roads & Maritime Services

- 47 All works shall be undertaken at no cost to Roads and Maritime Services or Council.

Prior to Release of Occupation Certificate:

The following conditions must be satisfied prior to the release of an Occupation / Subdivision Certificate.

Dilapidation Rectification Requirements

- 48 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.

Lighting Requirements

- 49 Prior to the issue of an Occupation Certificate, suitable lighting to the carpark shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1.

Liquid Trade Waste – Requirements

- 50 After the trade waste facility has been constructed, an *“Application for final inspection of a new Liquid Trade Waste Facility”* must be submitted to Council as the Water and Sewer Authority. Council's final approval for the liquid trade waste facility is required prior to the issue of the Occupation Certificate.

Other Authorities – Compliance Requirements

- 51 Prior to the issue of an Occupation Certificate, the developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

Roads – Compliance Requirements

- 52 All road signage and pavement marking works must be completed in accordance with the plans approved by the Local Traffic Committee and

approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.

- 53 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of the Occupation Certificate.
- 54 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Council's *Civil Works Construction Specification* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 55 Any road works and or traffic control facilities within a state road must be completed in accordance with the approved Civil Works design drawings and Roads & Maritime Works Authorisation Deed (WAD), and be jointly approved by Council as the Roads Authority and the RMS prior to the issue of any Occupation Certificate (interim or final).

Note: The proposed changes to the traffic signal phasing and delineation at the Figtree Boulevard / Pacific Highway intersection shall be monitored by Roads and Maritime during the Defect Period of the Works Authorisation Deed (WAD), in terms of satisfactory performance, efficiency and safety. Should the alterations be deemed unsatisfactory, the proponent will be required to repeal these alterations, at no cost to Roads and Maritime (in accordance with Clause 6.3 of the Minor WAD).

- 56 The submission to the Council as the Roads Authority of certification from an Accredited Service Provider (ASP) that the street lighting installation has been completed in accordance with AS/NZS 1158 and AS 4282-1997, the approved design drawings and will achieve a minimum of twenty (20) year design life. The certification must be received by Council prior to the issue of the Occupation Certificate.

Stormwater – Compliance Requirements

- 57 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 58 The construction of stormwater drainage works external to the site and discharging into a public system or public land in accordance with the approved Stormwater Management Plan and Council's *Civil Works Construction Specification*. All works must be approved by Council under Section 68 of the Local Government Act 1993 prior to issue of the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 59 Prior to the issue of an Occupation Certificate, all water and sewer works for the development must be approved by Council as the Water and Sewer Authority.
- 60 The obtaining of a satisfactory final plumbing & drainage inspection advice or Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority, prior to issue of the Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Work as Executed Requirements

- 61 Prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's *Civil Works Construction Specification* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements.

Loading Dock Management Plan

- 62 Prior to the issue of any Occupation Certificate, a revised Loading Dock Management Plan for the development shall be prepared by a suitably qualified and experienced consultant. The plan shall address current anomalies such as the service vehicle size, vehicle ingress / egress, number / frequency of deliveries and internal traffic management. As a guide, the Draft Safe Work Australia Traffic Management in Workplaces Code of Practice dated December 2013 shall be consulted for internal traffic management consideration.

Evacuation Plan

- 63 Prior to the issue of any Occupation Certificate, a Flood Evacuation Management Plan shall be prepared by a suitably qualified and experienced civil engineer. The plan shall demonstrate that permanent, failsafe and maintenance free measures are incorporated into the development to ensure the timely and safe evacuation of people from the development in a 5% AEP flood event and above, without significant cost or risk added to emergency personnel. Signage of the plans must be prominently displayed around the development.

Food Act Requirements

- 64 No food handling, (as defined by the NSW Food Act 2003), is permitted in the food premises prior to the issue of the Occupation Certificate.

External Colours/Finishes Requirements

- 65 Prior to the issue of an Occupation Certificate, the completed development must comply with the schedule of external colours and materials submitted with the application and as shown on the approved plans

Public Artwork – Compliance Requirements

- 66 Prior to the issue of an Occupation Certificate, the public artwork is to be constructed and/or installed in accordance with Council's Development Control Plan 2013 Chapter 2.15 – *Public Art* and this is to include a certificate of completion being signed by the artist and this certificate being submitted to Council.

Mine subsidence

- 67 Upon completion of construction and prior to the release and an occupation certificate, work-as-executed certification by a qualified engineer is to be forwarded to the Mine Subsidence Board confirming that construction was in accordance with the plans previously approved by the Mine Subsidence Board.

Security Requirements

- 68 Prior to issue of the Occupation Certificate, the developer must install a system of CCTV of a type and in locations on the site that will provide high-quality images of all public areas within the site.

Ongoing Operation:

The following conditions must be satisfied during use / occupation of the development.

Stormwater – Ongoing Maintenance Requirements

- 69 All stormwater treatment devices (including gross pollutant traps, drainage systems, sumps and traps) must be regularly maintained in order to remain effective.

Deliveries

Delivery trucks being parked wholly within the site during unloading. All trucks shall enter and exit the site in a forward direction and shall only remain on site during unloading operations. Deliveries are only to be made outside school peak usage periods. 71 Where access from Orchid Way is not available, all delivery vehicles are to be limited to a maximum B99 design vehicle only.

- 72 Where access from Orchid Way is available and suitably constructed to a standard to accommodate the design vehicle, deliveries are to be provided from Orchid Way only and limited to a maximum vehicle length (articulated) of 14.4 metres.

Advertising Sign Requirements

- 73 The proposed advertising sign/s erected shall be in accordance with the approved plans and shall not be altered or modified without the prior separate consent of Council, unless the advertisement is an 'approved sign' under Development Control Plan 2013.
- 74 The approved advertising sign/s must be constructed and maintained in a presentable and satisfactory state of repair for the life of the development.
- 75 No additional advertising signs, including flags, banners, bunting, streamers, sandwich-boards, windvanes or other devices considered to be used as advertising media shall be erected on the site without the prior separate consent of Council.
- 76 The advertising signs shall not have / use:
- Flashing lights or scrolling messages.
 - Animated display, moving parts or simulated movement.
 - Complex displays that hold a driver's attention beyond "glance appreciation".
 - Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'.
 - Use any shade or tone of the colours red, yellow or green.
 - A method of illumination that distracts or dazzles.
 - Colours that result in an adverse impact on the amenity of the surrounding area.
- 77 Signage shall meet the criteria contained in the Section 3.2.5 of the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007) – illumination and reflectance.

Hours of Operation Requirements

- 78 The hours of operation of the shopping centre (including deliveries, and trolley collection) are restricted to between 7.00 am to 10.00 pm with waste collection undertaken between 7.00 am to 6.00 pm. All external noise generating activities/equipment, pertaining to the general maintenance and running of the supermarket, are to be undertaken between 8.00 am and 6.00 pm.

Site Appearance, Maintenance and Security Requirements

- 79 A graffiti management plan is to be incorporated into the maintenance plan for the development. The graffiti management plan is to include provision for the removal of vandalism material generally with a forty-eight hour period.
- 80 The owner/operator(s) of the site must, as is practicable, maintain the external finishes of the building(s), structures, walls and fences for the life of the development.
- 81 The owner/operator(s) of the site must maintain the required CCTV for the life of the development so that at all times the CCTV provides high-quality images of all public areas within the site.

- 82 The owner/operator(s) must effectively manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner/operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.
- 83 As is practicable, landscaping is to be maintained for the life of the development in accordance with the approved landscape plan.
- 84 All entry points should be designed to maximise surveillance opportunities to and from these areas from both inside, as well as outside. All entries should display a height marker in order to identify the height of an apparent offender.
- 85 Security bollards need to be in place at the entrances to the centre and other locations to stop vehicular access and the potential for ram raids to occur, especially near ATM's. ATM areas need to be well lit and in open clear areas to minimise the risk of theft and provide a feeling of safety by customers and covered by security or CCTV near the location at a height to maximise capture of images.
- 86 Adequate and uniform lighting be ensured for the full car park area at the side. This will enhance surveillance opportunities of the CCTV system during hours of darkness and the safety of staff and customer/s. Lighting should be in accordance with Australian/ New Zealand standards 1158. Luminaries (light covers) should be vandal resistant.
- 87 A lighting maintenance policy to be established for the development ensuring that broken lights are repaired within 24hrs.

Vehicle Access and Parking – Ongoing Requirements

- 88 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.
- 89 With the exception of accessible parking and spaces designated for the specific purposes of senior's, parent, staff or emergency service vehicle parking, no restrictions are to be placed car parking.

Noise Control Requirements

- 90 The proposed use shall not cause unreasonable noise or interference to adjoining school. Special precautions must be taken to avoid nuisance particularly from warning sirens, intruder alarms, public address systems, heavy-duty compressors and the like.
- 91 An acoustic assessment is to be undertaken no earlier than 3 months and not later than 9 months after the approved supermarket commencing trading. The purpose of the acoustic assessment is to confirm that the amenity of the surrounding residential properties has not been unreasonably impacted upon by noise generated or contributed to by the approved development.

If the acoustic assessment required by this condition reveals the approved development is having a material detrimental impact on the amenity of the adjoining school, reasonable noise mitigation measures are to be carried out by the owner of the site and/or operator of the supermarket.

Upon completion of the acoustic assessment and details of the mitigation measure where necessary are to be submitted to Council for its information.

Waste Management – Compliance Requirements

- 92 All waste generated on the premises shall be stored in a manner so that it does not pollute the environment.
- 93 All waste generated on the premises shall be transported to a facility which is licensed to receive that material.

Retail Sale of Liquor

- 94 Development consent must not be granted to development for the purpose of a bottle shop, as defined by the *Wyong Local Environmental Plan 2013*, unless the development will not have a significant adverse impact on the surrounding area.

PROPOSED RETAIL DEVELOPMENT
WOOLWORTHS WADALBA
 195 ORCHID WAY WADALBA NSW



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FABCOT PTY LTD

PROJECT
Woolworths Wadalba
 195 ORCHID WAY
 WADALBA NSW

PROJECT NORTH

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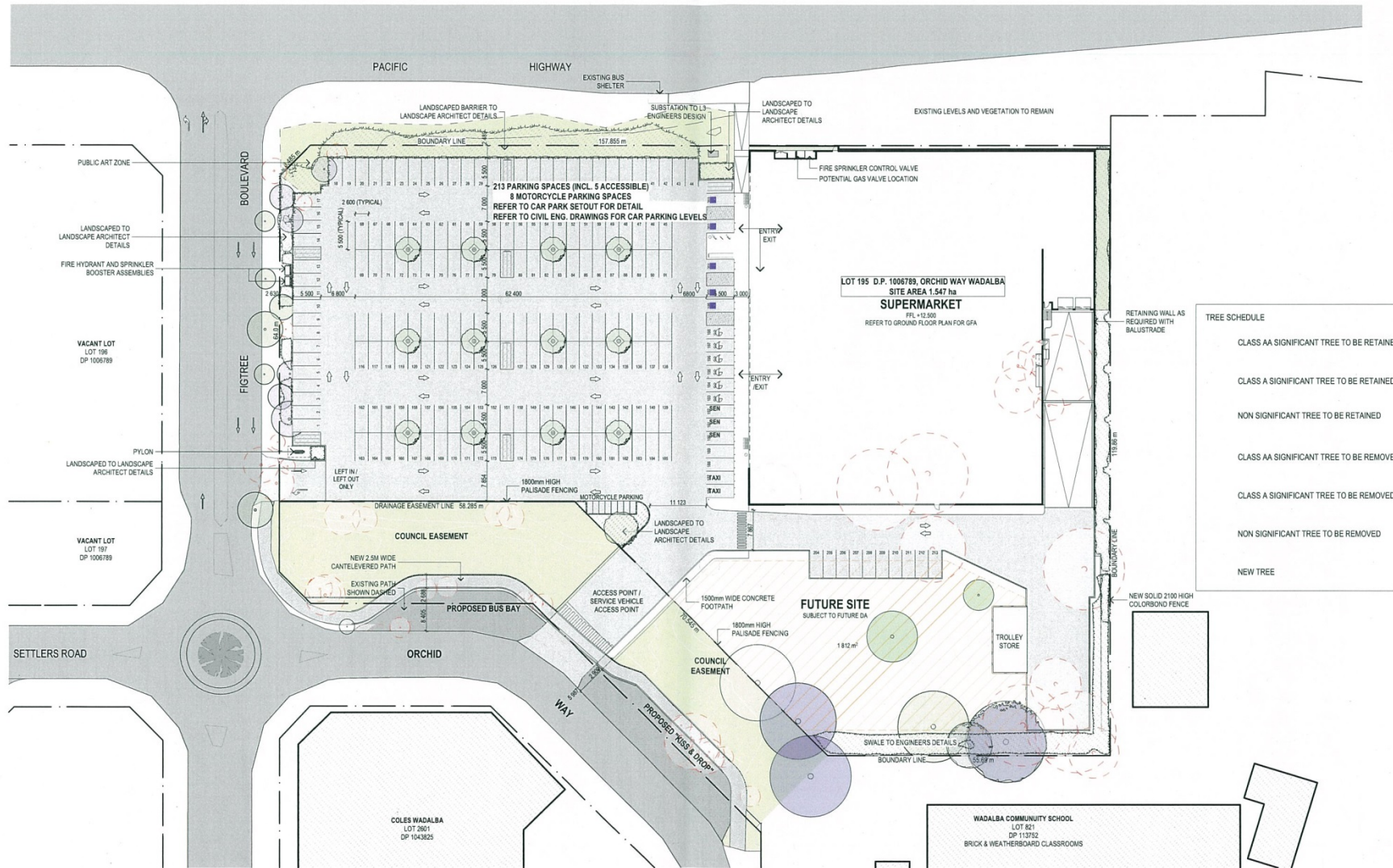
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 27/11/2015

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TREE SCHEDULE

- CLASS AA SIGNIFICANT TREE TO BE RETAINED
- CLASS A SIGNIFICANT TREE TO BE RETAINED
- NON SIGNIFICANT TREE TO BE RETAINED
- CLASS AA SIGNIFICANT TREE TO BE REMOVED
- CLASS A SIGNIFICANT TREE TO BE REMOVED
- NON SIGNIFICANT TREE TO BE REMOVED
- NEW TREE

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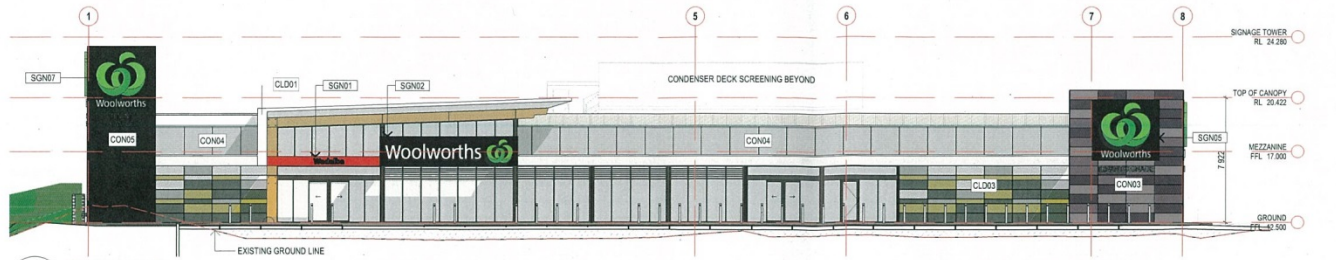
DEVELOPMENT MANAGER/CLIENT
FABCOT PTY LTD

PROJECT
Woolworths Wadalba
 195 ORCHID WAY
 WADALBA NSW

PROJECT NORTH

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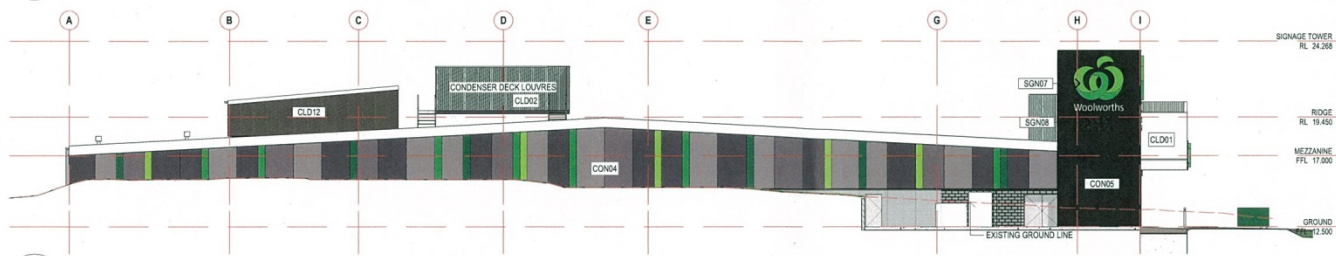
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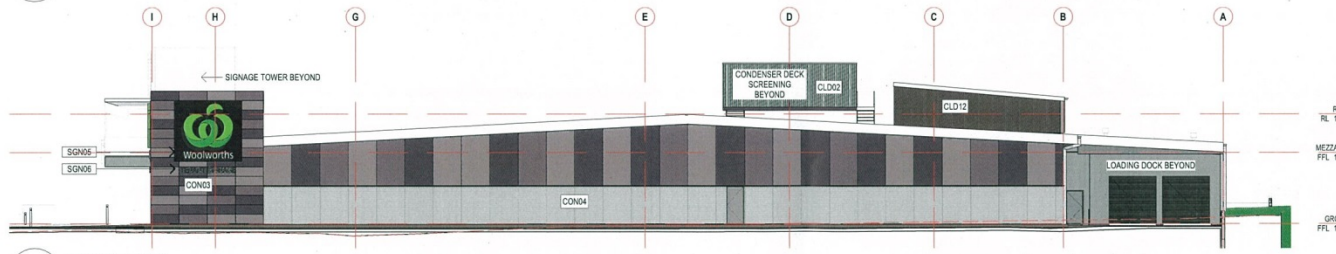
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SCHEDULE OF MATERIALS
 CLD01 PREFINISHED METAL CLADDING - ALPOLIC OR SIMILAR
 CLD02 PREFINISHED PROFILED METAL WALL SHEETING - COLORBOND CUSTOM ORB SHEETING OR SIMILAR
 CLD03 PREFINISHED PC CLADDING - VITRAPANEL OR SIMILAR
 CON04 PRECAST CONCRETE PANEL - PAINTED WHERE NOTED
 CON05 PRECAST CONCRETE PANEL WITH TEXTURE PATTERN AND OXIDE COLOURING
 MR01 KLIPLOK ROOF SHEETING - COLORBOND SURFMIST

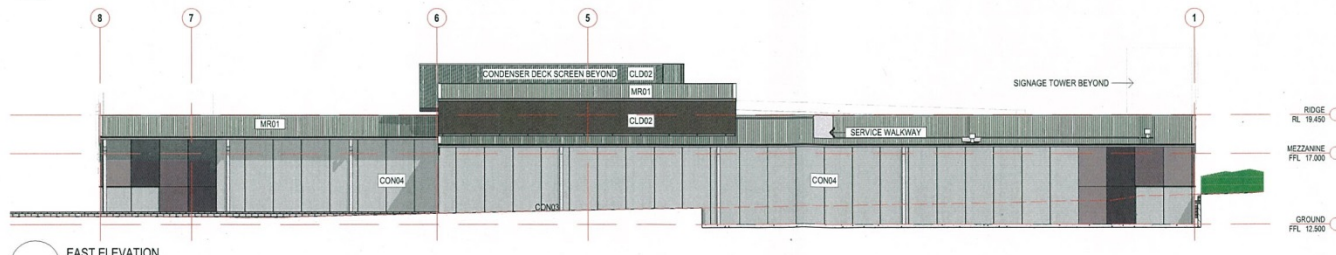
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 NOTE 2: SIGNAGE TO MATCH WOOLWORTH CORPORATE SIGNAGE GUIDELINES. REFER TO SIGNAGE SCHEDULE



2 NORTH ELEVATION
SCALE 1:200



3 SOUTH ELEVATION
SCALE 1:200



4 EAST ELEVATION
SCALE 1:200



5 PYLON ELEVATION
SCALE 1:100

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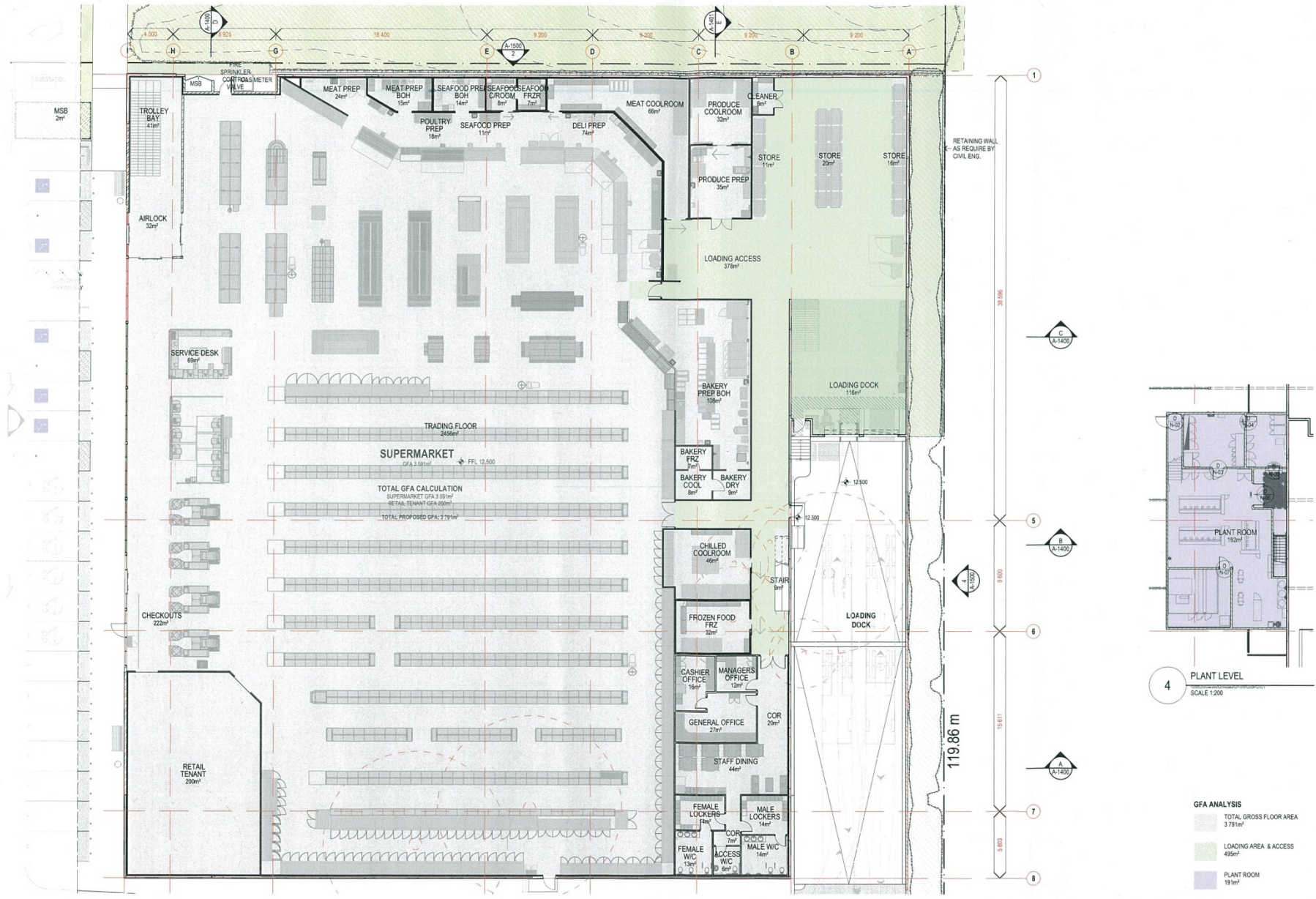
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 WADALBA NSW

PROJECT NORTH

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 ISSUE DATE/REASON
 27/11/2015

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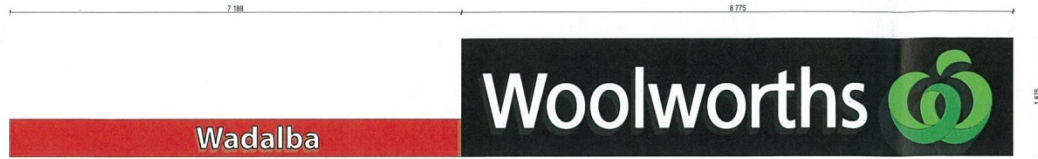


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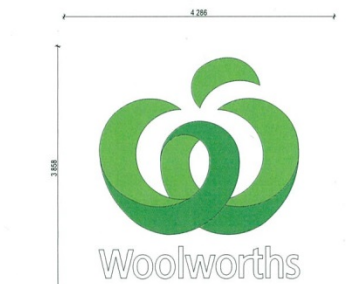
DEVELOPMENT MANAGER/CLIENT
FABCOT PTY LTD

PROJECT
Woolworths Wadalba
 195 ORCHID WAY
 WADALBA NSW

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 CHECKED BY CMA
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 ISSUE DATE/REASON
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 ISSUE
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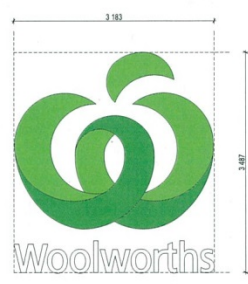
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SGN05 EXTERNAL SIGNAGE 05
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SGN06 EXTERNAL SIGNAGE 06
SCALE 1:50



SGN07 EXTERNAL SIGNAGE 07
SCALE 1:50



SGN08 EXTERNAL SIGNAGE 08
SCALE 1:50



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