

# AMENDED ITEM

14 October 2015

Director's Report

To the Ordinary Council Meeting

Development and Building Department

## 2.2 DA/705/2015 - Proposed Light Industrial Building comprising 10 units, Associated Parking, Landscaping and Signage

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TRIM REFERENCE: DA/705/2015 - D12089203

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### SUMMARY

A development application has been received for the construction of light industrial building including ten (10) units, associated parking, landscaping and signage at No. 2 London Drive, North Wyong. The application has been assessed having regard to the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements.

As the applicant is an elected Councillor, this application is beyond the delegation of staff and is referred to the Council for determination. This report recommends that Council grant conditional consent to the development.

<b>Applicant</b>	Greg Best
<b>Owner</b>	Central Coast Group Training Limited
<b>Application No</b>	DA/705/2015
<b>Description of Land</b>	2 London Drive, North Wyong, Lot 38, DP 1100416
<b>Proposed Development</b>	Light industrial building including 10 units, associated parking, landscaping and signage
<b>Site Area</b>	3051m <sup>2</sup>
<b>Zoning</b>	B6 Enterprise Corridor
<b>Existing Use</b>	Vacant site
<b>Value of Works</b>	\$1,923,496

### RECOMMENDATION

- 1 ***That Council grant consent to DA/705/2015 at 2 London Drive, North Wyong for construction of a light industrial building including 10 units, associated parking, landscaping and signage subject to the conditions provided in Attachment 3.***

### PRECIS

- The development application seeks approval for construction of a light industrial building including ten units, 20 parking spaces, landscaping and business identification signage.
- The proposal includes variation to Wyong DCP Chapter 2.12 – (Industrial Development) in relation to the width of the landscaped front setback and acoustic information.

## 2.2 DA/705/2015 - Proposed Light Industrial Building comprising 10 units, Associated Parking, Landscaping and Signage (contd)

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- The proposal includes variation to Wyong DCP Chapter 2.11 (Parking and Access) in relation to parking provision due to the provision of small car spaces to achieve compliance with the number of spaces required.

### INTRODUCTION

#### The Site

The site is located on the southern side of London Drive and is situated within the developing North Wyong Enterprise Corridor and Industrial Precinct. The site is currently vacant, generally level and is cleared of any trees. The northern boundary of the site adjoins London Drive and the eastern boundary adjoins Devon Lane which is a narrow service lane. The site is positioned approximately 78 metres distance from the Pacific Highway intersection.

There are dwellings located to the east of the site (backing onto Devon Lane and fronting the Pacific Highway) some 50 metres away. These residential dwellings are within the B6 Enterprise Corridor Zone. Additionally, there are R2 Low Density Residential zoned dwellings located east of and backing onto the highway some 120m from the site.

Adjoining the site to the west is an approved warehouse development and a recently constructed service station, takeaway food premises and industrial units is located opposite the site in London Drive.



Above: Aerial view of the site

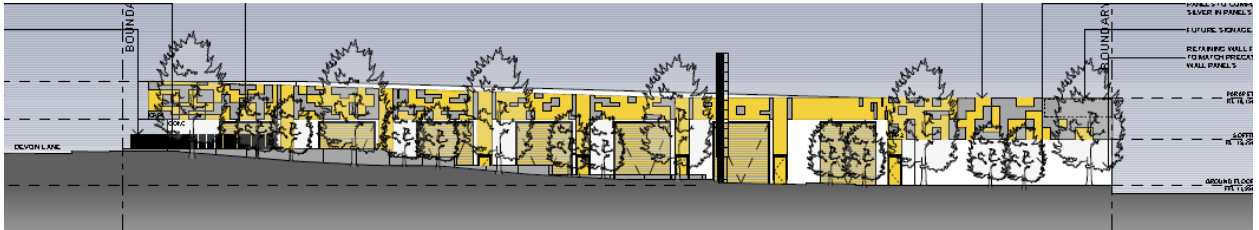
#### The Proposed Development

The development application seeks approval for construction of a light industrial building comprising 10 small light industrial units, associated parking, landscaping and signage. The units will incorporate a potential mezzanine area and internal amenities. There is a shared loading and service area located at the eastern end of the site.

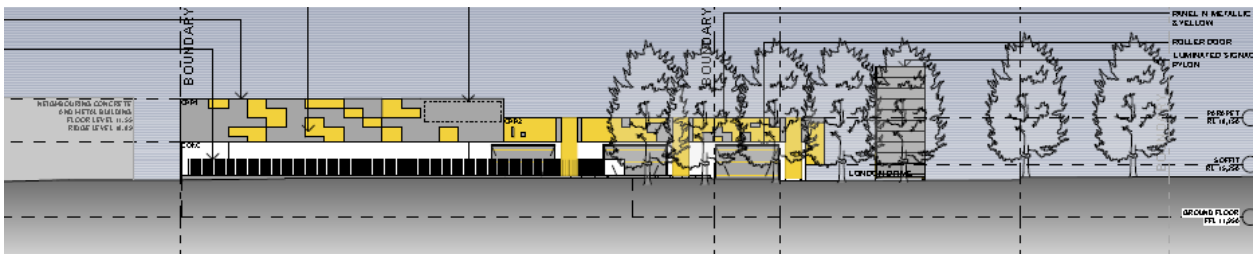
The premises are to be used to compliment Central Coast Group Training's current business activities in offering opportunities to 'start up' small businesses with the assistance of an experienced business facilitator.

The industrial units range in size from 95m<sup>2</sup> to 385.5m<sup>2</sup>. There are a total of fourteen (14) parking spaces plus six (6) small car parking spaces proposed to be located within the front setback of the development.

The application also includes a proposed illuminated pylon sign (9m high x 3m wide) along the London Drive frontage and wall signs for the future business occupants including a wall sign on the northern elevation and a wall sign on the eastern elevation.



Above: Northern building elevation to London Drive.



Above: Eastern building elevation to Devon Lane.

**VARIATIONS TO POLICIES – SUMMARY**

The application while generally compliant, proposes variations to WDCP 2013 Chapter 2.11 Parking and Access and Chapter 2.12 Industrial Development, as described below:

<b>DCP</b>	Chapter 2.12 - Industrial Development
<b>Clause</b>	2.3a - Setbacks
<b>Standard</b>	5m wide landscaped front setback
<b>Departure basis</b>	2m proposed but 5m required (60% variation).

<b>DCP</b>	Chapter 2.11 - Parking and Access
<b>Clause</b>	3.3 - Dimensions of Parking Spaces
<b>Standard</b>	Parking space dimensions
<b>Departure basis</b>	Provision of 4 small car spaces (22% variation)

<b>DCP</b>	Chapter 2.12 - Industrial Development
<b>Clause</b>	Clause 2.19 - Noise generation
<b>Standard</b>	Acoustic report required
<b>Departure basis</b>	Not provided but conditions recommended.

The proposed variations are supported and are discussed in further detail later in the report.

## HISTORY

Rezoning application RZ/1/2011 known as Amendment No. 3 to Wyong LEP 2013 rezoned approximately 86 hectares of land at North Wyong to B6–Enterprise Corridor. The amendment included the rezoning of the site from IN1 General Industrial to B6 Enterprise Corridor Zone.

## INTERNAL CONSULTATION

The application was referred to Council's Development Engineer who made no objection subject to appropriate conditions.

The issues raised in the referral process are discussed in the report and where relevant reflected in the conditions of consent.

## ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

### Any submission from the public.

The application was not required to be notified in accordance with Clause 2.4 (a) (iv) of DCP 2013 Chapter 1.2 - Notification of Development Proposals which reads:

*Notification of the following applications is required under this Chapter:*

- a *Applications for development under Part 4 of the EP&A Act 1979 **except for:***
  - i applications for development in business, industrial or special use zones where the site **does not** adjoin land zoned Residential or one of Council's Environmental zones and which contain a dwelling house;

The land adjoining the site including the land located between Devon Lane and along the Pacific Highway is zoned B6. The site therefore does not adjoin and residentially or environmentally zoned land.

### Any submission from public authorities.

There are no referrals to, or submissions from, any public authorities associated with the proposed development.

## 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 stormwater, 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 by Council 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.

### 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 Clause 149 Certificate details, the assessment has identified the following key issues, which are discussed for Council's information.

### THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

#### a) Wyong Local Environmental Plan 2013

##### Permissibility

The subject site is zoned B6 Enterprise Corridor under WLEP 2013 and within the B6 zone light industries are permissible development with consent. The application also seeks consent for 'signage' including business identification signs which are permissible with consent. It is also noted that 'business premises' are also permissible development within the B6 zone.



Above: zoning extract of site and surrounds, subject site shown edged blue.

The following definitions under WLEP 2013 are relevant to the proposal:

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

*Note.* Light industries are a type of industry—see the definition of that term in this Dictionary.

**industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
  - (b) a building identification sign,
  - (c) a business identification sign,
- but does not include a traffic sign or traffic control facilities.

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

*Note.* Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

In accordance with Clause 2.3 of WLEP 2013, the proposal is consistent with the B6 zone objectives which read as follows:

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed use development.
- To provide primarily for businesses along key corridors.

The proposal offers opportunities for a range of future 'start up' light industrial activities on the site which will create employment opportunities. This use is considered to be compatible with surrounding activities within the zone and one which will contribute to the local economy.

### Height

There is no maximum height control applying to buildings on the site under Clause 4.3 of WLEP.

Floor Space Ratio

There is no maximum Floor Space Ratio (FSR) control applying to the development on the site under Clause 4.4 of WLEP.

Acid Sulphate Soils

Clause 7.1 of WLEP requires special assessment to be given to certain development on land being subject to actual or potential acid sulphate soils. The site is identified as Class 5 on the Acid Sulphate Soils (ASS) Planning Map and no works are proposed within *500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land*. An acid sulphate soils management plan is therefore not required to be prepared for the proposal.

Land within North Wyong Industrial Estate in zone B6

Clause 7.17 (Land within North Wyong Industrial Estate in Zone B6) of WLEP applies to all land in the estate. The clause restricts the total floor space permitted for the purpose of a stand-alone office premises or bulky goods premises on land to which the clause applies. The application does not seek consent for either of these two purposes.

Essential Services

Adequate arrangements have been made at the subdivision stage for the appropriate servicing of the site. These services include water supply, electricity supply, sewage management and disposal, stormwater drainage or on site conservation and suitable road access.

In accordance with Clause 7.9 of WLEP, the proposed development can be serviced by Council's water supply reticulation system and sewer. The proposed development is located over the sewer main traversing the site. Therefore, the development will need to comply with Council's "Policy for Building Over or Adjacent to Sewer Mains". Some parts of the development (particularly around Units 1 and 2) will need to be constructed as a cantilevered structure to provide the required 1 metre clearance from the face of sewer. This Zone of Influence requirement has been imposed within the S306 letter. The proposed development is located outside the Zone of Influence of the water main servicing the area. The development will require a Section 307 Certificate under the Water Management Act 2000.

**b) Relevant SEPPs**

*State Environmental Planning Policy 55 – Remediation of Land*

Under the provisions of State Environmental Planning Policy (SEPP) 55 – Remediation of Land, contamination and remediation are to be considered in determining a development application. Clause 7(1) of State Environmental Planning Policy requires that Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if contaminated, that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development proposed to be carried out. The vacant land in its current state is appropriate for the intended industrial use.

*State Environmental Planning Policy 64 - Advertising and Signage*

The provisions of State Environmental Planning Policy 64 - Advertising and Signage apply to the proposal. The proposed development seeks approval for new signage associated with the development. The signage proposed under the application includes two wall signs and a freestanding sign associated with the intended use of the site.

Under Clause 6 of the SEPP, the signage would be considered as 'business identification signs' and as such, Part 3 of the SEPP does not apply to the development. Whilst the proposal is for 'signage' as defined by the SEPP, it does not constitute an 'advertisement'. Business identification signs are defined under Clause 4 of the SEPP as:

*'business identification sign' means a sign:*

- (a) that indicates:
  - (i) the name of the person, and*
  - (ii) the business carried on by the person, at the premises or place at which the sign is displayed, and**
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include any advertising relating to a person who does not carry on business at the premises or place.*

In accordance with Clause 8 of the SEPP, the proposed identification signs are considered consistent with the objectives of the policy and satisfy the assessment criteria outlined under Schedule 1 of the instrument (see attachment 2).

The signage is not located within an environmentally sensitive area but a newly establishing business industrial area. The proposed signage although illuminated does not dominate or visually clutter the streetscape and is considered reasonable and compatible with the existing and future visual character of the area. A condition will be recommended regarding the illumination of the sign being switched off outside of operating hours, given the proximity of the surrounding residential dwelling houses to the site.

**c) Relevant DCPs**

**Wyong Development Control Plan 2013 (DCP)**

*DCP Chapter 2.11 – Parking and Access*

The DCP requires parking for the development to be on the basis of the table below.

Land use	Requirement
Industrial	1 space per 100m <sup>2</sup> GFA Service Requirements: 1 space per 800m <sup>2</sup> GFA up to 8,000m <sup>2</sup> GFA then 1 space per 1,000m <sup>2</sup> GFA thereafter
Office Premises	1 space per 40m <sup>2</sup> GFA



## 2.2 DA/705/2015 - Proposed Light Industrial Building comprising 10 units, Associated Parking, Landscaping and Signage (contd)

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The development proposes 14 parking spaces plus 6 small car spaces which totals 20 spaces. The calculation is based using the industrial rate only (as there is no office floor space proposed). Based on the above requirements, the development without the mezzanines requires a minimum of 14 parking spaces to be provided and with the mezzanines requires parking provision of 17.3 spaces. The DCP requires rounding up to the nearest whole number which equates to 18 spaces.

An accessible parking space is required but has not been proposed. Additionally, the proposed vehicular access design will need to be widened to accommodate a medium rigid truck for servicing and waste management purposes. These matters are proposed to be addressed using appropriate consent conditions as described below:

- Combine two of the proposed small car parking spaces to allow for the provision of an accessible parking space (marked on plans as space 4 and space 5).
- Widening of the driveway to allow 2 medium rigid vehicles to concurrently enter and leave the site (using the small car space directly to the west of the entry, marked on plans as space 11).

These changes will impact on the number of parking spaces within the development, but achieves a reasonable level of compliance as discussed further below.

A service/loading area and bicycle parking has also been provided for the development to comply with the DCP.

Although the development complies numerically with the number of parking spaces required under the DCP (18 spaces), Clause 3.3 of the DCP requires all dimensions of parking spaces and aisles to comply with AS 2890.1 and 2890.2 as a minimum. The clause also requires the 'Classification of Off Street Car Parking Facilities' to be applicable for the type of development proposed. This classification under the Australian Standard requires the dimensions of the spaces for the development to achieve minimum dimensions (in this case 2.4m by 5.4m). In respect of the small car spaces, the proposal would not strictly achieve compliance with the clause.

The proposal is required to provide 18 car parking spaces. Considering the proposed conditions the development will provide 18 parking spaces, noting that 4 of these spaces have reduced dimensions as small car spaces (22% of total spaces).

The objective of requirement under Clause 3.3 of the DCP reads:

*To provide for parking spaces and aisles in a development that are adequate and have appropriate dimensions for safe and efficient operation of the car park*

In this instance, despite the provision of 4 small car spaces, the proposal is considered to achieve compliance with the above objective of the Clause. It is noted that the Australian Standard provides the following reference to the provision of small car spaces (Cl.2.4.1(a)(iii)) *Spaces for smaller cars In certain circumstances it may be appropriate to provide a space smaller than specified above for small cars. It shall be designated as a space for small cars. The minimum dimension in Australia – 2.3 m wide x 5.0 m long.* The proposed development is considered appropriate in that it provides for 4 small car spaces in addition to 14 standard spaces.

The parking provided is considered satisfactory for the proposed nature of the use and its location, provided these spaces are appropriately identified and line marked. Smaller cars are becoming increasingly more prevalent on the roads. It is likely that the nature of the uses will not necessitate the use of larger vehicles and the provision of these spaces supports the use of smaller sized cars for environmental efficiencies.

The development is noted to be compliant with the required aisle widths and can provide for a disabled car space. The variation is considered to be acceptable in this instance and on the basis of the arguments provided and subject to the recommended conditions.

*DCP Chapter 2.12 – Industrial Development*

DCP Chapter 2.12 applies to the development of the site and contains those relevant controls not specifically included for consideration under DCP Chapter 6.11. The proposed development complies with the DCP controls for FSR, site coverage, setbacks, loading arrangements, signage, waste management and other matters (see the attached compliance table at attachment 1). A side setback requirement under the DCP has been applied to Devon Lane adjoining the site due to its operation as a service lane rather than a road, this is considered appropriate.

The design and appearance of the development is satisfactory and consistent with the relevant DCP requirements. The design does not include any long blank wall to the street frontages and the building facades provide sufficient visual interest and variation. A shared loading and maneuvering area for service vehicles has been proposed at the eastern end of the development. Internal facilities have been provided within the development, however, an accessible parking space has not been provided. Provision of the accessible parking space will be included under the recommended conditions.

The proposal seeks variation to the required minimum landscaped setback under the DCP. A minimum 5 metre landscape front setback (excepting access) is required for the development under Clause 2.3a. The landscaped setback proposed is 2 metres (60% variation). A landscape plan and landscape design statement has been provided with the application which shows high quality landscaping along the site frontage which will provide shade to the car park areas, assist in screening the built form, and will provide visual amenity and character to the overall industrial precinct. In this regard, the applicant's landscaping statement makes note of the following:

*Shade amenity trees have been located at 10m centres adjacent to the car park areas, which will assist in reducing the 'heat island affect' generally associated with large expanses of hard paved surfaces. An understorey of mass planted low shrubs, grasses, & groundcovers will ensure visual surveillance into the site. All species have been selected to compliment the colour palette of the proposed building and are hardy water-wise low maintenance species.*

The variation is supported on the grounds that the landscaping proposed is considered satisfactory for the development and achieves the objectives for the control which are:

- *To require areas around buildings for environmental improvement and protection*
- *To control the visual impact of buildings and other structures*

The proposal is consistent with the objectives that apply to the site under the DCP Chapter. The vehicle parking and circulation and streetscape presentation of the development is considered satisfactory. The visual amenity of the site is maintained through suitably modulated design and satisfactory landscaping provided on the site.

It is noted that the adjoining site to the west has been granted development consent for the construction of a warehouse for storage and distribution of food products under DA/412/2014. This application involved a variation of 2 metres to the landscaped setback under Chapter 2.12, however, involved a larger scale development to that which is proposed under this application.

The proposed use is not expected to generate significant noise or unreasonably interfere with the amenity of the neighborhood, particularly the nearby residential activities to the east of the site. Under Clause 2.19, any application for industrial development located within 50 metres of a residential property boundary requires the submission of an acoustic report. The application seeks variation to this requirement and this is considered reasonable, given that the land use is seeking consent for the purpose of 'light industrial' rather than 'industrial' which by its definition is *does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise*.

It is noted that general 'industries' are not permissible in this zone.

Given also that the design of the development is orientated primarily away *from*, and lower *than*, that the existing residential activities along Devon Lane. The nature of the land use is not likely to generate any unreasonable noise impacts to the nearby residential activities. Additionally, it is noted that the design and layout of the development does not cater for heavy vehicles and these will not be associated with the site. To further address the potential for impacts, appropriate conditions will be recommended to ensure residential amenity is maintained (including standard operating hours).

The development is considered satisfactory in relation to residential amenity and the variation to the landscaping provision is supported.

#### *DCP Chapter 2.6 - Signage*

The proposal includes a 9m high x 3m wide illuminated entry pylon sign along London Drive. The proposal also includes wall signage on the eastern and northern elevations. Clause 2.2.1 of the DCP Chapter refers to the standards applicable under the Advertising and Signage Exempt Development Code. The proposed signs are not included as a sign type under the SEPP (Exempt and Complying Development Codes) 2008. The signage is not a type identified under Clause 3 as not being permitted. The proposed signage relates to use of the land on which it is located. The proposal is considered consistent with the objectives of the DCP chapter under Clause 1.1 as business identification signage for the future occupants of the building.

#### *DCP Chapter 3.1 Site Waste Management*

In accordance with DCP Chapter 3.1, the applicant submitted a Waste Management Plan for the development outlining the waste disposal, re-use and recycling (on and off site) for the construction and operational stages of the development.

*DCP Chapter 6.11 – North Wyong – Enterprise Corridor and Industrial Precinct*

DCP Chapter 6.11 applies to the site and relevant requirements are outlined under the attached compliance table. In accordance with the DCP, the building facades have clearly defined entrances and the masonry construction is suitably treated to enhance the visual amenity of the built form. Adequate landscaping has been provided along the street frontage and the building presents in a positive manner to the street.

In respect of residential amenity under Clause 3.3, the proposal use is not expected to generate significant noise or unreasonably interfere with the amenity of the neighborhood, particularly the nearby residential activities to the east of the site. It is noted that residential properties located on the same side of the highway as the site are zoned B6 (the same as the site), and the closest residentially zoned land is located on the opposite side of the highway which is approximately 110 metres distance away from the site.

The orientation of the development is primarily away from this residentially zoned land with no openings directly facing the residential area. There is a level difference of approximately 5m between dwellings fronting the Pacific Highway and the site which will provide some further separation. The design and layout of the development does not cater for heavy vehicles and these will not be associated with the site. The development is considered satisfactory in relation to building design and appearance, landscaping, and the arrangements for parking and access.

**d) Relevant Regulations**

There are no matters under the regulations relevant to the proposal that require specific discussion.

**THE LIKELY IMPACTS OF THE DEVELOPMENT**

a) Built Environment

**Roads Access and Traffic**

The development will necessitate the completion of road infrastructure in accordance with the relevant provisions of Council's Civil Works Design Guidelines. Conditions have been recommended requiring the provision of a new industrial driveway crossing and layback (to be widened further in a westerly direction) in the frontage road reserve in order to accommodate access by medium rigid vehicles.

The proposed off-street car parking dimensions, vehicle manoeuvrability and internal driveway grades will need to comply with AS/NZS 2890.1 (2004) - "Off-street car parking". The proposed loading areas, vehicle manoeuvrability and internal driveway grades will need to comply with AS 2890.2 (2002) – "Off-street commercial vehicle facilities". On safety grounds, a crash barrier located entirely within the property is required due to the extensive level difference between the frontage road reserve and subject property. Conditions have been recommended to address each of these matters.

### **Stormwater**

The site falls towards London Drive. No on-site detention and drainage is required for this proposal. Stormwater runoff from all hard surface areas generating runoff is to be directed to an existing pit located at the north-western corner of the site. Rainwater tank storage has been proposed along the eastern building façade. An overland flow path needs to be provided from existing pit to ensure that any flows are directed to the street drainage system.

### **Earthworks**

An existing earth embankment fronts both Devon Lane and London Drive. Cut of up to 2.73m is proposed into this embankment which will need to be designed to ensure the integrity of Devon Lane and London Drive. Suitable conditions have been recommended in relation to this aspect of the proposal.

### **Other aspects**

A thorough assessment of the other aspects of the proposed development on the built environment has been undertaken in terms of DCP compliance. There are no matters relating to site design and internal design, external impacts or construction activities that require further consideration or discussion. The proposal will not adversely impact on the character and amenity of the locality and streetscape. The scale, form, character and density of the development is acceptable within the locality. As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

#### **b) Natural Environment**

The site is generally level with very limited vegetation. There will be no significant impact upon the natural environment as a result of the proposal.

All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. In general, it is considered that the property is suitable for the proposed development subject to conditions.

### **THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

The site is located within a newly establishing industrial business park on a generally level site with limited vegetation. The surrounding roads are capable of accommodating the additional traffic movements and the site is considered a suitable context for the scale and type of development proposed. There are no significant constraints to development of the site as proposed that would render the site unsuitable for development.

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

#### **Any Federal, State and Local Government interests and community interests.**

There are no matters associated with the proposal that would be considered contrary to the local or community interest. The proposal will create additional employment and business opportunities for the Central Coast Region. The proposed development is permissible with consent and generally complies with the relevant policies and controls.

**OTHER MATTERS FOR CONSIDERATION**

*Section 94 Contributions /Section 94A Contributions*

All Section 94 contributions were paid at the original subdivision stage on a net developable area basis. No further Section 94 contributions are applicable to this application.

*Water and Sewer Contributions*

The site is located within the Wyong Development Servicing Plan. Water and sewer contributions are not required for this development, as the original lot holds an existing industrial subdivision credit. A Section 306 under the Water Management Act 2000 (refer to WMA/938/2015) will be issued concurrently with any consent to be issued for the development.

**CONCLUSION**

The application seeks approval for the construction of a light industrial building including 10 units, associated parking, landscaping and signage. There are minor variations proposed to the landscaped setback control that applies to the site frontage, to the requirement for an acoustic assessment and to the parking requirements, however these variations are considered reasonable within the context of the site. The variations to the DCP are considered acceptable in the circumstances and have been suitably addressed under the recommended conditions.

The proposal will represent a positive opportunity to provide additional services and employment opportunities within the local area. Aside from the proposed variations, the development is considered to be consistent with the objectives of the controls and generally consistent with relevant SEPP's, Council's LEP and DCP requirements. It is generally considered the proposed development is suitable for the site and will represent a positive opportunity to support start up light industrial businesses within the area and contribute to strengthening the local economy.

The proposal is recommended for approval subject to recommended conditions.

**ATTACHMENTS**

- |          |                             |           |
|----------|-----------------------------|-----------|
| <b>1</b> | Compliance Table            | D12089675 |
| <b>2</b> | SEPP 64 Schedule            | D12089678 |
| <b>3</b> | Draft Conditions of Consent | D12103746 |
| <b>4</b> | Development Plans           | D12108242 |

**Development Statistics - Compliance Table**

Application No DA/705/2015  
 Description of Land 2 London Drive, Wyong  
 Proposed Development Proposed construction of 10 light industrial units.

	Proposed	Required	Compliance
<b>Site Area</b>	3051m <sup>2</sup>	-	-
<b>FSR</b>	0.47:1	0.8:1 (maximum)	Yes
Bonus FSR	0.56:1 (incl. mezzanine)	1.5:1	Yes
<b>Gross Floor Area</b>	1730.5m <sup>2</sup>	2440m <sup>2</sup>	Yes
-Ground level	1376.5m <sup>2</sup>		
-Future mezzanine	354m <sup>2</sup>		
<b>Site Coverage</b>	45% (1376.5m <sup>2</sup> )	50% (maximum)	Yes
<b>Building Setbacks</b>			
- Front (London Dr)	11.9m	10m min (other road)	Yes
- East side (Devon Lane)	3.11m	Nil	Yes
- West side	Nil	Nil	Yes
- South Rear	Nil	Nil	Yes
<b>Landscaped front setback</b>	2m minimum	5m minimum (except access)	No
<b>Landscaping</b>	Landscape design statement, plan and specification Shade trees provided at 10 metre spacing.	Landscape Assessment and Design Report Native shade trees 1/10m frontage except access	Yes
<b>Parking</b>			
Industrial (including Mezzanine)	14 plus 6 small car	17.3 (1 /100m <sup>2</sup> )	No
Accessible parking	None provided	1	No
Service requirements	Loading/Service area provided on site	Min 2 (1/800m <sup>2</sup> )	Yes
<b>Bicycle Parking</b>	10	1 per 10 spaces	Yes
<b>Manoeuvring</b>	Wholly on site	Satisfactory on site	Yes
<b>Height</b>	7.4m (max)	12m	Yes
<b>Bonus height</b>	-	20m	-
<b>Signage</b>	Illuminated signage 9 metres	DCP 6.11 - cl2.7	N/A
<b>Building facade</b>	Variety of materials Clear defined entry Interesting visual appearance to street.	Variety of materials Clear defined entry Office at the front to street Screen waste and plant Interesting visual appearance to street.	Yes

<b>SEPP 64 Schedule 1 Assessment Criteria</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Character of the area	The proposal is compatible with the business and industrial locality in which it is located. The sign will use high quality materials from a professional design company.	Yes
Special Areas	The proposal does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.	Yes
Views and vistas	The proposal does not obscure or compromise important views, dominate the skyline and reduce the quality of vistas.	Yes
Streetscape, setting and landscape	The scale, proportion and form of the proposal is appropriate for the streetscape, setting or landscape. The proposal will incorporate identification signage on the building and at the main entry point for the site. Although the proposed sign does protrude above the existing approved building form, the sign height is considered characteristic of the area and its business zoning.	Yes
Siting and Building	The proposal is considered compatible with the scale, proportion and other characteristics of the completed development on the subject site.	Yes
Associated devices & logos with advertisements and advertising structures	There are no required safety devices, platforms, lighting devices or logos associated with the design of the sign structure and its longer term use (ie. after installation).	N/A
Illumination	The signs are proposed to be illuminated. However conditions have been recommended to restrict the illumination to operating hours only to minimise the potential for any adverse impact on the surrounding residential dwellings.	Yes
Safety	The proposal would not reduce the vehicle, cyclist or pedestrian safety for any public road. The sign does not reduce the safety for pedestrians, including children, by obscuring any sightlines from public areas.	Yes



**Date:** 6 October 2015  
**Responsible Officer:** Salli Pendergast  
**Location:** 2 London Drive, WYONG NSW 2259  
 Lot 38 DP 1100416  
**Owner:** Central Coast Group Training Ltd  
**Applicant:** Mr G P Best  
**Date Of Application:** 10 July 2015  
**Application No:** DA/705/2015  
**Proposed Development:** Light Industrial building including 10 units, parking and signage  
**Land Area:** 3051.00

## PROPOSED CONDITIONS

### Approved Plans

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

Title	Drawing No.	Rev	Date	Drawn By
Cover Page	A-001	A-05	1/06/2015	CKDS Architecture
Notes/Legend	A-002	A-05	1/06/2015	CKDS Architecture
Site Plan / Analysis	A-004	A-05	1/06/2015	CKDS Architecture
Ground Floor	A-101	A-05	1/06/2015	CKDS Architecture
Elevations	A-201	A-05	1/06/2015	CKDS Architecture
Elevations	A-202	A-05	1/06/2015	CKDS Architecture
Sections	A-301	A-05	1/06/2015	CKDS Architecture
Landscape Plan	L/DA/101	A	8/07/2015	Spade
Colour Landscape Plan	L/DA/102	A	8/07/2015	Spade
Landscape Details & Notes	L/DA/501	A	8/07/2015	Spade

### Certificates – Application and Approval

- A Construction Certificate is 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.
- 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.

## **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.***

### **Roadworks - Design Requirements**

- 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 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- Industrial vehicle access crossing(s). The proposed crossing shall be widened further towards the west in order to allow 2 x medium rigid vehicles (MRV's) to concurrently enter and exit the site.
  - Adjustment of services as required.

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 a Construction Certificate.

- 7 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.

### Stormwater Drainage - Design Requirements

- 8 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
- Stormwater disposal to the street.
  - Drainage pit at the boundary line.
  - Any overland flows from the site shall be directed to the street and not the adjoining property.

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 may be generally based (with required amendments) upon the submitted concept stormwater drainage plans by Halcrow & Associates (refer Drawing No. 14.08.030, dated 18/5/2015), which are to be advanced as necessary for Construction Certificate issue purposes.

- 9 Any new 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 a Construction Certificate. All other stormwater management works must be approved by the Accredited Certifier.

### Structural Design Requirements

- 10 Any excavation below the adjoining land level requires the retaining of that land and the preservation and protection of any improvements or buildings upon that land including public roads and utilities from damage. If necessary, the improvements or buildings are to be supported in a manner designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared in order to comply with this condition are to include geotechnical investigations and are to be submitted for the approval of the Accredited Certifier and in the case where excavation impacts upon public infrastructure, Council, prior to issue of the Construction Certificate.
- 11 Prior to the issue of a Construction Certificate, suitable detailed design drawings for all retaining wall structures on the site are to be provided for the approval of the Accredited Certifier. Such design drawings are to be prepared by a suitably qualified Registered Structural Engineer in accordance with the requirements of *AS 4678-2002 - Earth Retaining Structures*. All retaining walls must be contained wholly within the property and designed so as to accommodate possible surcharge loading from vehicles or structural improvements within the adjoining property.

- 12 Prior to the issue of any Construction Certificate, suitable detailed structural engineering design drawings for fencing/crash barriers shall be provided for the approval of the Accredited Certifier. The fencing/crash barriers shall be located along the entire length of Devon Lane and the majority of the London Drive frontages. The fencing/crash barriers must be located entirely within the subject property. This requirement has been imposed due to the significant level difference between the frontage verges and areas along the eastern and north eastern boundaries.

### Vehicle Access and Parking - Design Requirements

- 13 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.
  - Amendment to parking spaces to achieve geometric compliance with the parking for people with disabilities (using the area shown on Drawing No. A-101 Rev. A-05 as spaces 4 and 5).
  - Widening of the access driveway further towards the west with the potential loss of the adjacent parking space to the west of the driveway in order to allow 2 x MRV's to concurrently manoeuvre through the site.
  - The remaining area adjacent to the driveway following these amendments is to be incorporated into the landscaping area and shown to be landscaped appropriately.
  - Revised site plans overlaid with the design vehicle template clearly demonstrating that garbage trucks can adequately manoeuvre through the site.

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 a Construction Certificate.

### Water and Sewer Services - Design Requirements

- 14 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.

## 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.***

### Erosion and Sediment Control Requirements

- 15 Prior to the commencement of construction an initial Erosion and Sediment Control Plan (ESCP) prepared in accordance with the latest edition of the Landcom Publication '*Soils and Constructions- Volume 1*' (The Blue Book) shall be provided to the Principal Certifying Authority. This plan shall be modified and updated during construction to reflect any changes due to the on-ground/site conditions. A copy of any modifications or updates to the ESCP shall be provided to the PCA and provided to Council upon request.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent ESCP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the Protection of the Environment Operations Act

### Protection of Adjoining Property Requirements

- 16 Prior to works associated with the development commencing, the owner of the adjoining property affected by the proposed excavation and/or structural protective works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protective works.
- 17 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.

### Roads - Preconstruction Requirements

- 18 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.

- 19 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.*

### **Erosion and Sediment Control Requirements**

- 20 Erosion and sediment controls shall be provided on site prior to commencement of construction activities in accordance with Council's Policy E1 – Erosion and Sediment Control for Building Sites. Erosion and sediment controls are to be maintained, monitored and adapted throughout construction to prevent sediment moving off-site. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act 1997*.

### **Site Requirements**

- 21 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 22 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 23 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.

**Services/Utility Requirements**

- 24 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.
- 25 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.

**Site Access Requirements**

- 26 All construction access and deliveries are to be via London Drive. No construction access or deliveries are to be permitted from Devon Lane.

**Prior to Release of Occupation Certificate:**

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

**Building Code of Australia – Compliance Requirements**

- 27 Prior to the issue of an Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

**Dilapidation Rectification Requirements**

- 28 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.

**Other Authorities – Compliance Requirements**

- 29 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**

- 30 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.
- 31 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.

**Stormwater – Compliance Requirements**

- 32 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.
- 33 The construction of any new 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.

**Easement for Support**

- 34 Prior to the issue of any Occupation Certificate, an Easement for Support shall be created on the title for the land containing the structures proposed to retain and support the road reserves of Devon Lane & London Drive.

The terms of the easement are to include:

- The burdened lot is responsible for maintaining the retaining structures;
- The parties responsible for the benefited property have the ability to enter, to maintain and inspect the easement as required;
- The parties responsible for the benefited property are able to claim any costs associated with the undertaking of necessary maintenance works from the burdened lot.

Wyong Shire Council shall be nominated as the party to release, vary or modify the easement.



**Water and Sewer Services/Infrastructure – Compliance Requirements**

- 35 Prior to the issue of any Occupation Certificate, all water and sewer works for the development must be approved by Council as the Water and Sewer Authority.
- 36 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.

**Ongoing Operation:**

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

**Stormwater – Ongoing Maintenance Requirements**

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

**Waste Management – Compliance Requirements**

- 38 All waste generated on the premises shall be stored in a manner so that it does not pollute the environment. All waste generated on the premises shall be transported to a facility which is licensed to receive that material.
- 39 A cold water hose cock shall be located inside or within close proximity to the waste storage area to facilitate cleaning.

**Vehicle Access and Parking – Ongoing Requirements**

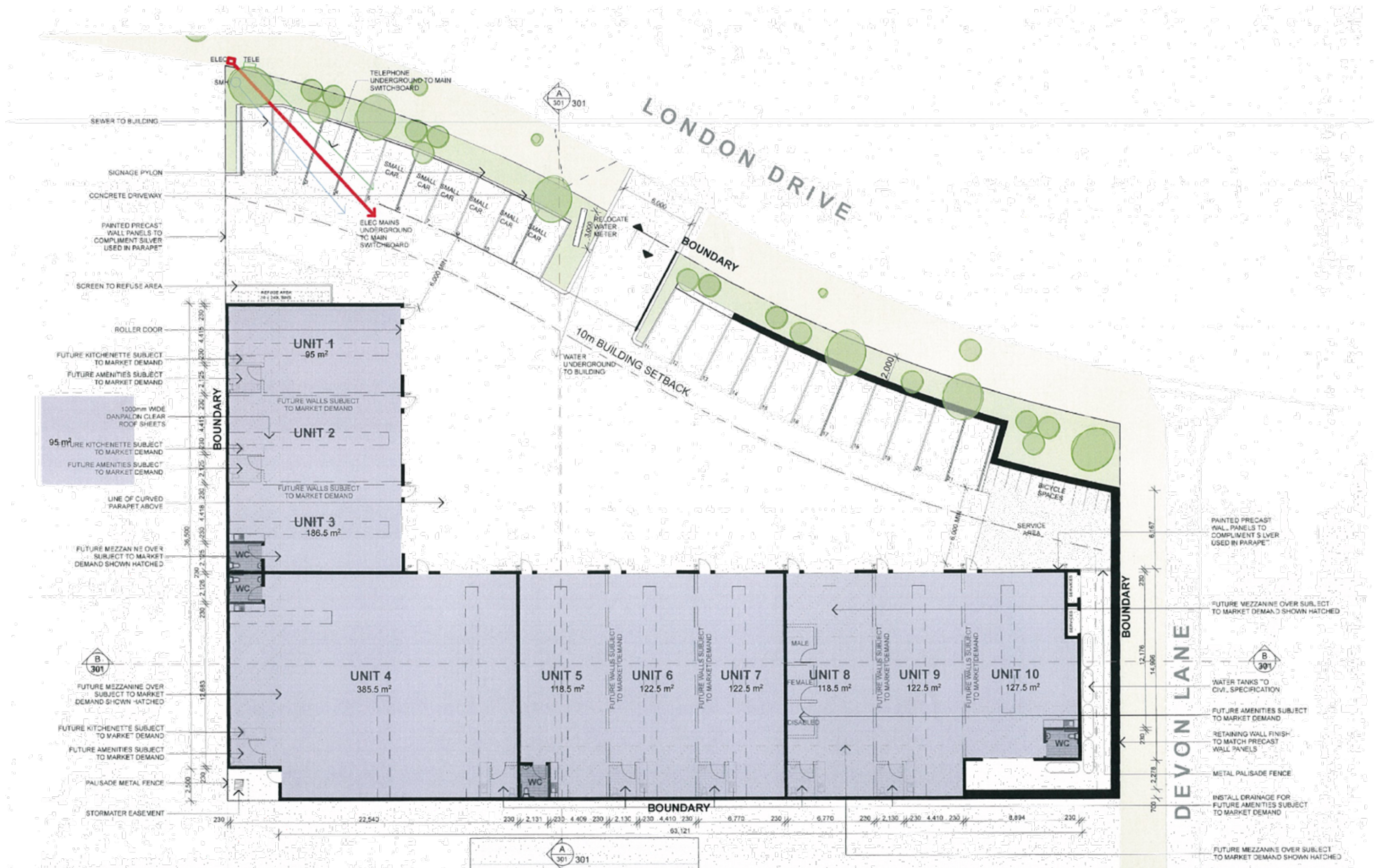
- 40 The proposed “small car” parking bays are to be signposted as being undersize.

**Advertising Sign Requirements**

- 41 Advertising signs must not contain any flashing light, animated or reflective or moving parts, no iridescent or fluorescent colours or materials shall be used on the external surface of the sign. The colours and illumination to be used for the sign shall not result in any adverse impact on the amenity of the surrounding area.

**Residential Amenity**

- 42 The use of the units within the development shall comply with the relevant NSW industrial noise policies and provisions of the Protection of the Environment Operations Act 1997.



**CKDS ARCHITECTURE**  
 PO Box 4400 East Gosford NSW Australia  
 Ph 02 4321 0503 ACN 125 231 269  
 admin@ckds.com.au www.ckds.com.au

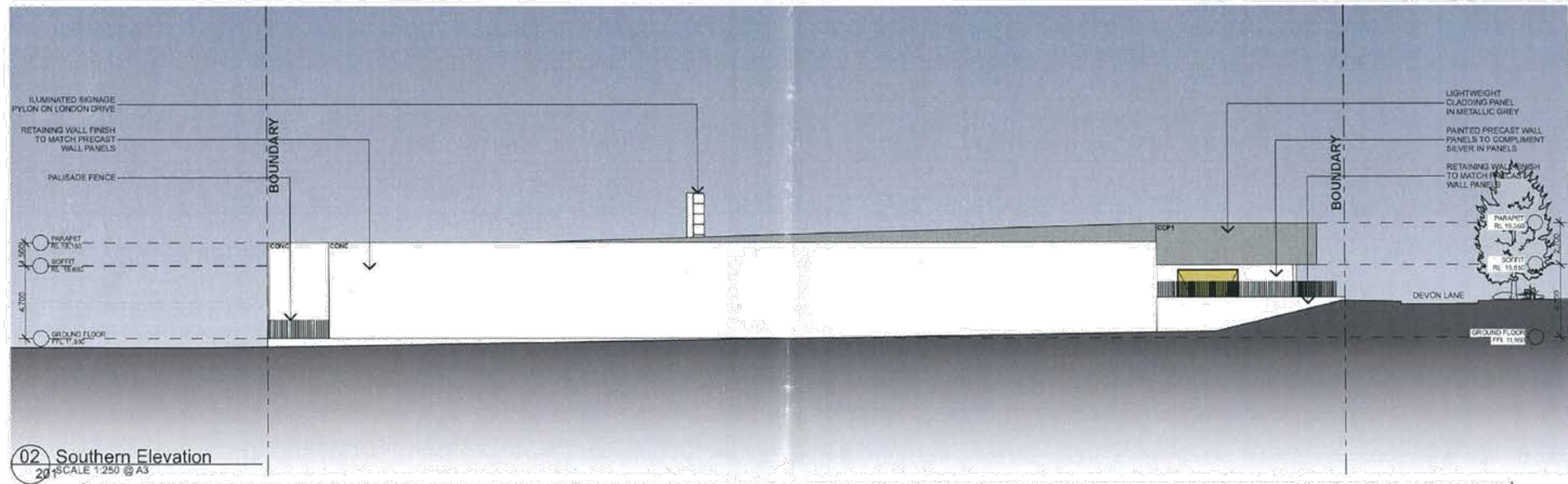
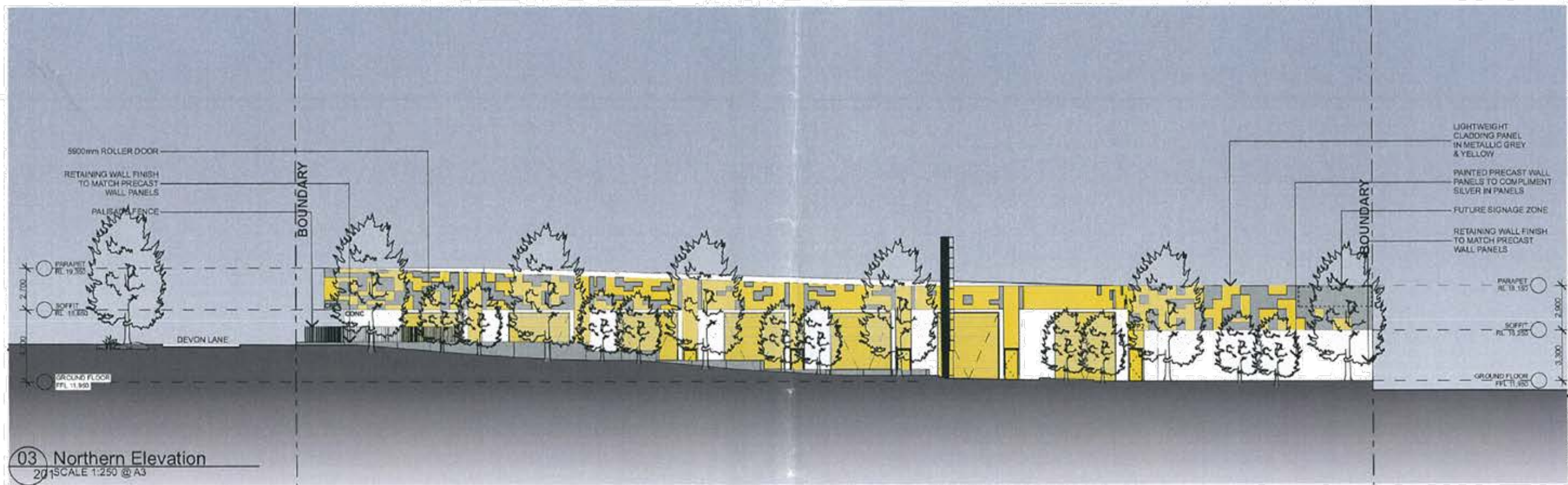
**red eye constructions**  
 Commercial Residential Industrial Institutional

**Red Eye London Industrial**  
 1472  
 2 London Drive  
 North Wyong NSW 2259

**Ground Floor**  
 A-101  
 1:250 @ A3



**A-05**  
 1:100 @ A3  
 1/06/2015

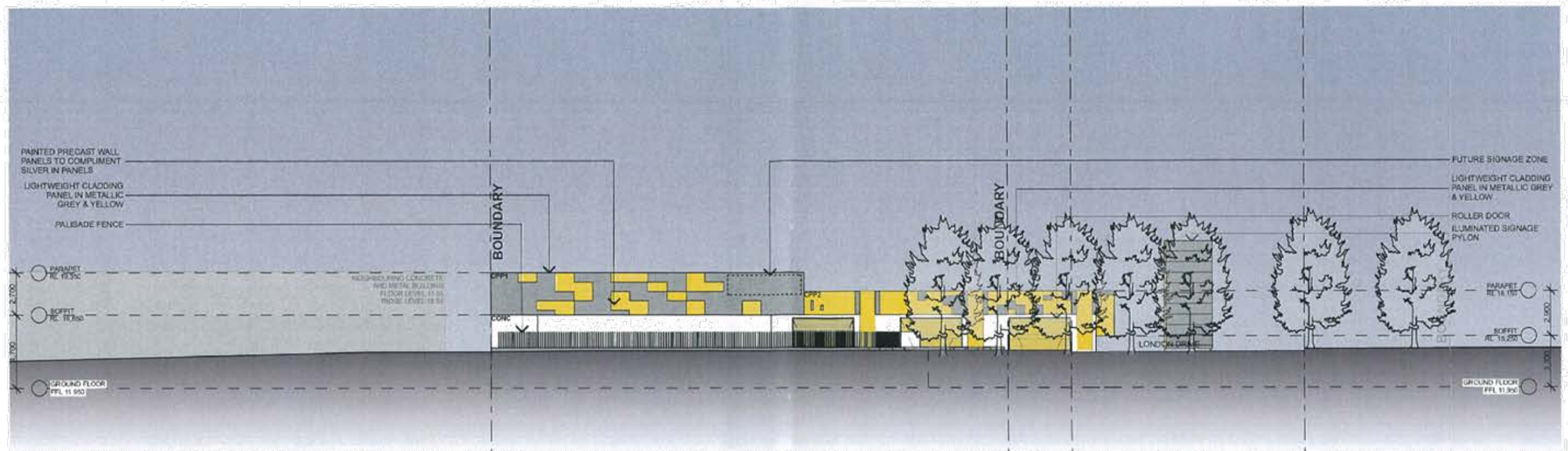


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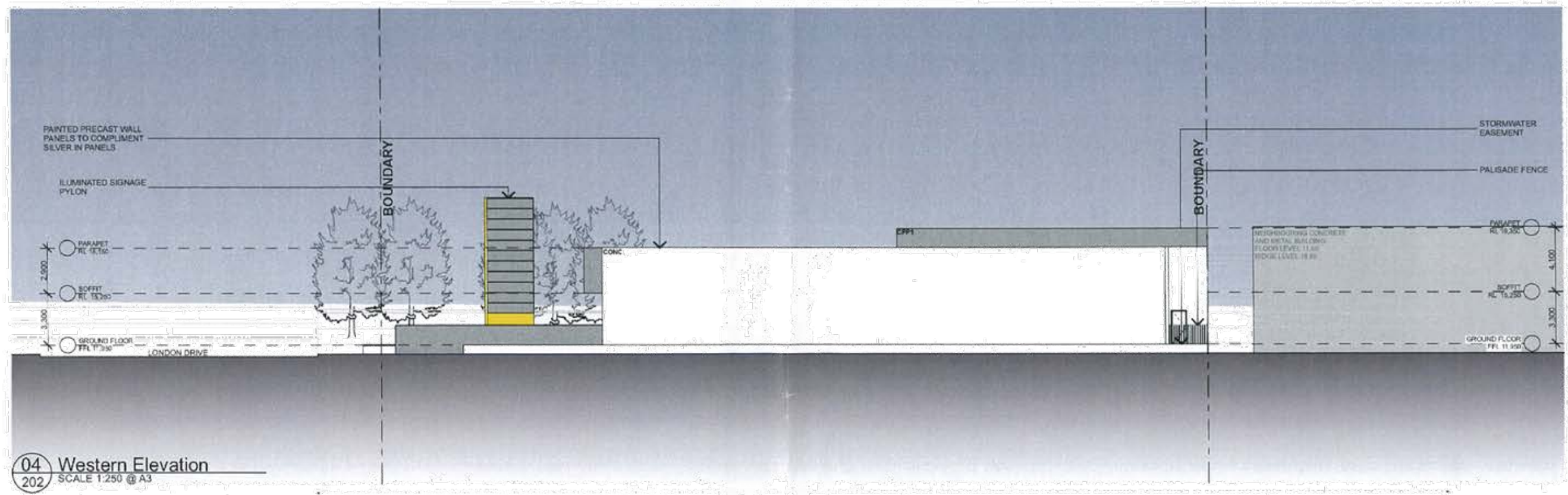
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**Elevations**  
 A-201 A-05  
 1/06/2015



03 Eastern Elevation  
SCALE 1:250 @ A3



04 Western Elevation  
SCALE 1:250 @ A3

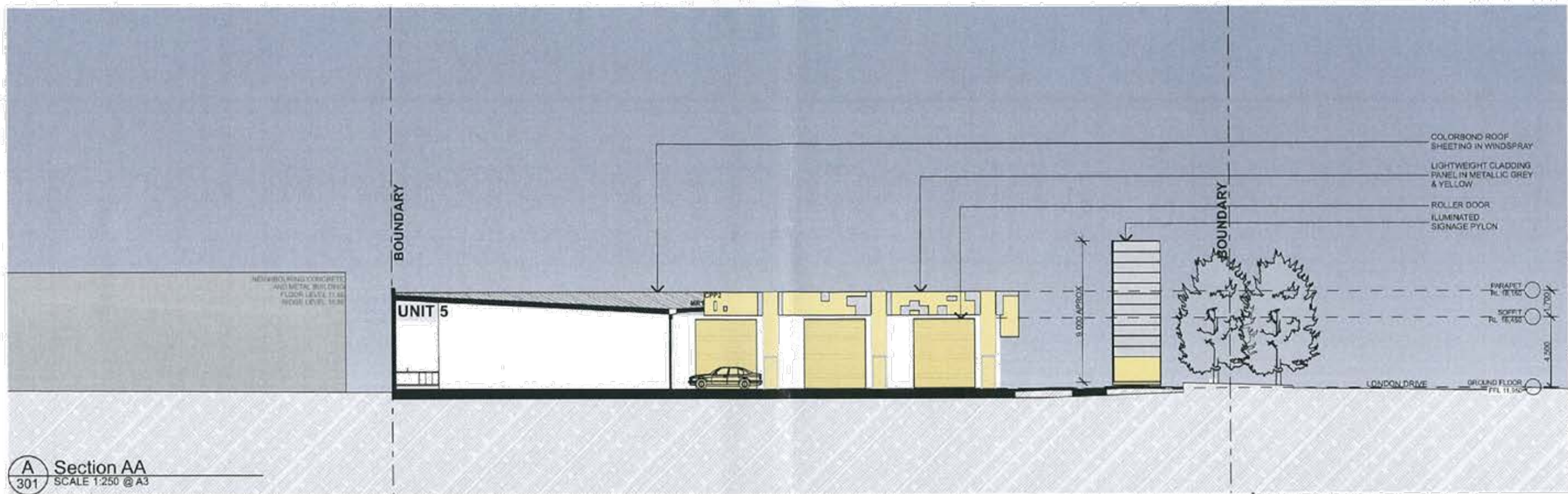
**CKOS ARCHITECTURE**  
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**red eye constructions**  
 commercial residential industrial infrastructure

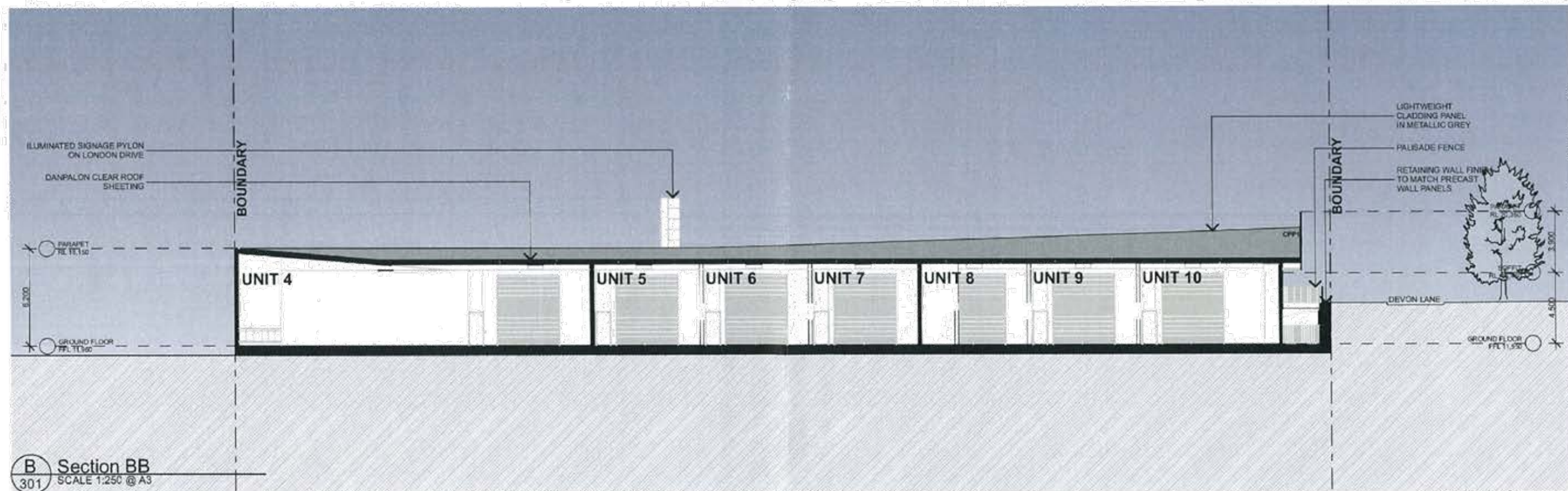
**Red Eye London Industrial**  
 1472  
 2 London Drive  
 North Wyong NSW 2259



**Elevations**  
 sheet A-202 A-05  
 1/06/2015



**A** Section AA  
301 SCALE 1:250 @ A3



**B** Section BB  
301 SCALE 1:250 @ A3

<p><b>CKDS ARCHITECTURE</b> PO Box 4400 East Gosford NSW Australia Ph: 02 4321 0503 ACN 129 231 269 admin@ckds.com.au www.ckds.com.au</p>	<p><b>red eye constructions</b> Commercial • Residential • Industrial • Infrastructure</p>	<p>Red Eye London Industrial 1472 2 London Drive North Wyong NSW 2259</p>		<p>Sections A-301 A-05 108/2015</p>
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