

Wyong Shire Council

ORDINARY MEETING

ENCLOSURES

Wednesday, 14 September, 2011

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WYONG SHIRE COUNCIL
ENCLOSURES TO THE
ORDINARY MEETING
 TO BE HELD IN THE COUNCIL CHAMBER,
 WYONG CIVIC CENTRE, HELY STREET, WYONG
 ON WEDNESDAY, 14 SEPTEMBER 2011 ,
 COMMENCING AT 5:00:00 PM

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WYONG SHIRE COUNCIL

Construction of Three Proposed Industrial Units at Berkeley Vale

SUMMARY

The applicant proposes the erection of three industrial buildings for the warehousing, assembly and distribution of renewable energy products and the maintenance of heat exchange products. The proposal includes office facilities in each building, on-site car parking, stormwater management facilities and site landscaping. The key issues identified in the assessment include the provision of on-site stormwater management facilities, potential impact on an identified threatened species on an adjoining property, adequacy of on-site car parking, bush fire hazard, and compliance with the title restrictions of the subject lot. The assessment has concluded that these issues have been appropriately addressed.

| | |
|------------------------------|---|
| Applicant | Power Projects International Pty Ltd |
| Owner | Mr K J Kim (Power Projects International Pty Ltd) |
| JRPP No. | 2011HCC028 |
| Application No | DA/526/2011 |
| Description of Land | 10 Corella Close, Berkeley Vale (Lot 2 DP 1129808) |
| Proposed Development | Construction of three industrial units at Berkeley Vale |
| Site Area | 2.512 hectares |
| Zoning | 4(a) (General Industrial Zone) |
| Existing Use | Vacant |
| Employment Generation | 60 (approx.) |
| Estimated Value | \$10,500,000 |
| Report By | Peter Meloy – Development Assessment Planner |
| Checked By | Peter Fryar – Manager Development Assessment |

Referral to Joint Regional Panel

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to Clause 13(B) and 13(C) of State Environmental Planning Policy (Major Development) 2005, given the three proposed industrial buildings have a combined value of over \$10 million and are within a coastal zone and each building has a height in excess of 13 metres.

Permissibility

The site is zoned 4(a) (General Industrial Zone) pursuant to Wyong Local Environmental Plan 1991 (WLEP). The proposal is defined as “industry” under WLEP and is permissible within the 4(a) zone subject to development consent. All required owners’ consent have been provided. The proposal is local development.

Consultation

The application was not required to be advertised under the requirements of Wyong Development Control Plan 2005 Chapter 70 – Notification of Development Proposals. The application was not required to be referred to any public authority.

RECOMMENDATION

- That the Joint Regional Planning Panel grant consent to DA/526/2011 subject to the conditions contained in Attachment 4.***

INTRODUCTION

The Site

The site is known as Lot 2 DP 1129808 and is located on the eastern side of Corella Close, immediately north of the intersection with Enterprise Drive. The lot is an irregular-shaped allotment with an area of 2.512 hectares and has a very slight fall from west to east. The lot has a 92.915 metre wide frontage to Corella Close and an average depth of approximately 261.5 metres.

The site is vacant and predominantly clear of significant vegetation, having been cleared for development as part of a previous development consent (DA/435/1999). However, a 10 metre wide vegetation buffer was required to be retained along the Corella Close frontage together with 10 metre wide vegetated buffers along the site's eastern and southern boundaries (see Figure 1 below).

The site is located within the Berkeley Vale Industrial Western Precinct and is adjoined on three sides (eastern, northern and western) by land zoned 4(a) General Industrial. Land on the western side of Corella Close and on the north side of Apprentice Drive has been developed for a range of large-scale industrial purposes consistent with the 4(a) zoning. The properties located between the subject site and the intersection of Corella Close and Apprentice Drive remain undeveloped. The lot adjoining the western boundary of the site, although zoned 4(a) General Industrial, is owned by Council and is the identified habitat of several threatened species including the Green Thighed Frog.



FIGURE 1: Aerial photograph with cadastral overlay of 10 Corella Close (highlighted) and surrounds.

The Proposed Development

The applicant, Power Projects International (PPI), is proposing to establish its new business park within the Berkeley Vale Industrial Western Precinct. The proposed business park is comprised of three separate buildings which will house PPI's Solar Panel (Building "A"), Wind Turbine (Building "B") and Heat Exchange (Building "C") Technology Divisions. As the headquarters for PPI's Sustainable Energy Division, Building's "A" and "B" will include warehousing, assembly, distribution and office functions and Building "C" will be mainly involved in the repair and maintenance of heat exchange equipment brought from power stations. Table 1 below provides a numerical overview of the proposed development:

| | |
|--|--|
| Site Area | <ul style="list-style-type: none"> ▪ 25,120m² |
| Building Heights: <ul style="list-style-type: none"> ▪ Building "A" – Solar Division ▪ Building "B" – Wind Division ▪ Building "C" – Heat Exchange Division | <ul style="list-style-type: none"> ▪ 16.5 metres ▪ 16.5 metres ▪ 14.35 metres |
| Gross Floor Area <ul style="list-style-type: none"> ▪ Building "A" – Solar Division ▪ Building "B" – Wind Division ▪ Building "C" – Heat Exchange Division | <ul style="list-style-type: none"> ▪ 3,156m² ▪ 3,078m² ▪ 1,985m² |
| On-site Car Parking | <ul style="list-style-type: none"> ▪ 76 spaces |

TABLE 1: Numerical overview of proposed development.

The buildings are to be constructed of precast concrete and infill panels, metal roofing and glazing. Each building has a ground floor predominantly devoted to loading/unloading areas, assembly and storage areas. Each building also has a two-storey office area located in its north-eastern corner. The ground floor of each building can be accessed via a common seven metre wide and variable driveway running adjacent to the northern boundary. In addition to the three main buildings, the proposal includes a staff barbecue area located in the south-eastern corner of the site adjacent to a proposed stormwater detention pond. The proposal also includes 76 on-site car parking spaces, 15 bicycle racks and site landscaping (see Figures 2, 3 and 4 below).

The development is proposed to be in operation from 7.00am to 5.30pm, six days a week (excluding Sundays). The development is expected to employ approximately 60 persons (approximately 20 people in each of the three buildings) and employment opportunities will exist for ancillary functions such as cleaning, landscaping, security, waste collection, and materials recycling.

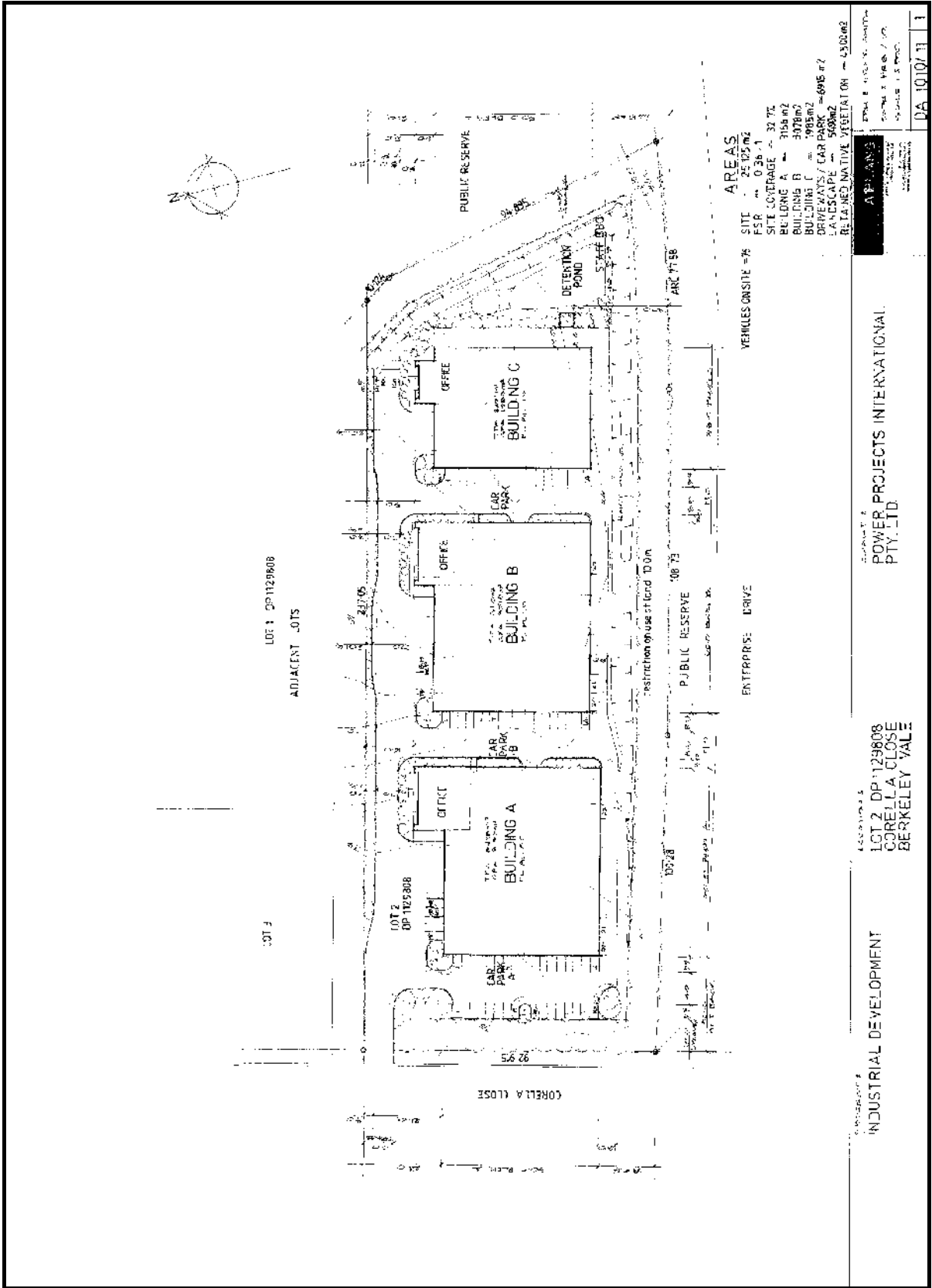


FIGURE 2: Original site plan (since amended to provide continuous perimeter access road as shown in Attachment 1.)



FIGURE 3: Artist's impression of proposed development from imaginary elevated point north-east of the site.



FIGURE 4: Artist's impression of proposed development when looking from north-western corner of site.

Internal Referrals

The application has been referred within Council to the:

- Development Engineer;
- Senior Health and Building Surveyor – Fire Safety;
- Development Planner (Ecologist);
- Landscape Design Assessment Officer; and
- Trade Waste Supervisor

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

External Referrals

Nil.

Summary (Key Issues)

Stormwater Management

The subject site adjoins a reserve upon which a population of a threatened species, the Green Thighed Frog, and an endangered ecological community, Swamp Sclerophyll Floodplain Forest, have been previously identified. The subject site drains into this reserve and to ensure that the adjoining reserve is not detrimentally affected by development on the subject lot, stormwater must be managed to ensure that the quality and quantity of the stormwater discharge post development is the same as pre-development flows.

The applicant has submitted a stormwater drainage strategy which has been reviewed by Council's Development Engineer. The Development Engineer has concluded that the proposed system does not fully satisfy the required water quality and quantity criteria required but that a suitable system will be able to be designed to meet Council's required outcomes. The Development Engineer has recommended that appropriate conditions be applied to any consent to ensure that the final stormwater management design achieves the required water quality and quantity criteria.

Threatened Species

Council's Ecologist has advised that the vegetation on the Corella Close frontage of the site has been identified as "Alluvial Robusta-Paperbark Sedge-Palm Forest" that qualifies as "Swamp Sclerophyll Floodplain Forest" (SSF) EEC. The vegetation along the eastern boundary buffer was identified as Narrabeen Coastal Blackbutt Shrubby Forest. In addition, previous surveys have recorded on or immediately adjacent to the site the following threatened species: *Melaleuca biconvexa*, the Green Thighed Frog, Wallum Froglet, Greater Broad-nosed Bat, Eastern False Pipistrelle, Eastern Freetail Bat, Bentwing Bat and Little Bentwing Bat. *M. biconvexa* no longer occurs on the subject site following clearing.

Based on the field surveys, habitat assessments and mitigation measures and provided that the recommended conditions are complied with, Council's Ecologist has concluded that there is not likely to be a significant impact on any threatened species, populations or ecological communities as a result of the development and has advised that a Species Impact Statement (SIS) is therefore not necessary. The conditions proposed by Council's Ecologist are recommended for inclusion in any consent that is granted.

Compliance with Restrictions-As-To-User

The site is burdened by a number of title restrictions that concern maintaining vegetation preservation buffers, providing and maintaining a sewage pumping-station, maintaining a swale drain and, or, ensuring subsequent development does not concentrate flows onto the adjoining reserve, and limiting vehicular access from Corella Close to one 10 metre wide access across a vegetation preservation buffer. The application complies with the various restrictions including the restriction concerning the location of the access from Corella Close.

Bush Fire prone Land

The site is identified as being “bush fire prone land” on Council’s certified Bush Fire Prone Lands map. Section 79BA of the Environmental Planning and Assessment Act 1979 (EP & A Act) requires the development to comply with any expressed requirements of the current *Planning for Bushfire Protection* document. The current document is *Planning for Bushfire Protection 2006* (PBP2006) and this document classifies the proposed development (industry) as “other development” for which the PBP2006 has no specific requirements apart from Section 1.3(b) which requires satisfying the aim and several objectives contained in Section 1. In recognition of the potential hazard, the applicant has supplied a bushfire hazard assessment that assesses the proposed development against the aim and objectives of PBP2006. The assessment concludes that, subject to the recommendations in the assessment, the proposed development will satisfy the aim and objectives of PBP2006.

It should be noted, however, that Council required the site plan (shown in Figure 1) to be amended in the location of the north-eastern corner of Building “C” to provide a continuous access perimeter road for bushfire-fighting vehicles. This amendment is shown in the current site plan in Attachment 1.

On-site Car Parking

Wyong Development Control Plan 2005 Chapter 61 – Carparking requires the development to provide 104 on-site car parking spaces. This figure is calculated on the type of uses proposed within each building and the gross floor area (GFA) of each building (see details in Table 1 above). The applicant proposes to provide 76 vehicle parking spaces representing a shortfall of 28 spaces or a variation of 26.9% to the controls. A traffic assessment was submitted in support of the number of parking spaces proposed to be provided. The report found that the proposed on-site car parking would be satisfactory, based on the planned operation of the businesses and the expected number of employees.

Given the nature of the development, particularly in relation to Buildings “B” and “C” which will handle large pieces of equipment, the variation sought is considered to be acceptable. The 76 proposed spaces will likely satisfy peak demand at most times. However, to ensure, as far as possible, that the 76 spaces do satisfy demand, it is recommended that a limit on permanent staff numbers to 60, as stated in the Statement of Environmental Effects (SEE), be applied. Any future expansion will require a further application to be submitted and at that time the issue of the current car parking provision being able to satisfy the demand generated by the use can be reviewed. The applicant is in agreement with this approach.

VARIATIONS TO STANDARDS

| | |
|------------------------|--|
| Clause | 3.0 Requirements |
| Standard (DCP Control) | - 1 space per 75m ² of GFA (factory) - 1 space per 30m ² of GFA (offices) - 1 space per 300m ² of GFA (warehouse) |
| LEP/DCP | Chapter 61 – Carparking, Wyong Development Control Plan 2005 |
| Departure basis | Application of the current DCP controls results in a requirement for 104 car spaces but only 76 are proposed. This represents a variation of 26.9% to the development controls. The applicant has submitted a traffic assessment that has assessed the likely on-site car parking demand and has found that the proposed 76 spaces should satisfy the expected demand. |

TABLE 2: Details of proposed variation to number of on-site parking spaces required by Wyong DCP 2005 Chapter 61 – Carparking.

HISTORY

- 10.10.2000: DA/435/1999 approved and clearing of the land. Naturally vegetated buffers were retained along the Corella Close frontage and along the parent lot's eastern, northern and southern boundaries.
- 30.11.2006: DA/500/2006 granted deferred commencement consent for an 18-lot industrial subdivision.
- 18.10.2007: DA/500/2006/A approved making minor modifications to some consent conditions.
- 08.02.2008: DA/1574/2007 approved for a seven-lot industrial subdivision.
- 22.07.2008: DA/1574/2007/A amends consent to a six-lot subdivision that includes creating the subject lot (Lot 2 DP 1129808).
- 24.02.2011: DA/1541/2011 for turbine generator maintenance facility and head office approved by Joint Regional Planning Panel on adjoining lot, 9 Corella Close (Lot 1 DP 1129808).

PERMISSIBILITY

The subject site is zoned 4(a) (General Industrial Zone), under the provisions of WLEP (see Figure 5 below). The proposed development, three industrial buildings, falls within the definition of "industry" which is defined by the WLEP as being:

“ the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or any articles, and excludes any other use elsewhere specifically defined in this clause.”

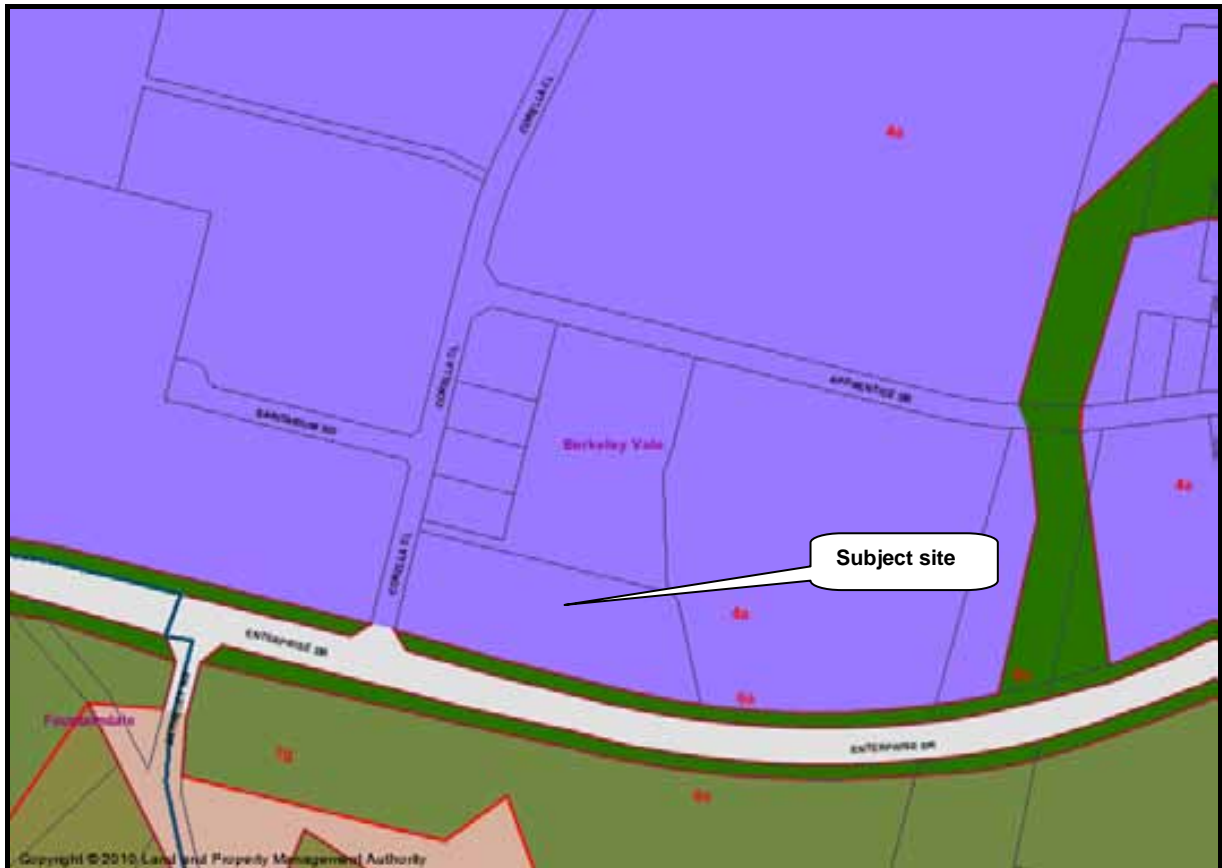


FIGURE 5: Extract of Wyong LEP 1991 zoning map (source: E-view).

The proposed use is permissible with consent and is considered to comply with the following objectives of the zone:

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

It should be noted that in respect of Objective (a) the proposal is for three large-scale industrial buildings that will be appropriately isolated from residential areas by being located on a site located within an existing industrial precinct.

In respect of Objective (b) the applicant proposes to establish three industrial buildings on the site and the buildings will include warehousing, assembly, distribution, maintenance and associated administration functions. No commercial, retail or other development is proposed.

In respect of Objective (c), Council has adopted Chapter 29 – Berkeley Vale Industrial Western Precinct and Chapter 75 – Industrial Development of Wyong Development Control Plan 2005 which provide more detailed guidelines about industrial subdivisions and industrial development and by which the proposed development will, in part, be assessed.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

The Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy No 71 – Coastal Policy
- State Environmental Planning Policy No 64 – Advertising and Signage
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 44 – Koala Habitat Protection
- Wyong Local Environmental Plan 1991
- Wyong Development Control Plan 2005
 - Chapter 14 – Tree Management
 - Chapter 29 – Berkeley Vale Industrial Western Precinct
 - Chapter 50 – Advertising Signs
 - Chapter 61 – Carparking
 - Chapter 67 – Engineering Requirements for Developments
 - Chapter 69 – Controls for Site Waste Management
 - Chapter 70 – Notification of Development Proposals
 - Chapter 75 – Industrial Development
- Landscape Policy and Guidelines
- Southern Lakes District Contributions Plan
- Building Code of Australia

ECOLOGICALLY SUSTAINABLE DEVELOPMENT PRINCIPLES

The proposal has been assessed having regard to Ecologically Sustainable Development principles and is considered to be consistent with the principles.

The proposed industrial development is considered to incorporate satisfactory stormwater, drainage and erosion controls 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 owing to the proposed on-site stormwater management system which will be designed to ensure that post-development flows are the same as pre-development flows in terms of quality and quantity. The proposal is unlikely to significantly affect fluvial environments for the same reason.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979, other statutory requirements and Council's policies, the assessment has identified the following key issues, which are elaborated upon for the Panel's information. Any tables relating to plans or policies are provided within the body of the report or, where indicated, provided as attachments to the report.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv)):**State Environmental Planning Policy (Major Development) 2005**

Aim (f) of State Environmental Planning Policy (Major Development) 2005 (SEPP MD 2005) identifies development for which Regional Panels are to exercise specified consent authority functions.

Division 13B “General development to which Part applies” of Part 3 “Regional development” of SEPP MD 2005 provides a list of development criteria where the provisions of Part 3 apply including 13B(1)(a) which states:

“development that has a capital investment value of more than \$10 million,”

In addition, Division 13C of Part 3 “Regional development” of SEPP MD 2005 provides a list of further development criteria for land lying within the coastal zone including Division 13C(b) which states:

“buildings or structures (other than minor alterations or minor additions to existing buildings or structures) that are greater than 13 metres in height, excluding any building that complies with all development standards relating to the height of such a building set by a local environmental plan that applies to the land on which the building is located,”

The proposed development has an estimated capital investment value of \$10.5 million. In addition, the proposed development is to be sited on land within the coastal zone and, as can be seen in Table 1 above, the three buildings each have a maximum height in excess of 13 metres and there is no applicable height development standard contained in WLEP. Accordingly, the development application is to be determined by the Regional Panel in accordance with the provisions 13F(1)(a) of Part 3 of SEPP MD 2005.

State Environmental Planning Policy No 71 – Coastal Policy

The site is located within the coastal zone as defined by State Environmental Planning Policy No 71 – Coastal Policy (SEPP 71) and as such, requires the proposal to be considered against the several matters listed in clause 8 of the SEPP. A table of those considerations can be seen below.

| MATTER TO BE CONSIDERED | COMMENT |
|---|--|
| To satisfy the aims of the Policy | Assessed as satisfying the aims of the Policy |
| Will not impact upon public access to and along the coastal foreshore | Proposal does not impact on public access to foreshore |
| Will not reduce opportunities to provide new public access to and along the coastal foreshore | Proposal does not reduce opportunities to provide new public access to foreshore |
| Is suitable given its type, location and design and its relationship to surrounding area | Is assessed as being suitable to surrounding industrial area |

| | |
|---|---|
| Will have no detrimental impact on foreshore, will not overshadow foreshore and will not result in significant loss of views from any public place to the foreshore | Will not cause any detrimental impact, overshadowing or loss of views to foreshore |
| Consider the scenic qualities of the NSW coast and means to protect and improve those qualities | Will not affect scenic qualities of the NSW coast |
| Measures to conserve threatened species and plants and their habitat | Vegetated buffers retained and stormwater nutrient-removal system and water harvesting system included in design to protect habitat of Green Thighed Frog |
| Measures to conserve fish and marine vegetation and their habitats | Stormwater harvesting and cleansing measures included in design to ensure water entering Ourimbah Creek is of same quantity and quality as pre-development flows |
| Impact of development on existing wildlife corridors | Vegetated buffers retained and to be augmented with additional plantings |
| Likely impacts of coastal processes and coastal hazards on development and vice versa | No impacts identified in assessment - location of site two kilometres from edge of Tuggerah Lake |
| Measures to reduce potential conflict between land-based and water-based coastal activities | No specific measures required in this instance |
| Measures to protect cultural places, values, customs, beliefs and traditional knowledge of Aboriginals | No measures required as site has not been previously identified as place of Aboriginal significance |
| Likely impacts of development on water quality of coastal water bodies | Stormwater harvesting and cleansing measures included in design to ensure water entering Ourimbah Creek and Tuggerah Lake is of same quantity and quality as pre-development flows. Sewage pumped to public treatment facility before discharge |
| Conservation and preservation of items of heritage, archaeological or historic significance | Site not identified as a heritage item or in vicinity of heritage item |
| Measures to encourage compact towns in preparation of a local environmental plan | Not relevant |
| Cumulative impacts of development | No significant cumulative impacts identified in the assessment |
| Measures to ensure energy and water efficiency | Energy-efficient appliances and lighting to be used and water-efficient fixtures and facilities to be used. Proposal includes the establishment of roof-mounted solar panels to generate 20kW of "green" electricity |

TABLE 3: Comparison of proposed development to considerations contained in Clause 8 of SEPP 71.

Given the type and location of the proposed development – three industrial buildings located in an established industrial park – it is considered that when assessed against the above “matters for consideration” the proposed development is consistent with the relevant objectives of SEPP 71.

In addition, clause 15, “Effluent Disposal” and clause 16, “Stormwater” in SEPP 71 prevent Council from consenting to any development that will dispose of untreated effluent or stormwater into Ourimbah Creek. The proposed development will connect to the existing approved public reticulated sewerage system via an on-site collection and pump station.

Stormwater is to be harvested on site for use within the buildings for toilet flushing and outside for watering the vegetation planted as part of the site landscaping and for washing pathways. In addition, any stormwater leaving the site must first pass through a nutrient-removal pond and swale drain to ensure that a satisfactory quality and quantity of stormwater discharge is achieved. Recommended conditions of consent require the on-site stormwater management system to be appropriately maintained for the life of the development.

State Environmental Planning Policy No 64 – Advertising and Signage

The applicant proposes the erection of four signs, one on the north elevation of each of the three buildings and one on the entry gate on Corella Close. The signs are proposed to be illuminated and will display the corporate branding of Power Projects International in the following signature blue, black and red lettering:

1. “*PPi* Power Projects International Business Park” on the Corella Close entry gate, measuring 1.5 metres high by 4.5 metres long (see example below in Figure 6).
2. “*PPi* Power Projects International SOLAR DIVISION” on the northern elevation of the solar panel building, measuring 1.5 metres high by 5.0 metres long (see example below in Figure 7).
3. “*PPi* Power Projects International WIND DIVISION” on the northern elevation of the wind turbine building, measuring 1.5 metres high by 5.0 metres long (see example below in Figure 7).
4. “*PPi* Power Projects International HEAT DIVISION” on the northern elevation of the heat exchange building, measuring 1.5 metres high by 5.0 metres long (see example below in Figure 7).



FIGURE 6: Example of proposed gate signage



FIGURE 7: Example of building signage

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) applies to all signage but excludes business identification signs from most of the requirements. Clause

8 of Part 2 does, however, require Council to be satisfied that any proposed business identification signs are consistent with the objectives of SEPP 64 and satisfy the assessment criteria in Schedule 1 of SEPP 64.

Objective (a) of SEPP 64 states:

“(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, and”*

Given that the design and finish of the signs will be durable and of a very high quality and the proposed locations are suitable for identifying each business, it is considered that the proposed signs are consistent with the above objective of SEPP 64.

In terms of satisfying the assessment criteria in Schedule 1 of SEPP 64, the following table compares the proposed signs to those criteria.

| ASSESSMENT CRITERIA | COMMENT |
|--|--|
| <p>1 Character of the area</p> <ul style="list-style-type: none"> • Is it compatible with existing or desired future character of the locality? • Is the proposal consistent with a particular theme in the area? | <p>The signs are proposed to be located in a general industrial park.</p> <p>No particular themes in the area but signs comply with DCP Chapter 50.</p> |
| <p>2 Special areas</p> <ul style="list-style-type: none"> • Does the proposal 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? | <p>The site's eastern boundary adjoins a site that is habitat for a threatened species, the Green Thighed Frog. The signs do not detract from the visual quality of this land as the signs are sited along the western and northern frontages of the site.</p> |
| <p>3 Views and vistas</p> <ul style="list-style-type: none"> • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers? | <p>The signs do not obscure important views.</p> <p>The signs do not dominate the skyline or reduce the quality of vistas.</p> <p>The signs do not interfere with any other advertiser or potential advertiser.</p> |
| <p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> • Are the scale, proportion and form of the proposal appropriate for the streetscape, | <p>The signs are part of a large industrial building development in an area</p> |

| ASSESSMENT CRITERIA | COMMENT |
|--|--|
| <p>setting or landscape?</p> <ul style="list-style-type: none"> • Does the proposal contribute to the visual interest of the streetscape? • Does the proposal reduce clutter by rationalising existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area? • Does the proposal require ongoing vegetation management? | <p>characterised by such buildings.</p> <p>Signs are of high quality and contribute to visual interest of the streetscape.</p> <p>Greenfield site so matter is not relevant to proposed signs.</p> <p>No unsightly features to screen.</p> <p>No, one sign is to be attached to the northern façade of each of the three buildings and the fourth is to be attached to an entry gate.</p> <p>No, none of the signs requires any significant ongoing vegetation management.</p> |
| <p>5 Site and building</p> <ul style="list-style-type: none"> • Is the proposal compatible with the scale of the site or the building or both? • Do the signs respect important features of the site or building or both? • Do the signs show innovation and imagination in its relationship to the site or building or both? | <p>The signs are compatible with the scale of the buildings and the site.</p> <p>The signs are well positioned on the buildings and the gate.</p> <p>The signs are considered to be satisfactory from these two considerations.</p> |
| <p>6 Associated devices and logos</p> <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? | <p>The signs are planned to be illuminated but no details of lighting have been provided as part of the development application. Council will recommend that condition be applied requiring no light spill into vegetated buffers. No other devices proposed.</p> |

| ASSESSMENT CRITERIA | COMMENT |
|---|--|
| <p>7 Illumination</p> <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? | <p>No, the location of the signs should not result in unacceptable glare.</p> <p>No, illumination of the signs will not create safety issues.</p> <p>No, there are no residences or other forms of accommodation that would be affected by the illumination.</p> <p>Unknown but given nature of the proposal this is not necessary.</p> <p>No curfew applies to site or to proposal.</p> |
| <p>8 Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? | <p>No, the signs will have no effect on the safety for any public roads.</p> <p>No, the proposal will not reduce safety for pedestrians or cyclists.</p> <p>No, the proposal will not obscure sightlines from any public area so there will be no reduction in safety.</p> |

TABLE 4: Comparison of proposed signs to assessment criteria in Schedule 1 of SEPP 64.

From the assessment shown in the above table it is concluded that the proposed signs satisfy the assessment criteria listed in Schedule 1 of SEPP 64.

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 “Contamination and remediation to be considered in determining development application” of SEPP 55 is the clause of the SEPP that has relevance the proposed development. Clause 7(1) prohibits Council from consenting to the carrying out of development of any land unless it has, in part, considered whether the land is contaminated.

Clause 7(2) requires the Council, before determining an application for a change of use described in Clause 7(4), to consider a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Clause 7(4) lists the following lands:

- Land within an investigation area;

- Land on which development listed in Table 1 of the contaminated land planning guidelines is being or known to have been used for; and
- Land on which residential, educational, recreational child care purposes or a hospital are proposed.

In carrying out an assessment of the proposed development it was known that:

- 10 Corella Close is not within an investigation area.
- The site has not been used for any of the purposes listed in Table 1 of the contaminated land planning guidelines.
- The use proposed for the land for industrial buildings is not a use listed in Clause 7(4)(c).

This means that Council, under Clause 7(2) is not prohibited from determining the application without first having considered a preliminary investigation report.

Finally, in respect of Clause 7(1) the assessment of the application considered the following:

- The land was undisturbed native bushland prior to the industrial subdivision occurring in 2008 that created the lot and it has not been used for any purpose in the intervening two-and-a half years.
- Council's records show no evidence that fill was imported on to the site during construction of the subdivision and that fill on the lot was gained from cutting on other lots within the same subdivision which were also undisturbed native bushland.

From the consideration of the above as to whether or not the land is contaminated Council has determined that the land is not contaminated.

State Environmental Planning Policy No 44 – Koala Habitat Protection

Council's Ecologist has advised that because the site is larger than one hectare and contains potential koala feed trees (Swamp Mahogany) listed in Schedule 2 of SEPP 44, the SEPP applies. Swamp Mahogany constitute more than 15% of the canopy cover across the subject site therefore the site can be considered "Potential Koala Habitat". No scats, claw marks or individuals were observed during the fauna surveys (see details under the heading "Any effect on the flora and fauna" in a later section of this report) therefore the site cannot be considered to be "Core Koala Habitat".

Wyong Local Environmental Plan 1991

Clause 10 – Zoning

The land is zoned 4(a) (General Industrial Zone) under WLEP. The three proposed industrial buildings are permissible within the zone. In this case, however, owing to the provisions of SEPP (Major Development) 2005, the Joint Regional Planning Panel (JRPP), rather than the Council, has the authority to determine the application.

The proposed development is also consistent with the stated objectives of the zone as discussed under the heading of "Permissibility" in a previous section of this report.

Clause 12 – Development not requiring Council consent

The clause specifies certain types of advertisements that do not require the consent of Council. The list of advertisements excluded from requiring consent includes “approved signs” as specified in any development control plan which has been adopted by Council for that purpose. The relevant DCP is Chapter 50 of Wyong Development Control Plan 2005 and the four proposed signs are discussed in the section headed “Chapter 50 – Advertising Signs” in a later section of this report.

Clause 15 – Development on land containing acid sulphate soils

The site is identified as a Class 4 on Council’s Acid Sulphate Soils Planning Map. Under Clause 15(4) of WLEP, a preliminary acid sulphate soils assessment report is required to be undertaken in accordance with the *Acid Sulphate Soils Assessment Guidelines* for any works beyond two metres below the natural ground surface in Class 4 or for works by which the water table is likely to be lowered to any point beyond two metres below the natural ground level in Class 4.

In recognition of the requirements of Clause 15(4) the applicant has submitted a geotechnical assessment of the site, prepared by Barker Harle Consulting Engineers, that includes a preliminary acid sulphate soils assessment prepared between September and November 2010 (BH Ref: 00682).

The acid sulphate soils assessment found that laboratory results of testing of soil samples taken from the site exceeded guideline levels and could be defined as both actual and potential acid sulphate soils. The report recommended that:

“It is recommended, following the completion of architectural drawings for the proposed development, an Acid Sulfate Soil Management Plan be prepared to detail the anticipated volume of acid sulfate soil that will be disturbed during construction, whether dewatering will be undertaken to allow construction to occur and suitable onsite and offsite treatment and disposal options for acid sulfate soils disturbed during the construction process.”

A condition of consent is recommended requiring the submission and approval by the Principal Certifying Authority (PCA) of an acid sulphate soils management plan prepared by a qualified person prior to the issue of any Construction Certificate.

In regards to the reference in the report to “dewatering”, the geotechnical investigation identified that groundwater would be encountered at a depth of approximately 4.5 metres below existing surface level. The report concluded that, based on the assumption that only high level construction will occur on site, site dewatering is not expected.

Clause 28 – Tree Management

The proposed clearing of 0.014 ha of native vegetation is considered to be ancillary to the proposed development. The proposed clearing will not significantly impact soil stability, water quality, amenity, vegetation systems or fauna habitats, and recommendations have been made to further mitigate the impact of the proposed clearing. These recommendations as they relate to the requirements of Clause 28 are discussed in detail under the heading “Any effect on the flora and fauna” in a later section of this report.

Clause 29 – Services

Clause 29 of WLEP prohibits Council from granting consent to development unless satisfactory water, sewer and drainage services are available to the development. Council's Development Engineer reviewed the application with regards to these matters and has advised that the development may be serviced by the water and sewer mains provided with the subdivision although a private sewage pumping-station is needed to be installed as proposed. Water and sewer connection requirements, including a trade waste agreement and any contributions that are required to be paid, will form part of the Section 306 approval.

In respect of stormwater management and drainage, the subject site adjoins a reserve upon which a population of a threatened species, the Green Thighed Frog, and an endangered ecological community, Swamp Sclerophyll Forest, have been previously identified. The subject site drains into this reserve and to ensure that the adjoining reserve is not detrimentally affected by development on the subject lot, stormwater must be managed to ensure that the quality and quantity of the stormwater discharge post development is the same as pre-development flows.

The applicant has submitted a stormwater drainage plan (Appendix 4 of the SEE) which Council's Development Engineer has reviewed. The Development Engineer has advised that the stormwater management plan does not appear to fully meet Council's requirements for water quality, quantity and duration of stormwater flows to the Council land to the east. However, the Development Engineer is of the opinion that a suitable system will be able to be designed to meet Council's outcomes and therefore the drainage requirements have been satisfied by recommended conditions.

The Development Engineer has further advised that the proposed development is surrounded by "no-go" areas on the south, west and east sides. These areas lead to an area of high habitat potential (EEC). Maintaining existing stormwater flows to the area and wetting / drying cycles is essential. The applicant shall ensure that pre-development flows match post-development flows up to the 5% Annual Exceedance Probability (AEP) storm event for quantity, quality (in accordance with the approved Water Cycle Assessment Report) and duration to replicate the natural wetting drying cycles of Lot 32 DP 1045472. Drainage must meet the requirements as identified in DP1129808 including plans as identified in SCC/65/2008 Nos 0603-C20 amend. 08, 0603-C21 amend. 03, 0603-C22 amend. 05 and 0603-C23 amend. 05. The Water Cycle Assessment Report by Martens Consulting Engineers No. P0701700JR03_V3 November 2007 shall be considered including requirements for groundwater recharge. The effect of earthworks on the original drainage design for the site shall be included in any proposed drainage design for the development.

In addition, the identified drainage swale shall be protected and maintained. Proposed drainage works shall integrate with the existing drainage swale. The design and water quality modelling of proposed drainage system shall be approved by Council. All drainage flows that are to be directed to the EEC area shall be dissipated to replicate natural flows on to the area.

The applicant is proposing 27,000 litres of reuse tanks for the site (9,000 litres per building) to be used on toilet flushing and for external uses. Council's DCP 2005 Chapter 75 Industrial Development indicates reuse shall be provided at a rate of 10ltrs/m² of roof area. A water balance for tank size of 15,000 litres per building indicates a further reduction in potable water of 8% from the 9,000ltrs per building proposed. It is therefore suggested that unless a water balance is provided, the requirement be 15,000ltrs per building for the development. The final amount will depend of the overall drainage design and calculations for the site.

Internal piped drainage must cater for the 5% AEP with overland flow paths to cater for the 1% AEP. The drainage design for all flows must comply with the requirements for the EEC as indicated above.

The submission to and approval by Council of a groundwater risk management plan prior to the issue of the Construction Certificate is recommended. The plan shall generally comply with the requirements as identified in the Water Cycle Assessment Report by Martens Consulting Engineers No. P0701700JR03_V3 November 2007 and final designs as approved on DP1045472.

Registration of a positive covenant for the maintenance of all drainage facilities in relation to the development to ensure all water quality and quantity facilities operate to design capacity at all times is also recommended and no drainage works shall be permitted within the "No Go" areas.

All of the Development Engineer's recommendations should be included in any consent granted by the JRPP.

In respect of contributions to services, water and sewerage contributions were applied to the parent subdivision at a rate of 5 ET (Equivalent Tenements) per hectare, which results in an (industrial rate) allowance of 12.56 ET for the lot (25,120m² x 0.0005ET/m²). Based on the floor area of the three proposed buildings and on each building's use, the site will generate a demand as calculated below:

- Building "A" (industrial rate): 3,156m² x 0.0005 = 1.578 ET
- Building "B" (industrial rate): 3,078m² x 0.0005 = 1.539 ET
- Building "C" (industrial rate): 1,985m² x 0.0005 = 0.993 ET

The total calculated demand is 4.110 ET which is 8.450 ET less than the allowance of 12.56ET. Therefore, water and sewer contributions will not be applicable for the proposed development due to the lower calculated demand.

Wyong Development Control Plan 2005

Chapter 14 – Tree Management

See discussion of the applicable requirements of Chapter 14 under the heading "Any effect on the flora and fauna" in a later section of this report.

Chapter 29 – Berkeley Vale Industrial Western Precinct

The site is located within the area affected by the provisions of Chapter 29. The objectives of Chapter 29 are to:

"Provide subdivision guidelines to meet current demands and Council's long-term aims to provide suitable land for large industrial tenants;

Provide guidelines as to the number of individual tenants to be accommodated on one allotment within the precinct;

Adopt a methodology for assessment of contributions; and

Provide specific provisions applicable to property fronting Tradesman Drive."

As the proposal is for the subsequent development by a single tenant of a subdivided lot for which S94 contributions have been paid at the time of subdivision, there are no further controls within Chapter 29 relevant to the assessment of the proposal.

Chapter 50 – Advertising Signs

Chapter 50 provides specific development controls and certain considerations to be taken into account when assessing any proposed signage. In this instance, the applicant is proposing four business identification signs and the following table compares the proposed signage to the relevant controls and considerations. The four signs satisfy the relevant requirements of Chapter 50.

| REQUIREMENT | PROPOSED | COMPLIES |
|--|---|----------|
| Signs 1,2 & 3: Flush Wall Identification Signs on Industrial Buildings | | |
| Not to extend laterally from wall | Do not extend laterally from wall | Yes |
| Not to extend beyond wall edges | Do not extend beyond wall edges | Yes |
| Must be minimum of 2.6 metres above ground if internally illuminated | To be required by condition of consent | Yes |
| Total coverage is not to exceed 25% of the wall space for each frontage | Covers less than 1.1% of each building's façade area | Yes |
| Sign 2: Sign on Western Entry Gate | | |
| No specific controls | N/A | N/A |
| General Requirements for All Four Signs (Sections 5.9 & 8.1) | | |
| Signs to have a high quality, professional finish | Signs will have high-quality, professional finish | Yes |
| Signs mounted on vehicles etc are not permitted | Signs not proposed to be mounted on vehicles etc | Yes |
| Signs are not to be mounted on trees | Not proposed to be mounted on trees | Yes |
| Banners and inflatable devices are not permitted as permanent form of advertising. | No banners or inflatable devices are proposed. | Yes |
| Signs should be low maintenance and minimum chance of vandalism | Signs are to be low maintenance and sited such that vandalism minimised | Yes |
| Signs should not be a traffic hazard or obstruction | Signs will not be traffic hazards or obstructions | Yes |
| Signs should have adequate clearance from power poles. | Signs clear of any power poles | Yes |
| Signs erected in transmission easements require approval of responsible authority | Signs not proposed to be erected in easements | Yes |
| Signs should state a clear message and be simple in design | Signs state clear message and simple in design | Yes |

| | | |
|---|---|-----|
| Flashing, rotating and animated text signs are not permitted | Signs not proposed to be flashing, rotating or to have animated text | Yes |
| Signs should be principally for information, not product display | Signs are for information and not for product display | Yes |
| Signs for multi-bay factories should be consistent and present a theme | Not relevant in this instance | N/A |
| Signs should be in keeping with scale of the building and integrated with the development | Signs considered to be in keeping with scale of the development and integrated with the development | Yes |

TABLE 4: Comparison of proposed signs to Chapter 50's requirements.

Chapter 61 – Carparking

Section 3.0 of Chapter 61 sets out the on-site car parking requirements for various types of developments. Each of the three buildings has varying “types” of development being undertaken within it – factory, warehousing, maintenance and/or office – which have differing car parking provision rates. The following table compares the requirements of Chapter 61 to the proposed development:

| STANDARD | REQUIRED SPACES | PROPOSED SPACES | COMPLIES |
|--|-----------------|-----------------|----------|
| Building “A” floor area: <ul style="list-style-type: none"> • 759.67m² (office) • 475.30m² (factory) • 1,921.04m² (w’house) | 38 | 38 | Yes |
| Building “B” floor space: <ul style="list-style-type: none"> • 681.67m² (office) • 475.30m² (factory) • 1,921.04m² (w’house) | 35 | 22 | No |
| Building “C” floor space: <ul style="list-style-type: none"> 683.89m² (office) 413.63m² (factory) 887.48m² (w’house) | 31 | 16 | No |
| Total | 104 | 76 | No |

TABLE 5: Comparison of proposed number of on-site parking spaces to requirements of Chapter 61.

As can be seen from the table above, the proposed on-site car parking, which will include five disabled car spaces (see applicant’s traffic assessment in Appendix 12 of the SEE), falls short of that required by Council’s DCP Chapter 61.

The issue of on-site car parking was addressed in the Traffic Report that was submitted as part of the development application. The report stated, in respect of how many spaces would likely be needed, that:

“ Because the uses of Buildings A and B will operate as a mix of factory and warehousing activities, it is reasonable to use a parking rate which is an average of the parking rates specified in Council’s DCP 61.

Council’s DCP 61 requires parking for factories at a rate of 1 space per 75 m², and for warehouses at a rate of 1 space per 300 m².

It is therefore assumed that a rate of 1 space per 187.5 m² of gross floor area.

The parking rate for factories would seem more applicable for Building C.

Application of the above parking rates is as follows:

Industrial Buildings A

3,156 m² @ 1 space per 187.5 m² GFA = 16.8 spaces

Industrial Buildings B

3,078 m² @ 1 space per 187.5 m² GFA = 16.4 spaces

Industrial Buildings C

1,985 m² @ 1 space per 75 m² GFA = 26.3 spaces

Total parking based on Council’s DCP 61 = 59.5 spaces

Say 60 spaces

The proposed industrial development will provide 38 car spaces near building A, 22 car spaces near building B and 16 car spaces near building C - a total of 76 car spaces.

Two (2) spaces near building A, two (2) spaces near building B and, one (1) space near building C will be designated for disabled use in compliance with AS NZS 2890.6.

The car parking proposed is greater than the theoretical requirement based on Council’s DCP 61 and the actual uses of the three buildings.

The proposed on-site car parking of 76 car spaces will be satisfactory based on the planned operation of the businesses.”

Comment:

As can be seen from the above, the applicant has calculated the likely required on-site car parking using a different method from that used by Council. The main variation between the two methods is that Council nominates the commercial car parking rate to the office floor area (1 space per 30m²) whereas the consultant nominates either a factory rate (1 space per 75m²) or an averaged factory/warehouse rate (1 space per 187.5m²).

It is acknowledged that Council's method of calculation concludes that the total office component of the three buildings requires the provision of 71 spaces when, in fact, the entire permanent staff expected on the site is estimated to be only 60 people, with only 30 of these being management and administration personnel. It would seem that, in this instance, at least, the consultant's method of calculation produces the more robust figure and conclusions.

In addition to the above, the following considerations are also noted:

- The development proposes to employ 60 full-time staff. The proposed car parking will be able to satisfy the core workforce. There will be ancillary jobs created by the development (landscape maintenance personnel, cleaners, security personnel, trades people, caterers and waste and recycling contractors). These persons will only be on site as required and, in the case of the cleaners for example, be on site after normal office hours.
- Section 4.0 of Council's Chapter 61 does acknowledge that where shared facilities are proposed that it may be reasonable to reduce the amount of required carparking provided such a reduction is supported by a traffic assessment. In this case the three buildings will be able to share the available carparking so that when one building's immediate carparking is fully used any vacant spaces round the remaining buildings may also be used if required.

It is concluded that the proposed on-site car parking will provide sufficient parking for the expected demand that the use is likely to generate. However, to ensure, as far as possible, that the proposed parking does accommodate the demand, the following condition is recommended to be included in any consent granted for the development:

- That the number of permanent employees be limited to 60 and that any subsequent expansion will require a further separate consent.

In addition to the above, Chapter 61 provides a number of other requirements for developments to satisfy. The table shown in Attachment 2 demonstrates that the proposed development satisfies all other relevant requirements of Chapter 61.

Chapter 67 – Engineering Requirements for Developments

Chapter 67 lists specifications which set out minimum standards and guidelines for the engineering works required for developments within Wyong Shire. The detailed design, construction and any engineering requirements contained within any consent will be based on this specification. The chapter also notes that where no reference exists within the specification for particular design and construction details, Council's Development Engineer should determine the requirements in accordance with best industry practice and appropriate standards.

Chapter 69 – Controls for Site Waste Management

A site waste management plan was submitted with the development application (see Appendix 14 of the SEE). A condition of consent is recommended requiring the management of waste during construction to be managed in accordance with that plan.

Chapter 70 – Notification of Development Proposals

In accordance with Clause 2.4 of Chapter 70 – Notification of Development Proposals, this proposed development was not required to be advertised as it does not adjoin land zoned “residential” or adjoin an environmental zone. The proposed development is also unlikely to have any direct negative impact on the adjoining properties owing to the on-site stormwater management facility proposed to be constructed as part of the development. Accordingly, the application was not advertised for public comment.

Chapter 75 – Industrial Development

Chapter 75 provides details of requirements for development applications and certain controls that apply generally to, inter alia, industrial developments. In this instance, where the development is located in the Berkeley Vale Industrial Western Precinct where the relevant DCP Chapter (Chapter 29) has no applicable controls, the requirements and controls of Chapter 75 are to be used to guide development.

The table in Attachment 3 to this report compares the relevant requirements and controls of Chapter 75 to the proposed development. The proposed development complies with or can comply with, the controls and design considerations under Chapter 75 with the exception of the requirement to comply with the on-site car parking requirements of Chapter 61. The issue of the on-site car parking provision is considered under the heading “Chapter 61 – Car parking” in a previous section of this report. It is concluded that the applicant’s proposal to provide 76 on-site parking spaces is satisfactory notwithstanding that this is below the number of spaces nominally required by Chapter 61.

Landscape Policy and Guidelines

Council’s Landscape Policy and Guidelines requires the landscape design for the development to be prepared as a Category 3 development because it is highly visible and has a value in excess of \$2,000,000. A Category 3 development requires its landscape design to be prepared by an approved Category 3 landscape designer/consultant.

A landscape plan was submitted with the application. The landscape plan was prepared by Urban Sanctum, landscape designers, and checked and certified by Gary Edwards of Urban Exotic.

The submitted design has been reviewed by Council’s Landscape Design Officer (LDAO) who has advised that the plan is satisfactory subject to the following recommended conditions:

- Tree protection fencing is to be erected a minimum three metres from existing perimeter trees located along the south, east and western boundaries of the site. The protection of trees retained on site by fencing is to be in accordance with Australian Standard 4970 2009. The fencing is to consist of 1.8 metre chain-wire interlocking fencing. Such protection measures must be installed prior to commencement of any works and maintained in good order for the duration of the works. No cement wastings, materials or vehicles are to be stored within the protective fence area.
- All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained trees. Methods for the installation of services within the tree's canopy perimeter are contained within Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and include under boring and excavation by hand. It is recommended that all proposed services be installed a minimum three metres from all retained perimeter edge trees on site within the subject property.

- The proposed driveway along the south-western edge is in close proximity to the existing trees on site. It is recommended that the proposed concrete driveway be a minimum three metres from the trunks of retained trees. If this cannot be achieved than methods of construction are to be shown how the works will not adversely impact on the trees. This can be achieved by an arborist report undertaken by an AQF 5 arborist.
- 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.
- All trees including eucalyptus robusta and Livistonia australis are to be a minimum 50-litre pot size. All other trees to be a minimum 5-litre pot size and the remaining grasses/macrophytes can be sourced as tube stock. All stock, when available, is to be sourced from provenance stock. A maintenance program including, but not limited to, mulching and weeding within garden beds is to be undertaken by a qualified landscape contractor and provided to Council or Principal Certifying Authority prior to the issue of an Occupation Certificate for approval.
- All weeds within the restricted land use along the western corridor (Corella Close) are to be managed initially by a bush regenerator. This is to include the removal and control of weeds on site and to follow up within a six-month period after planting within the vegetation corridor.
- All trees are to be sourced and comply with NATSPEC regulations.

The requirements of the LDAO (including suggested additions by Council's Ecologist) are recommended to be included as conditions should consent be granted for the development.

Southern Lakes District Contributions Plan.

The site falls within the operation of Council's Southern Lakes District Contributions Plan. While contributions may be levied on "industrial development" based on the net developable area (NDA) it is noted that in creating the current industrial lot the then developer of the subdivision paid Section 94 contributions for roads and drainage and contributions for water and sewer, totalling \$140,171.00. No additional Section 94 contributions are applicable to this development.

Building Code of Australia

Council's Senior Health and Building Surveyor – Fire Safety has reviewed the plans and has concluded that the buildings comply or are able to comply with the requirements of the Building Code of Australia.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):

The relationship to the regional and local context and setting.

As noted in Section 1.3 of the SEE, the proposed operation requires ready access to the State and Regional road and rail network which this site can provide. The subject site can also supply a local employment base, is in proximity to the recently approved PPI Head Office, and has access to ancillary support industries and services within the region.

The proposed buildings are to be set in a modern, purpose-designed and purpose-built industrial park. The buildings will be set amongst other properties that have been developed for similarly large buildings. In regards to the height and size of the three buildings it should be noted that other buildings of similar bulk and scale exist in this industrial park. Given the type of existing development within the industrial park, it is considered that the proposed buildings are, in terms of bulk, scale and quality of design, appropriate for the local context and setting.

The access, transport and traffic management measures.

1. External

The proposed development is for three industrial buildings and associated works including carparking and drainage. Council's Development Engineer has advised that the external road system around the site area in Corella Close and Apprentice Drive is considered suitable for the expected increase in traffic volumes. Council's Principal Transport Engineer has indicated that the intersection of Corella Close and Enterprise Drive is operating efficiently and is capable of catering for the expected traffic increase. Access to the proposed development site is via Corella Close. The proposed access shall comply with AS/NZS2890.1/2 in regard to formation and to DCP 2005 Chapter 67 for design. This access will be the entry point for heavy vehicles to the development site. These will be restricted to articulated vehicles. Requirements for setbacks of landscaping and access formation widths will be conditioned as will the access road width. The accesses will require appropriate setbacks for gates to allow for vehicles to stand clear of the through travelling lanes when gates are closed.

In addition to the above Council requested confirmation from the applicant as to the size of the wind turbine blades to be transported to the site to ensure that the intersection of Corella Close and Enterprise Drive would be capable of accommodating any vehicle transporting the blades. The applicant has responded by providing the following advice:

"Further to your request for clarifications regarding the proposed wind turbine business in Building B. The solar/wind generating industry is in a state of flux at the moment and the client has decided to market the business at the wind turbines for industrial developments. The turbines will be up to 20kw capacity which given the right location can provide the majority of power for the office component of medium to large scale industrial developments. The blade lengths for the 20kw system is 5.0m which will have no impact upon traffic flows or create any access issues on site."

2. Internal

Council's Development Engineer has advised that the internal access road maintains a minimum width for two-way traffic: 6.0m to 7.0m is proposed. The access shall be 10m wide at the boundary line and 13m at the kerb line.

Assuming a 2.5m parking lane and 4.5m footpath area, any gates will need to be setback or indented 13m inside the property boundary to ensure vehicles stop clear of the through-travelling lanes. This allows for a 19m vehicle and 1m clearance allowance for manoeuvring, etc. Pavement shall be designed and constructed suitable for proposed traffic loads and pavement life. All pavements shall be a minimum of an asphalt concrete surface.

It is noted that the vehicle movements for articulated vehicles are extremely tight and may require adjustment of the internal construction. The applicant shall be required to provide a detailed traffic management plan for the site encompassing heavy vehicle, passenger vehicle, pedestrian and cycle movements. As part of this plan the applicant shall provide turning templates for the largest design vehicle expected to access the site. Traffic movements within the site shall be addressed for all vehicles.

3. Carparking

Carparking spaces are to be in accordance with AS/NZS2890.1. Wheel stops will be required on all carparking spaces. Minimum width of the circulating roadways shall be required to be in accordance with AS/NZS2890.2 Table 3.1. The carparking access lanes shall be required to be designed for an 85th and 99th percentile vehicle to pass at bends and curves. Disabled car spaces shall be required to be in accordance with AS/NZS2890.6. The development is recommended to be conditioned accordingly.

The impact on the public domain (recreation, public open space, pedestrian links).

The Development Engineer has considered whether a pedestrian footpath should be provided along the site's Corella Close frontage and has concluded, on the basis of the likely number of pedestrians, that a condition requiring the construction of a pathway could not be reasonably imposed.

The impact on utilities supply.

This issue was discussed under the heading "Clause 29 – Services" in a previous section of this report and found to be satisfactory. In addition, development consents for proposals similar to this development are routinely conditioned whereby the developer is required to contact and comply with a range of relevant service authorities for services such as electricity, telephone and gas. Such a condition is recommended to be applied in this instance in any consent that is granted.

The effect on heritage significance.

The site is not identified as a heritage item and is not identified as being within the vicinity of a heritage item.

Any effect on other land resources.

The potential impact on the adjoining Council-owned reserve to the east is discussed below under the heading "Any effect on the flora and fauna".

Any impact on the conservation of water.

The Development Engineer has advised that a recommended condition of any consent should require the developer to provide rainwater tanks for the development. The applicant has proposed to install three 9,000-litre tanks (one in each building) but the Development Engineer has concluded that the development needs to provide 15,000 litres of storage for each building although the final capacity will be determined with the overall drainage design and calculations for the site. An appropriate condition reflecting this minimum storage requirement is recommended to be included in any consent that is granted.

Any effect on the conservation of soils or acid sulphate soils.

The issue of acid sulphate soils has been considered in a previous section of this report under the heading "Clause 15 – Development on land containing acid sulphate soils". In respect of conservation of soils, appropriate conditions are recommended should consent be granted requiring appropriate site management measures be put in place prior to construction occurring to ensure that soil erosion does not occur. These measures are also recommended to be required to be maintained throughout the duration of the construction via a condition of consent in any consent that is granted.

Any effect on quality of air and microclimate conditions.

No effect on air quality or microclimate conditions has been identified in the assessment of this application.

Any effect on the flora and fauna.

Site History

The subject site was cleared in January 2007 under DA/435/1999. During the assessment of DA/435/1999, it was negotiated that the adjoining land, now Lot 32 DP 1045472, would be transferred into public ownership and managed for conservation in order to protect the breeding habitat of the endangered Green Thighed Frog. The eastern boundary of the former Lot 31 (which included the current Lot 2) was modified to protect a 50-metre-wide buffer around the breeding habitat. In addition, DA/435/1999 requires that undisturbed natural vegetative buffers be retained along the western, southern and eastern boundaries (10 metres in width) of the now Lot 2. Lot 32 was also later identified by Duncan (2001) as a priority for conservation for *Melaleuca biconvexa*.

Methodology

Extensive flora and fauna surveys were undertaken on the subject site under DA/435/1999. The site is now predominantly cleared land or regenerating native vegetation with buffer strips of remnant native vegetation. Surveys for the current proposal were limited to vegetation mapping, hollow-bearing tree survey, targeted threatened flora searches, SEPP 44 assessment and terrestrial fauna habitat assessment. Due to disturbed nature of the site, the survey methodology was generally consistent with Wyong Shire Council's (1999) *Flora and Fauna Survey Guidelines for Development*.

Survey Results (Vegetation Communities and Endangered Ecological Communities (EEC))

In respect of vegetation communities and Endangered Ecological Communities (EEC), Bell (2008) mapped the vegetation on Lot 2 as 'Alluvial Riparian Blackbutt Forest', which is likely to qualify as the River-flat Eucalypt Forest Endangered Ecological Communities (EEC). The 'Flora, Fauna and Threatened Species Assessment' (Ecobiological April 2011) identified that the vegetation buffer along the Corella Close buffer as a 'Alluvial Robusta-Paperbark Sedge-Palm Forest' that qualifies as the Swamp Sclerophyll Floodplain Forest (SSF) EEC. The vegetation along the Enterprise Drive and eastern boundary buffers were identified as 'Narrabeen Coastal Blackbutt Shrubby Forest'.

Survey Results (Threatened Species)

In respect to threatened species, previous surveys have recorded the following threatened species in the locality: *Melaleuca biconvexa*, the Green-thighed Frog, Wallum Froglet, Greater Broad-nosed Bat, Eastern False Pipistrelle, Eastern Freetail Bat, Eastern Bentwing Bat and Little Bentwing Bat. *M. biconvexa* no longer occurs on the subject site following clearing. The site forms part of a local wildlife corridor linking the floodplain of Ourimbah Creek to the valley slopes and ridges to the south (WSC undated). Ecobiological stated that the vegetated buffers provide low to moderate quality fauna habitat, such as small tree hollows, regrowth native vegetation, some aquatic vegetation and constructed swale drains.

Impact Assessment (WLEP Clause 28 and WDCP Chapter 14)

As previously mentioned in an earlier section of this report in regards to Clause 28(4) of the WLEP, the proposed clearing of 0.014 ha of native vegetation to construct the proposed access driveway is ancillary to the development. The proposed development includes the retention and enhancement of the 10-metre-wide native vegetation preservation zones around the western, southern and eastern boundaries as well as additional landscaping. The proposed clearing will not significantly impact soil stability, water quality, amenity, vegetation systems or fauna habitats, and proposed conditions are provided to further mitigate the impact of the proposed clearing.

Chapter 14 of Wyong Development Control Plan 2005 requires a vegetation management plan be lodged with development applications for clearing. However, it is noted that Council recently approved development on Lot 1 DP1129808 (DA/1541/2010) and one condition of consent was that a Habitat Restoration Plan (HRP) be prepared for the buffer zones. As Lots 1 and 2 are currently in common ownership and the developments are complementary, there is merit in integrating the HRPs to maximise effectiveness and efficiencies. It is recommended that a condition of consent be that a HRP be prepared prior to the issue of a Construction Certificate.

EECs and Threatened Species Assessment

The proposal will require the removal of a small area of SSF EEC (approx. 0.014 ha), including three habitat trees containing a total of seven hollows, to construct the access driveway across the western vegetation buffer zone along Corella Close. The Addendum (Ecobiological, 17 August 2011) provided an assessment of significance that concluded that the proposal is unlikely to have a significant effect on the EEC or hollow-dependent fauna. Council's Ecologist has recommended that a condition of any consent granted be that an ecologist install nest boxes and supervise the removal of any hollow-bearing trees. To compensate for the loss of habitat and manage edge effects, it is further recommended that a HRP be prepared and implemented for the buffer zones and that tree protection fencing is installed. Council's Ecologist also recommends that the inner boundary of the buffer zones be fenced to prevent unauthorised access, dumping or clearing. It is noted that an area has previously been cleared as an access way from Corella Close but it is not in the correct location. It is therefore recommended that the HRP provide detail for the restoration of this area to its original vegetation community.

A high abundance of microbats was previously recorded foraging along the Apprentice Drive corridor to the north of the site. At the time, it was suggested that their behaviour indicated a preference for a foraging area shielded from artificial light and other human disturbances. In order to retain this habitat, it is recommended that external lighting for the development be minimised and designed to reduce overspill. Significant landscaping of the site, as per the submitted plans, will also assist to reduce light pollution.

Winning and King (1999) identified a large depression suitable for breeding habitat for the Green-thighed Frog on the adjoining Lot 32. In order to protect the breeding and foraging habitat for the species, it is essential that if consent were granted for the proposed development that it be conditioned so that a stormwater system is designed and constructed that ensures post-development flows match pre-development flows (quality, quantity and rate), water quality is monitored and adjusted as required and landscaping is suitable to provide frog habitat. Council's Development Engineer has confirmed that a stormwater system will be able to be designed and maintained for the site to ensure post-development flows match pre-development up to the 5% AEP storm event for quantity, quality and duration to replicate the natural wetting and drying cycles of the adjacent native vegetation, as is consistent with the standard set for the subdivision of the site. Requirements to achieve this outcome have been conditioned by Council's Development Engineer.

Assessments of significance were conducted for two threatened fauna species and one endangered ecological community. It was concluded that the proposal is unlikely to have a significant effect on the threatened species, ecological communities, or their habitats. A Species Impact Statement is therefore not required for the proposal. Based on the habitat assessments and the recommended mitigation measures, this conclusion is concurred with.

SEPP 44 – Koala Habitat Protection

As the lot is larger than 1 hectare and contains potential koala feed trees (Swamp Mahogany) listed in Schedule 2, SEPP 44 applies. Swamp Mahogany constitute more than 15% of the canopy cover across the subject site therefore the site can be considered Potential Koala Habitat. No scats or claw marks or individuals were observed therefore the site can not be considered Core Koala Habitat.

Wyong Shire Squirrel Glider Conservation Management Plan (Smith 2002)

The plan identified that the site was part of a small fragment of native bushland, however, as the site is now predominantly cleared it would no longer be considered a fragment. There are no records of Squirrel Gliders near the site, the closest record was 16 years ago, over one kilometre north-east of the site on the northern side of Ourimbah Creek.

Conclusion

Based on the field surveys, habitat assessments and mitigation measures and provided that the proposed environmental management conditions are complied with, it is concluded that there is not likely to be a significant impact on any threatened species, populations or ecological communities as a result of the development. A Species Impact Statement is therefore not necessary.

The Ecologist's proposed conditions are recommended to be included in any consent that is granted.

The provision of waste facilities.

Waste collection and storage facilities have been provided within each building in a location accessible by commercial waste collection vehicles. Once in operation, office waste generated by the development will consist mainly of general office waste, paper and cardboard packaging. Industrial waste associated with each building will be stored in each building's designated storage area and will be collected by a commercial contractor for disposal or recycling.

Council's Trade Waste Supervisor has reviewed the proposal and has no objection subject to appropriate conditions being applied in any consent requiring the applicant to apply for and

receive an approval to discharge liquid trade waste into the sewerage system (if proposed) and to apply for and receive approval of a Private Pump Station Application prior to issue of any Construction Certificate.

In regards to discharging trade waste into the sewerage system the applicant has confirmed that no trade waste is to be discharged into Council's sewerage system. The conditions required by the Trade Waste Supervisor in respect of the private pump station are recommended to be included in any consent granted for the development.

Whether the development will be energy efficient.

An Energy Report has been prepared by Building Sustainability Assessments to assess the energy performance of the proposed development in relation to Section J of the Building Code of Australia 2010. This report concluded that the energy efficiency of the development has been adequately taken into consideration during the design process and that the development will be able to meet or exceed the energy provisions of Section J of the BCA 2010.

The report made a number of compliance recommendations, particularly in respect of the type of glazing that should be used, and any consent should include a condition that the recommendations of the report be complied with in the final design and construction of the buildings.

Whether the development will cause noise and vibration.

The SEE states that proposed use will not result in significant increases in noise emitted from the site. Operational noise of any plant and equipment will be negligible because all operations are to be located within each building. The applicant has concluded that no specific noise reduction measures are considered necessary and Council concurs with this conclusion.

Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).

Bush Fire

The site is identified as "bush fire prone land" on Council's certified Bush Fire Prone Lands Map. Section 79BA of the Environmental Planning Assessment Act, 1979 prohibits the granting of development consent unless the consent authority is satisfied that the development conforms to the specifications and requirements of *Planning for Bushfire Protection* (PBP).

The current document, *Planning for Bushfire Protection* December 2006 (PBP2006), defines this proposed development "industry" as "other development" and Section 1.3(b) requires the development to satisfy the Aims and Objectives of PBP2006 (Section 1.2.1). The overall objective of the PBP2006 is:

"...to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bush fire, while having due regard to development potential, on-site amenity and protection of the environment."

The six stated objectives listed in section 1.2.1 of PBP2006 are:

- i. Afford occupants of any building adequate protection from exposure to a bush fire;
- ii. Provide for a defensible space to be located around buildings;

- iii. Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;
- iv. Ensure that safe operational access and egress for emergency service personnel and residents is available;
- v. Provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ); and
- vi. Ensure that utility services are adequate to meet the needs of firefighters (and others assisting in bush fire fighting).

In recognition of the hazard the applicant has supplied a bush fire hazard assessment prepared in accordance with Clause 79BA (see Appendix 11 of the SEE). The consultant found that:

“No specific Asset Protection Zones are required for industrial developments; however, a minimum 10m defendable space is provided adjacent to a parcel of open forest to the south and forested wetland to the east. The surrounding land use has been determined as providing adequate setbacks for bushfire protection to the north and west. The buildings can meet the Building Code of Australia (BCA) acceptable solutions.

In general, the BCA fire safety construction provisions for class 5-8 buildings are taken as acceptable solutions, however, the site would potentially be exposed to ember attack and as such recommendations for ember protection have been made. Proposed access and water provisions conform to PBP 2006.”

The ember protection recommendations include installation of leafless guttering and enclosing openings or covering openings with non-corrosive metal mesh screens with a minimum aperture size of 2mm to prevent ingress of embers. Where applicable, this is to include any operable windows, vents, roof ventilation fixtures, weep holes, gutters and eaves. External doors are to be sealed with draft excluders or weather strips to prevent entry of embers.

The assessment concludes that the site can provide for safe development and the proposed industrial development can meet the aim and objectives of PBP2006 in respect of bush fire protection if the recommendations contained within the report are duly considered and incorporated. Those recommendations, apart from ember protection, also cover defendable spaces and APZs, management of threat abatement, APZ and defendable space maintenance plan, and construction requirements.

It is recommended that the matters considered and recommended by the report should be required to be complied with via a condition of any consent granted for the development.

It should be further be noted, however, that notwithstanding the bushfire hazard assessment, Council required the site plan (shown in Figure 1) to be amended in the location of the north-eastern corner of Building “C” to provide a continuous access perimeter road for bushfire-fighting vehicles. The applicant agreed to this amendment and the amendment is shown in the current site plan in Attachment 1.

Any risks from technological hazards.

No risks from technological hazards have been identified in the assessment of this proposed development

Whether the development provides safety, security and crime prevention.

Chain-wire security fencing is proposed to be located on the perimeter of the site. Section 3.11 of Chapter 75 – Industrial Development requires security fencing to be located to the rear of the landscape works provided in the front building setback. The objective of this requirement is to allow security fencing to be installed but to also ensure that such fencing does not detract from the appearance of the development.

In any consent that is granted, a condition should be imposed that requires the location of any security fencing along the Corella Close frontage and along the eastern and southern boundaries to be sited within the site behind the existing 10-metre-wide vegetation buffers.

In addition, the applicant is proposing lockable access gates, security cameras, maintenance of landscaping and lighting. Lighting will be designed to enhance surveillance, safety and security.

Any social impact in the locality.

The establishment of these three industrial buildings will provide employment for significant numbers of local residents which must be considered to be a positive social impact on the locality.

Any economic impact in the locality.

The economic impact of the construction of these three industrial buildings will be a boost for the local construction industry and must be considered a positive economic benefit for the locality. The permanent employment of over 60 people and continuing employment for ancillary service support businesses is also considered to be a significant positive impact on the local economy.

Any impact of site design and internal design.

Compliance with restrictions-as-to-user

The site is burdened by a number of title restrictions that concern maintaining vegetation buffers, providing and maintaining a sewage pumping-station, maintaining a swale drain and, or, ensuring subsequent development does not concentrate flows onto the adjoining reserve, and limiting vehicular access from Corella Close to one 10-metre-wide access across the 10-metre-deep vegetation buffer. The application complies with all relevant restrictions (see discussion on stormwater management under the heading “Services” in a previous section of this report).

Any impacts of construction activities (construction site management, protection measures).

In respect of construction activities, appropriate conditions are recommended to be applied to any consent that is granted, requiring appropriate site management measures be put in place prior to construction occurring to ensure that soil erosion and sedimentation do not occur. These site management measures should be required to be maintained throughout the duration of the construction via a condition of consent.

Any cumulative impacts.

No cumulative impacts have been identified as a result of this assessment of the development proposal.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):**Whether the proposal fits in the locality.**

The three proposed industrial buildings are to be located within a modern general industrial park. The buildings are to be set among other, similar, modern industrial buildings where access and services have been developed to provide for such uses. It is considered that the buildings themselves would fit comfortably within the existing streetscape and would be a good addition to the character of the area. The types of employment likely to be offered by this development are of types that can likely be satisfied from within the local community. It is considered that the development will be a good “fit” within the locality.

Whether the site attributes are conducive to development.

The site’s attributes – the size of the site, its lack of slope, lack of significant vegetation, good public road access, availability of utility services, and lack of unmanageable hazards - make the site suitable for this type of development.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):**Any submission from the public.**

The application was not required to be advertised under the requirements of “Chapter 70 – Notification of Development Proposals”.

Any submission from public authorities.

The application was not required to be referred to any public authority.

THE PUBLIC INTEREST (s79C(1)(e)):**Any Federal, State and Local Government interests and community interests.**

It is in the local community’s interest for developments to be located within the Shire that provide significant local employment opportunities for the community and that provide custom for small support services and businesses within the Shire. In addition, it is also in the community interest to facilitate the establishment of buildings within the Berkeley Vale Industrial Park to ensure the Park’s continuing development and viability as well as the broadening of the range of significant services it provides.

OTHER MATTERS FOR CONSIDERATION**Contributions**

As previously noted under the heading “Southern Lakes District Contributions Plan” there are no Section 94 contributions applicable for the erection of the three proposed industrial buildings. However, water and sewer charges are applicable as has been discussed under the heading “Clause 29 – Services” in an earlier section of this report.

Deeds of agreement etc.

There are no deeds of agreement involved in this application.

CONCLUSION

The applicant proposes to establish three industrial buildings on the subject site. Issues identified in the assessment of this application included the need to provide on-site stormwater management facilities, potential impact on an identified threatened species on an adjoining property, provision of adequate on-site car parking, compliance with the subject lot's title restrictions and bush fire hazard. All issues have been assessed as being appropriately addressed through the design and details of the proposed development, additional information including an amended site plan being provided by the applicant, and by recommended consent conditions. Accordingly, there is no objection to the proposal and development consent is recommended subject to the recommended conditions that form an attachment to this report.

RECOMMENDATION

That the Joint Regional Planning Panel grant consent to DA/526/2011 subject to the conditions contained in Attachment 4.

| | |
|---------------------|---|
| Attachment 1 | <i>Plans of proposed development</i> |
| Attachment 2 | <i>Comparison of Proposal to DCP Chapter 61 Requirements</i> |
| Attachment 3 | <i>Comparison of Proposal to DCP Chapter 75 Requirements</i> |
| Attachment 4 | <i>Draft Conditions of Consent</i> |

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.

Peter Meloy

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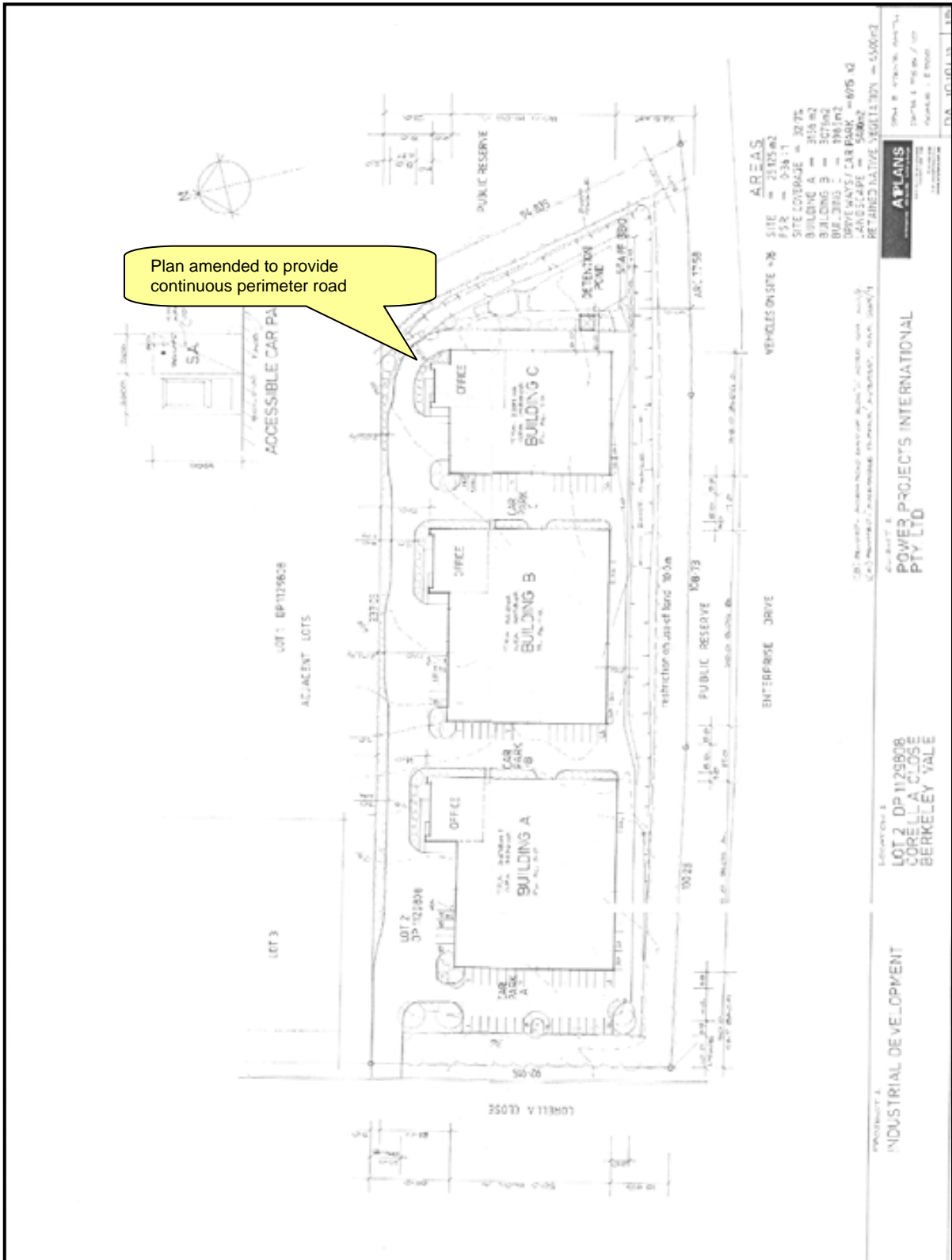
Reporting Officer

Peter Fryar

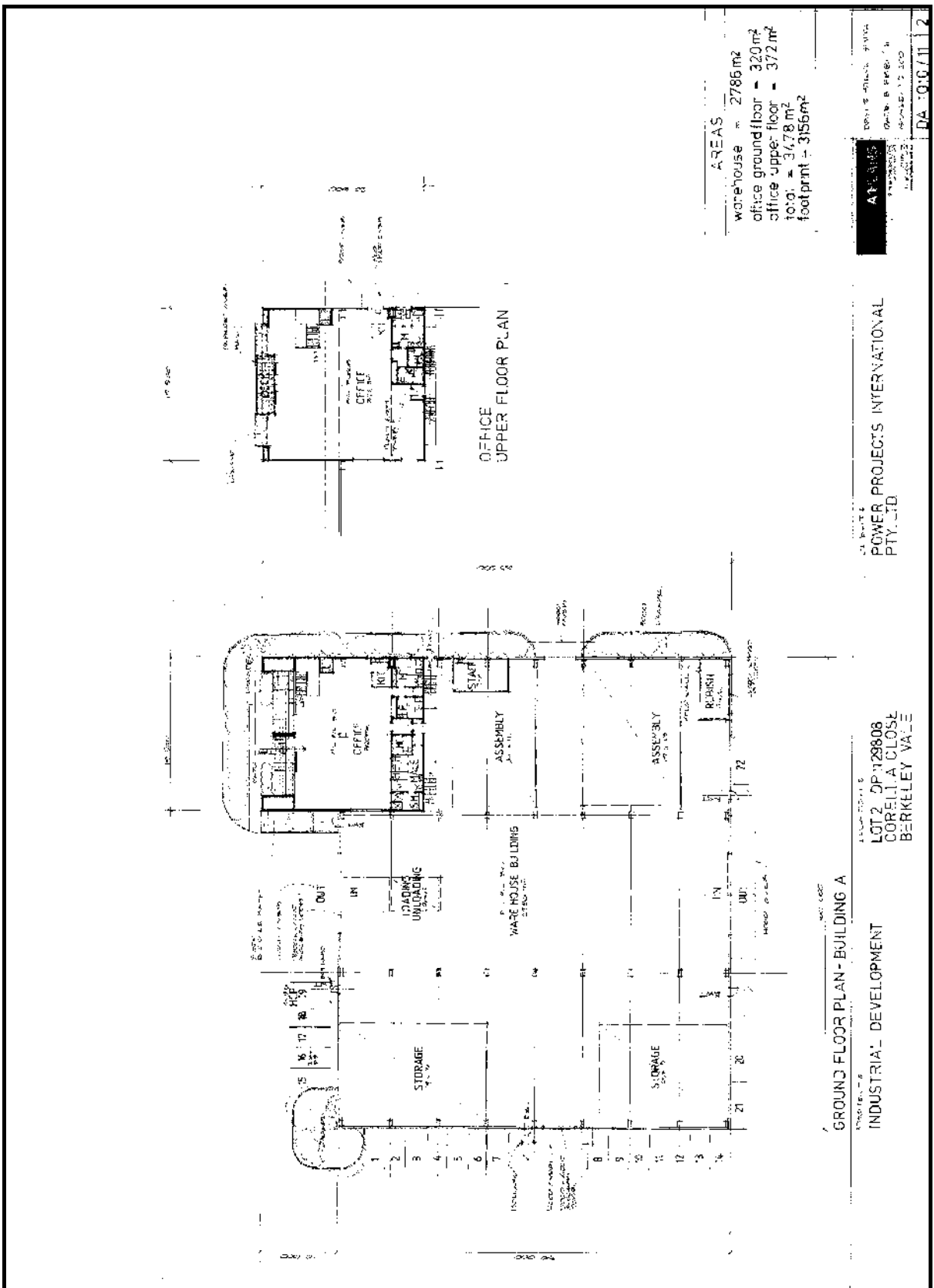
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Reviewing Officer

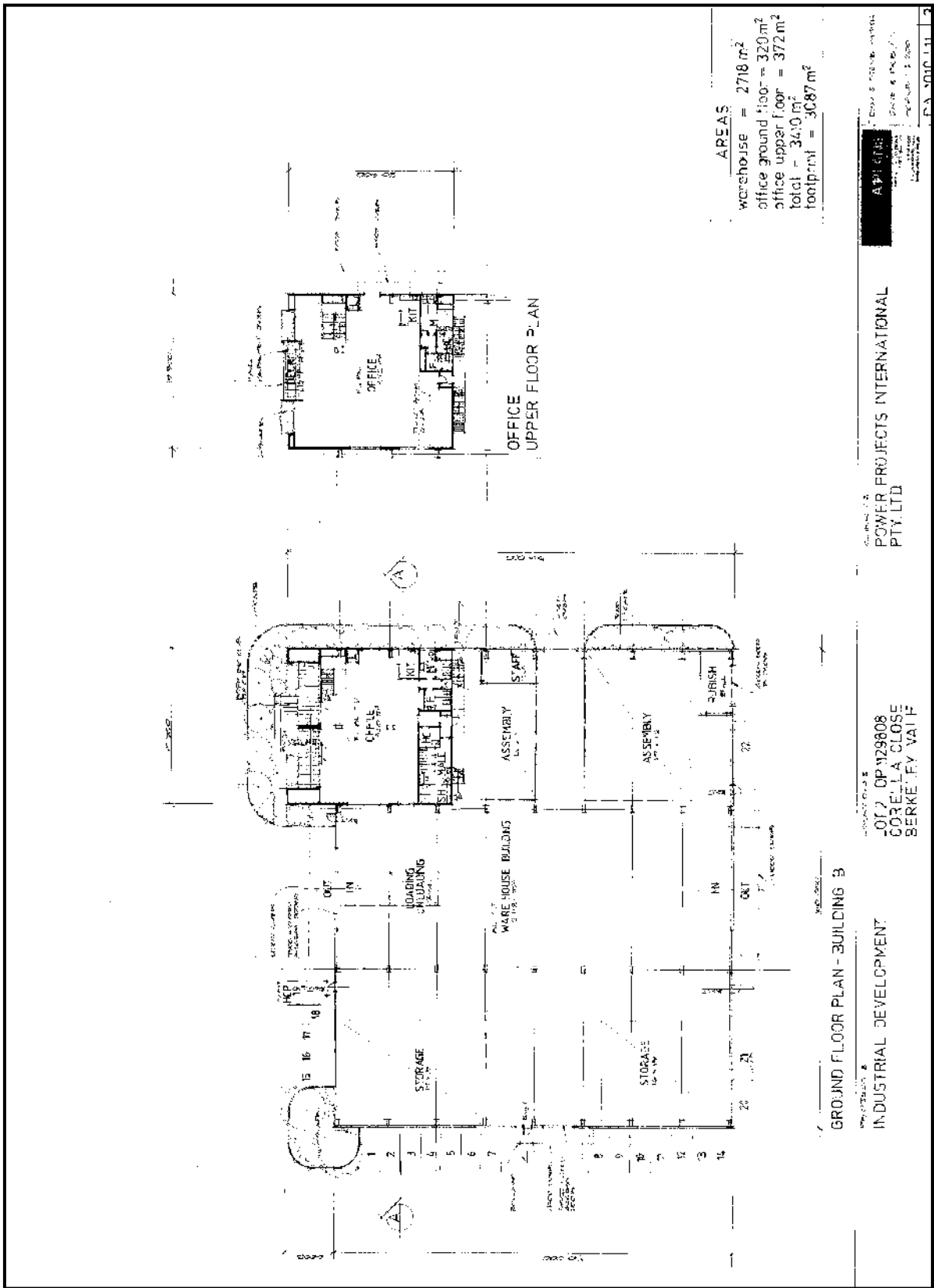
**ATTACHMENT 1
Plans of Proposed Development**



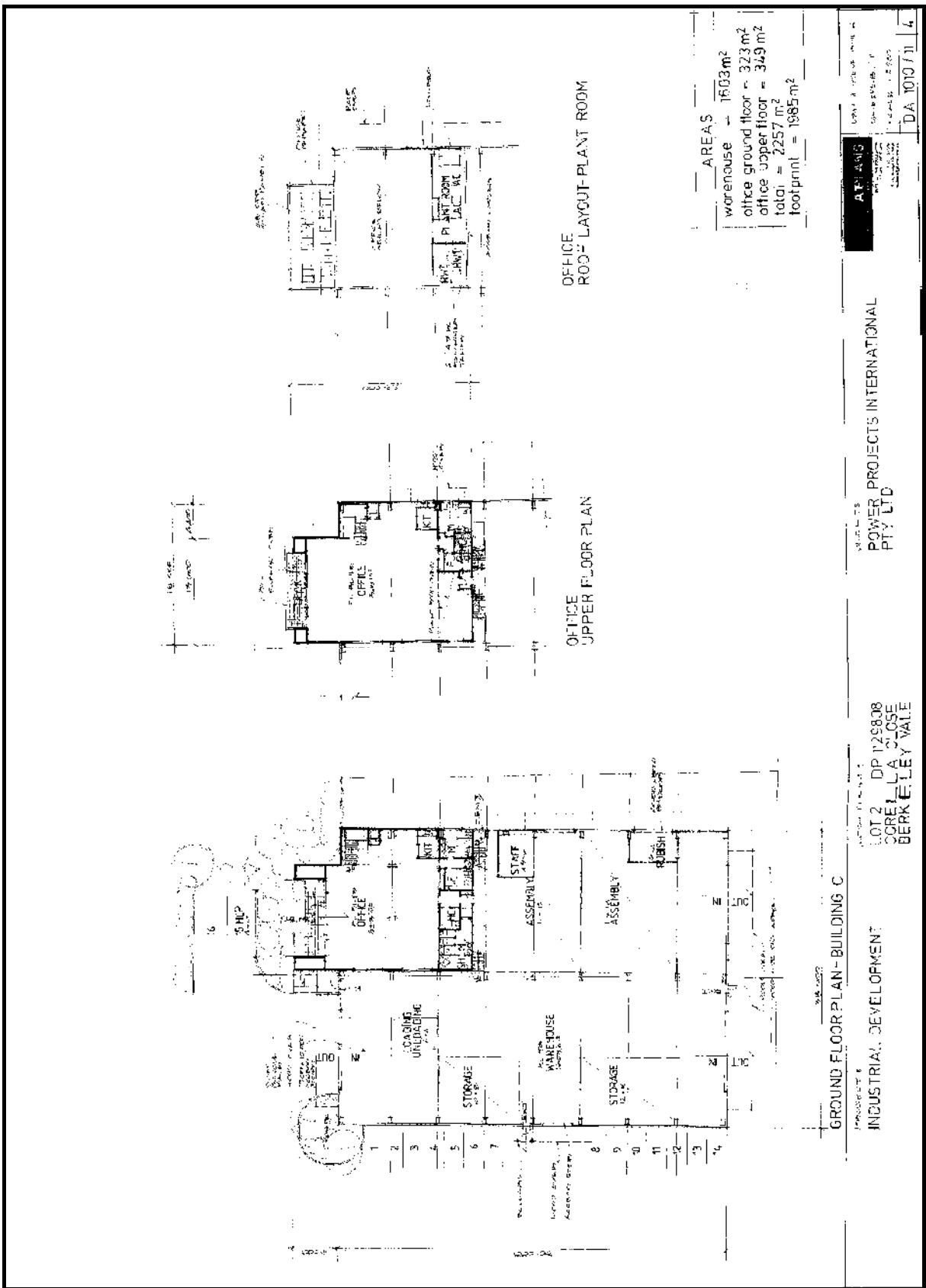
SHEET 1: Site plan (amended to show continuous perimeter access road).



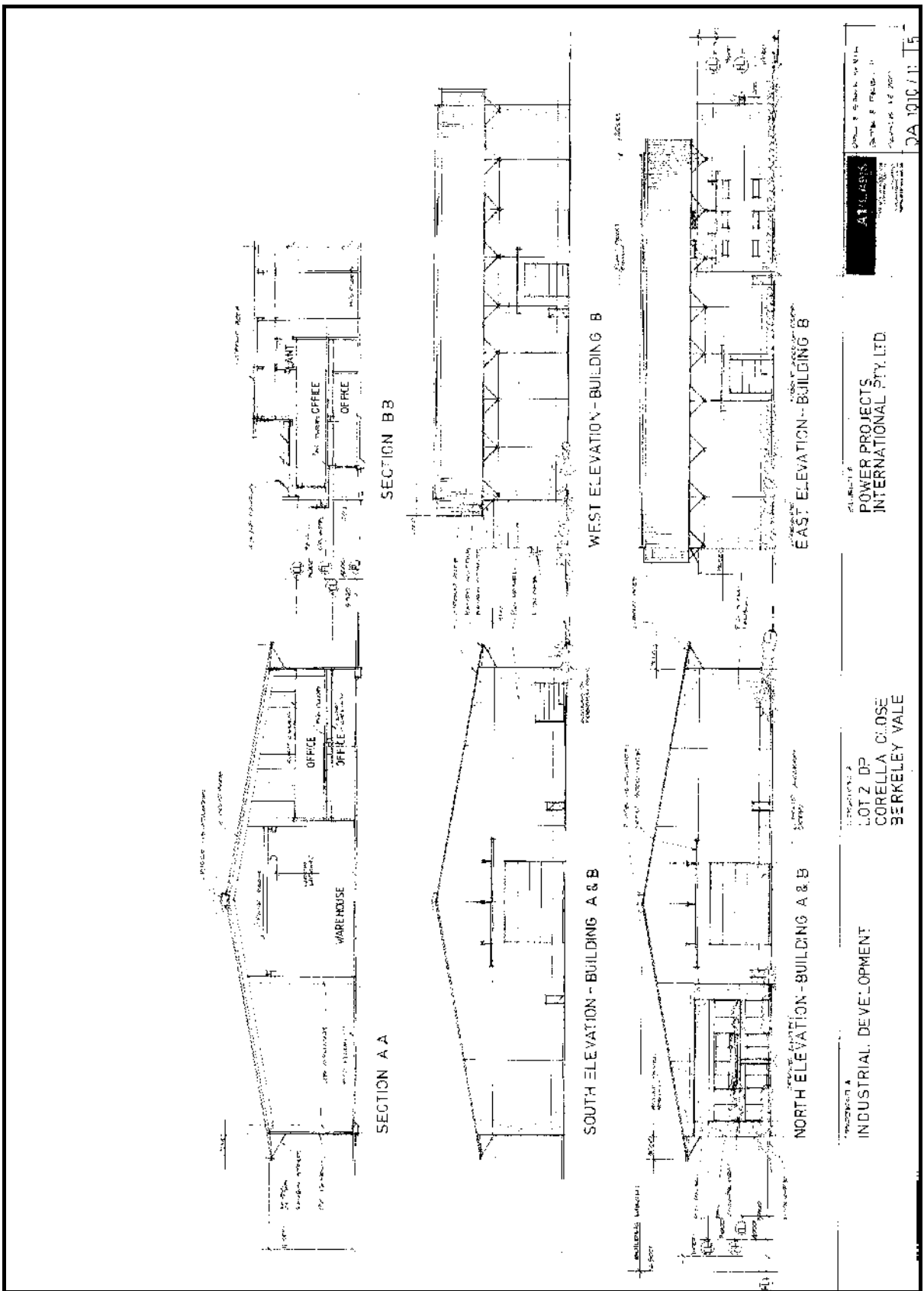
SHEET 2: Floor plan of Building "A".



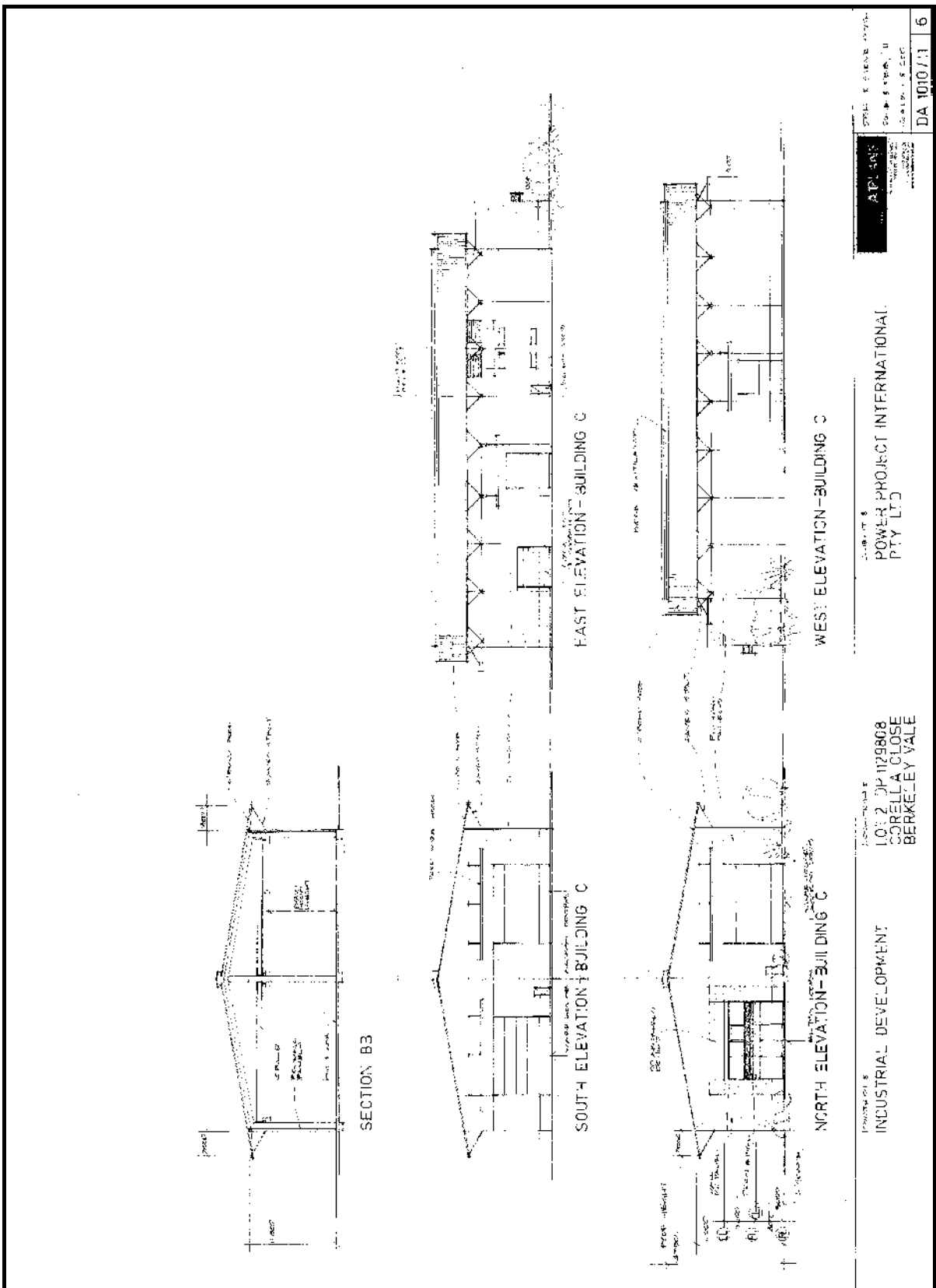
SHEET 3: Floor plan of Building "B".



SHEET 4: Floor plan of Building "C".



SHEET 5: Elevations and sections of Buildings "A" and "B".



APLANS
 ARCHITECTS
 100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

PROJECT 8
 POWER PROJECT INTERNATIONAL
 PTY LTD

PROJECT 8
 LOT 2 DP 1129808
 CORELLA CLOSE
 BERKELEY VALE

PROJECT 8
 INDUSTRIAL DEVELOPMENT

DA 1010/11 6

SHEET 6: Elevations and sections of Building "C".

ATTACHMENT 2
Comparison of Proposal to DCP Chapter 61 Requirements

| REQUIREMENT | PROPOSAL | COMPLIES |
|---|---|----------|
| <p>4.0 Shared Usage of Facilities</p> <p>Where shared facilities are proposed car parking rates may be reduced</p> | Shared facilities proposed and reduced carparking supported by traffic assessment | Yes |
| <p>5.0 Access for Disabled</p> <p>Disabled parking is to be provided adjacent to nearest access to building and comply with relevant Australian Standard</p> | Five disabled persons car spaces will be required by consent condition to comply with current Australian Standard | Yes |
| <p>6.0 Materials of Construction</p> <p>Materials and standard of construction shall be in accordance with Chapter 67 – Engineering Requirements for Developments</p> | Will be required to comply by consent condition | Yes |
| <p>7.0 Landscaping</p> <p>Parking areas are to be appropriately landscaped</p> | Parking area proposed to be appropriately landscaped | Yes |
| <p>8.0 Manoeuvring</p> <p>Development to be designed to allow entry and exit from the parking in a forward direction</p> | Development designed to allow all vehicles to enter and exit site in a forward direction | Yes |
| <p>9.0 Parking in Building Setbacks</p> <p>Various requirements</p> | No parking within setbacks is proposed | N/A |
| <p>10.0 Change of Use or Additions to Existing Development</p> <p>Various requirements</p> | No change of use or additions to existing development proposed | N/A |

| | | |
|--|---|--|
| <p>11.0 Dimensions of Parking Spaces</p> <ul style="list-style-type: none"> • Open car parking spaces shall comply with Attachment 1 – “Minimum Dimensions” • Width of driveways for 90° open space may be reduced if the entry of the car parking space is increased • Enclosed spaces with turning areas of up to 6.7 metres width require a minimum opening of 3 metres. • Residential dwelling garages to have clear dimensions of 3 metres by 5.5 metres • Design standards can be relaxed for long-term parking | <ul style="list-style-type: none"> • Proposed open car parking complies • Not relevant to the proposal • No basement car parking proposed. • Not applicable • Not applicable | <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> |
| <p>12.0 Loading Facilities</p> <ul style="list-style-type: none"> • DAs for industrial developments shall identify loading/unloading facilities preferably inside buildings • Loading facilities shall comply with AS 2890.2 - 1989 | <ul style="list-style-type: none"> • Loading and unloading area identified within each building • Will require by condition but should be able to satisfy standard | <p>Yes</p> <p>Yes</p> |
| <p>13.0 Access Driveway Widths</p> <ul style="list-style-type: none"> • Design shall comply with Australian Standard 2890.1 - 1993 | <ul style="list-style-type: none"> • Will require by condition but should be able to satisfy standard | <p>Yes</p> |
| <p>14.0 Signposting</p> <ul style="list-style-type: none"> • Parking areas shall be signposted with standard signs and have “entry” and “exit” signs erected where appropriate. | <ul style="list-style-type: none"> • Will require by condition be should be able to satisfy requirement | <p>Yes</p> |

Attachment 3
Comparison of Proposal to DCP Chapter 75 Requirements

| DEVELOPMENT CONTROL | PROPOSED | COMPLIES |
|---|---|-----------------|
| Floor Space | | |
| <ul style="list-style-type: none"> Floor space ratio: <0.8:1 | <ul style="list-style-type: none"> 0.33:1 (8,219m²/25,120m²) | Yes |
| Site Coverage | | |
| <ul style="list-style-type: none"> Site coverage: 50% | <ul style="list-style-type: none"> 28.13% (7,067m²/25,120m²) | Yes |
| Setbacks | | |
| <ul style="list-style-type: none"> Front (Corella Close): 10m | <ul style="list-style-type: none"> Front (Corella Close): 30.5m | Yes |
| <ul style="list-style-type: none"> Front landscape area: 5m | <ul style="list-style-type: none"> Front landscape area: 10m (min.) | Yes |
| <ul style="list-style-type: none"> Side boundary: 5m | <ul style="list-style-type: none"> Side boundary: 10m (min.) | Yes |
| <ul style="list-style-type: none"> Rear boundary: 5m | <ul style="list-style-type: none"> Rear boundary: 26m (min.) | Yes |
| Design and Appearance | | |
| Building designs are to present innovative and attractive architectural solutions | Design of all three buildings is innovative and a very attractive architectural solution (see Figures 3 & 4 in this report) | Yes |
| Office component of industrial buildings is to be of masonry and glass | Office component of each building pre-dominantly finished in rendered masonry and glass. | Yes |
| Corrugated iron shall not be used as predominant wall cladding | Corrugated iron not proposed to be used | Yes |
| All other metal cladding to be suitably painted. | Colorbond sheet metal to be used on roof. | Yes |

| DEVELOPMENT CONTROL | PROPOSED | COMPLIES |
|---|--|----------|
| Long blank walls on street frontages to be avoided or screened by landscaping | Corella Close façades of all three buildings are well designed and articulated. Western wall of Building "A" is set back over 30m from Corella Close and well screened by existing native vegetation in retained vegetation corridor | Yes |
| Important parts of building such as corners, entrances, building base and roof should be emphasised | Entrances and office sections are emphasised and each roof articulated (see Figures 3 and 4 in this report) | Yes |
| No service plumbing or pipes shall be external to the building and be visible from a public place. | Only downpipes will be external to the building and be visible from a public place | Yes |
| Applicants must provide details of the colours that proposed. Colours should draw on indigenous colour palette | Provided and complies. See proposed colours shown in Figures 3 and 4 in this report. | Yes |
| Articulated parapets and cornice lines should emphasise the top of building combining to create a cohesive design and appropriate scale for overall facade | See Figures 3 and 4 in this report. The buildings are considered to be of high architectural quality. | Yes |
| Air conditioning, roof-top pergolas, lift over-runs, telecommunications and other roof-mounted equipment which protrude above the roof line are not permitted. | Applicant proposes plant, equipment and solar panels on roof. Plant and equipment screened by parapet and louvers. Equipment does not appear above roof line when viewed from public place or from within property. | Yes |
| Building Over and Adjacent to Sewer Mains | | |
| Where a building is proposed to be located over a sewer main the main must be encased in reinforced concrete | Proposed buildings will not be built over or adjacent to any sewer mains | Yes |
| Thematic Links | | |
| Where site is part of an industrial estate development, the design of the buildings, external fixtures (such as lighting), signs and landscaping matches or complements adjacent buildings and overall theme of estate. | Site is a "stand-alone" development within an industrial park. The buildings are compatible with nearby industrial developments and set a high standard for future developments on land within this precinct. | Yes |
| Car Parking and Turning Movements | | |

| DEVELOPMENT CONTROL | PROPOSED | COMPLIES |
|--|---|----------|
| Car parking is met on site and adequate manoeuvring areas are available on site to permit the forward entry and exit of vehicles | See discussion on on-site car parking under the heading "Chapter 61 – Carparking". All vehicles able to manoeuvre on-site and enter and exit the site in a forward direction. | Yes |
| Carparking areas are to be screened and softened by mounding and landscaping to soften impact. | Car parking areas are proposed to be landscaped and screened. | Yes |
| Design provides for safe movement of all vehicles by providing adequate sight distances | Heavy vehicle access/exit has been separated from staff and visitor parking areas. Adequate sight lines have been provided. | Yes |
| Movement of pedestrians throughout the car park is clearly defined and minimises conflict with vehicles | Pedestrian access from ground-level car parking areas is via pathways which lead to the foyer of each building. | Yes |
| Disabled persons parking spaces are to be located near entrances to buildings, lifts and access ramps | Disabled persons car spaces (5 required in total) located at or near entrances to each building. | Yes |
| Major industrial developments shall make adequate provision for bicycle parking | 15 bicycle parking places provided throughout site | Yes |
| Off Street Loading / Unloading | | |
| Developments are to comply with Chapter 61 requirements | Complies. See Section 12.0 in Attachment 2 of this report | Yes |
| All loading and unloading areas to be screened from the street | Loading areas not visible from street – within each building | Yes |
| Loading/unloading areas and parking areas to be separated | Complies, the two areas are separated for each building | Yes |
| Appropriate bunding to be provided for loading or unloading of dangerous goods. | Dangerous goods not proposed to be loaded or unloaded | Yes |
| Storage Areas | | |
| Storage areas to be sited so they are not visible from outside the site | Storage areas proposed to be located within the three buildings | Yes |
| Storage areas not to be located within front setback areas | Storage areas proposed to be located within the three buildings | Yes |
| Site Landscape Works | | |
| Site landscaping plan and report to be provided by Category 3 designer | See discussion under heading "Landscape Policy and Guideline" | Yes |
| Species selection should complement estate landscaping theme. | No theme but selection appropriate to enhancing existing native vegetation corridors | Yes |

| DEVELOPMENT CONTROL | PROPOSED | COMPLIES |
|--|---|----------|
| Trees should of appropriate size and maturity to mitigate size of industrial buildings | Existing native vegetation corridors on Corella Close and side boundaries appropriately screen the proposed industrial buildings | Yes |
| The provision of buffer areas to protect adjacent wetlands | Not relevant because there is no wetland adjoining the development but a 10m-wide vegetation buffer protects adjoining habitat for Green Thighed Frog. Buffer to be extended through additional landscaping | Yes |
| Security Fencing | | |
| Details of security fencing to be included in development application | Details provided: black nylon-coated chain wire security fencing 2.4 metres high will be placed on all boundaries and to be integrated with landscaping. | Yes |
| Security fencing is to located to rear of landscape works provided within the building setback | Conditions will require all fencing to be at rear of vegetation corridors including Corella Close frontage | Yes |
| Lighting | | |
| Lighting details to be provided in the development application | Details provided in SEE | Yes |
| Lighting to be designed so as not to cause light spill onto adjoining properties | Applicant advises that lighting to be designed by electrical engineer to ensure no spill onto adjoining properties. Will require as a consent condition | Yes |
| Lighting powered by solar batteries is encouraged | Not proposed but solar power to be generated from solar panels | N/A |
| Site Signs | | |
| Signs to comply with Chapter 50 – Advertising Signs in Wyong DCP 2005 | Signs comply – see discussion under heading “Chapter 50 – Advertising Signs” in this report | Yes |
| Where factory units are proposed a directory board should be provided | Not relevant – no factory units proposed | N/A |
| No signage shall present to a freeway or State road | Proposed signs do not present to a freeway or to a State road | Yes |
| Flooding and Stormwater Management | | |
| Soil and Stormwater Management Plans shall be submitted with the development application | Soil and Stormwater Management Plans submitted. | Yes |

| DEVELOPMENT CONTROL | PROPOSED | COMPLIES |
|---|--|----------|
| Compliance with requirements of Chapter 67 – Engineering Requirements for Developments of Wyong DCP 2005 | Will comply through consent conditions | Yes |
| Inclusion of relevant requirements of Council’s Policy F4 Flood Prone Land Development | Land not identified as flood prone land | N/A |
| The provision of a proprietary Gross Pollutant Trap to protect receiving waters | GPTs proposed to be installed as part of overall stormwater management which includes nutrient removal system to protect downstream habitat of Green Thighed Frog | Yes |
| Water Efficient Construction and Development | | |
| Stormwater to be reused as much as possible | Three 9,000-litre rainwater tanks to be provided to each building and collected rainwater to be used for toilet flushing and landscape watering | Yes |
| Natural watercourses and vegetation to be retained and stormwater to be used for irrigation purposes | Existing vegetation buffers to be maintained and stormwater management system designed to have no impact on existing hydrology | Yes |
| Rainwater storage is to be provided and shall be incorporated into design – not to be located in front setback area or be visible from any public place | Proposed rainwater tanks are to be sited in utilities room in office component of each building so that they are not visible from the street or any other property | Yes |
| Rainwater tanks be fitted with “first flush” devices | Proposed to be fitted | Yes |
| Tanks to be installed in accordance with relevant Australian Standard | Will be required by consent condition | Yes |
| “AAA”-rated dual-flush toilet cisterns to be installed | Proposed to be installed | Yes |
| “AAA”-rated urinals to be installed | Required by consent condition if installed | Yes |
| “AAA”-rated showerheads to be installed- | Proposed to be installed | Yes |
| “AAA”-rated aerators shall be installed on all bathroom and kitchen hand basin fixtures | Proposed to be installed | Yes |
| Compliance with DCP Chapter 67 – Engineering Requirements | Will comply | Yes |
| Energy Efficient Construction and Development | | |

| DEVELOPMENT CONTROL | PROPOSED | COMPLIES |
|--|---|----------|
| Developments to be designed and constructed having regard to energy-efficient materials, lighting, heating and cooling | Energy report prepared concluding that development will meet or exceed the energy provisions of Section J of the BCA 2010. | Yes |
| New buildings to be oriented to make best use of passive solar heating | The main glazing for each building is positioned on the northern elevation and glazing to be appropriately shaded. | Yes |
| Glazing on north to be maximised while glazing on western façade to be minimised | Design achieves this design feature | Yes |
| Building materials and insulation to be used in thermal performance | Insulation proposed in construction | Yes |
| Hot water systems to be greenhouse gas-friendly systems (3.5 SEDA Hot Water Greenhouse Score) | Will require by consent condition | Yes |
| Energy efficient appliances and lighting to be used | Will require by condition of consent | Yes |
| Larger sites should use renewable energy resources for lighting | Proposal includes the establishment of photovoltaic solar panels which will generate 20kW of renewable energy per day to partly offset the development's energy use | Yes |
| Air Quality and Odour Control | | |
| Industrial development likely to cause air pollution and odours are to be located away from residential areas | Development not likely to cause air pollution but is not sited near any residential area | Yes |
| Best practice techniques to be used to reduce any impact | Not relevant to proposal | N/A |
| Where odours proposed to be released an odour impact assessment shall be undertaken | Not relevant to proposal | N/A |
| No point of air pollution discharge is to be within 300m of nearest dwelling | Not relevant to proposal | N/A |
| Where facility will exceed EPA odour performance criteria then mitigation strategies are to be investigated by proponent | Not relevant to proposal | N/A |
| Development shall comply with draft policy "Assessment and Management of Odour from Stationary Sources in NSW" | Not relevant to proposal | N/A |
| Noise Generation | | |

| DEVELOPMENT CONTROL | PROPOSED | COMPLIES |
|---|---|----------|
| Industrial noise will not impact on amenity of nearest residential dwelling | Operational noise will be negligible as all works conducted within the buildings | Yes |
| Acoustic design principles to be incorporated into design | Design reasonably reflects these principles | Yes |
| Industrial development to comply with "NSW Industrial Noise" Policy produced by the EPA in January 2000 | Given the nature of the development it should be able to easily comply with any noise emission standards or policies | Yes |
| An acoustic report shall be submitted with the DA for an industrial development located within 50m of a residential dwelling | Proposed development located more than 50m from any residential dwelling | N/A |
| Fire Mitigation and Control | | |
| All buildings adjoining bushland are to be designed and located to minimise bushfire hazard | Bush fire threat assessment prepared and found that design of buildings to be satisfactory subject to recommendations | Yes |
| Fuel management and bushfire hazard reduction to be implemented on site | Bush fire hazard assessment identifies defendable spaces and separation distances as adequate | Yes |
| Access for emergency vehicles provided and easily identified | Perimeter access round maintenance building provided and easily identified | Yes |
| Water hydrants are clearly marked and accessible | Will be required by consent condition | Yes |
| Flammable materials to be stored in a manner to minimise risk of contact with fire | Will be required by consent condition | Yes |
| Flammable materials shall be stored in accordance with relevant guidelines of Department of Infrastructure, Planning and Natural resources and Workcover requirements | Will be required by consent condition | Yes |
| Waste Minimisation and Disposal | | |
| A waste management plan (WMP) shall be submitted with the DA | WMP submitted with DA | Yes |
| Requirements for a WMP are identified in DCP Chapter 69 | Management of waste will be required by consent condition to be in accordance with WMP and DCP 69 | Yes |
| Reference should be made to "Specification for Supply of Recycled Material for Pavements, Earthworks and Drainage" produced by Resource NSW | Will require consideration as consent condition | Yes |

| DEVELOPMENT CONTROL | PROPOSED | COMPLIES |
|---|--|----------|
| Any industrial development application shall comply with SEPP No 55 and Wyong Shire Council Policy P1 – Potentially Contaminated Land | Site not identified as contaminated land | Yes |
| Benching (Cut and Fill) | | |
| Development design should minimise site disturbance, effect on groundwater, disruption to natural drainage systems, impacts on services and structures, impacts on site access and removal of significant vegetation | The proposed development's design is considered to appropriately reflect these considerations | Yes |
| Details of cut and fill to be provided together with materials, height and drainage of any retaining walls | Details provided in application | Yes |
| Retaining walls to be of brick or masonry construction | Retaining walls to be of masonry construction if required | Yes |
| Retaining walls over 900mm or subject to significant loads to be designed by a suitably qualified engineer | To be required as consent condition | Yes |
| Retaining walls located on boundaries shall not undermine or adversely affect integrity of existing retaining walls on adjacent sites | No retaining walls proposed on boundaries | N/A |
| Communications Infrastructure | | |
| Details of proposed communication infrastructure to be provided in DA | Details provided in DA | Yes |
| Communications equipment such as radio towers, satellite dishes and roof-mounted equipment which protrude above the general roof line shall not be permitted except where the building is not visible from adjoining residential development or major viewing points or except where it is appropriately integrated into the design | Electricity and IT/communications infrastructure will be underground where possible. Communications infrastructure such as radio towers and satellite dishes are not required for this development. Any required roof-mounted equipment will be integrated into the design of the building and will not be visible from residential areas and major viewing points. Will be required as a consent condition. | Yes |
| Car Related Issues | | |
| Traffic generated by the use shall not cause a demand greater than can be met by the local road network and on-site parking facilities | Traffic report provided with DA. Report concludes that local road network and on-site parking can adequately serve the proposed use | Yes |

| DEVELOPMENT CONTROL | PROPOSED | COMPLIES |
|--|--|------------------------------|
| Compliance with Council's DCP Chapter 61 - Parking | Proposal does not comply with on-site car parking required by Chapter 61 | No, see discussion in report |
| Brothels | | |
| Compliance with DCP Chapter 71 – Location Criteria for Brothels in Wyong Shire | Not relevant to proposal | N/A |
| Non-Conforming Existing Uses and Refurbishment of Existing Premises | | |
| Comply with BCA and Wyong DCP 2005 | Not relevant to proposal | N/A |
| Design for safety | | |
| Clear sightlines are maintained over public and private spaces | All areas are visible within property | Yes |
| There is effective lighting of key points | Adequate exterior lighting proposed to enhance security and safety | Yes |
| Landscaping does not provide potential hiding places | Landscaping to be appropriately maintained to reduce opportunity for hiding places | Yes |
| Landscaping channels pedestrians into target areas | Perimeter and pathway landscaping channels people to target areas such as foyer, car park and amenities area | Yes |
| Clear transition and boundaries between public and private spaces | Boundaries between public and private areas fenced and landscaped | Yes |
| Spaces designed and managed to enforce cleanliness, rapid removal of graffiti and vandalism, replacement of burned-out or defective lighting and refurbishment of degraded physical elements, finishes and landscaping | Will require by consent conditions | Yes |
| Appropriate security is provided | Development will have security cameras, external lighting, access gates and perimeter fencing | Yes |
| Public spaces not to be made into private spaces through gates and enclosures | Not relevant to proposal | N/A |
| Disabled Access | | |
| To comply with BCA | Can comply and will be required as consent condition | Yes |
| To comply with AS 1428.1 – Design for access and mobility – General requirements for access | Can comply and will be required as consent condition | Yes |
| To have regard for Disability Discrimination Act, 1992 | Require as condition of consent | Yes |

| DEVELOPMENT CONTROL | PROPOSED | COMPLIES |
|--|--------------------------|-----------------|
| Child Care Centres and Ancillary Uses | | |
| To comply with BCA and DCP Chapter 62 – Home and Centre Based Child Care | Not relevant to proposal | N/A |
| All child care services to be licensed | Not relevant to proposal | N/A |

ATTACHMENT 4 Conditions of Consent

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:

| Title | Drawing No. | Revision | Date | Drawn By |
|----------------------------------|--------------------|----------|---------------|----------|
| Site Plan | DA1010/11 1 | B | Aug 2011 | S Smith |
| Ground Floor Plan – Building “A” | DA1010/11 2 | - | Feb 2011 | S Smith |
| Ground Floor Plan – Building “B” | DA1010/11 3 | - | Feb 2011 | S Smith |
| Ground Floor Plan – Building “C” | DA1010/11 4 | - | Feb 2011 | S Smith |
| Elevations – Buildings “A” & “B” | DA1010/11 5 | - | Feb 2011 | S Smith |
| Elevations – Building “C” | DA1010/11 6 | - | Feb 2011 | S Smith |
| Concept Landscape Plan | 01811 Sheet 1 of 1 | - | 12 April 2011 | C Holmes |

Certificates – Application and Approval

- 2 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.
- 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 “Application for Civil Works and Subdivision Works” 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 ISSUE OF THE CONSTRUCTION CERTIFICATE

Acid Sulphate Soils – Investigation and Reporting Requirements

- 5 Prior to the issue of a Construction Certificate, an Acid Sulphate Soils Assessment Report and Management Plan prepared by a suitably qualified person, must to be provided for the approval of the Accredited Certifier.

Bush Fire – Building Design

- 6 The design of all buildings shall comply with the recommendations of “Bushfire Assessment Report” prepared Daniel Smith, Environmental Consultant, and submitted with the development application. In particular, the buildings shall provide adequate ember protection as detailed in Section 4.4 of the report.

Engineering Details

- 7 All proposed load bearing retaining walls and structures are to be designed by a practising Civil/Structural engineer in accordance with AS4678, AS3600, AS1170 and other relevant codes and standards. Details are to be approved by the Principal Certifying Authority prior to issue of a Construction Certificate.

Building Energy Efficiency – Design and Approval

- 8 The design of the buildings shall comply with the recommendations on Pages 1 & 2 of Briefing Report for NCC Section J1, 2 & 3 Compliance, prepared by Building Sustainability Assessments, submitted with the development application.

Dust Control Requirements

- 9 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.

Ecology/Tree Requirements

- 10 Prior to the issue of any Construction Certificate or commencement of works (which ever occurs first), the applicant is to engage a suitably qualified and experienced ecologist, arborist and soil erosion professional to supervise the vegetation clearing and construction of each stage of the development and to ensure and certify to Council that the trees and vegetation proposed for retention are adequately protected during works. Evidence of this engagement is to be forwarded to Council prior to the issue of a Construction Certificate or the commencement of works. The ecologist and arborist are to provide reports to Council for review, certifying how the proposal is meeting tree retention and protection requirements following completion of the following stages of the development:
 - Following the marking of vegetation and habitat trees to be removed, installation of nest boxes and erection of required tree protection fencing along the boundaries of the native vegetation buffer zones prior to the commencement of works.
 - Following induction of each civil contractor and subcontractor in relation to the importance of all ecological conditions of consent as part of their site induction program prior to the commencement of works.
 - Following initial clearing, removal of any habitat trees and levelling of the site.
 - Following provision of internal roads and services.
 - Following construction of the detention and nutrient pond.

- Following completion of each construction phase and prior to the issue of an Occupation Certificate.
- 11 Prior to the issue of any Construction Certificate, trees and native vegetation to be retained within the native vegetation buffer zones and those approved for removal are to be clearly identified on all the final engineering plans. All fenced tree protection areas are to be clearly marked as "No Go Area" on all plans.
- 12 Prior to the issue of any Construction Certificate or commencement of works (which ever occurs first) the applicant must prepare and submit to Council and obtain approval for a Habitat Restoration Plan (HRP) for the 10-metre-wide native vegetation buffer zones along the western, southern and eastern boundaries, as identified on the approved plans. The HRP is to be prepared by a suitably qualified and experienced ecologist or bush regenerator. The primary objective of the plan should be weed management, regeneration of native vegetation, and, if necessary, replanting. Implementation of the HRP must commence immediately following issue of the Construction Certificate or the commencement of works, whichever occurs first. In preparing and implementing the HRP the following criteria must be addressed:
- A suitably qualified and experienced professional bush regeneration contractor is to be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the HRP. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate 2 in Conservation and Land Management and three years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Conservation and Land Management and one year's demonstrated experience for other personnel. In addition the site supervisor is to be eligible for full professional membership of the Australian Association of Bush Regenerators (AABR).
 - A site plan must be prepared at an appropriate scale, clearly showing the area to which the HRP applies, existing vegetation, management zones and extent of dominant weed infestations.
 - A description of existing native vegetation and methods of vegetation regeneration must be provided. In particular, rehabilitation methods and a planting schedule must provide for the existing cleared area in the western vegetation buffer zone adjacent to Corella Close. Any plant stock used in revegetation must be supplied from provenance-specific seed/material collected from within the Tuggerah Lakes catchment area. Seed/plant sources should be identified. Non-provenance material or non-endemic species is prohibited.
 - A schedule of works must be prepared detailing the sequence and duration of works necessary for the regeneration, any revegetation and maintenance works for each management zone. All primary weed control must be undertaken in the first year following commencement of the HRP, with follow-up weed control undertaken in the second and third year following commencement of the HRP.
 - The location and type of permanent fencing, bollards or similar to prevent unauthorised access, vegetation removal, rubbish dumping, storage of materials or encroachment into the buffer zones from the development must be specified in the HRP and installed prior to issue of an Occupation Certificate. No barbed wire is permitted.

- The mulch/tubgrindings generated from the removal and thinning of native vegetation associated with the development is/are to be re-used in restoring the buffer areas as required.
- Any natural hollows removed by the development are to be placed wherever possible as ground hollows within buffer zones under the supervision of the ecologist.
- The use of insecticides and herbicides within the subject site should be avoided where possible, otherwise biodegradable pesticides should be used sparingly.
- Strict hygiene protocols must be implemented to minimise the risk of spread of flora or fauna pathogens during construction, in particular Exotic Rust Fungus, Phytophthora and Chytrid Fungus.
- Restoration areas are to be maintained for a minimum of three years. Monitoring reports are to be prepared by the ecologist or bush regenerator and submitted to Council detailing the progress of the restoration twice per year and any recommended additional actions, with a final report certifying completion of the HRP at the end of the three-year period or once the specific objectives of the plan have been met. Photo monitoring-points and method of performance evaluation must be identified in the HRP for future for monitoring and reporting purposes. Annual monitoring for the Green Thighed Frog and Wallum Froglet must be conducted for a minimum of three years to determine any use of the habitat in the constructed detention basin and swale drains in accordance with Department of Environment and Climate Change (2009) 'Threatened species survey and assessment guidelines: field survey methods for fauna: Amphibians'. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

Erosion and Sediment Control – Design Requirements

- 13 Prior to the issue of a Construction Certificate, design drawings for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways must be provided for the approval of the Accredited Certifier. Required design drawings must include all major stages of construction and sequences of work together with treatments necessary at each of these stages. The design drawings must be prepared in accordance with the Landcom publication '*Soils and Construction – Managing Urban Stormwater*' (*Blue Book*).

Filling and Haulage

- 14 Prior to the issue of a Construction Certificate, the submission to and approval by Council, as the Roads Authority, of details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed routes to and from the site.

Landscaping – Amendments to Design and Approval

- 15 Prior to the issue of a Construction Certificate, the submission to and approval by the Principal Certifying Authority of the approved landscape plan prepared by Urban Sanctum Landscape Designers and certified by Urban Exotic, Sheet 1 of 1 Drawing No.01811 dated 12/04/2011 that includes the following amendments, practices and notes:

- Tree protection fencing is to be erected a minimum three metres from existing perimeter trees, otherwise along the inner (development side) boundary of the south, east and western vegetation preservation zones. The protection of trees retained on site by fencing as per the engaged arborist's and/or ecologist's direction and in accordance with Australian Standard 4970 2009. The fencing is to consist of 1.8 metre chain wire interlocking fencing. Such protection measures must be installed prior to commencement of any works and maintained in good order for the duration of the works. No cement wastings, materials or vehicles are to be stored within the protective fence area. All fenced tree protection areas are to be clearly marked as "No Go Area" on the fencing itself.
- All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained trees. Methods for the installation of services within the tree's canopy perimeter are contained within Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and include under boring and excavation by hand. All proposed services are to be installed a minimum three metres from all retained perimeter edge trees on site within the subject property.
- The proposed driveway along the south western edge is within close proximity to the existing trees on site. The proposed concrete driveway is to be constructed a minimum three metres from the trunks of retained trees. If this cannot be achieved then methods of construction are to be shown as to how the works will not adversely impact on the trees. This can be achieved by an arborist report undertaken by an AQF 5 arborist and provided prior to the issue of any Construction Certificate.
- 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.
- All trees including *Eucalyptus robusta*, *Livistonia australis* are to be a minimum 50-litre pot size. All other trees are to be a minimum 5-litre pot size and the remaining grasses/macrophytes can be sourced as tube stock. All stock when available is to be sourced from local provenance stock. A maintenance program including but not limited to mulching and weeding within garden beds is to be undertaken by a qualified landscape contractor and provided to Council for comment prior to issue of the Occupation Certificate.
- All trees are to be sourced and comply with NATSPEC regulations.
- The landscape concept plan being amended to accord with the approved amended site plan (DA 1010/11 1B) by showing a continuous perimeter road in the north-eastern corner of the site.

Liquid Trade Waste – Requirements

- 16 The proposed sewerage pumping station will require the submission of a Private Pump Station Application which must be approved by Council's Trade Waste Section prior to the issue of a Construction Certificate.

Roadworks - Design Requirements

- 17 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- The provision of vehicular access crossing in Corella Close in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and AS/NZS 2890.1 / 2. The design plans must be approved by the Roads Authority prior to the issue of a Construction Certificate and shall include:
 - The width of the access at the boundary shall be 10m wide
 - The access shall be splayed to 13m wide at the kerb line.

Required design drawings are to be prepared in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

Stormwater Drainage - Design Requirements

- 18 The provision of a stormwater system with water quality control facilities required to treat stormwater runoff from the development in accordance with DP1129808 including plans as identified in SCC/65/2008 Nos 0603-C20 amend. 08, 0603-C21 amend. 03, 0603-C22 amend. 05 and 0603-C23 amend. 05, the Water Cycle Assessment Report by Martens Consulting Engineers NoP0701700JR03_V3 November 2007 and Council's Development Control Plan 2005 Chapter 67 - Engineering Requirements for Development. Design plans must be submitted to and approved by Council under section 68 of the Local Government Act 1993, prior to issue of a Construction Certificate. The design shall include :
- Piped drainage to cater for the 5%AEP stormwater event
 - Overland flow paths to cater for storm events greater than the 5% AEP event.
 - The principles of Water Sensitive Urban Design may be applied in order to achieve water quality requirements.
 - The effect of proposed earthworks on the undeveloped drainage design for the site shall be included in any proposed drainage design for the development.
 - On site detention and retention as necessary to meet the required drainage outcomes as identified in Dp1129808 including associated plans and The Water Cycle Assessment Report by Martens Consulting Engineers NoP0701700JR03_V3 November 2007.
 - Stormwater reuse of at least 15,000 litres per building capacity. The required stormwater reuse is to be considered in all drainage system modelling for quantity, flow duration and quality. Alternative reuse amounts will be considered subject to water balancing calculations and site stormwater modelling calculations.
 - The submission to Council of a groundwater risk management plan for the proposed development. Groundwater recharge shall be in accordance with Dp1129808 including associated plans and The Water Cycle Assessment Report by Martens Consulting Engineers NoP0701700JR03_V3 November 2007.
 - Stormwater quality shall match the outcomes as identified in The Water Cycle Assessment Report by Martens Consulting Engineers NoP0701700JR03_V3 November 2007.
 - All drainage flows to be directed to the EEC area shall be dissipated to replicate natural flows on to the area.

- Water quality modelling and all supporting calculations of proposed drainage system shall be submitted to and approved by Council prior to issue of the construction certificate.

19 No works shall be permitted within the “No Go” areas other than those approved by Council prior to issue of the Construction Certificate.

Structural Design Requirements

20 All proposed load bearing retaining walls and structures are to be designed by a practising Civil/Structural engineer in accordance with AS4678, AS3600, AS1170 and other relevant codes and standards. Details are to be approved by Council prior to those works being undertaken.

Vehicle Access and Parking - Design Requirements

21 The design of the carpark and accesses in accordance with AS/NZS2890.1/2/6. The design, compliant with AS/NZS2890.1/2/6 is to be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate. The design shall include:

- Designed for an 85%ile vehicle to pass a 99%ile vehicle at all bends and turns.
- Minimum width of the circulating roadways shall be in accordance with AS/NZS2890.2 Table 3.1.
- Pavement marking and signage.
- Disabled car spaces in accordance with AS 2890.6.
- Wheel stops on all carparking spaces.
- Pavement design to cater for the largest expected design vehicle
- Minimum pavement surface of asphaltic concrete.
- Traffic control road humps shall be provided as per AS/NZS 2890.1
- Indenting of security gates a minimum of 13m to allow vehicles to stand clear of the through travelling lane
- Lighting shall be provided as per AS/NZS 2890.1.

22 The provision of a detailed traffic management plan prior to issue of the construction certificate encompassing heavy vehicle, passenger vehicle, pedestrian and cycle movements. The plan shall provide:

- Turning templates for the largest design vehicle expected to access the site indicating suitability for access.
- Traffic movements within the site shall be addressed for all vehicles ensuring adequate manoeuvring of all vehicles including a suitable safety envelope.
- The safety of pedestrian and cycle movements within the site.

Water and Sewer Services - Design Requirements

23 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

Ecology/Trees Requirements

- 24 Prior to the commencement of any clearing works occurring on the development site, a suitably qualified and experienced Ecologist must clearly mark any potential habitat trees required to be removed and install nest boxes on a one-for-one basis for any natural hollow required to be removed. Nest boxes are to be constructed of appropriate durable materials (e.g. painted marine ply, native hardwood or similar) and fixed to recipient trees with stainless steel screws, wire or similar. All nest boxes must be installed in suitable locations that will maximise the likelihood of occupation by native fauna. Nest boxes are to be monitored by the Ecologist to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following erection. Monitoring reports are to be prepared by the Ecologist and forwarded to Council after each monitoring event.

Erosion and Sediment Control – Provision and Maintenance

- 25 The provision of soil erosion and silt controls on the site in accordance with Council's Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and/or Construction - Managing Urban Stormwater (Blue book) and the approved development plans prior to any works commencing on the site. Erosion and sediment control works are to remain in place until all disturbed areas are stabilised. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

Filling and Haulage Requirements

- 26 Prior to works associated with the development commencing, details for the disposal of any spoil gained from the site and/or details of the source of fill materials to be imported to the site, are to be provided and approved by the Principal Certifying Authority.

Other Authorities' Requirements

- 27 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;
 - Energy Australia for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Roads - Preconstruction Requirements

- 28 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 Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development*. 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.
- 29 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 Traffic Authority (RTA) 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.
- 30 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.

Site Requirements

- 31 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.
- 32 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 33 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.

- 34 Prior to works associated with the development commencing, a Construction and Environment Management Plan (CEMP) is to be submitted to and approved by the Principal Certifying Authority. The required CEMP must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management.

Waste Management Requirements

- 35 During the construction phase of the development, all building materials must be re-used, recycled or disposed of in accordance with the Waste Management Plan submitted with the subject application.

DURING WORKS

Acid Sulphate Soils – Construction Requirements

- 36 Upon completion of excavation works, documentary evidence is to be provided for the approval of the Principal Certifying Authority demonstrating compliance with the requirements of the Acid Sulphate Soils Management Plan submitted with respect to the development.

Approved Plans

- 37 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

Dust Control Requirements

- 38 Suitable dust suppression measures shall be implemented and maintained by the developer during demolition, excavation and construction works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.

Earthworks and Haulage - Construction Requirements

- 39 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.

Ecology/Trees - Construction Requirements

- 40 No tree (or other vegetation) other than those specifically notated on the approved engineering plan(s) as "trees to be removed" shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed.

- 41 Trees containing trunk or branch hollows provide habitat and shelter to native wildlife. 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 slowly lowered or 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. Natural hollows removed are to be placed wherever possible as ground hollows within buffer zones under the supervision of the Ecologist
- 42 Council's Development Ecologist is to be notified as soon as practicable (and not more than 24 hours after) if a breach of these ecological protection conditions occurs.

Erosion and Sediment Control - Construction Requirements

- 43 All sediment and erosion control devices provided with respect to the development are to be periodically cleaned and maintained in an effective state for the duration of works. On the spot fines for non-compliance with this requirement may be issued under the provisions of the *Protection of Environment Operations Act, 2000*.

Services/Utility Requirements

- 44 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.

Site Requirements

- 45 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.
- 46 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.

Plumbing and Drainage - Construction Requirements

- 47 Council as the Water Supply Authority, under the provisions of the Water Management Act, is to be notified to undertake inspections of the internal drainage lines, (prior to the pouring of the concrete slab), and external drainage lines inclusive of sewer junction connection, prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's Customer Contact Centre on (02) 4350 5555 a minimum of twenty-four (24) hours prior to the required time for the inspection. Please note that all drainage inspection fees are to be paid to Council prior to plumbing and drainage works associated with the development commencing.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

Advertising Sign Requirements

- 48 Prior to the issue of an Occupation Certificate each of the proposed business identification signs to be erected on each of the three buildings is to be erected a minimum of 2.6 metres above ground level.

Building Code of Australia – Compliance Requirements

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

Bunding

- 50 Prior to the issue of an Occupation Certificate all service entries to workshop areas must be provided with a trafficable bund with a minimum height of 100mm to prevent any spillage exiting the workshop area and entering the stormwater system.
- 51 Prior to the issue of an Occupation Certificate all bulk liquids must be banded. Bunding is to be structurally sound, impervious to materials stored, exclude rainwater and capable of containing 110% of the largest volume stored taking into account the displacement of all vessels within the banded area.

Dilapidation Rectification Requirements

- 52 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.

Disabled Access Requirements

- 53 Prior to the issue of an Occupation Certificate, access to and throughout the buildings shall comply with AS 1428.1-2009 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth).
- 54 Prior to the issue of an Occupation Certificate five disabled car spaces are to be provided on site in accordance with Section 10.0 of the Traffic Assessment Report, dated 8 April 2011 and prepared by BJ Bradley and Associates, submitted with the development application.

Ecology/Trees - Construction Requirements

- 55 The inner boundaries of the western, southern and eastern native vegetation protection zones must be permanently delineated using fencing, bollards or similar to prevent vegetation removal, rubbish dumping, storage of materials or encroachment into protection zones by the development. Evidence of this is to be supplied to Principal Certifying Authority and Council prior to issue of an Occupation Certificate. No barbed wire is permitted.

Energy- and Water-Efficient Fixtures

- 56 All lighting fixtures and appliances are to be energy efficient and water fixtures are to be water efficient.

External Materials

- 57 The construction of the building in appropriately coloured materials as submitted in the development application and are to be of a low reflective quality, or of materials that are painted or similarly treated with appropriately coloured paint or pigment of a low reflective quality.

Security Fencing - Location

- 58 The proposed front security fencing along Corella Close and along the eastern and southern boundaries shall be sited within the property and behind the native vegetation buffers prior to the issue of an Occupation Certificate. Security fencing on the northern boundary is to be sited on that boundary prior to the issue of an Occupation Certificate.

Filling and Haulage- Completion Requirements

- 59 All filled areas are to be compacted in accordance with the requirements of AS 3798-1996. The submission of test results and appropriate documentation attesting to this requirement having been achieved is to be provided for the approval of the Accredited Certifier prior to issue of the Occupation/Subdivision Certificate.

Landscaping – Completion and Certification

- 60 To ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by the conditions of this consent, prior to issue of an Occupation Certificate.
- 61 All disturbed surfaces on land resulting from the works authorised or required by this consent shall be revegetated and stabilised so as to prevent any erosion or siltation either on or adjacent to the land.
- 62 A detailed maintenance schedule is to be provided to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate.

Lighting Requirements

- 63 Prior to the issue of an Occupation Certificate, suitable lighting shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1. Light spread in accordance with AS4282 shall also be considered.
- 64 Prior to the issue of an Occupation Certificate all external lighting is to be installed and to be of a type that prevents overspill into native vegetation buffer zones along the western, eastern and southern boundaries and into Lot 32 DP 1045472, for example, through the use of visors, minimising pole height, use of low-voltage lighting or low-reflective pavements.

Plumbing and Drainage - Compliance Requirements

- 65 Prior to the issue of an Occupation Certificate, the provision of rainwater tanks, of at least 15,000 litres per building capacity, in accordance with the requirements the

National Plumbing and Drainage Code AS/NZS 3500. Alternative reuse amounts will be considered subject to water balancing calculations and site stormwater modelling calculations. The rainwater tanks must be located in such a position as to maximise rainwater collection and shall include, but not be limited to, the retention of water on-site incorporating first flow diversion devices fixed to all inflows, provided with a functioning pressure pump, and plumbed to service all toilets and external use. The tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.

Roads – Compliance Requirements

- 66 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.
- 67 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.

Stormwater – Compliance Requirements

- 68 The construction of stormwater drainage discharging into a public system or public land in accordance with the approved Stormwater Management Plan and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*. 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.
- 69 Registration of a positive covenant for the maintenance of all drainage facilities in relation to the development to ensure all water quality and quantity facilities operate to design capacity at all times.
- 70 Prior to the issue of the final Occupation Certificate, a 'Restriction on the Use of Land' shall be created on the title of the land restricting any alteration to any on-site stormwater detention system. The terms of the Restriction are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the restriction.
- 71 Prior to the issue of the final Occupation Certificate, a 'Positive Covenant' shall be created on the title of the land requiring the registered proprietor to ensure the continued maintenance and performance of any on-site stormwater detention structure. The terms of the positive covenant are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the restriction.

Vehicle Access and Parking – Compliance Requirements

- 72 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1/2/6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

- 73 The construction of the carparking areas and accesses with a pavement and minimum asphalt concrete surfacing to cater for expected traffic flow and largest design vehicle prior to issue of the Occupation Certificate.

Waste Management Requirements

- 74 For safety, amenity and maintenance reasons, the waste storage area must be constructed to the following standards prior to the issue of an Occupation Certificate:
- Floors must be constructed of concrete, graded and drained to an approved drainage outlet connected to the sewer and finished to a smooth even trowelled surface;
 - Walls must be constructed with solid impervious material and shall be cement rendered internally to a smooth even steel trowelled surface;
 - All intersections between the walls and floors shall be coved with coving having a minimum radius of 25mm;
 - All entry points into the room must be bunded to prevent the escape of liquid waste. Bunding shall be for 110% of the likely liquid storage waste and constructed in such a manner that does not obstruct the removal of waste receptacles from the room or create a safety risk to users;
 - Adequate ventilation shall be provided;
 - Adequate lighting shall be provided;
 - The ceiling must have a minimum height of 2.1 metres from floor level and be finished with a smooth faced non-absorbent material capable of being easily cleaned;
 - Waste storage areas shall prevent the access of vermin;
 - Waste receptacles used shall be compatible with Wyong Council's waste collection service;
 - The door to the storage area shall be weatherproof and shall be openable from the inside at all times; and
 - Hot and cold water hose cocks shall be located inside or within close proximity to the waste storage areas to facilitate cleaning.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 75 The obtaining of a 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 Subdivision/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

- 76 Prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's Development Control Plan 2005, Chapter 67 -

Engineering Requirements for Development 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.

- 77 Certification from a qualified structural/civil engineer shall be submitted prior to occupation certificate that all retaining structures as built have been constructed in accordance with the Construction Certificate, accepted practice, and that the structure is stable and capable of catering for all anticipated loads.

ONGOING OPERATION

Advertising Sign Requirements

- 78 No advertising sign/s shall be erected on or in conjunction with the use and/or development without prior development consent unless the advertisement is an 'approved sign' under Development Control Plan 2005, Chapter 50 - *Advertising Signs*.

Bush Fire Compliance Requirements

- 79 The buildings and the site shall be managed for the life of the development in accordance with the recommendations made in Sections 4.1, 4.2, 4.3, 4.4, 5.1, 5.2, 5.3, 5.4 and 5.5 of "Bushfire Assessment Report" prepared Daniel Smith, Environmental Consultant, and submitted with the development application.

Ecology/Trees – Maintenance of Native Vegetation Buffers

- 80 The 10-metre-wide native vegetation protection zones along the western, eastern and southern boundaries, identified on the approved plans, are to be excluded from clearing and development activity (with the exception of bush regeneration, soil rehabilitation, planting and protective fencing and construction of access ways) and are to be maintained in perpetuity.

Site Appearance, Maintenance and Security Requirements

- 81 The owner/operator(s) of the site must maintain the external finishes of the buildings, structures, walls and fences for the life of the development and any graffiti must be removed in a timely manner.
- 82 All perimeter fencing is to be maintained for the life of the development in its approved location.
- 83 All site landscaping is to be maintained for the life of the development in accordance with the approved landscape plan, as amended by the conditions of this consent, and with the approved maintenance schedule.

Spill Clean Up Requirements

- 84 Sufficient supplies of appropriate adsorbent materials and /or other spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only.

Staffing Levels

- 85 The number of permanent full-time employees on site at any one time is not to exceed 60 without prior development consent.

Stormwater – Ongoing Maintenance Requirements

- 86 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained for the life of the development in order to remain effective.

Vehicle Access and Parking – Ongoing Requirements

- 87 Access to and from the site for all commercial vehicles, including waste collection vehicles must be in a forward direction.
- 88 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.

Waste Management – Compliance Requirements

- 89 The premises must operate in compliance with the Waste Management Plan, submitted with the development application and in accordance with Development Control Plan 2005, Chapter 69 - Controls for Site Waste Management.
- 90 All waste generated on the premises shall stored in a manner so that it does not pollute the environment.
- 91 All waste generated on the premises shall be transported to a facility which is licensed to receive that material.

WYONG SHIRE COUNCIL

5 September 2011

Hunter & Central Coast Joint Regional Planning Panel

Environment and Planning
Services**Demolition of existing structures and construction of a shopping centre including a supermarket, medical centre and speciality shops, parking and landscaping.**

DA/459/2011

Author: Salli Pendergast

SUMMARY

A development application has been received for demolition of existing structures and construction of a shopping centre including a supermarket (shop), medical centre and speciality shops, parking and landscaping on the site. 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 C/- The Planning Group |
| Owner | Fabcot Pty Ltd |
| Application No | DA/459/2011 |
| Description of Land | 275 Pacific Highway, Lake Munmorah, Lot 2 DP.520220 |
| Proposed Development | Demolition of existing structures and construction of a shopping centre including a supermarket (shop), medical centre and speciality shops, parking and landscaping. |
| Site Area | 8.167 hectares |
| Zoning | 3(a) Business Centre and 7(a) Conservation |
| Existing Use | Vacated rural landscape supplies centre |
| Employment Generation | 250 (full time, part time, apprentices & casual staff) |
| Estimated Value | \$14,751,000 |

RECOMMENDATION

- 1 That consent be granted subject to the conditions detailed in the schedule attached to the report.***
- 2 That those who made written submissions be advised of the Hunter Central Coast Joint Regional Planning Panel's (HCCJRPP) decision.***

INTRODUCTION**The Site**

The site is located on the eastern corner of Tall Timbers Road and Pacific Highway at Lake Munmorah and has an area of 8.167 hectares. A signalised intersection is in operation for these roads. The site has a slope from the south-west to the north-east at the lowest point.

The site contains a number of derelict buildings, sheds, piles of bricks, timber pallets, and terra cotta piping and consists of mostly cleared, disturbed land. The site also contains remnant forest in moderate condition along the north and south-eastern areas of the site. Within the north-eastern corner of the site containing the remnant vegetation is an intermittent first order drainage line with little or no defined drainage channel and no permanent flow or freestanding water. Located in the north-western corner of the site within the conservation zoned area is a large dam and a constructed open drainage channel that extends generally parallel along side the northern boundary from the dam to the low point in the north-eastern corner.

Existing vehicular access to the site is via both the Pacific Highway and Tall Timbers Road frontages. Adjoining the northern boundary of the site is a pocket of residential development (70-80 lots), and a mining investigation base and adjoining the eastern boundary is existing rural residential development. Opposite the site on Tall Timbers Road are playing fields and rural residential development. Opposite the site on the Pacific Highway are two manufactured home estates, rural residential development and a public reserve.

Surrounding development further afield generally consists of residential and rural residential activities with Lake Macquarie being approximately 1.5 km to the north and Lake Munmorah approximately 650m to the south. The site was previously used as a rural landscape supply centre for masonry/paving products and has recently been re-zoned to allow for retail land uses.

The site is identified as Bushfire Prone Land (buffer to Vegetation Category 1) and is located within a mine subsidence district.



The Proposed Development

The proposed retail development includes:

- Demolition of all existing structures;

- Bulk earthworks for the portion of the site on which the proposed retail building and associated development are proposed;
- Access driveways and associated site infrastructure;
- Construction of a building containing a 3800m² supermarket, specialty shop space of 1250m² (15 retail tenancies) a 500m² medical centre, ancillary amenities, and service and storage areas;
- Loading dock facilities;
- At-grade parking for 342 cars including landscaping;
- Designated drop off/pick up area, provision of bicycle rails and designated location for public art wall;
- Signage; and
- Rehabilitation and revegetation of offset conservation area (7(a) zone) and construction of a rain garden/detention basin.

The proposed supermarket component of the retail development is to be operated by Woolworths and will employ 250 staff inclusive of permanent full time, part-time, apprentices and casual staff. Approximately 200 people will be employed during the construction phase.

The proposed trading hours for the development are between 7:00am and midnight daily with deliveries proposed to occur between the hours of 6:00am and midnight daily.

Up to 2-3 refrigerated trucks and 2 grocery trucks will delivery goods for the supermarket each day. A further 8-10 delivery trucks are expected to service the specialty shops each day.

Signage, including two free standing pylon signs and flush wall building signs of various sizes are proposed for the development containing the name 'Woolworths' and a corporate symbol.

INTERNAL REFERRALS

The application has been referred within Council to:

- Senior Health and Building Surveyor
- Senior Development Engineer
- Arborist & Landscape Design Assessment Officer
- Trade Waste Officer
- Development Planner (Ecologist)
- Principal Transport Engineer
- Senior Asset Engineer (Water and Sewer)
- Environmental Health Officer (Food)
- Senior Environmental Health Officer (Environmental Protection)

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

SUMMARY

During the assessment of the application, a number of issues were raised in relation to the proposed design of the development and supporting documentation. The issues raised in relation to the proposal included:

- Additional information required in relation to the traffic report
- Access, internal layout and servicing
- RTA issues, including acceleration lane
- No provision of a mini bus/shuttle to service Summerland Point, Gwandalan, Chain Valley Bay, and Lake Munmorah communities. No transport plan submitted.
- Provision of bicycle facilities
- Bus stops in Tall Timbers Road (Busways submission)
- Changes to Pacific Highway bus stop location
- Car parking layout and AS/NZS2890.1:2004
- Pedestrian access
- Earthworks
- Drainage
- Sewer servicing and ecological assessment.
- Medical centre restriction
- External appearance
- Acoustic impacts
- Permissibility of the drainage structure and Clause 30 of WLEP

Amended plans and information have been submitted for the proposal which, when included with the recommended conditions of consent will address the concerns that were initially raised.

VARIATIONS TO POLICIES

| | |
|-----------------|--|
| Clause | 2.13d |
| Standard | Height |
| LEP/DCP | DCP Chapter 114 – Lake Munmorah Village Centre |
| Departure basis | 14.75m at northern (rear) of building which is 3.75m in excess of the 11m maximum across the whole site. The variation results from the cross fall of site and the need to provide an accessible path of travel to/within the development. |

| | |
|-----------------|--|
| Clause | 9.3 and 2.13 |
| Standard | Gross retail floor space maximum of 5000m ² . |
| LEP/DCP | DCP Chapter 81(9.3) and DCP Chapter 114 (2.13g) |
| Departure basis | 50m ² in excess of maximum |

| | |
|-----------------|--|
| Clause | 2.2 and Appendix B |
| Standard | Indicative development layout |
| LEP/DCP | DCP Chapter 114 – Lake Munmorah Village Centre |
| Departure basis | Reconfigured layout. |

| | |
|-----------------|---|
| Clause | 2.14a |
| Standard | Transport |
| LEP/DCP | DCP Chapter 114 - Lake Munmorah Village Centre |
| Departure basis | Requirement to provide shuttle bus not satisfied. |

| | |
|-----------------|---|
| Clause | 5.4 |
| Standard | Free standing – sign face max. dimensions |
| LEP/DCP | DCP Chapter 50 - Advertising Signs |
| Departure basis | 1.3m ² in excess of maximum of 8m ² . |

HISTORY

- DA/714/1992 was approved on 16 April 1993 for a change of use to rural landscape supplies centre (Nursery)
- RZ/7/2004 Rezone part of site from 10(a) Investigation to 3(a) Business Centre Zone and 7(a) Conservation Zone to enable future development of a shopping centre.

PERMISSIBILITY

The subject site is zoned part 3(a) Business Centre and part 7(a) Conservation under the Wyong Local Environmental Plan (WLEP) 1991. The definition of ‘shop’ and ‘medical centre’ under WLEP reads:

“shop means a building or place used for the purpose of the selling (whether by retail or auction), hiring or displaying for the purpose of selling or hiring of items (whether goods or materials), but does not include a building or place elsewhere specifically defined in this clause, or a building or place used for a purpose elsewhere specifically defined in this clause.”

“medical centre means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to outpatients only, but does not include a building or place elsewhere specifically defined in this clause.”

The proposal includes construction of a shopping centre within the 3(a) zoned portion of the site. The proposal being defined as “shop” and a “medical centre” together with ancillary parking, access, loading and other aspects. The only development located within the 7(a) zone part of the site includes a drainage structure serving the development. Clause 30 of WLEP allows for this drainage structure to be located within 20 metres of the adjacent 3(a) zone boundary.

Clause 10 of the WLEP states that “Council must not grant consent to the carrying out of a development...unless, in the opinion of the Council, the proposed development is compatible with the objectives of the zone within which the development is proposed to be carried out.”

The proposed use as “shop” and a “medical centre” are not identified as prohibited uses under the zoning table and are thereby permissible with consent within the 3(a) zone. Additionally, within the 7(a) zone if the development is within 20 metres of the 3(a) boundary and is needed for servicing purposes, the flexible zoning provisions of Clause 30 can apply to permit the development within the zone.

The objectives for the 3(a) zone are:

“(a) to provide the primary opportunity for the development of retail and commercial activities that are appropriate to the character and needs of individual business centres within the retail hierarchy proposed by a development control plan prepared by the Council for the purpose, and

(b) to provide for higher intensity retail and commercial uses, while allowing for low intensity retail and commercial uses in other business zones, and

(c) to enable the Council to provide more detailed guidelines about preferred retail distribution and development issues in a development control plan.”

The objectives for the 7(a) zone are:

“(a) to restrict the type and scale of development which will be carried out on land possessing special aesthetic, ecological or conservation values to that compatible with such environments, and

(b) to allow such development where:

(i) it can be demonstrated that it can be carried out in a manner that minimises risks from natural hazards, functions efficiently, does not prejudice other economic development and does not detract from the scenic quality of the land referred to in the objective specified in paragraph (a), and

(ii) it is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations or the provision and quality of habitats for both indigenous and migratory species, and

(iii) it is unlikely to have an adverse impact on the region’s water resources.”

In regard to the objectives of the 3(a) zone, objective (a) provides an opportunity for development of retail and commercial purposes appropriate to the character and needs of individual business centres within the retail hierarchy. Council in rezoning the land for the purpose of a shopping centre, considered this aspect and imposed floorspace restrictions to ensure development was in keeping with the adopted retail hierarchy for Wyong Shire. The proposal is generally consistent with the adopted hierarchy.

Objective (b) is likewise considered through the rezoning process and the proposal is considered to be consistent with the intensity of retail and commercial use envisaged for future development of the site.

In regard to objective (c), the proposal is considered to be generally consistent with the adopted guidelines for future development of the site under DCP 2005 chapter 114.

The development proposal includes a shopping and medical centre being higher intensity retail and commercial activities that are appropriate to the character and needs of the Lake Munmorah locality, and of a scale that is consistent with the retail hierarchy proposed by Wyong DCP Chapter 81 and 114. As such these activities are compatible with the objectives for the 3(a) zone. The proposed rehabilitation and stormwater works within the 7(a) zoned land are compatible with the aesthetic, ecological and conservation values of the site and are therefore considered compatible with the objectives for the 7(a) zone.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

The Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Wyong Local Environmental Plan 1991
- Wyong Shire Development Control Plan 2005
 - Chapter 14 - Tree Management
 - Chapter 50 - Advertising signs
 - Chapter 61 - Carparking
 - Chapter 67 - Engineering Requirements for Developments
 - Chapter 69 - Controls for Site Waste Management
 - Chapter 70 - Notification of Development Proposals
 - Chapter 81 - Retail Centres
 - Chapter 112 – Public Art
 - Chapter 114 – Lake Munmorah Village Centre
- Landscape Policy and Guidelines
- Waste Management Guidelines
- Planning for Bushfire Protection 2006
- North Wyong Structure Plan
- Wyong Retail Centres Strategy and Retail Centres Strategy Review 2006

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. The proposal includes the removal of some existing vegetation on the site and proposes compensation for this vegetation removal in the form of a Vegetation Management Plan (VMP). The VMP is to be adopted for the 7(a) zoned part of the site that includes revegetation, weed removal and rehabilitation of the site and the existing Endangered Ecological Community on the site.

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. The development has been designed to include energy efficiency and water conservation measures (this is discussed elsewhere in the report). Although the site is not low lying or susceptible to rising sea level or to coastal erosion, the site is identified as bushfire prone land and it is acknowledged that the extent of this risk may worsen under climate change scenarios. Appropriate measures are to be included as part of the proposal to minimise the risk of the development to bushfires over time. An additional consideration is that of motor vehicle dependence in relation to climate change. Shopping centres typically tend to encourage car dependence rather than not. The proposal includes some improvements to existing pedestrian, cycling and bus service facilities, although given the isolated location of the site, and the strong likelihood of visitors arriving to the site by car there is a need to support and encourage alternative modes of transport, through conditions of consent. These conditions require the applicant to upgrade the existing bus service facilities in the vicinity of the site, improve pedestrian access to the site, and to provide cycling 'end of trip' facilities as part of the development.

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 assessment has identified the following key issues, which are elaborated upon for Council's information.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv):

State Environmental Planning Policy (Infrastructure) 2007

The development has a frontage to the Pacific Highway which is identified as a 'Classified Road'. Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 requires that prior to granting consent to development with a frontage to a 'Classified Road', that Council be satisfied as to a number of aspects of the proposal. Under subclause (2) these aspects are identified as:

- “(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing 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*
- (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.”*

The proposal includes access for motor vehicles via the Pacific Highway and Tall Timbers Road. The arrangements proposed will not compromise the safe or efficient operation of the Pacific Highway and the proposed use is not sensitive to traffic noise or vehicle emissions.

Clause 104 (Traffic-generating development) and Schedule 3 also applies to the development as the proposal is for shops exceeding 2,000m² in area and includes area for ancillary parking accommodation for 200 or more motor vehicles with access to a classified road. In accordance with the requirements of this Clause, the application was referred to the RTA for comment. The requirements of the RTA have been addressed in the recommended conditions of consent. Additionally, in accordance with subclause (3)(ii) consideration has been given to 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*
- (iii) any potential traffic safety, road congestion or parking implications of the development.”*

The proposed development has been assessed and conditions recommended to ensure that the safe, effective and ongoing operation and function of the Pacific Highway will not be compromised.

State Environmental Planning Policy No.55 – Remediation of Land

Clause 7(1) of State Environmental Planning Policy 55 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. Clause 7(2) requires where there has been a change of use on any of the land (as specified under subclause 4), that Council consider a report specifying the findings of a preliminary investigation of the land in accordance with the contaminated land planning guidelines.

In this regard, the applicant prepared a Phase 1 Environmental Site Assessment report for the site which concluded that although the site is unlikely to be significantly contaminated, there is likely to be localised areas of contamination requiring some form of remediation. The most likely areas being that part of the site previously accommodating the underground petroleum tank and vehicle maintenance yard. The report identifies that a phase 2 site investigation would be required to investigate those areas of potential concern. The report recommends the detailed site investigation be conducted once structures on the site have been demolished and the site has been cleared. A condition has been recommended to address this requirement.

State Environmental Planning Policy No. 64 – Advertising and Signage

The provisions of State Environmental Planning Policy No.64 - Advertising and Signage apply to the proposal. The proposed development seeks approval for new signage associated with the new shopping centre and 'Woolworths' supermarket. Under Clause 6 of the SEPP, the signage would be considered as 'building identification signs' and 'business identification signs' and as such, Part 3 of the SEPP does not apply to the development. In accordance with Clause 8 of the SEPP, the signage is considered consistent with the objectives of the policy and satisfies the assessment criteria outlined under Schedule 1 of the instrument.

The signage is considered reasonable and compatible with the existing and future visual character of the area. The signage is not located within an environmentally sensitive area and does not dominate or visually clutter the streetscape. The signage is oriented away from the 7(a) zone and adjoining residential development to the north. The illumination of the signage is considered reasonable and consistent with the accepted signage for a retail development of this nature.

State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 requires that development applications with an estimated capital investment value exceeding \$10 million are to be determined by a HCCJRPP. The proposed project has a capital investment value of over \$14 million. Pursuant to Clause 13C of the SEPP, the application has been forwarded to the HCCJRPP for determination.

Wyong Local Environmental Plan 1991

Clause 10 - Zoning

The subject site is zoned 3(a) Business Centre zone and 7(a) Conservation under the WLEP. The majority of the development is proposed within the 3(a) zone on the site. Only the construction of a stormwater detention basin (rain garden) and vegetation rehabilitation works are proposed within the 7(a) zoned part of the site. The drainage works are proposed within 20 metres of the 3(a) zone boundary and are therefore permissible under Clause 30 of WLEP. The rehabilitation works are permissible as 'exempt vegetation management works' and both are consistent with the 7(a) zone objectives.

Development for any purpose is permissible other than those identified as prohibited within the 3(a) Business Centre zoning table. "Shop" and a "Medical Centre" are both uses that are not identified as prohibited under the zoning table and are both therefore permissible with development consent. As discussed earlier in the report, both of these proposed uses are considered consistent with the 3(a) zone objectives.

Clause 15 - Acid Sulphate Soils

Clause 15 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 - outside 500m on the Acid Sulphate Soils Planning Map. Under Clause 15(2) a person must not, without the consent of Council carry out works within Class 5 which are likely to lower the water table in any adjacent 1, 2, 3 or 4 land to any point below 1 metre AHD unless an assessment is undertaken in accordance with the Acid Sulphate Soils Assessment Guidelines to establish the likelihood of acid sulphate soils and identify their management. There are no works proposed as part of the development that are likely to lower the water table in any adjacent 1, 2, 3 or 4 land to any point below 1 metre AHD.

Clause 29 - Services

The proposal will generate a load of 12.55 ET's (Equivalent Tenement) on the water supply and sewerage systems. The development can be serviced for water from an existing 200 mm water main that is located on the eastern alignment of Tall Timbers Road. The existing system is adequate to provide water supply to the proposed development.

The site is currently not serviced for sewer. In order to provide sewer for this development, the developer will be fully responsible for the extension of the sewer main from the existing Dead End (east of the houses in Kamira Road) to inside the development site and the construction of a sewer manhole. The developer is required to prepare the design plans and submit these to Council for approval prior to issue of a Construction Certificate. The existing sewerage system can accommodate the above loading however, some components of the downstream infrastructure will require upgrading to accommodate the ultimate loading in this area. The cost of the upgrading works will be funded from the sewerage contribution charges by the developers. The proposal falls within the Development Servicing Plan (DSP) for the Lake Munmorah District and the contribution charges for water supply and sewerage will be applicable.

Clause 30 – Development near boundary of adjacent zones

Clause 30(1) allows for development permitted within a zone to be carried out on land in an adjacent zone (other than zones 6(b), 7(d) 7(e)) within 20 metres of the boundary between the zones. Clause 30(2) states that Council may grant consent but only where the carrying out of the development is necessary, in the opinion of Council, due to planning, design, servicing or similar requirements relating to the optimum development of the land. The proposal includes a stormwater facility (to comply with Water Sensitive Urban Design WSUD requirements) to be located in the 7(a) Conservation zone on the site within 20 metres of the zone boundary. The proposed WSUD stormwater device is a necessary servicing requirement for the development and was identified as part of the development under the relevant site specific DCP Chapter 114. The stormwater facility would be 'characterised' as part of the shopping centre development as it serves no purpose other than as a facility solely for the development. It is therefore permissible as part of the development within the 3(a) zoned portion of the site and under this Clause the facility is permitted to extend within the 7(a) zone for a distance of 20 metres from the 3(a) zone boundary. The development is consistent with this clause.

Clause 42 – Floor Space Ratio

Land within a 3(a) zone that is identified as a local or neighbourhood centre in any DCP is restricted to a maximum floor space ratio (FSR) of 0.5:1. The site is zoned 3(a) and is identified under DCP Chapter 81 as a village centre, therefore the clause does not apply to the development.

Wyong Shire Development Control Plan 2005

Chapter 14 - Tree Management

The proposal involves the removal of existing native trees on the 3(a) zoned part of the site. The applicant prepared and submitted a VMP that includes compensatory planting, and rehabilitation works on the 7(a) Conservation zoned part of the site.

Chapter 50 - Advertising signs

DCP Chapter 50 applies to the signage proposed for the development. No details are provided at this stage for the individual signage for each of the separate tenancies. The signage proposed mainly relates to Woolworths. The proposed signage content is to comprise the name Woolworths with a green corporate symbol and directional advisory signage. The types of signs initially proposed included:

- 2 x Illuminated freestanding pylon signs one for each street frontage (double sided face 3.215m x 3.645m and 8m high)
- 2 x Car park entry reversible sign (2.4mx 1.2m)
- Above awning building entry sign (11.7m x 2.5m) south-west corner of building
- Flush wall, building façade sign west facing (4.68m x 1m)
- Flush wall, building façade sign south facing (11.7m x 2.5m)
- Flush wall building façade sign east facing (11.7m x 2.5m)

However, an amended plan was submitted in relation to signage proposing the following signage details:

- 2 x Illuminated freestanding pylon signs (double sided face 3.215m x 4.395m and 8m high, one for each street frontage)
- Above awning building entry sign (11.7m x 2.5m)
- Flush wall, building façade sign west facing (6.430m x 5.787m)
- Flush wall, building façade sign south-west corner of building (8.775m x 1.875m)
- Flush wall, building façade sign south-west corner of building (4m x 1.875m)
- Flush wall building façade sign east facing (8.775m x 1.875m)

This amended plan shows substantially different signage detail to that originally advertised for the proposal and includes reference in three signs to a liquor shop for which no reference had been provided on the plans or in supporting information. A condition is to be included requiring deletion of the references to the liquor shop signage as this is appropriate for consideration at a later stage in the context of an application for (or approval of) such a future use and its fitout within the shopping centre. Additionally, the amended signage plan deleted reference to the proposed two car parking entry signs (1.2m x 2.4m) and the general dimensions of a number of the proposed sign increased in size.

Clause 5.4 of DCP Chapter 50 defines pylon signs as free standing signs and limits the face of the sign to 8m², the height of the sign to 7 metres and generally only one free standing sign for each street frontage. The dimensions and height proposed for the pylon sign do not comply with the DCP requirements. A condition is recommended to reduce the height of the pylons signs by 1 metre to comply with the maximum height under the DCP of 7 metres. The proposed pylon sign under the amended plans (14.13m²) exceeds the maximum face area for such signs being 8m². As discussed above, deletion of the liquor shop signage will reduce the face area of the pylon signs to 11.7m². Further, a component of each pylon sign face (3.215m x 750mm) is directional signage for the purposes of parking associated with the development. This 'parking' component of the signs does not contain advertising material as it is for information purposes and it is considered reasonable to deduct this component from the total sign face area. Therefore, the proposed pylon sign face would be reduced to 9.3m² and the extent of variation sought to the DCP requirement in relation to the signage face is 1.3m².

The objectives for the DCP controls include ensuring that signage is properly designed located and maintained and to preserve the amenity of a locality and ensure that signage is in keeping with the scale and character of surrounding buildings and structures. Given the significant scale and commercial character of the development and the large size of the site and its context in a newly developing area on the Pacific Highway, the extent of variation is considered minor and will not be readily perceived. The extent of variation is acceptable.

The remainder of the signage proposed for the development would be considered as flush wall signage. Clause 5.6 of the DCP advises that flush wall signs are not to extend laterally from the wall or beyond the edge of the wall and must be 2.6 metres above ground level if internally illuminated, and the total coverage is not to exceed 25% of the wall space for each frontage. The flush wall signs proposed all comply with the DCP requirements. However, under the amended plans the increased dimensions for the west facing flush wall sign results in it marginally extending above the roof line of the development. The DCP will allow for signs to protrude above the roofline where the sign does not visually dominate or detract from the skyline, the streetscape or the building. In this instance, the protrusion is acceptable as it is only a marginal protrusion and other parts of the building roofline are of a similar height. As the sign is designed to visually integrate with the architectural form of the building it will not readily visually dominate or detract from the skyline, the streetscape or the building. The sign will present as a high quality professional finish.

The illumination of the signage is not considered to readily impact upon any surrounding properties given the context of the site and the orientation and location of the illuminated signage away from residential properties. There is residential development located to the north and along the opposite side of the Pacific Highway to the site however, it is considered that there is sufficient distance between the development and the residential activities that will minimise any impacts.

Chapter 61 - Carparking

The development generates on-site parking on the following basis under Chapter 61 of the DCP:

- Supermarkets, shopping centres 500-10,000m² GLFA requires 6.1 spaces per 100m²
- Medical Centre requires 1 space per employee plus 3 spaces per surgery
- Provision of at least four (4) accessible spaces

On the basis of 5050m² gross leaseable floor space (GLFA) for the supermarket and shopping centre (at a rate of 6.1 spaces/100m²) parking generation is 308 spaces.

Although no layout plans were provided for the medical centre, the applicants traffic report based the parking provision for the future centre on 6 staff and 5 surgeries. This equates to 21 spaces required for the medical centre under the parking rates included under DCP Chapter 61 (1 space/employee plus 3 spaces/surgery). The total parking demand for the development under the DCP is 329 spaces. The development provides an at-grade parking area to service the development containing 342 spaces including 6 accessible spaces. This is 13 spaces in excess of the DCP requirement and this will create some flexibility in the event that any future use has a parking demand greater than currently provided. The parking for the development is considered satisfactory.

Chapter 67 - Engineering Requirements for Developments

All civil works associated with the proposal will be designed and constructed to achieve compliance with DCP Chapter 67 – Engineering Requirements for Developments. Stormwater plans have been submitted and reviewed for the development and no objection is raised subject to the inclusion of conditions relating to the drainage design, infrastructure upgrades and associated works. Conditions will also be included to address sediment and erosion control measures required for the development.

Chapter 69 - Controls for Site Waste Management

In accordance with the requirements of DCP Chapter 69, a Waste Management Plan was submitted with the application outlining the waste disposal, re-use and recycling (on and off site) for the development at each stage (ie. demolition, construction and ongoing use). This plan includes the types of waste generated and waste minimisation and mitigation strategies. A condition is recommended requiring the preparation of a detailed waste management plan for the development that addresses the matters identified in the submitted plan and to ensure the development is carried out in accordance with the submitted Waste Management Plan.

Chapter 81 - Retail Centres

Under Chapter 81 of the DCP, the shopping centre development on the site is identified as a village centre. Village Centres provide for a range of weekly food and convenience shopping. The DCP (Clause 3.2.3) identifies the need for a new village centre in the Lake Munmorah area to service the Northern Lakes/Budgewoi area. Although the DCP does not identify a specific site, the development of this site as proposed will provide that required village shopping centre. The DCP identifies the potential for this centre to expand in floor area up to 10,000m² and that it is expected to be anchored by a supermarket and have some potential for the inclusion of bulky goods developments within that floor space limit.

The current proposal includes a supermarket (3800m²) with specialty retail space (1250m²) containing 15 retail tenancies, totalling 5050m² in area. Additionally the proposal includes a medical centre with a floor area of 500m². All maximum floor space calculations referred to this DCP relate to the gross retail floor space (refer to 1.5 Definitions) and do not include non-retail services (refer Clause 6.3). The DCP states that this is because non-retail floorspace generally does not have any significant economic effect. In this regard, the floor space containing the medical centre (500m²) is identified as non-retail services under the DCP and therefore not included in the calculation for the purpose of this retail floor space.

Non retail services are encouraged in new village centres under Clause 6.2 of the DCP and under Clause 6.3, the DCP states that a *minimum of 10% of the total additional floorspace of all new and redeveloped District Shopping Centres and Village Centres must be allocated to non-retail services*. In this regard, the non retail floor space being the medical centre represents generally 10% of the total additional floor space of the new village centre.

Although the extent of floor area (ie. total gross retail floor space) is consistent with the overall maximum of 10,000m² identified for the total site under Clause 3.2.3, it exceeds the 5000m² maximum floor area identified for the village centre under Clause 9.3 of the DCP. The extent of variation sought is considered minor and limited to 50m² retail floor space in excess of the control. This clause goes on to further state that a:

specific site is yet to be identified and will be subject to further detailed planning of the San Remo and Northern Lakes Social Planning Districts. This Village Centre might have the potential to expand by an additional 5,000m² of retail floorspace after 2021 (i.e. maximum gross retail floorspace of 10,000m²). Bulky goods floorspace would need to be accommodated within this floorspace limit.

It is intended that the eastern half of the site may be developed in the future for bulky goods uses although this is not included under the current proposal.

The variation to the DCP for an additional 50m² sought under the proposal is considered minor and comprises two 25m² kiosks within the centre. Removing these kiosks and reducing the retail floor space to comply will not alter the FSR or the building form or appearance. The additional 50m² is not considered to be significant or sufficient to adversely impact on the spending patterns at other retail centres in the trading area. The development remains consistent with the DCP objectives despite the non compliance and the extent of variation is minor and is considered reasonable.

The proposal is considered consistent with the design guidelines in relation to streetscape, architectural character, public amenity, parking and servicing outlined under Clause 11 of DCP Chapter 81.

Chapter 112 – Public Art

DCP Chapter 112 requires major development with an estimated construction value of over \$5 million or greater to implement public art as part of the development. Under the DCP a minimum of 1% of the total cost of the development is to be dedicated to this end. The applicant proposes a wall mural and has nominated a wall on the western building elevation for this to be carried out although no specific details have been provided at this stage. A condition has been recommended requiring the provision of public art to be carried out as part of the development in accordance with the DCP requirements.

Chapter 114 – Lake Munmorah Village Centre

DCP Chapter 114 is a site specific DCP prepared in respect of the rezoning of the site for a shopping centre development. This DCP outlines development of the shopping centre in two stages on the site, with Stage 1 providing up to 5000m² gross retail floor space by 2011/2012 and Stage 2 providing up to an additional 5000m² gross retail floor space after 2021. This floor space beyond 5000m² would be determined by a retail capacity and impact assessment report demonstrating that the expansion would not adversely impact other existing centres within the Northern Lakes Trade Centre. The maximum gross retail floor space for the site is 10,000m². Additional non-retail floor space maybe permitted where it provides a supporting role to strengthening the overall viability and vitality of the centre. Under the proposal, the medical centre is included as non-retail floor space that satisfies this intention.

Design Principles

In accordance with Clause 2.2 of the DCP, the development is of a scale and character appropriate to the characteristics of the local area. The siting and design presents as a unified, coherent appearance. The site layout is to be generally in accordance with that envisaged for the site under the DCP indicative site layout plan. Under the DCP layout plan, the whole of the site zoned 3(a) is developed in some form under stage 1 with the main retail centre generally in the middle of the site. The proposal separates the western half of the site to be developed under stage 1 and the eastern half of the site to be developed under stage 2. This includes the practical considerations for the construction of stage 2 with minimal disruption to stage 1. Under the DCP layout plan, stage 2 is contained in separate buildings scattered along the site frontage behind the landscaping. The applicant has argued that development in this form (as shown under the DCP layout plan) is not desirable for the following reasons:

- The number of buildings would make for a disjointed use for future customers and may not attract users evenly which then places market pressure on securing tenants.

- The design does not provide for all weather protection in the same manner as a single building does.
- The design with one building provides for an active street frontage, integration with at-grade parking areas with accessible paths of travel.
- The design with one building will ensure the landscape setting in relation to the streetscape along the Pacific Highway will be preserved as no built forms are proposed within a 45m building setback.
- The development remains consistent with Clause 2.2.

The variation proposed to the indicative building layout plan is reasonable and remains consistent with the aims, objectives and principles of the DCP. This variation has been considered under Clause 1.7 of the DCP and is supported.

2.3 Site Access and Parking

The access and parking arrangements for the development are considered consistent with the DCP requirements subject to recommended conditions.

2.4 External Presentation and visual appearance

The proposal generally addresses the DCP requirements under this section satisfactorily. Adequate consideration has been given to the design to ensure it addresses the 'dual street frontages, their turning of the corners and views into and from the site'. Awning have been provided along the building frontages to create covered walkways to the shops. The main building entry is clearly expressed and a variety of roof shapes including skillion form have been used to create visual interest. Outdoor storage areas are not within ready view.

However, concerns were initially raised regarding the external design and appearance of the development and further visual treatment was requested. The DCP requires *building designs include surface relief or surface patterns which achieve a balance in horizontal and vertical articulation of the facades so as to avoid large buildings with unmodulated blank walls and no variation in architectural treatment*. The applicant submitted an amended finishes schedule and elevation plans that provides greater architectural expression and visual interest to the building.



Western elevation before amendment



Western elevation after amendment

2.5 Energy Efficiency

The development is consistent with the energy efficiency provisions under this clause of the DCP. Energy efficient fixtures and water saving devices are included as part of the development. This is discussed in greater detail later in the report.

2.6 Water Sensitive Urban Design

The proposal incorporates Water Sensitive Urban Design principles in accordance with the DCP including rainwater tanks, a rain garden, and landscaping interspersed throughout the at-grade car parking area. Conditions are recommended to address the DCP requirements.

2.7 Acoustic and Lighting Controls

In accordance with this clause of the DCP, an acoustic report was submitted with the application to address any potential noise impacts associated with the proposal. Conditions are recommended to further address this issue.

2.8 Design Safety and Security

The development has been design in accordance with the principles for Crime Prevention Through Environmental Design (CPTED) and a report accompanied the proposal and was forwarded to NSW Police for comment. The proposal is consistent with the DCP requirements.

2.9 Landscaping

The DCP requires the preparation of a landscape plan and VMP under Category 3 of Council's Landscape Policy. The VMP is to guide the retention of significant vegetation on the site in particular along the northern and eastern property boundaries. A Category 3 landscape plan and VMP were submitted with the application and assessed as satisfactory subject to recommended conditions.

2.10 Infrastructure and Waste Management

In accordance with the DCP, loading and servicing areas are not prominent from either site frontage. Separate loading facilities are provided for the supermarket and specialty shops. Solid waste is to be sorted for recycling and re use and collected on site. Conditions are recommended to address the servicing of the development.

2.11 Construction Management

Conditions are recommended to address the construction management requirements under this section.

2.12 Signage

This aspect of the proposal has been discussed in detail earlier in the report under the comments on DCP Chapter 50 and SEPP 64. There are no additional requirements.

2.13 Building Height, Setback and Floor Space Ratio

Setbacks

The development complies with the required minimum building setbacks and the required minimum landscaped setbacks under this part of the DCP. Under the proposal, the car parking encroaches into the building setback area. The DCP states that no structures are allowed within the building setback areas however, allowable encroachments within the building setbacks are parking, outdoor staff seating areas, signage and access lanes.

Height variation

A maximum building height of 11 metres applies across the site (Clause 2.13d) measured vertically from existing ground level at any point to the highest point of the building and includes plant. The proposal exceeds this requirement at the northern (rear) end of building, measuring 14.75m above existing ground level. This is 3.75m in excess of the 11m maximum that applies. The applicant has argued that the non compliance results from the steep cross fall of the site (from south-west to north-east) and the need to provide an accessible path of travel to/within the development. The component of the building which will exceed the height limit is the roof area and mezzanine. The DCP states that roof treatments may be considered to project beyond this height where it can be demonstrated that there is merit in doing so. The applicant has provided the following arguments:

- The breach occurs at the rear of the building and is not visible from either Tall Timbers Road or the Pacific Highway.
- The breach occurs along the northern edge of the building and therefore any shadows cast from the breach will fall across the roof of the development and will not affect any adjoining properties.
- The design of the development would comply if the land did not require re-grading to accommodate the at-grade parking.
- A variation in this circumstance will not set a precedent as very few other forms of development in the immediate locality would involve a similar development 'floor plate' and similar design intent.

The variation to the building height is appropriate to the use and is not visually intrusive when viewed from surrounding areas. The variation proposed to the building height is reasonable and remains consistent with the aims, objectives and principles of the DCP. This variation has been considered under Clause 1.7 of the DCP and is supported.

Floor Space Ratio

A maximum floor space ratio of 0.25:1 applies to the site. The development proposes a floor space ratio of 0.08:1 which is well below the maximum permitted for the site.

Retail floor space

The proposal includes a retail floor space of 5050m² this exceeds the retail floor space maximum for stage 1 by 50m². As discussed earlier (under the section relating to DCP Chapter 81), the variation to the DCP for an additional 50m² sought under the proposal is considered minor and comprises two 25m² kiosks within the centre. Removing these kiosks and reducing the retail floor space to comply will not alter the FSR or the building form or appearance. The additional 50m² is not considered to be significant or sufficient to adversely impact on the spending patterns at other retail centres in the trading area. The development remains consistent with the DCP objectives despite the non compliance and the extent of variation is minor and is considered reasonable.

2.14 Transport

The DCP requires the preparation of a Transport Plan that identifies and addresses a reduction in the demand for travel by private car by:

- providing a shuttle/mini bus service to Summerland Point, Gwandalan, Chain Valley Bay and Lake Munmorah, with a minimum of two services to and from the development in the morning and afternoon, each day.
- Providing a shared off-road cycleway, which is safe and direct.
- Provide appropriate pedestrian facilities for pedestrians to cross the Pacific Highway

The applicant submitted a Transport Plan that did not include provision of a shuttle/mini bus service as required by the DCP. The applicant argued that the existing bus services are adequate to connect the site to these areas with at least one service in the morning and afternoon. The applicant states:

“the proposed supermarket is accessible during the day by bus from the surrounding areas. While the service is limited in some locations, with appropriate planning, people could access the site by bus. It is important to note that these people already travel to access the retail facilities and that the proposed shopping centre provides additional retail facilities that will be more accessible. As the site is currently accessible by buses, the provision of a mini bus service is not warranted. It is noted that should demand for bus services increase, the local bus operator (Busways) could increase services. Provision of a mini bus service could reduce the demand for existing services (by competing with existing services) and delay provision of additional services in the future “

The applicant's transport plan does not provide any supporting details including precise details on the bus routes and identification of what facilities are required to properly service the development from the current bus routes. The applicant does not outline how the development will encourage the use of the buses, only that the subject site is currently accessible by bus. If the proper bus stops are not provided, including pedestrian paths to the bus stops, on both sides of the Pacific Highway and on both sides of Tall Timbers Road, it is considered that the development is not encouraging people to use the current bus service. Whilst the applicant's transport plan identifies that there are buses currently operating along the Pacific Highway and Tall Timbers Road, no bus stop facilities, with the exception of the northbound Pacific Highway are identified in the transport plan to cater for these bus services.

In consideration of the recent adoption and effect of the DCP (November/December 2010), variation of the DCP controls needs serious consideration. It is understood that the requirement for a mini bus service was imposed due to the isolated and relatively under developed character of the site and its context.

The objective for the control states:

- *“To encourage and facilitate the use of modes of transport other than the private car.”*

Taking into consideration the arguments that the applicant has provided regarding the existing bus service, there appears to be an argument for varying the requirement for the mini bus service if the existing bus service facilities (bus stops and pedestrian access to these stops) could be upgraded to increase their appeal and attractiveness to existing and potential patrons. The applicant proposes to upgrade only one of the existing bus stops in the vicinity of the site which is located along the Pacific Highway frontage to the site. This bus stop only accommodates buses travelling in one direction past the site (eg. eastwards) which is restricted by the bus route. The single bus stop upgrade is not adequate to service the proposal in respect of the other routes servicing the site or buses travelling in an alternate direction (eg. travelling north down Tall Timbers Road or west along the Pacific Highway).

It is recommended that basic upgrading works be carried out to the existing bus stop directly opposite the site along the Pacific Highway, and two new bus stops be provided in Tall Timbers Road to service the development. The existing bus stop on the southern side of the Pacific Highway requires improvement to provide passenger set down areas capable of being serviced by boarding devices such as ramps or lifts, bus shelter and 1.2 metre wide footpath connecting to the signalised pedestrian crossing at the Tall Timbers Road intersection. Both bus stops in Tall Timbers Road will be required to provide a set down area and signage, however, the eastern bus stop will be required to provide a seat and shelter in accordance with the requirements of DCP Chapter 114. Identical infrastructure is not recommended on both sides of Tall Timbers Road as the development is not expected to create a significant demand for bus patrons boarding on the western side. The extent of upgrading works are to be included under recommended conditions and will include associated pedestrian facilities. It is considered that upgrading of the four bus stops in the vicinity of the site will contribute greatly to the attractiveness of the existing bus service for users visiting the site. It is on this basis that the variation to the requirement for provision of a shuttle bus is supported.

In relation to the provision of a cycleway, the applicant entered into a Voluntary Planning Agreement in relation to construction of a cycleway along the Pacific Highway in two stages.

Clause 2.14b of the DCP requires the provision of designated bus bays incorporating bus shelter, seating and lighting for new or existing bus routes in the vicinity of the development. The applicant has proposed to upgrade one of the bus stops near the site that is located along the Pacific Highway frontage to the site to accommodate two buses. An internal pedestrian path to the bus stop will be provided within the car park linking the bus stop to the centre. The new bus stop will be provided with a shelter and appropriate seating. It is noted that this DCP Clause refers to bus bays (not singular) for new or existing bus routes (not singular). In this regard, the provision of additional upgrades to bus stops in the vicinity of the site will achieve satisfactory compliance with this DCP requirement. Conditions are recommended to satisfactorily address this aspect.

This Clause of the DCP also requires provision of bicycle parking in appropriate and well lit and sheltered locations and provision of showers, change rooms and lockers for staff. The proposal will comply with these requirements subject to recommended conditions of consent.

2.15 Urban Interface Area (UIA) Requirements

In accordance with the DCP, an urban interface area is required in order to retain significant vegetation and manage buffer areas along the perimeter of the shopping centre including the northern and eastern boundary interface of the 7(a) Conservation zone and the 3(a) Business zone perimeter of the shopping centre development. Conditions are recommended to address this control including the requirement for landscaped earthen batters to the northern, eastern and western edges of the development adjoining the 7(a) zone.

North Wyong Structure Plan

The Draft Wyong Structure Plan has identified a new retail centre in this location within the area contained under the plan. The proposal is therefore consistent with the provisions of the plan.

Wyong Retail Centres Strategy and Retail Centres Strategy Review 2007

Wyong Retail Centres Strategy identifies the need for a new centre at Lake Munmorah to provide accessible supermarket based shopping for present and future population in the northern areas of the Shire currently reliant on the Lake Haven district centre. This is due to accelerated trends in retailing, the delay in establishment of a supermarket at Warnervale (district centre) and the need to provide competition to Lake Haven that will preserve the potential for the Warnervale supermarket. Additionally, the Lake Munmorah centre location already has a significant catchment population. The Strategy identifies this new centre to be a village centre of 5000m² by 2011 and expansion of the Lake Munmorah centre to some 10,000m². The proposal is therefore generally consistent with the Strategy.

Landscape Policy and Guidelines

Council's Landscape Policy and Guidelines and DCP Chapter 114 (Clause 2.9a) requires the landscape design for the development to be done as a Category 3 development that requires the expertise of an approved Landscape consultant. A landscape plan accompanied the application which complies with the requirements of the Landscape Policy. Following review of the plan, a number of changes were made to the proposal including the addition of retaining walls within the landscaped frontage. No updated landscape plan was submitted with these changes therefore conditions are recommended to address a number of landscaping changes to the proposal.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):

The relationship to the regional and local context and setting.

Locality and Streetscape

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. The proposal involves the redevelopment of the site to allow for new retailing activities within the locality.

Privacy, overlooking and boundary treatments

There are a number of residential dwellings surrounding the site to the north with their rear yards oriented towards the development site. The building has generally been designed to minimise the potential for any overlooking to the adjoining residential properties. Additionally, the 7(a) zoned land will serve to visually separate the development from general view of the dwellings once the vegetation has been regenerated as proposed.

The access, transport and traffic management measures.*Traffic generation*

The applicant prepared a traffic report for the development that identifies the likely traffic to be generated by the development during peak times. Based on RTA Guidelines, the development is calculated as generating traffic on the basis of 690 vehicles per hour (two way) on a Thursday afternoon and 735 vehicles per hour (two way) on a Saturday midday peak period. It was estimated that 25% of retail trips would be passing trade (ie. Vehicles that are already in the existing traffic stream passing the centre) and multi purpose trips. On this basis, the additional traffic generation would be around 550 vehicles per hour (two way) during the Saturday midday peak period. For the medical centre, 45 vehicles per hour (two way) trips would be generated. Under the report, it was anticipated that traffic flows on the Pacific Highway would increase by 215-365 vehicles per hour (two way) in the peak periods. Traffic flows on Tall Timbers Road would increase by some 420 vehicles per hour (two way) in the peak periods. Traffic flows on Colongra Bay Road, Elizabeth Bay Drive and Carters Road would increase by some 20-50 vehicles per hour (two way). The applicant carried out a SIDRA analysis on the adequacy of the intersections. The RTA examined this assessment and raised no objections subject to inclusion of conditions relating to access and traffic.

External Road Infrastructure and Access

The existing Tall Timbers Road formation in the vicinity of the development presents as a rural collector road, currently in fair condition. Significant upgrading works are required to bring the road formation and road environment to a condition and arrangement suitable for use by the development. These works include:

- Reconstruction of Tall Timbers Road to four carriageway for the full frontage of the development with transitions to the existing road formation required at both ends of the works.
- Flexible pavement to cater for a suitable traffic loading.
- Kerb and gutter on both sides of Tall Timbers Road for the length of the 4 lane road formation and extend the marked pedestrian crossing on the western side of Tall Timbers Road.
- Vehicle access to the site provided as an intersection in Tall Timbers Road
- Provision of bus stops and associated infrastructure on both sides of Tall Timbers Road. Both bus stops will be required to provide a set down area and signage, however, the eastern bus stop will be required to provide a seat and shelter in accordance with the requirements of DCP Chapter 114. Identical infrastructure is not recommended on both side of Tall Timbers Road as the development is not expected to create a significant demand for bus patrons boarding on the western side.
- Provision of longitudinal stormwater drainage and associated infrastructure, with new stormwater pipeline connected directly to the existing inlet of the downstream pipeline, and interconnection with the existing piped road culverts.
- Extension of road culverts to cater for new carriageway width.
- Regrading of the eastern verge

- Shared path 2.5 metres wide on the eastern side of Tall Timbers Road from the Pacific Highway to Chisholm Avenue. This pathway allows pedestrian connectivity of the development to the residential catchment to the north. Tall Timbers Road is outside of the scope of the shared path network commitments contained within the Voluntary Planning Agreement.
- Footpath 1.2 metre wide on the western side of Tall Timbers Road, from the bus stop to the marked pedestrian crossing at the intersection of Pacific Highway and Tall Timbers Road.

The existing Pacific Highway road formation in the vicinity of the development is a 4 lane dual carriageway arterial road, currently in good condition. Significant upgrade works are required to bring the road environment up to standard that ensures that arrangement is suitable for use by the development:

- Kerb and gutter along the frontage of the development extending from the existing kerb at the Tall Timbers Road intersection to the required road gully /junction pit, with sufficient additional extension as required for drainage purposes. The kerb and gutter improves the road environment to a satisfactory and sustainable condition by providing a formalised road edge and delineation.
- Vehicle access to the development shall be provided as an intersection with the RTA imposing suitable design parameters for leaving and joining the traffic on the Pacific Highway.
- Provision of bus stops and associated infrastructure on both sides of the Pacific Highway. The existing bus stop on the southern side of the Pacific Highway requires improvement to provide passenger set down areas capable of being serviced by a Kneeling bus, bus shelter and 1.2 metre wide footpath connecting to the signalised pedestrian crossing at the Tall Timbers Road intersection. The bus stop on the northern side of the Pacific Highway shall be relocated generally to the location shown on the plans. Road environment improvements including signage, pavement marking and bus shelter will be required.
- Provision of longitudinal stormwater drainage and associated infrastructure with existing road culverts to be extended into the site and provision of suitable scour protection.
- Extension of road culverts to cater for new carriageway width.
- Regrading of the eastern verge.

Conditions are recommended to address the required works.

The impact on the public domain (recreation, public open space, pedestrian links).

The development will improve the pedestrian and cycling links surrounding the site. Under the Voluntary Planning Agreement (VPA) for the development, financial contributions towards a proposed new cycleway along the Pacific Highway will increase the public recreational opportunities available within the locality. The development will increase the pedestrian activity in and around the site and will provide additional semi-public space through an increase in the retail activities and opportunities available within the locality. There is no adverse impact upon the use of surrounding public open space as a consequence of the proposal.

The impact on utilities supply.

A condition is recommended requiring the applicant to consult with various public authorities and utility providers in respect of their requirements for servicing the development (for energy, phones, post and gas) prior to commencement of work. The impact on water and sewer supply for the development is discussed earlier in the report under the servicing requirements for the development in relation to Clause 29 of Wyong LEP 1991. The demands of the development have been assessed against the availability and capacity of the water supply and the requirements for servicing by the sewerage system. A condition has been recommended requiring the applicant to obtain a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer servicing requirements for the development. The applicant has advised that the energy demands of the development will be accommodated by upgrading or augmentation to the energy supply infrastructure as required.

The effect on heritage significance.

The site is not heritage listed and there are no heritage listed properties within the vicinity of the site.

Any effect on other land resources.

There are no unreasonable or significant adverse impacts on other land resources associated with the proposal. The development will not have any adverse impact upon conserving and using valuable land resources such as mineral and extractive resources, agricultural land or any water supply catchment. In this regard, the NSW Department of Industry and Investment had provided comment on the earlier proposal to rezone the site for a shopping centre.

Any impact on the conservation of water.

Water Sensitive Urban Design (WSUD) measures are proposed as part of the development including rainwater tanks, landscape treatments throughout the car park and a rain garden. Additionally water saving fixtures are included as part of the development. Conditions have been recommended in relation to the WSUD measures.

Any effect on the conservation of soils or acid sulphate soils.*Acid Sulphate Soils*

The issue of acid sulphate soils is discussed earlier in the report under the section on Clause 15 of WLEP 1991.

Earthworks

The earthworks for the development are expected to be significant in order to achieve the proposed design levels with the fill proposed exceeding the cut. The proposed cut located in the south-western section of the site includes stepped retaining walls within the landscaped area. The proposed fill located in the north-eastern part of the development footprint includes large batters. Conditions are recommended requiring the compaction and placement of fill to be certified and monitored by a Geotechnical Engineer. Additionally, a Geotechnical Engineering report is required to inform the retaining wall, footing, foundation and pavement design.

Any effect on quality of air and microclimate conditions.

There are no unreasonable or significant adverse impacts upon the air quality and microclimate conditions associated with the application. A condition is recommended in relation to dust control during demolition, earthworks and construction requiring adoption of appropriate measures to minimise emissions into the surrounding environment. There is minimal potential for any air pollution, odour, fumes or other air quality impacts associated with the development on the site.

Any effect on the flora and fauna.

The site has remnant forest along the north and south-eastern areas of the site, a partially cleared wildlife corridor along the eastern boundary connects the site to bushland located to the north. A Flora and Fauna Threatened Species Assessment dated March 2011 was prepared for the proposal on the site. Eighty one species of flora (16 of which were exotic) were identified on the site. Twenty eight species of fauna were identified. No threatened flora species were detected. One vulnerable mammal (Grey-headed Flying-fox) was identified and 5 vulnerable bat species (Eastern Bent-wing Bat, Little Bentwing-bat, Eastern Bent-wing Bat and Yellow-bellied Sheathtail-bat). The assessment of significance pursuant to the Threatened Species Conservation Act 1995 revealed that for all threatened species there would be minimal impact from the proposal. However, in order to preserve habitat integrity at the site several ameliorative measures and management actions have been recommended under the report and these have been referenced in the recommended conditions.

The site contains two vegetation communities Coastal Plains Scribbly Gum Woodland and Swamp Mahogany – Paperbark Forest. The Coastal Plains Scribbly Gum Woodland is situated at the eastern and western portions of the conservation area with the western side having significant weed infestation while the vegetation on the eastern side only had a moderate to low level of weed infestation. The Swamp Mahogany – Paperbark Forest is located in the middle and eastern portion of the conservation area and has significant weed infestation. This community was confirmed to be classified under the definition of *Swamp Schlerophyll Forest on Coastal Floodplains of the North Coast, Sydney Basin and South Coast Bioregions* endangered ecological community.

Most of the remnant forest areas on the site are currently considered to be in moderate condition due to the high level of weed infestation. Although the majority of the proposed development is on cleared land, there is a portion (approx. 1.2ha) of remnant forest to be removed on the south-eastern part of the site. The off set area (to offset conservation values impacted by the proposal) zoned 7(a) Conservation will comprise the northern portion of the site, and the corridor along the eastern boundary.

A Vegetation Management Plan (VMP) has been prepared for the proposal that identifies suitable landscape management actions and strategies that will be implemented throughout the proposed conservation area. The VMP is aimed at rehabilitating the existing vegetation communities and enhancing wildlife values on the site through weed removal and regeneration, replanting of native species and protection of the conservation area.

The provision of waste facilities.

The development includes provision of room for the storage of waste located that is located adjacent to the proposed common loading dock. This will enable adequate servicing of the development by waste removal vehicles of various sizes. The design of the waste storage area is setback within the development and is not within ready view of the street or any public place. The waste storage area is also well setback from any adjoining properties so as to minimise any potential odour impacts.

Whether the development will be energy efficient.

The applicant has identified the following energy saving devices that are to be incorporated into the development:

- Performance glass
- Applied sun shading devices, such as overhead louvers, awnings, screening and blinds to protect solar exposed glazing on elevation
- Insulation ratings to roof and wall sheeting
- Operable windows to purge building at night
- Zoned air conditioning to optimize systems flexibility
- Energy efficient lighting
- Water efficient fittings and fixtures to amenities areas
- Solar / gas fired heating if applicable

In addition, the following operational components of the supermarket will include:

- Refrigerated Cases:
 - EC fans – lower energy use
 - Front fences – reducing cold air spill
 - Night blinds – reduces energy consumption after hours
- Lighting
 - Trial of compact fluorescents over metal halide lamps – lower energy use for same illumination.
 - Use of T5 fluorescent lights over T8 – more energy efficient
- Building
 - Building envelope complies with BCA energy requirements

Whether the development will cause noise and vibration.

An acoustic report was submitted with the application that identified the potential noise generating activities associated with the proposal. These potential noise sources from the development include noise generated from mechanical plant (refrigeration, air conditioning, exhaust), loading dock activities (including unloading, truck movements etc.) and customer vehicles entering and leaving the premises and manoeuvring on the site. Additionally, garbage collection, trolley return and general site noise was considered. A number of residential properties adjoin the site to the north and although there will be some distance between the centre and the rear yards of these houses (given the 7(a) Conservation zone), the position of the proposed loading docks for the development are facing these houses and significant concerns were raised in submissions. Additionally, it is noted that the proposal includes extended trading hours over 7 days (ie. 7am – midnight daily) and extended delivery hours and the completed development will be elevated significantly above the height of the existing ground levels and adjoining houses. The concern regarding the preservation of residential amenity will therefore need to be satisfactorily addressed.

The report is based on the loading docks for the supermarket operating over a 24 hour period and states that during the night (10pm – 7am) 1-2 supermarket deliveries are expected each night. However, the supporting statement of effects states that the delivery hours sought will be from 6:00am – midnight daily. The store trading hours sought are between 7am – midnight daily.

The report identified a number of measures are to be adopted as part of the development in order to mitigate the potential impact of noise and vibration.

- The underside of any roof or ceiling in the loading dock area should be treated to absorb reflected noise.
- An acoustic barrier 350mm above FFL is to be erected along the loading dock immediate north edge, extending east to a point in line with the front of the prime mover.
- Signs are to be erected in conspicuous locations in the loading dock instructing drivers to turn off their engines once in place at the dock.
- Noise emissions from the substation kiosk must not exceed a sound pressure level of 74dB(A), Leq at a distance of 3 metres.
- Acoustic barriers must be erected along the perimeter of the roof-top plant deck.
- Any exhaust plant in an exposed location that produces a sound pressure level in excess of 65dB(A) at a distance of 1 metre from the discharge point must be acoustically treated.
- Acoustic barriers equal in height to the top of the plant are to be erected along three (3) sides towards the residential areas for any air conditioning/refrigeration plant on the roof.
- A 1500mm high acoustic fence or mound is to be constructed along the northern edge of the truck access off Tall Timbers Road. The barrier should extend the full length of the access and the truck turning area.
- The contractor responsible for supplying the and installing the mechanical plant must provide evidence that installed plant meets the noise emission limit.
- Some form of education campaign for staff and customers to ensure satisfactory noise levels at nearby residences.
- Use of trolley return tractors is not recommended during the late evening or at night unless compliance with the INP criteria can be met.

Conditions have been recommended to further address the concerns raised regarding acoustic impacts and residential amenity. The conditions include a restriction in the hours for deliveries and waste collection from those proposed to between 7:00am – 10:00pm daily until it can be demonstrated that the acoustic mitigation measures employed with the application are effective and there will be no adverse impact on residential amenity. Additionally, conditions relating to loading dock operations have also been recommended.

Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).

Bushfire

The site is identified as bushfire prone land under Council's map and subject to the provisions of Planning for Bushfire Protection (PBP) 2006. The site is exposed to open forest from the northern and eastern sides. The applicant prepared a bushfire hazard assessment report for the proposed development on the site. In the report, the bushfire attack level (BAL) was determined using the vegetation type, distance from vegetation class and effective slope and was established to be BAL-29 to the north and east for the development.

Planning for Bushfire Protection (PBP) 2006 does not require a new shopping centre development on bushfire prone land to be referred to the NSW Rural Fire Service for comment. However, under PBP, shopping centre development on bushfire prone land is required to be consistent with the aims and objectives of PBP. The aim of PBP is *to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bushfire, while having due regard to development potential, on-site amenity and protection of the environment.*

The objectives of PBP are to:

- (i) *afford occupants of any building adequate protection from exposure to a bush fire;*
- (ii) *provide for a defensible space to be located around buildings;*
- (iii) *provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;*
- (iv) *ensure that safe operational access and egress for emergency service personnel and residents is available;*
- (v) *provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ); and*
- (vi) *ensure that utility services are adequate to meet the needs of firefighters (and others assisting in bush fire fighting).*

In this regard, the applicant has outlined the following measures included with the development to reduce the risk and impact of bushfire and ensure it complies with PBP.

- A minimum 10m setback to be provided and maintained in perpetuity as a defensible space between the bushfire hazard and the development. The proposed development exceeds these separation distances as carparks and access roads will not have bushfire fuel loads.
- The BCA fire safety construction provisions for building classes 5-8 provide an acceptable construction standard for bushfire protection for the development.
- Existing public roads and internal through road system connecting the two access/egress points of the shopping centre are adequate to service the access needs for development under PBP. The internal design and manoeuvring within the centre will suitably accommodate emergency fire fighting vehicles.
- Although there is currently no water supply across the site, the required extension of the existing reticulated water system will ensure adequate water provision for fire fighting purposes. This will include installation of booster facilities at various locations around the complex with suitable fittings for RFS connection.
- All services must meet the performance requirements of PBP 2006 (Chapter 4.1).
- An emergency and evacuation plan is to be prepared identifying the location of hydrants, booster facilities, emergency evacuation points/assembly areas, and access/egress points. This plan is to comply with AS3745-2002 'Emergency control organisation and procedures for building, structures and workplaces.

The development is considered to satisfy the aims and objectives of PBP.

Any risks from technological hazards.

There is no likely risk to people, property or the environment from any industrial and technological hazards related to the development. Although the issue of potential site contamination has been investigated, conditions have been recommended in relation to this. There is no flammable or hazardous goods storage proposed on the site and the development has been design to comply with the BCA fire safety requirements. Conditions are recommended in relation to asbestos removal during the demolition of the existing buildings.

Whether the development provides safety, security and crime prevention.

The principles of CPTED have been considered under the design of the proposed new development. The applicant prepared and submitted a detailed CPTED Assessment Report which has identified a number of design considerations to discourage anti social behaviour and minimise the opportunities for criminal activities. Consideration has been given to the four CPTED principles as follows:

Surveillance measures include:

- from the at-grade car park designed to ensure no obstructions of sight lines from the proposed entry.
- design of the ground floor area provides for glazing at the entry point from the at grade parking area, thereby enabling increased surveillance from within the development to the surrounding parking.
- measures to enhance internal surveillance:
 - Clear glazing where possible rather than solid walls to provide surveillance from the car parking area and to create sight lines/surveillance; and
 - Install mirrors to increase visibility of possible hiding areas and to minimise hiding opportunities.

Access Control

Access control measures are to include:

- Physical barriers at the entry points to restrict vehicle access or blocking of the entry area.
- Design of the parking and the entry point of the proposed building to ensure no entrapment places.
- Barriers to back of house operations, signage at the entry point and cashiers points at the exit point to the supermarket.
- Design, height and location of the supermarket aisles allowing for staff surveillance.
- Displays of clear signage identifying loading dock areas and associated restrictions.
- Installation of CCTV at entrance of loading dock, facing inward to loading dock.
- Any pedestrian access points through the loading dock into the shopping mall are to be locked at all times with staff having full access; and
- Loading dock areas to be differentiated with treatment through the incorporation of a different pavement/concrete finish, contrasting to the surrounding road asphalt.

Territorial Reinforcement

Territorial Reinforcement measures are to include:

- Clear definition between the boundaries of the property and the road/public areas.
- Clearly indicated pathways for circulation to increase legibility of the space.
- Surveillance through the use of CCTV within the supermarket.

Space Management

Space Management measures are to include:

- Appropriate finishes and surveillance measures to minimise graffiti and other forms of vandalism.
- The applicant can prepare a policy for rapid removal of graffiti and repair of other forms of vandalism for those areas controlled and managed by the owners of the centre.

Any social impact in the locality.

The proposal will provide additional retail services and opportunities to this northern section of the local government area. The proposal will result in direct and indirect employment opportunities for the Central Coast and its businesses, suppliers and support services.

Any economic impact in the locality.

A significant growth in new housing is expected for the North Wyong Area which currently suffers from an under-provision of retailing. Under the earlier rezoning of the site a comprehensive economic impact assessment was carried out in relation to the proposal. The assessment concluded that the development may result in some minor trading impacts for other retailers within the trade area, however, the proposed development will not threaten the viability or continued operations of existing centres. The development will offer additional employment and business opportunities into the area and will contribute towards ensuring that residents have the widest possible range of shopping opportunities by balancing quantity, quality and accessibility of floor space.

Any impact of site design and internal design.*Development and Site Design*

The development design is sensitive to the site context, environmental conditions and site attributes. The building is positioned on the site to suitably respond to the residential context at the northern boundary.

Accessible and parking

The shopping centre has been designed to accommodate an accessible path of travel to/from and throughout the development with accessible facilities to be provided for both visitors and staff. The proposal includes a total of 6 accessible spaces near the building entry. In accordance with the requirements of Clause D3.5 of the Building Code of Australia Volume 1, accessible carparking spaces are required at a ratio of 1 space for every 50 carparking spaces or part thereof. Therefore 1 additional parking space is required to be provided for the development to total 7 accessible spaces. A condition is recommended to address this matter on the plans prior to issue of Construction Certificate.

External finishes

An external finishes plan has been submitted with the proposal and is considered satisfactory.

Any impacts of construction activities (construction site management, protection measures).

Conditions have been recommended to ensure that environmental impacts during construction are appropriately managed and mitigated. These conditions include the adoption of sediment and erosion control measures and preparation of a plan of management that includes measures for traffic and pedestrian management.

Any cumulative impacts.

There are no significant or unreasonable cumulative impacts associated with the proposal.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

The site has been the subject of a rezoning and is considered a suitable context for the scale and type of development proposed. There will be some removal of existing vegetation as part of the proposal however, a vegetation management plan has been prepared for the 7(a) zoned part of the site that includes replanting and rehabilitation works. Although the site is bushfire prone, this has been considered in the siting, design and materials selected for the development. The design of the proposed development is in an appropriate form, layout and scale that suitably balances the opportunities and constraints of the site. There are no significant site constraints or hazards that would render the location of the development as unsuitable.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):**Any submission from the public.**

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with eleven (11) submissions being received. The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979. A summary of the submissions is detailed in the table below.

| Doc. No | Summary of Issues | Response |
|-----------|---|---|
| D02667038 | <ul style="list-style-type: none"> • Inadequate length Tall Timbers Rd left turning lane into Pacific Hwy result in queuing. • Provision for rebuilding Tall Timbers Road to at least Deakin Ave and widen to 4 lanes. • Shared path be provided Tall Timbers Rd to Scaysbrook to encourage people to walk, cycle or scooter to shops. • Shared path provided on western side hwy to Carters Road to link school and eastern side of Pacific Hwy to club. • Direct exit onto Pacific Hwy for emergencies. • Loading area will affect the amenity of residents in Chisholm Avenue. | <p>Council's Engineers have assessed this aspect of the proposal and recommended conditions relating to road infrastructure upgrade works, including pedestrian pathways.</p> <p>The applicant entered into a VPA with Council for the funding of a shared pathway that extends from the site to Carters Road.</p> <p>The proposal provides an exit on the Pacific Highway for which the RTA have provided design comments.</p> <p>An acoustic report was prepared for the proposal which includes measures to mitigate potential noise impacts. Conditions have been recommended to further address this matter.</p> |
| D02668844 | <ul style="list-style-type: none"> • Small business owner. Economic impacts as local shops financially unviable and become vacant leaving some residents isolated if unable to travel to new centre. | <p>A comprehensive economic assessment was carried out as part of the rezoning process. The impact of the additional retail floor area was assessed at this stage. The additional retail floor area is consistent with Council's Retail Planning Strategy and Retail Centre's DCP.</p> |
| D02668846 | <ul style="list-style-type: none"> • Object to lack of transport to/from centre. Development wholly car dependant. • No footpaths exist to the centre. • Only footpath proposed from Saliena Avenue to Colongra Bay Road means centre inaccessible to most residents other than by car. • Application not proceed until rectify flawed transport issues as not in the best interest of the community. | <p>The VPA includes funding of a cycleway in two stages. Conditions have been recommended requiring additional pedestrian and bus service facilities be provided.</p> |
| D02668891 | <ul style="list-style-type: none"> • Objects to proposal and its likely impact on existing service station business. New service station subject of a future DA on the site but there is already 3 service stations in a 3 km radius of site. | <p>A comprehensive economic assessment was carried out as part of the rezoning process. Assessment of the DA cannot limit or interfere with free market competition.</p> |
| D02668917 | <ul style="list-style-type: none"> • Objection to lack of community consultation, overdevelopment, traffic and congestion. • Local community already has 3 service stations, newsagent, post office, butcher, chemist, bakery, 2 liquor shops, 2 hairdressers, 2 minimarts and a medical centre. Proposal not needed. | <p>The application has been notified in accordance with the requirements of the Act and DCP. Assessment of the DA cannot limit or interfere with free market competition. A comprehensive economic assessment was carried out as part of the rezoning process.</p> |
| D02668967 | <ul style="list-style-type: none"> • Lack of consultation • Already 3 service stations within 2-3 km radius and retail businesses providing to the community. | <p>The application has been notified in accordance with the requirements of the Act and DCP. Assessment of the DA cannot limit or interfere with free market competition.</p> |

| Doc. No | Summary of Issues | Response |
|-----------|---|--|
| D02660487 | <ul style="list-style-type: none"> • Noise from loading docks, trucks forklifts creates great concerns. • Loading dock and truck turning area will be at the back of my property causing great noise disturbance to all homes on the back fence line, disturbing sleep and upsetting the dogs. Request to redesign to relocate docks away from the existing residential area. • Concerned that only entry/exit point is from Tall Timbers Road being a very busy road and sole access to 3 suburbs. Road upgrade need careful consideration to ensure safety etc.. | <p>The applicant prepared an acoustic report which has been reviewed by Council officers and additional requirements have been recommended as conditions to further address the potential noise impacts from the development.</p> <p>Council's Engineers have assessed this aspect of the proposal and recommended conditions relating to road infrastructure upgrade works.</p> |
| D02641799 | <ul style="list-style-type: none"> • Directly next door and support the proposal • Shopping centre good as families now have to drive out of area to shop at Swansea, Budgewoi, Toukley, or Lake Haven • Create employment and make it better place to live. Addition of medical centre of real importance to the community. | Noted. |
| D02651318 | <ul style="list-style-type: none"> • Fully support the proposal. | Noted |

| Doc. No | Summary of Issues | Response |
|-----------|--|--|
| D02668711 | <ul style="list-style-type: none"> • Residents of Chain Valley Bay South, Kingfisher Shores, Doyalson North and the area of Lake Munmorah only accessed by Tall Timbers Road to be consulted. • Traffic report did not acknowledge local football game traffic and history of Tall Timbers Rd closed due to bushfires. • Serious consideration needs to be given to road construction as in need of maintenance/repairs • Location of loading docks will impact residents of Chisholm, Deakin and Kemira Avenues with refrigeration trucks waiting to unload then reversing into docks. Relocate dock away from residential area • Acoustic report undertaken over short time and shows the noise averaged over time and does not account for the noise in peak periods • Phase 1 site assessment report recommendations be adhered to given an accurate report on the conditions of the site. The VMP does not show some of this work being done specifically the Fly Ash in Conservation Area Zone B. • Residents in Chisholm Avenue have major concern regarding flooding from stormwater run off. Information on how surface water is dealt with. • Proposed trading hours of 7am – midnight with deliveries 6am-midnight is excessive and limits imposed to delivery hours considering proximity to residences. | <p>Community meetings and other consultation was carried out during as part of the rezoning process carried out earlier in relation to the site and the proposal. Formal consultation in the form of notification of the proposal and consideration of submissions has been carried out in accordance with the requirements of the Environmental Planning and Assessment Act 1979.</p> <p>A review and assessment of the applicant's traffic report has been carried out by Council's Traffic and other Engineers and the RTA and conditions recommended to address traffic impacts and road infrastructure upgrades.</p> <p>The applicant's acoustic report was reviewed by Council's Environmental Health Officer (Environment Protection) and additional requirements have been recommended as conditions to further address the potential noise impacts from the development.</p> <p>Conditions have been recommended in relation to site contamination requiring a detailed site investigation to be carried out once demolition of structures on the site has been carried out.</p> <p>Stormwater disposal will be better managed on the site under the proposal than currently. Council's Engineers have reviewed the stormwater design for the proposal that is consistent with WSUD principles and have recommended conditions to ensure stormwater management on the site is suitably addressed.</p> <p>A condition has been recommended limiting the delivery and waste collection hours.</p> |

| Doc. No | Summary of Issues | Response |
|-----------|--|--|
| D02651302 | <ul style="list-style-type: none"> • Lack of community consultation • Social and economic impacts • Unsustainable development • Request clear justification for the demand/need for the retail floor space and information to demonstrate no impacts on other retail centres. How is development sustainable? • Relationship to North Wyong Structure Plan which predicts population to double over the next decade but no public transport infrastructure planning. Developments be wholly car dependant • VPA links only the school precinct to the development and does not link existing cycleways in the region • Adverse impacts to existing smaller centres. Existing local jobs be lost. Most construction jobs will not be local. • Native vegetation existing on the site forming part of the nature corridor is to be removed. Studies for Threatened Species are to be undertaken. • Development needs to ensure accessibility for people with a disability • Timing for traffic signals should allow adequate pedestrian crossing time for the elderly but this may increase congestion • Potential for trolley dumping within the surrounding areas • Inevitable increase in motor vehicle use in the area associated with the proposal, | <p>The application has been notified in accordance with the requirements of the Act and DCP. Community meetings and other consultation was carried out during as part of the rezoning process carried out earlier in relation to the site and the proposal. Consultation for the DA includes formal notification and consideration of submissions. Other consultation is limited by restrictive timeframes for assessment of the DA.</p> <p>Additional retail floor area for Lake Munmorah identified under Retail Centres Strategy Review. Detailed economic assessment carried out as part of the rezoning process carried out earlier in relation to the site and the proposal.</p> <p>Conditions are recommended to upgrade support infrastructure for bus services and pedestrian facilities surrounding the site. Any adverse impact to existing small centres was considered under the economic assessment carried out as part of the rezoning process. The impact of the additional retail floor area was assessed at this stage.</p> <p>A Flora and Fauna Threatened Species Assessment was carried out for the proposal on the site. A Vegetation Management Plan was prepared for rehabilitation and replanting on the 7(a) zoned portion of the site. Conditions have been recommended to ensure the development provides access for people with a disability.</p> <p>The RTA have responsibility for the phasing of the traffic signals and the RTA have reviewed the proposal and provided conditions for the development.</p> <p>A condition has been recommended to address the potential dumping of trolleys.</p> <p>The impact of the increase in motor vehicle use associated with the proposal has been considered under the assessment and conditions in relation to traffic related matters have been recommended.</p> |

Any submission from public authorities.

Mine Subsidence Board

The site is located within the 'Swansea North Entrance Mine Subsidence District' and the development constitutes integrated development requiring referral to the Mine Subsidence Board under Section 15 of the Mine Subsidence Compensation Act 1961 and Section 91 of the Environmental Planning and Assessment Act 1979 for their General Terms of Approval. The Mine Subsidence Board have granted conditional approval to the building subject to conditions that are recommended with the consent.

NSW Roads and Traffic Authority

In accordance with the provisions of State Environmental Planning Policy (Infrastructure) 2007, the application was referred to the NSW Roads and Traffic Authority (RTA) for comment. The RTA commented initially requesting provision of an acceleration lane along the Pacific Highway. The applicant did not provide the requested change to the plans and the RTA have imposed conditions to this effect.

The developer should be made aware that should a separate DA be lodged for the redevelopment of the residue of Lot 2 DP.520220 then all access to/from the Pacific Highway must be via the proposed access arrangement for this development. The RTA will not agree to a separate access point on the Pacific Highway.

The RTA advised of no objection provided conditions are included with any consent.

Busways Group

The applicant was referred to Busways who raised concerns regarding the servicing of the site by buses. Two additional bus stops along either side of Tall Timbers Road fronting the development site were identified as necessary along with an upgrade of the bus stop opposite the site on the Pacific Highway. Busways in their submission state:

“A bus stop will be required on the western side of Tall Timbers Rd (opposite to the shopping centre) to provide access to patrons who arrive at the shopping centre on buses that turn into Tall Timbers Road from either direction. Further, a bus stop on the eastern side of Tall Timbers Rd will be utilised by those bus services that, after servicing Chain Valley Bay, return via Tall Timbers Rd and turn right onto the Pacific Hwy – therefore not passing the Pacific Hwy frontage and bus stops.”

Without these works it is concluded that the development will neither be entirely “accessible by public transport” nor “supporting the efficient and viable operation of public transport services” as stated in the applicant’s traffic report (p.8 and 10). It is therefore imperative that the bus stops be provided in order that the site be adequately serviced by public transport. Conditions are recommended to address the issues raised in the submission to achieve all four upgraded bus stops to service the development.

Busways also raised concern regarding the design and location of the proposed bus stop on the northern side of the Pacific Highway on safety and future capacity grounds. This bus stop has been relocated further east along the site frontage to address the issues raised.

NSW Department of Transport

The application was referred to NSW Department of Transport and they advised of no objections but noted the issues raised by Busways and the potential for the site to be a terminus given the size of the proposal to allow buses to terminate and reverse direction.

NSW Police

In accordance with Council’s Protocol, the application was referred to the NSW Police who reviewed the applicant’s CPTED report and who raised no objection to the development on these grounds.

THE PUBLIC INTEREST (s79C(1)(e)):**Any Federal, State and Local Government interests and community interests.**

The development will provide additional employment opportunities and retail services which are considered beneficial to the local and community interest.

OTHER MATTERS FOR CONSIDERATION*Voluntary Planning Agreement*

The applicant entered into a Voluntary Planning Agreement (VPA) with Council to fund the construction of a shared pathway along both side of the Pacific Highway adjacent to the site in two stages. Council is to carry out the works once the payment is made by the applicant. This proposal represents the first stage of that agreement and the funded works include a pathway extending from Saliena Avenue to Colongra Road on the southern side of the Pacific Highway. Under the second stage, the proposed funded works will extend along the northern side of the Pacific Highway from the site, eastwards to Carters Road (adjacent to Lake Munmorah High School).

CONCLUSION

The application seeks approval for demolition of existing structures on the site and the construction of a shopping centre development including a supermarket, medical centre and speciality shops, associated parking and landscaping. The site has been the subject of a recent rezoning and subject to recommended conditions, the site context is appropriate for the design and form of development as proposed and will represent a positive opportunity to provide additional retail services and additional employment opportunities within the local area. The application is to be determined by the Hunter and Central Coast Joint Planning Panel due to the development having an estimated value exceeding \$10 million. Variation is being sought under the proposal to five of Council's DCP requirements including retail floor space maximum, advertising signage dimensions, building height and transport requirements. However, despite these variations, the development is considered to be consistent with the objectives of the controls and generally consistent with Council's LEP and other DCP requirements. The application is recommended for approval subject to appropriate conditions.

Attachment 1
Attachment 2
Attachment 3

Compliance Table
Draft Conditions of Consent
Architectural Plans

Development Statistics - Compliance Table

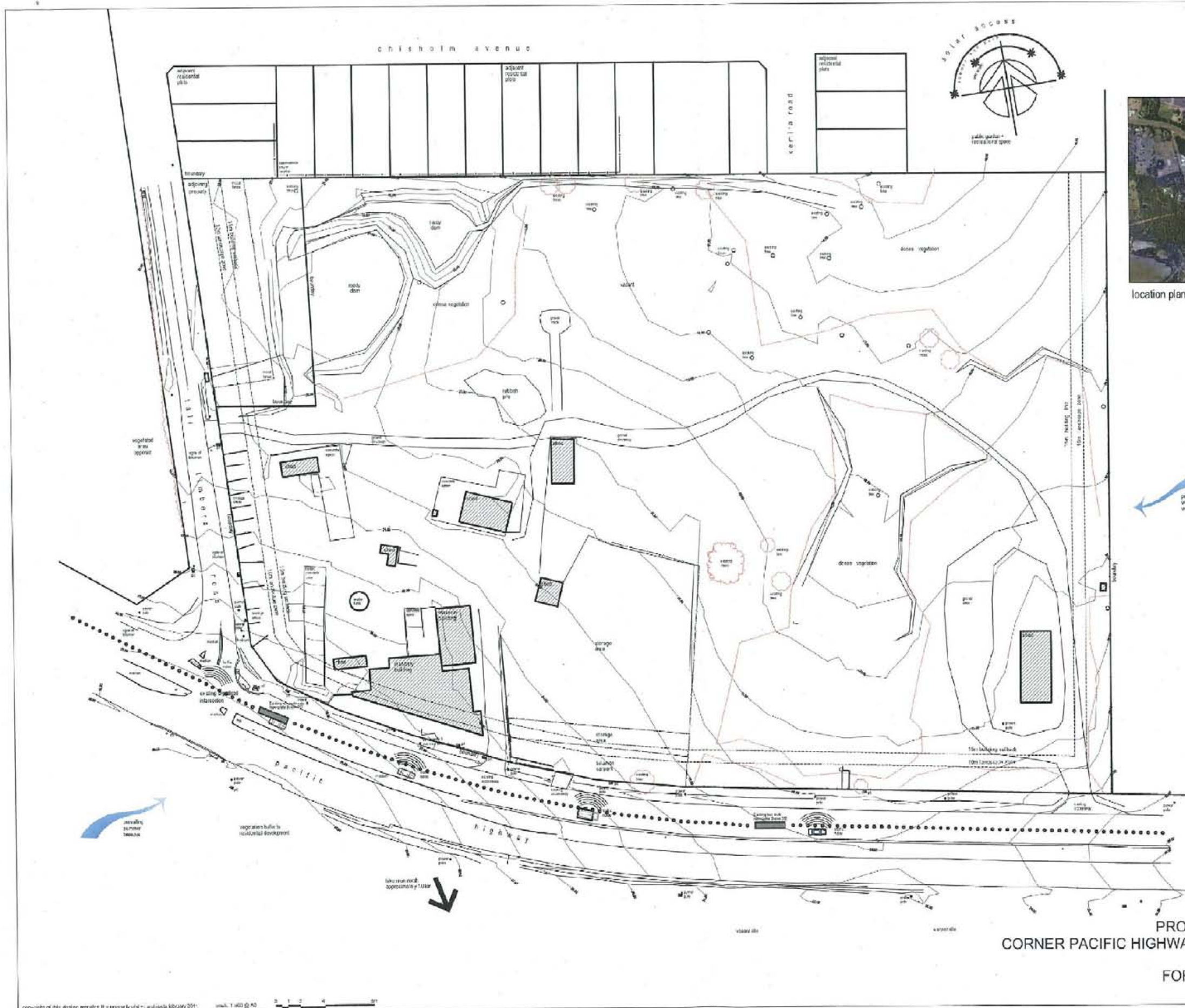
| | |
|-----------------------------|--|
| Applicant | Fabcot Pty Ltd C/- The Planning Group |
| Owner | Fabcot Pty Ltd |
| Application No | DA/459/2011 |
| Description of Land | 275 Pacific Highway, Lake Munmorah Lot 2 DP.520220 |
| Proposed Development | Demolition of existing structures and construction of a shopping centre development including a supermarket, medical centre and speciality shops, parking and landscaping. |
| Zoning | 3(a) Business Centre and 7(a) Conservation |

Table of numerical compliance

| | Proposed | Required | Compliance |
|-------------------------|---|---|------------|
| Site Area | 81670m ² (8.167 hectares) | - | - |
| Gross Floor Area | 6807m ² | - | - |
| Nett Floor Area* | 5550m ² | - | - |
| Gross Retail Floor Area | 5050m ² | Max 5000 (With a max 10,000m ² after 2021) | No |
| FSR | 0.08:1 | 0.25:1 | Yes |
| Height | 14.75 | 11m max | No |
| Building setbacks | | | |
| -Highway | 51m | 15m minimum | Yes |
| -Tall Timbers Rd | 87m | 8m minimum | Yes |
| -Eastern boundary | 175m | 15m minimum | Yes |
| Landscaped setbacks | | | |
| -Highway | 10m | 10m | Yes |
| -Tall Timbers Rd | 10m | 5m | Yes |
| -Eastern boundary | N/A | 10m | Yes |
| Parking | 342 | 329 | Yes |

*Includes commercial tenancy (500m)

| Legend | |
|--------|-------------------------|
| 1 | Proposed Village Centre |
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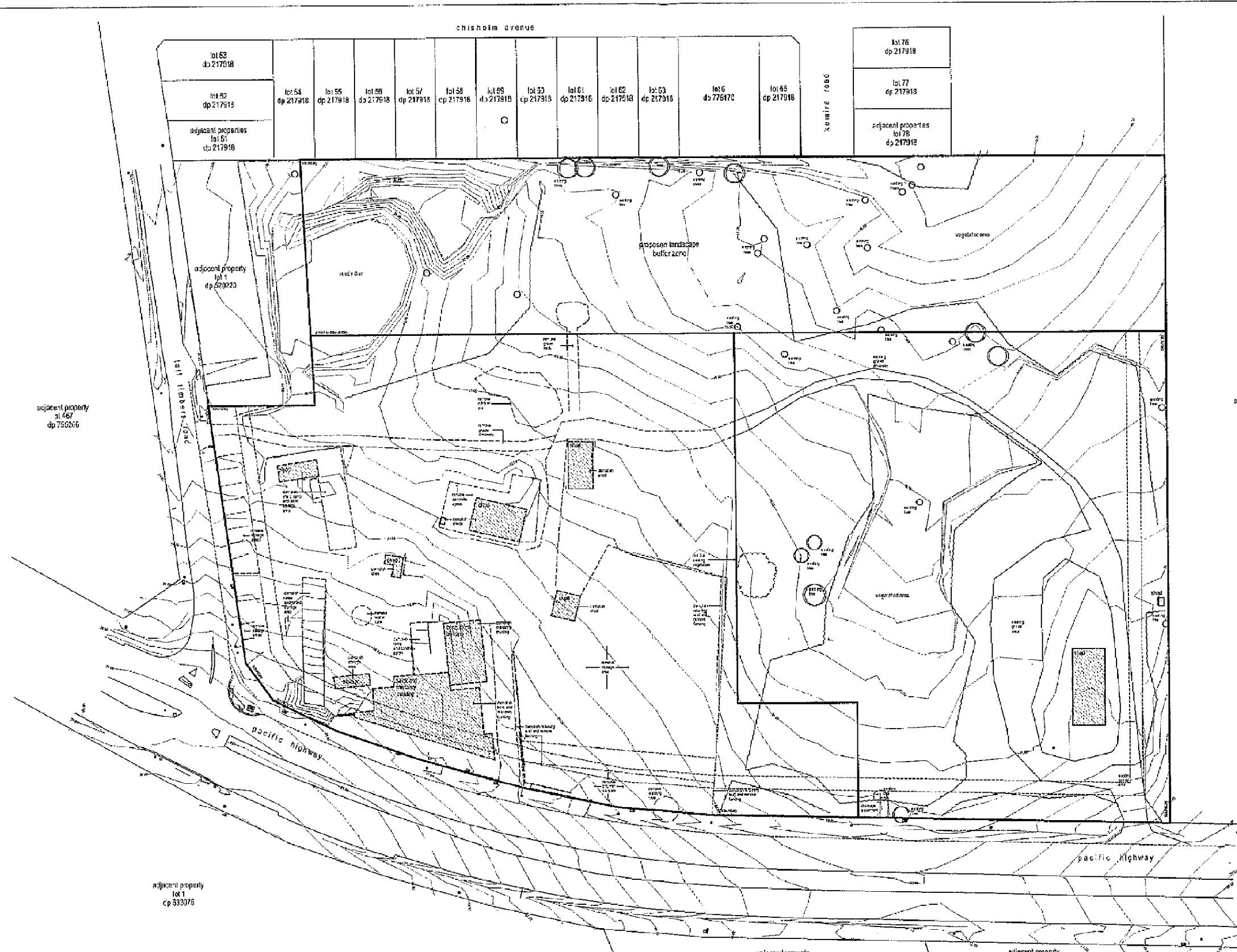
location plan



SITE ANALYSIS PLAN
 PROPOSED VILLAGE CENTRE
 CORNER PACIFIC HIGHWAY + TALL TIMBERS ROAD
 LAKE MUNMORAH, NSW
 FOR WOOLWORTHS LIMITED
 10061 DA1.00 D



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REVISIONS

| NO. | DESCRIPTION | DATE |
|-----|-----------------------|----------|
| 1 | Issue for information | 10/11/11 |
| 2 | Issue for comment | 10/11/11 |
| 3 | Issue for comment | 10/11/11 |
| 4 | Issue for comment | 10/11/11 |
| 5 | Issue for comment | 10/11/11 |

- NOTES
1. All dimensions are in metres unless otherwise stated.
 2. All dimensions are to the centre of the line unless otherwise stated.
 3. All dimensions are to the face of the wall unless otherwise stated.
 4. All dimensions are to the face of the wall unless otherwise stated.
 5. All dimensions are to the face of the wall unless otherwise stated.

adjacent property
lot 667
dp 755266

adjacent property
lot 1
dp 620787

adjacent property
lot 1
cp 533076

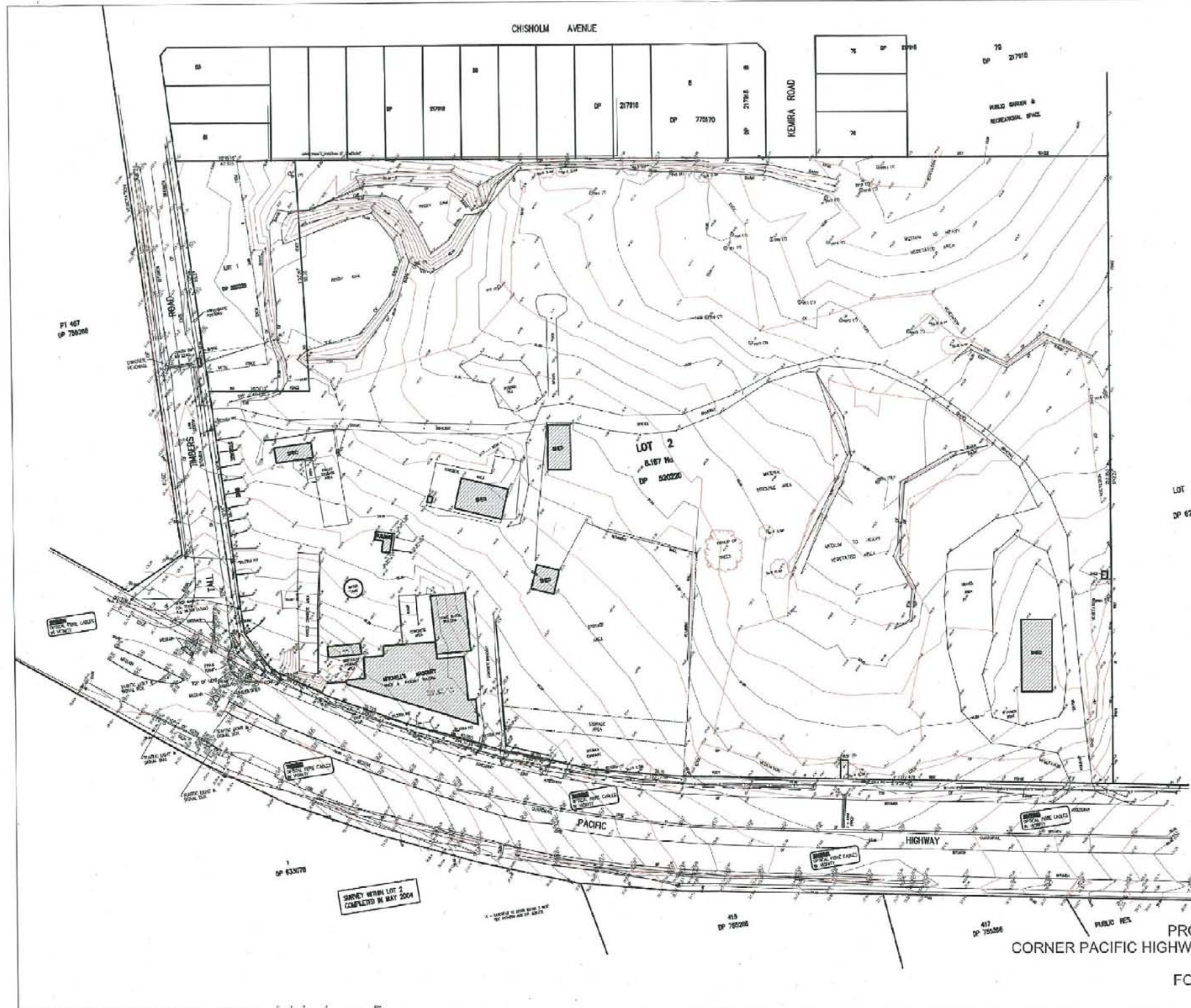
adjacent property
lot 416
dp 755266

adjacent property
lot 417
dp 755266

public reserve

DEMOLITION PLAN
PROPOSED VILLAGE CENTRE
CORNER PACIFIC HIGHWAY + TALL TIMBERS ROAD
LAKE MUNMORAH, NSW
FOR WOOLWORTHS LIMITED
 10061 DA1.01 D





| NO. | DESCRIPTION | DATE |
|-----|-----------------------|----------|
| 1 | Issue for information | 12/11/10 |
| 2 | Issue for comment | 12/11/10 |
| 3 | Issue for approval | 12/11/10 |

GENERAL NOTES:

- THE POSITION OF SERVICES SHOWN ON THIS DRAWING IS BASED ON THE RECORD DRAWINGS AND FIELD SURVEY DATA. THE SERVICES SHOWN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE LOCATION OR DEPTH OF ANY SERVICES. THE SERVICES SHOWN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY DATA. THE SERVICES SHOWN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE LOCATION OR DEPTH OF ANY SERVICES.
- THE RECORDS SHOWN FOR BORINGS IN THIS DRAWING HAVE BEEN TAKEN FROM SURVEYED PLANS OR PUBLIC RECORDS. THE DEPTH OF BORINGS IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE LOCATION OR DEPTH OF ANY SERVICES.
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LEGEND

| | |
|--------------------------------|---|
| Boundary | — |
| Level contour | — |
| Water tap-out | — |
| Water stop valve | — |
| Storm line | — |
| Water reticulation | — |
| Gasline | — |
| Electricity power pole | — |
| Electricity overhead cables | — |
| Electricity underground cables | — |
| Bound mark | — |
| Top of roof gutter | — |
| Tree (free number) | — |
| Clear take area for aerial | — |

TREE SCHEDULE

| TREE SPECIES | DBH (CM) | HT (M) | REMARKS |
|---------------|----------|--------|---------|
| 1. Casahuate | 12 | 12 | Medium |
| 2. Casahuate | 12 | 12 | Medium |
| 3. Casahuate | 12 | 12 | Medium |
| 4. Casahuate | 12 | 12 | Medium |
| 5. Casahuate | 12 | 12 | Medium |
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| 31. Casahuate | 12 | 12 | Medium |
| 32. Casahuate | 12 | 12 | Medium |

TRUSTEES

THE TRUSTEES OF THE SURVEYED ESTATE

Woolworths Limited

10061 DA1.07 D

SURVEY PLAN
PROPOSED VILLAGE CENTRE
CORNER PACIFIC HIGHWAY + TALL TIMBERS ROAD
LAKE MUNMORAH, NSW
FOR WOOLWORTHS LIMITED
10061 DA1.07 D





Legend

| Code | Description | Area (sqm) | Volume (cu m) |
|------|-------------|------------|---------------|
| A | Asphalt | 12,000 | 12,000 |
| B | Concrete | 10,000 | 10,000 |
| C | Gravel | 15,000 | 15,000 |
| D | Grass | 20,000 | 20,000 |
| E | Other | 5,000 | 5,000 |



SITE PLAN
PROPOSED VILLAGE CENTRE
CORNER PACIFIC HIGHWAY + TALL TIMBERS ROAD
LAKE MUNMORAH, NSW
FOR WOOLWORTHS LIMITED
10061 DA1.02 M





Actual dimensions of the site are shown in the site plan. Dimensions are given in metres.

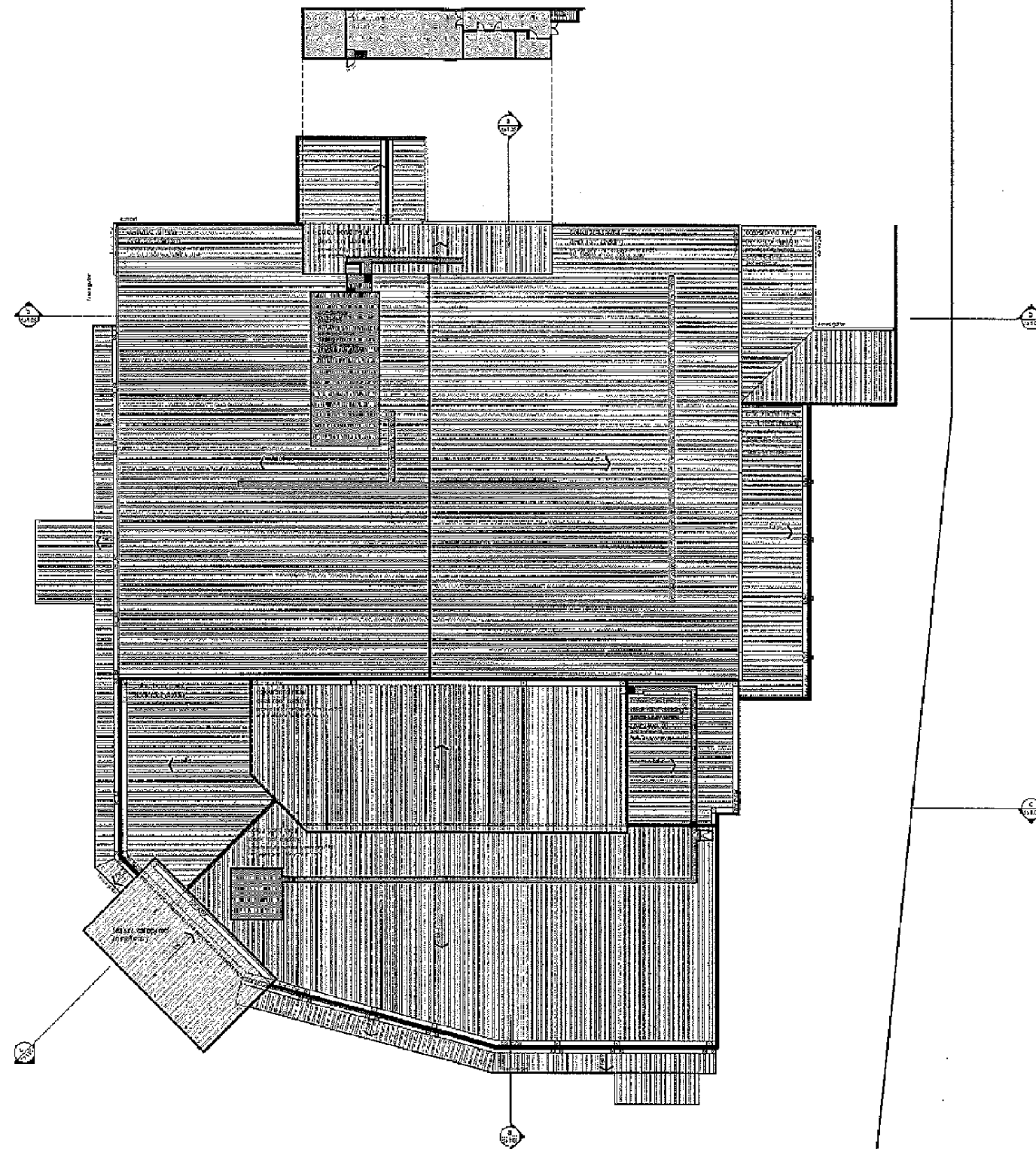
| SPACIOUS | TO | BY |
|-----------------------------|--------|-----|
| 1. Total site area | 10,000 | 100 |
| 2. Total site area (net) | 9,500 | 100 |
| 3. Total site area (gross) | 10,500 | 100 |
| 4. Total site area (net) | 9,500 | 100 |
| 5. Total site area (gross) | 10,500 | 100 |
| 6. Total site area (net) | 9,500 | 100 |
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| 20. Total site area (net) | 9,500 | 100 |

| SPACIOUS | TO | BY |
|-----------------------------|--------|-----|
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| 3. Total site area (gross) | 10,500 | 100 |
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| 16. Total site area (net) | 9,500 | 100 |
| 17. Total site area (gross) | 10,500 | 100 |
| 18. Total site area (net) | 9,500 | 100 |
| 19. Total site area (gross) | 10,500 | 100 |
| 20. Total site area (net) | 9,500 | 100 |

GROUND FLOOR PLAN
 PROPOSED VILLAGE CENTRE
 CORNER PACIFIC HIGHWAY + TALL TIMBERS ROAD
 LAKE MUNMORAH, NSW
 FOR WOOLWORTHS LIMITED
 10061 DA1.03 L



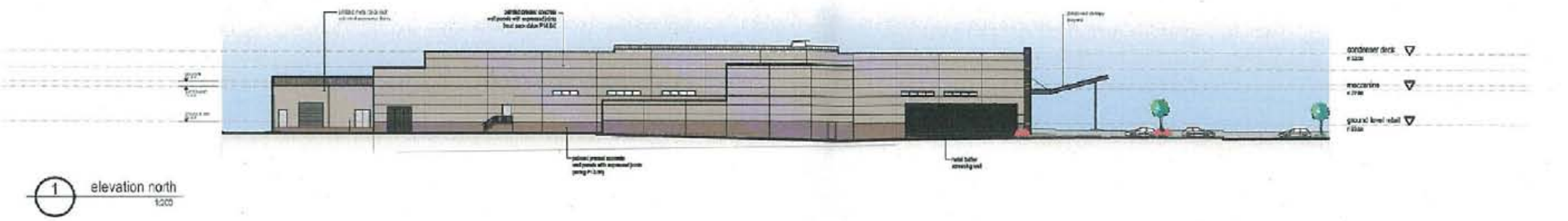
| REVISIONS | | |
|-----------|-------------------|----------|
| NO. | DESCRIPTION | DATE |
| 1 | ISSUED FOR PERMIT | 12/11/11 |
| 2 | ISSUED FOR PERMIT | 12/11/11 |
| 3 | ISSUED FOR PERMIT | 12/11/11 |
| 4 | ISSUED FOR PERMIT | 12/11/11 |
| 5 | ISSUED FOR PERMIT | 12/11/11 |
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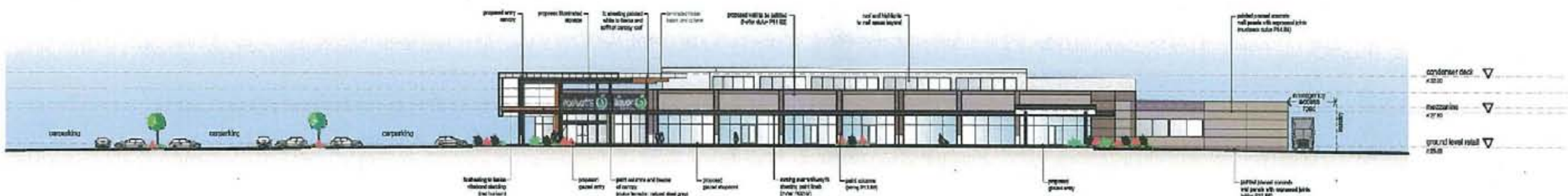
MEZZANINE + ROOF PLAN
 PROPOSED VILLAGE CENTRE
 CORNER PACIFIC HIGHWAY + TALL TIMBERS ROAD
 LAKE MUNMORAH, NSW
 FOR WOOLWORTHS LIMITED
 10061 DA1.04 G



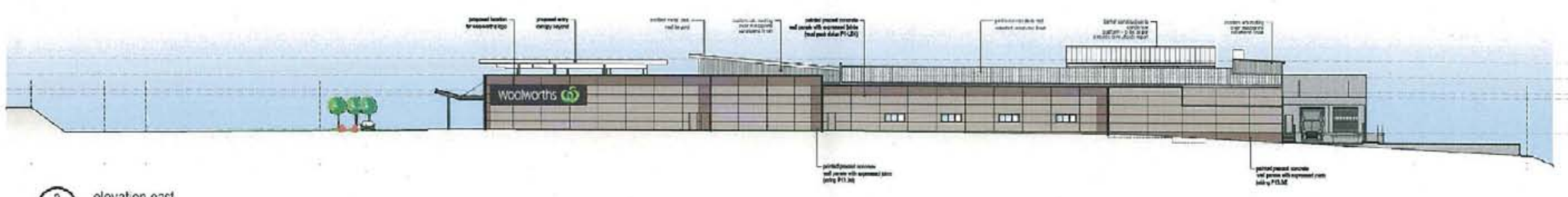
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|-----|--------------------|----------|
| 1 | PRELIMINARY DESIGN | 27/01/11 |
| 2 | SCHEMATIC DESIGN | 22/02/11 |
| 3 | CONCEPTUAL DESIGN | 02/03/11 |
| 4 | PRELIMINARY DESIGN | 02/03/11 |
| 5 | PRELIMINARY DESIGN | 02/03/11 |
| 6 | PRELIMINARY DESIGN | 02/03/11 |
| 7 | PRELIMINARY DESIGN | 02/03/11 |
| 8 | PRELIMINARY DESIGN | 02/03/11 |
| 9 | PRELIMINARY DESIGN | 02/03/11 |
| 10 | PRELIMINARY DESIGN | 02/03/11 |



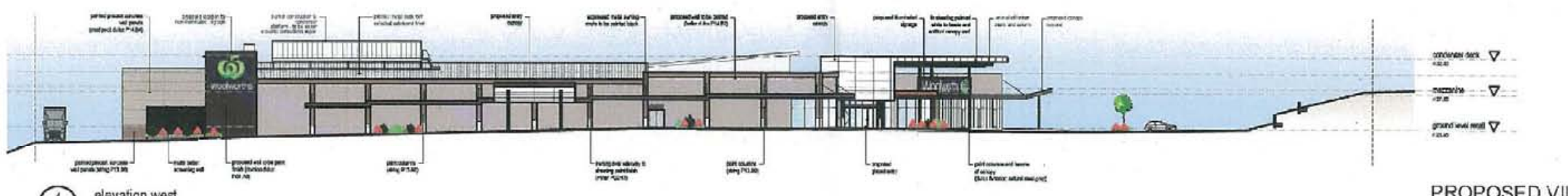
1 elevation north
1:200



2 elevation south
1:200



3 elevation east
1:200



4 elevation west
1:200

ELEVATIONS
 PROPOSED VILLAGE CENTRE
 CORNER PACIFIC HIGHWAY + TALL TIMBERS ROAD
 LAKE MUNMORAH, NSW
 FOR WOOLWORTHS LIMITED
 10061 DA1.06 J

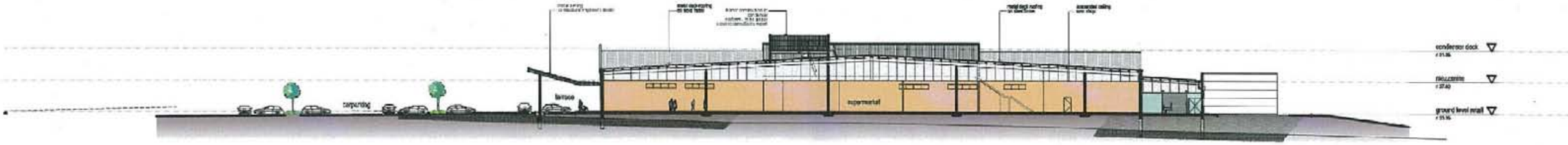


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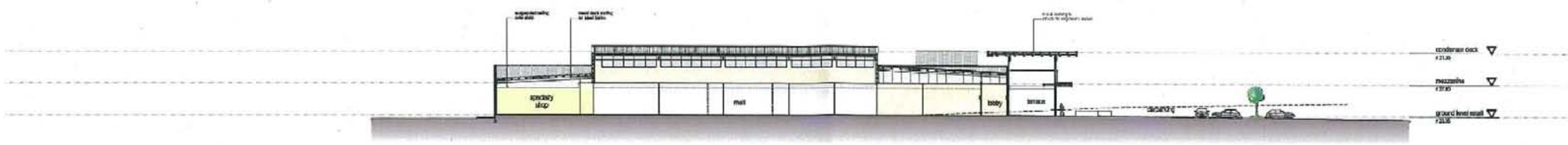
| REVISIONS | |
|-----------|--------------------|
| NO. | DESCRIPTION |
| 1 | Issue for approval |
| 2 | Issue for approval |
| 3 | Issue for approval |
| 4 | Issue for approval |
| 5 | Issue for approval |
| 6 | Issue for approval |
| 7 | Issue for approval |
| 8 | Issue for approval |
| 9 | Issue for approval |
| 10 | Issue for approval |



1 section aa
1:200



2 section bb
1:200



3 section cc
1:200

SECTIONS
 PROPOSED VILLAGE CENTRE
 CORNER PACIFIC HIGHWAY + TALL TIMBERS ROAD
 LAKE MUNMORAH, NSW
 FOR WOOLWORTHS LIMITED
 10061 DA1.05 F



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verify all dimensions on site prior to commencement of work
figured dimensions to be taken in preference to scaling

| amendments | | | |
|------------|---------------------------------|----|----------|
| issue | details | by | date |
| A | Development Application | pf | 24 05 11 |
| B | Revised colour scheme | pc | 13 07 11 |
| C | Revised colour scheme | pc | 14 07 11 |
| D | Revised Development Application | pf | 26 07 11 |

1.walls / columns
product: dulux paint finish
colour: 'String' P13B6

2.walls
product: dulux paint finish
colour: 'Mud Pack' P14B4

3.walls
product: dulux paint finish
colour: 'Heifer' P14B2

4.roofing & rain water goods
product: colourbond metal deck roof
colour: 'Shale grey'

5.awning fascia
product: FC sheeting dulux paint finish
colour: 'miner' PG2H7

6.steel columns / beams /wall
product: dulux ferrodor protective coating
colour: 'natural steel grey'

7.entry roof structure
product: natural hardwood
colour: protective varnish

8.fences
product: metalart timeless timber
colour: casuarina

9.entry elements
product: vitrabond fc panel
colour: 'Red Horizon'

10.entry elements
product: FC sheeting dulux paint finish
colour: 'white'

11.frames and glazing
frames: powdercoat aluminium -
colour: dulux 'woodland grey'
glazing: virdian - comfort plus 'neutral'

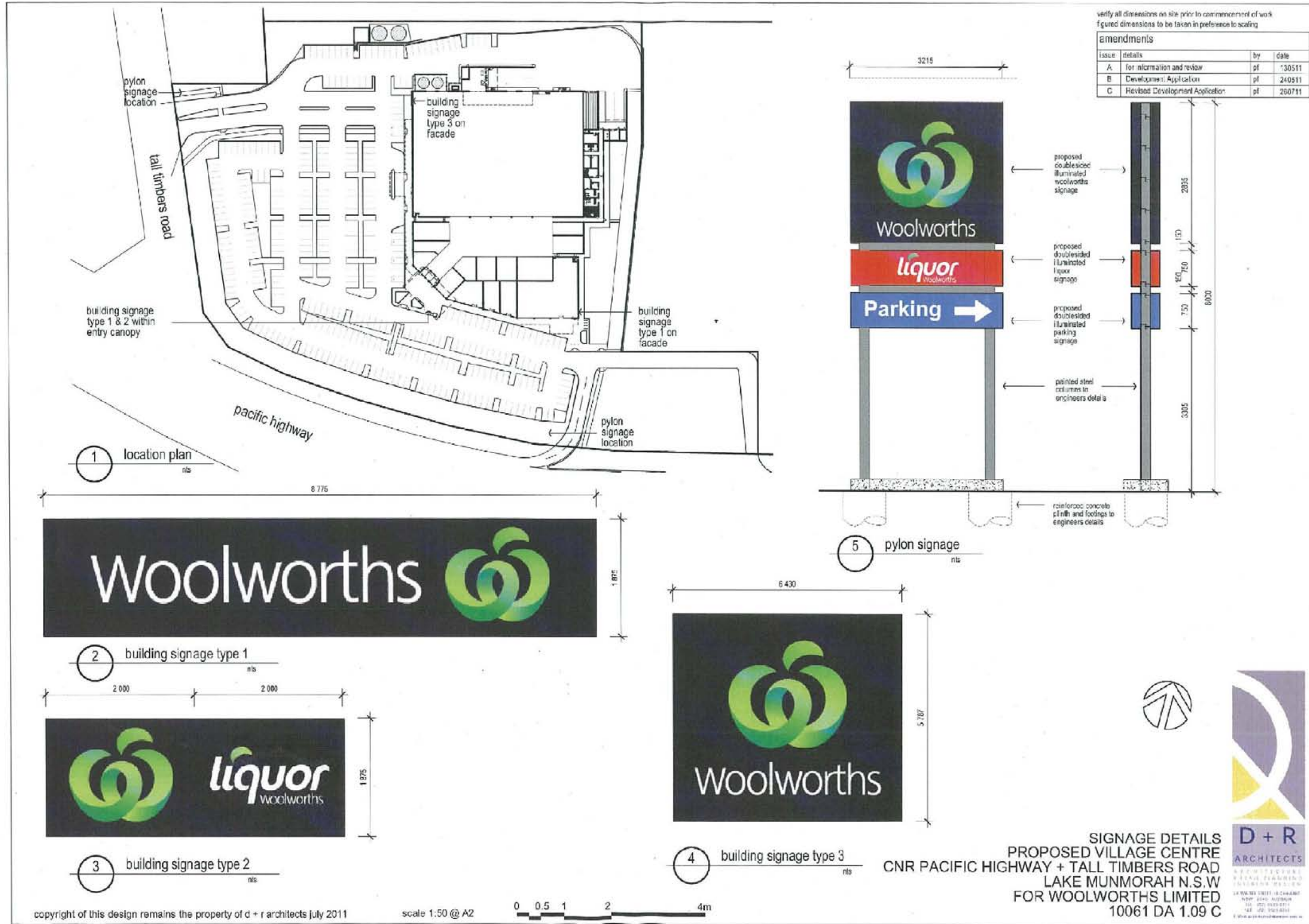
12.columns
product: stainless steel
finish: brushed

13.walls
product: dulux paint finish
colour: 'domino' PG1A8

FINISHES SCHEDULE
PROPOSED VILLAGE CENTRE
CNR PACIFIC HIGHWAY + TALL TIMBERS ROAD
LAKE MUNMORAH N.S.W
FOR WOOLWORTHS LIMITED
10061 DA 1.08 D

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Date: 6 September 2011
Responsible Officer: Salli Pendergast
Location: 275 Pacific Highway, LAKE MUNMORAH NSW 2259
 Lot 2 DP 520220
Owner: Fabcot Pty Ltd - 3
Applicant: Fabcot Pty Ltd
Date Of Application: 30 May 2011
Application No: DA/459/2011
Proposed Development: Shopping Centre including a Supermarket, Medical Centre and speciality shops
Land Area: 81,670m²

PROPOSED CONDITIONS

Approved Plans

- The development is to be undertaken in accordance with the approved development plans and specifications listed below and including all 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 |
|----------------|---------------|-----|----------|------------------|
| Architecturals | 10061 DA1.02 | M | 04.08.11 | D & R Architects |
| Architecturals | 10061 DA1.03 | L | 26.7.11 | D & R Architects |
| Architecturals | 10061 DA1.04 | G | 26.7.11 | D & R Architects |
| Architecturals | 10061 DA1.05 | F | 26.7.11 | D & R Architects |
| Architecturals | 10061 DA1.06 | J | 26.7.11 | D & R Architects |
| Architecturals | 10061 DA 1.08 | D | 26.7.11 | D & R Architects |
| Architecturals | 10061 DA1.009 | C | 26.7.11 | D & R Architects |
| Landscape Plan | L01 | C | 3.6.11 | Habitation |
| Landscape Plan | L02 | A | 1.6.11 | Habitation |

Certificates/Engineering Details

- 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.

Certificates – Application and Approval

- 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.

- 5 A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building. Should Council not have any record of the existing fire safety measures in the building or on the land a separate list of these existing fire safety measures is to be submitted. The lists must describe the extent, capability and basis of design for each measure prior to the issue of a Construction Certificate.
- 6 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier, for the following building elements
 - All structural aspects of the building.
 - All retaining walls.

Erosion and Sediment Control – Design Requirements

- 7 Prior to the issue of a Construction Certificate, design drawings for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways must be provided for the approval of the Accredited Certifier. Required design drawings must include all major stages of construction and sequences of work together with treatments necessary at each of these stages. The design drawings must be prepared in accordance with the Landcom publication 'Soils and Construction – Managing Urban Stormwater' (Blue Book).

Dust Control Requirements

- 8 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.

Liquid Trade Waste Requirements

- 9 Prior to the issue of the 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.

Stormwater Drainage - Design Requirements

- 10 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 Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* 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.
- 11 The submission to the Accredited Certifier of a detailed stormwater management plan prior to issue of the Construction Certificate, generally in accordance with the drawings prepared by Mott MacDonald Hughes Trueman (Drawing No's 288542LM01-DA-01, 288542LM01-DA-02 and 288542LM01-DA-03, all Revision E and dated 2/8/2011), with the following design amendments/additions:
 - High-flow bypass for stormwater flows in excess of the 2 year ARI design storm immediately upstream of the basin to divert flows to a suitably sized level spreader catering for the critical duration 100 year ARI design storm. The level spreader shall be located east of the loading/truck manoeuvring area.
 - Upsize the proposed rainwater tank to a minimum of 250kL capacity, for use in all toilets within the development and irrigation of landscaping.
 - Deletion of the proposed block retaining wall on the detention basin. Landscaped earthen batters must be provided on the external northern, eastern and western sides of the basin. Alternative arrangements must be made to provide the required storage volume without encroaching northward.
 - Provision of a safety barrier system around the perimeter of the basin complying with AS1926.
 - Preparation of an operation and maintenance manual for the operation of the stormwater management system. Suitable access for maintenance vehicles to the basin must be provided.

The plans must be prepared in accordance with *AS/NZS3500.3:2004* and Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*, and certified by a practicing and qualified civil engineer.

Vehicle Access and Parking - Design Requirements

- 12 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 a Construction Certificate. All external lighting is to be of a type that minimises overspill into retained vegetated areas within the 7 (a) Conservation Zone.
- 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, pedestrian crossings and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading.
 - Wheel stops for parking spaces adjacent to the covered walkway
 - Additional signage and pavement marking shall be provided at the entry to the staff parking/loading area advising the general public that access is restricted to staff, service and delivery vehicles only.
 - Prior to issue of a Construction Certificate the plans are to be amended indicating seven (7) accessible parking spaces to be provided for the development in close proximity to the building entry connected by accessible path of travel to the entry.

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 The developer must submit an application to Council under Section 305 of the Water Management Act 2000 for any requirements for the obtaining of a Section 307 Certificate of Compliance. The application must be made prior to the issue of the Construction Certificate. **Note:** The Section 305 Notice may contain requirements associated with the development that must be completed prior to the issue of the Construction Certificate.
- 15 Any relevant approvals from the NSW Office of Water are to be obtained for the sewer works where they cross a watercourse on the site.

Roadworks - Design Requirements

- 16 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 and personal liability. Enquiries should provide the property details and the nearest cross street/road.

- 17 The submission to the Council as the Roads Authority of a 'detailed design stage' Road Safety Audit for all road works prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of design drawings.
- 18 The submission to Council as the Roads Authority of street lighting and reticulation design drawings for Tall Timbers Road. 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 a Construction Certificate.
- 19 The submission to Council of Civil Works design drawings and specifications, generally in accordance with the drawings prepared by Mott MacDonald Hughes Trueman (Drawing No 288542LM01-DA-01, Sheet 1, Revision E and dated 2/8/2011), with the following design amendments/additions:
 - Kerb and guttering for the Pacific Highway street frontage of the development,
 - Kerb and guttering for the both sides of the Tall Timbers Road for the full street frontage of the development and extending into, and forming part of, the Pacific Highway/Tall Timbers Road traffic control signal design.
 - Tall Timbers Road shall be widened to a 4 traffic lanes from the Pacific Highway to at least 35 metres (excluding tapers) north past the vehicle access.
 - The Tall Timbers Road vehicle access to the development shall be provided as an intersection, with the entry and exit to be designed as if for a public roadway.
 - The asphalt wearing surface in Tall Timbers Road within the vicinity of the vehicle access to the development shall be designed as a polymer modified asphalt to resist heavy braking and screwing from delivery/service vehicles. Details of the surfacing is to be included in the pavement design report submitted to Council as the roads authority for consideration.
 - Bus stops and associated infrastructure on both sides of Tall Timbers Road, south of the vehicle access and on both sides of the Pacific Highway. All bus stops are required to provide a set down area capable of being serviced by a kneeling bus, signage and bus shelter with seat.
 - Concrete footpath 1.2 metres wide on west side of Tall Timbers Road, from the bus stop to the marked pedestrian crossing at the intersection of Pacific Highway and Tall Timbers Road.
 - Provide street stormwater drainage and associated infrastructure.
 - The Tall Timbers Road stormwater pipeline must be connected to the existing inlet of the downstream pipeline, and interconnection with the existing piped road culverts.
 - Extension of road culverts on the western side of Tall Timbers Road to cater for new carriageway width. Inlet infrastructure must be located outside the road clear zone.
 - The Pacific Highway stormwater pipeline must be interconnected with the existing road culverts, and be extended into the development with provision of suitable scour protection/energy dissipation.
 - The proposed kerb inlet pit within the Pacific Highway bus zone must be relocated outside of the passenger set down area.

- The road verge shall be regraded to 4% fall from the boundary to the top kerb street frontage of the development.
- Concrete Shared Path 2.5 metres wide on the eastern side of Tall Timbers Road, from the Pacific Highway to Chisholm Avenue.
- Flexible pavement designed to cater for a design traffic loading of 6.1 x 106 equivalent standard axles (ESA).
- Any associated works to ensure satisfactory transitions to existing infrastructure

Required design drawings are to be prepared in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

Acoustic

- 20 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 in the acoustic report prepared by Reverb Acoustics, report number 11-1558-R2 dated May 2011.

Potentially Contaminated Land Requirements

- 21 Prior to the issue of a Construction Certificate, an appropriately qualified consultant must be engaged to carry out a detailed site investigation report to determine the level of contamination of the site and to prepare a remedial contamination action plan. Such remedial contamination action plan must be submitted to Council as the Consent Authority for approval.

Ecological/Tree Requirements

- 22 Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.
- 23 All nest boxes are to be erected prior to the issue of a Construction Certificate and at least one month prior to vegetation clearance on the site.

Vegetation Management and Rehabilitation Protocols

- 24 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 prior to issue of a Construction Certificate.

Liquid Trade Waste

- 25 The submission of a trade waste application and subsequent approval by Council to discharge liquid trade waste in to the sewerage system prior to issue of the Construction Certificate.

Landscape Plan

- 26 The Landscape Plan is to be amended prior to issue of a Construction Certificate to include reference to the following changes:
- i. the landscaping at the front of Pacific Highway extend from car parking bays to the edge of the footpath except for one grass feature as per the landscape plan. All trees, shrubs and ground covers are to be as per the landscape list.
 - ii. All trees being codes Bin, Cma, Can, Eha, LN, Lau are to be a minimum 100 litre.
 - iii. All shrubs are to be minimum 25 litres
 - iv. PN (*Pennisetum alopecuroides*) is to be removed from the list and replaced with other grasses within the landscape plan.
 - v. All areas mooted for mass planting per the proposed plant schedule are to be mulched to a minimum depth of 100mm.
 - vi. The row of *Tristanopsis 'Luscious'* that are proposed on the boundary along the Pacific highway are to be replaced with *Callistemon salignus*.
 - vii. A kerb is to be placed on the eastern edge of the grasscrete to ensure the planting of Sir Walter buffalo doesn't escape into the riparian buffer area. The maintenance of this area is to be included into the maintenance schedule.
 - viii. The riparian area has several *Pinus radiata* that are not endemic to the area. It is recommended that these trees are removed in conjunction with the mass planting as per the VMP to minimise spread into the area zoned 7a conservation.
 - ix. For the area containing the proposed batters and retaining walls along Pacific Highway and Tall Timbers Road frontages (as shown in civil plan DA01), planting of a combination of the following types of species of small trees and grasses:

- Tree species

- *Elaeocarpus eumundi*,
- *Elaeocarpus reticulates*,
- *Acmenia smithii* and/or *Syzygium australe*.

All trees to be planted in a combination of the ones listed above and the trees are to be planted in the middle of the batter to provide the best opportunity for growth in a small area. All trees to be a minimum (50 litre) and comply with NATSPEC regulations.

- Grasses/Shrubs

- *Lomandra tanika/longifolia*,
- *Doryanthes excelsea*,
- *Scaevola aemula*,
- *Hibergia*,
- *Hibergia scandens*

All grasses where feasible to be provenance stock.

- x. The following species are to be planted at the front of the batter to enable the species to climb and soften the rock wall over time:
- Scaevola aemula,
 - Hibergia,
 - Hibergia scandens

Pylon sign

- 27 The height of the freestanding pylon signs is not to exceed 7 metres in accordance with DCP Chapter 50. The plans are to be amended to include this height reduction.
- 28 The signage panel for the 'Liquor' shop is to be deleted from the plans (this includes any reference on the signage and elevation plans). The plans are to be amended prior to issue of a Construction Certificate.

Mine subsidence

- 29 The final drawings to be submitted prior to issue of a Construction Certificate, contain a certification by a qualified structural engineer, to the effect that any improvement constructed to meet the specifications of such final drawings will be safe, serviceable and repairable taking into account the following mine subsidence parameters:

- a) Maximum ground strains of $\pm 3\text{mm/m}$
- b) Maximum tilt of 4mm/m

The improvement to be fully articulated taking into consideration the subsidence parameters and other site conditions. The location and detailing of articulation joints are to be shown clearly on the final plans.

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 shall be planned for, designed, approved and implemented in accordance with the provisions of Council's DCP Chapter 112 for Public Art.

Food Act Requirements

- 31 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.

Bicycle Facilities

- 32 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 DCP Chapter 114 prior to the issue of a 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.

Demolition Requirements

- 33 Prior to the demolition of existing structures on site, all existing site services are to be disconnected, sealed and made safe. The sewer and water service is to be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector certifying that the works have been undertaken to the satisfaction of Council as the Water and Sewer Authority. Thiess Service's Customer Service Centre are also to be contacted on telephone number 1300 126 278 to arrange for the collection of the garbage bins.

Erosion and Sediment Control Requirements

- 34 Prior to works associated with the development commencing, soil erosion and sediment controls measures are to be provided on the development site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development* and the approved development plans.
- 35 Prior to works associated with the development commencing, an appropriate sign to promote the awareness and importance of the maintenance of on-site sediment control techniques is to be provided on the most prominent sediment fence or erosion control device within the development site, for the duration of the project.

Site Requirements

- 36 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 37 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.

- 38 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.

Protection of Adjoining Property Requirements

- 39 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

- 40 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 Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development*. 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.
- 41 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 Traffic Authority (RTA) 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.

- 42 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.

Site Requirements

- 43 Prior to works associated with the development commencing, where any excavation is proposed in proximity to existing gas and/or electricity networks, the developer is advised to notify '*Dial Before You Dig*' of the time and place of work no more than thirty (30) days before the work commences. The developer must satisfy any requirements as set by the network operators in carrying out excavation works.

Tree Protection Measures

- 44 Trees and vegetation within the 7 (a) Conservation Zone are to be protected by the erection of 1.8 metre-high man-proof fencing as per the consulting arborist and ecologist's direction and maintained in good working order for the duration of the works.
- 45 All fenced tree protection areas and are to be clearly marked as "No Go Area" on all final approved engineering plans.
- 46 All fenced tree protection areas and are to be clearly marked as "No Go Area" on the fencing itself. No clearing of vegetation or storage of vehicles, fill or materials or access is to occur within No Go Areas.

Vegetation Management and Rehabilitation Protocols

- 47 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.

Tree Removal

- 48 Trees marked in red on the approved plans and any other trees not specifically indicated for removal on the approved plans, are to be retained and not felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed. Trees within an access way or driveway approved as part of this consent can be removed, unless the approved plan or conditions of consent show otherwise.

Flora and Fauna

- 49 The ameliorative measures and mitigative recommendations contained within Section 7 of the Flora Fauna and Threatened Species Assessment prepared by ecobiological and dated March 2011 are to be carried out as part of the development including the preparation of an Environmental Management Plan for the site, except as otherwise conditioned.

Waste Management

- 50 A detailed Waste Management Plan is to be prepared for the development that addresses the mitigation measures and other matters outlined in the submitted Waste Minimisation and Management Plan dated May 2011. The development is to be carried out with the submitted and future Waste Management Plans and during the construction phase of the development, all building materials must be re-used, recycled or disposed of in accordance with the Waste Management Plan submitted with the subject application.

During Construction Works:

The following conditions must be satisfied during construction works.

Approved Plans

- 51 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

Earthworks and Haulage - Construction Requirements

- 52 All materials other than fill imported to the site for civil works, shall have a resource recovery exemption made under the Protection of the Environment Operations (Waste) Regulation 2005.
- 53 All site fill material shall be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste published by the Department of Environment, Climate Change and Water NSW (now Office of Environment and Heritage). Site fill material shall be certified as VENM or ENM by a practising Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.

Erosion and Sediment Control - Construction Requirements

- 54 All sediment and erosion control devices provided with respect to the development are to be periodically cleaned and maintained in an effective state for the duration of works. On the spot fines for non-compliance with this requirement may be issued under the provisions of the *Protection of Environment Operations Act, 2000*.

Services/Utility Requirements

- 55 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.

- 56 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 Requirements

- 57 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.
- 58 During the construction phase of the development, downpipes and the associated stormwater disposal system is to suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run off. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 59 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.

Demolition - Compliance Requirements

- 60 Any demolition work carried out with respect to the development is to be carried out in accordance with the requirements of AS 2601-2001 – *The Demolition of Structures*.
- 61 The disposal of any asbestos materials must be in accordance with the requirements of WorkCover NSW and AS 2601-2001 – *The Demolition of Structures*. The asbestos materials are to be disposed of at an approved waste management facility in accordance with the procedures the facility has for the disposal of asbestos. Upon completion of these works, the Principal Certifying Authority is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

Plumbing and Drainage - Construction Requirements

- 62 Council as the Water Supply Authority, under the provisions of the Water Management Act, is to be notified to undertake inspections of the internal drainage lines, (prior to the pouring of the concrete slab), and external drainage lines inclusive of sewer junction connection, prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's Customer Contact Centre on (02) 4350 5555 a minimum of twenty-four (24) hours prior to the required time for the inspection. Please note that all drainage inspection fees are to be paid to Council prior to plumbing and drainage works associated with the development commencing.

Silencing Devices

- 63 Sound attenuating devices shall be provided and maintained in respect of all power operated plant used during demolition, earthworks, and the erection of the structure. The quietest available plant should be used and be regularly maintained and fitted with appropriate mufflers.

Flora and Fauna Management Protocols

- 64 During all works on the site, the following management protocols and measures are to be adopted as part of the development:
- a. The mulch/tubgrindings generated from the removal and thinning of native trees associated with the development is/are to be re-used in restoring the 7 (a) Conservation Zone as required.
 - b. Any natural hollows removed by the development are to be placed wherever possible as ground hollows within the 7(a) Conservation Zone under the supervision of the consulting ecologist.
 - c. Any plant stock used in revegetation will be supplied from provenance specific seed/material collected from within the Tuggerah Lakes catchment area. Non-provenance specific material is prohibited.
 - d. Nest boxes are to be provided on a one for one basis for any natural hollow removed by the development and are to be constructed of appropriate durable materials (i.e. marine ply). All nest boxes are to be erected prior to the issue of a Construction Certificate and at least one month prior to vegetation clearance on the site. Nest boxes are to be constructed of a range of sizes in order to provide potential habitat for a range of species i.e. Microchiropteran bat species, Squirrel Glider). The monitoring of nest boxes to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following erection. Monitoring reports are to be forwarded to Council after each monitoring event.

Tree removal

- 65 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.

Ecological Protection

- 66 Council's Development Ecologist is to be notified as soon as practicable (and not more than 24 hours after) if a breach of these ecological protection conditions occurs.

Fauna and clearing – Ecologist supervision

- 67 Native fauna must be appropriately managed during clearing and construction phases of the approved works. In this regard, an appropriately licensed fauna ecologist is to be employed to advise and supervise the clearing of trees. Where, in spite of precautions, wildlife is injured, the fauna ecologist is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group such as W.I.R.E.S or Wildlife Arc.

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

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

Dilapidation Rectification Requirements

- 69 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.

Filling and Haulage- Completion Requirements

- 70 All filled areas are to be compacted in accordance with the requirements of AS 3798-1996. The submission of test results and appropriate documentation attesting to this requirement having been achieved is to be provided for the approval of the Accredited Certifier prior to issue of the Occupation/Subdivision Certificate.

Liquid Trade Waste – Requirements

- 71 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

- 72 Compliance with the general terms of approval of RTA's letter as outlined in its correspondence dated 31/8/2011 as follows:

Pacific Highway / Tall Timbers Road intersection

Traffic control signals, associated civil works and roadmarking shall be designed and constructed to upgrade the Pacific Highway / Tall Timbers Road intersection. These works are to be designed to RTA requirements and shall include, but not be limited to, the following:

Pacific Highway (Eastern leg)

- The right turn bay into Tall Timbers Road is to be extended to a minimum length of 130metres (excluding taper)
- Concrete paths are to be constructed from the development site to the pedestrian crossings at the traffic control signals at the intersection of the Pacific Highway and Tall Timbers Road.
- A deceleration lane into the development is to be constructed to a distance of 85 metres (including taper) west of the proposed ingress location.
- An acceleration lane is to be constructed from the proposed egress location a distance of 220 metres (including taper) east on the Pacific Highway.
- Until Stage 2 of the VPA is fully enacted the cycleway is to remain on road. Particular attention is to be given to the conflict points with both the proposed deceleration lane and the proposed acceleration lane on the Pacific Highway.

Whole Intersection

The modifications detailed above will require the reconstruction of the traffic control signals. This reconstruction is to be designed in accordance with RTA requirements and is to include but not limited to the following design principles:

- Kerb and gutter and raised median island kerbs shall be provided where required.
- The intersection shall be designed to accommodate the largest design vehicle nominated in the application.
- Provision shall be made for cyclists on all approaches at the intersection and along the length of the proposed works.
- All traffic lanes shall be 3.5 metres in width or as determined by the RTA.
- Street lighting shall be provided at the intersection in accordance with Australian Standard AS 1158.

- Any road widening / property acquisition / dedication required to accommodate the intersection shall be provided at no cost to the RTA or Council. This would include any plans of subdivision and associated survey / legal costs. The property required is to be designated as public road reserve in favour of Wyong Shire Council.
- All works associated with the proposed development shall be at full cost to the applicant and at no cost to the RTA or Council.
- As part of the access construction the developer shall apply for, and obtain a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Construction Traffic Management Plan (CTMP) to be prepared by a person who is certified to prepare Construction Traffic Management Plans. Should the CTMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The developer shall submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependant upon the RTA receiving an accurate and compliant TMP. *Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.* The Construction Traffic Management Plan (CTMP) shall be prepared and include a Vehicle Movement Plan and Traffic Control Plan. It shall be prepared with the intention of causing minimal impact to the operation of the road network during construction. The CTMP shall be submitted to the RTA and Council for review and approval prior to any construction activities occurring onsite.
- As road works are required on a State road, and traffic control signals, the RTA will require the developer to enter into a Works Authorisation Deed (WAD) with the RTA. In this regard the developer is required to submit concept and detailed design plans and all relevant additional information, as may be required in the RTA's WAD documentation, for each specific change to the classified (State) road network and / or any traffic control signals for the RTA's assessment and final decision concerning the work.

Comment: It is requested that the developer be advised that the conditions of approval do not guarantee the RTA's final consent to the specific road work, traffic control facilities and other structures works, for which it is responsible, on the road network. The RTA must provide a final consent for each specific change to the classified (State) road network and / or any traffic control signals prior to the commencement of any work.

- The WAD shall be executed prior to granting a Construction Certificate for the proposed development.
- All road works under the WAD shall be completed prior to issuing an Occupation Certificate for any lot on which development may occur.

Please note that the WAD process, including acceptance of design documentation and construction, can take a considerable amount of time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through the process as soon as possible with the RTA.

Miscellaneous Issues

- Appropriate site works are to be constructed across the access driveway frontage so as to comply with the minimum sight distance requirements and minimum sight lines for pedestrian safety set out in the RTA publication "Guide to Traffic Generating Developments" (1993) and AS/NZS 2890.1:2004 Part I: "Off-Street Car Parking".

Roads – Compliance Requirements

- 73 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.
- 74 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.
- 75 All works within Tall Timbers Road must be completed in accordance with the approved Civil Works design drawings and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 76 All road works and/or traffic control facilities within a state road must be completed in accordance with the approved Civil Works design drawings and RTA Works Authorisation Deed, and be jointly approved by Council as the Roads Authority and the RTA prior to the issue of any Occupation Certificate.
- 77 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.
- 78 The submission to the Council as the Roads Authority of a 'pre-opening stage' Road Safety Audit for all road works prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved in consultation with Council and the RTA prior to the approval of the works.

Stormwater – Compliance Requirements

- 79 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.
- 80 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 Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*. 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.
- 81 The registration of a drainage easement in favour of, and at no cost to, Council over land containing road stormwater drainage infrastructure.
- 82 Prior to the issue of the final Occupation Certificate, a 'Positive Covenant' shall be created on the title of the land requiring the registered proprietor to ensure the continued maintenance and performance of the stormwater management system in accordance with the operation and maintenance manual. The terms of the positive covenant are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the covenant.

Vehicle Access and Parking – Compliance Requirements

- 83 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1, 2 and 6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 84 The obtaining of a 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 Subdivision/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

- 85 Prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* 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.

Waste Management Requirements

- 86 For safety, amenity and maintenance reasons, the waste storage area must be constructed to the following standards prior to the issue of an Occupation Certificate:
- Floors must be constructed of concrete, graded and drained to an approved drainage outlet connected to the sewer and finished to a smooth even trowelled surface;
 - Walls must be constructed with solid impervious material and shall be cement rendered internally to a smooth even steel trowelled surface;
 - All intersections between the walls and floors shall be coved with coving having a minimum radius of 25mm;
 - All entry points into the room must be banded to prevent the escape of liquid waste. Banding shall be for 110% of the likely liquid storage waste and constructed in such a manner that does not obstruct the removal of waste receptacles from the room or create a safety risk to users;
 - Adequate ventilation shall be provided;
 - Adequate lighting shall be provided;
 - The ceiling must have a minimum height of 2.1 metres from floor level and be finished with a smooth faced non-absorbent material capable of being easily cleaned;
 - Waste storage areas shall prevent the access of vermin;
 - Waste receptacles used shall be compatible with Wyong Council's waste collection service;
 - The door to the storage area shall be weatherproof and shall be openable from the inside at all times; and
 - Hot and cold water hose cocks shall be located inside or within close proximity to the waste storage areas to facilitate cleaning.

Noise Control Requirements

- 87 Prior to the issue of the Occupation Certificate, all noise control measures identified for mechanical plant, loading dock and overall site as outlined in the summary of recommended noise control measures in the acoustic report prepared by Reverb Acoustics (Titled: Noise Impact Assessment Proposed Village Centre Corner Pacific Highway and Tall Timbers Rd Lake Munmorah NSW May 2011, report No: 11-1558-R2", report number 11-1558-R2 dated May 2011) are to be satisfactorily completed and implemented within the building.

Public Artwork – Compliance Requirements

- 88 Prior to the issue of an **Occupation Certificate**, the public artwork is to be constructed and/or installed in accordance with Wyong Development Control Plan 2005 Chapter 112 – *Public Art* and this is to include a certificate of completion being signed by the artist and this certificate being submitted to Council.

Food Act Requirements

- 89 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.
- 90 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.
- 91 Compliance with the requirements of the New South Wales Food Act 2003, the Food Regulation 2004, 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.
- 92 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).

Bicycle Parking

- 93 To encourage the use of alternate transport modes, secure bicycle parking/storage must be provided in close proximity to the building entrances and be highly visible and well illuminated to minimise the likelihood of theft and vandalism. The installation and dimensions of the facility shall be in accordance with AS2890.3-1993 – Parking Facilities – Bicycle Parking Facilities/Guide to Traffic Engineering Practice – Bicycles, Part 14 – Austroads. These works must be completed prior to the issue of an Occupation Certificate.

Landscaping Requirements

- 94 Prior to the issue of an Occupation Certificate, to ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

Sewer line and VMP

- 95 The area of the proposed sewer line easement shall be rehabilitated according to the method and objectives as outlined in the Vegetation Management Plan. In accordance with correspondence from EcoBiological dated 1/8/11 that the management options proposed be incorporated into the Vegetation Management Plan.

Disabled Access Requirements

- 96 Prior to the issue of an Occupation Certificate, access to and throughout the buildings shall comply with AS 1428.1-2009 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth). Certification is to be provided by a suitably qualified and experienced consultant.

Ongoing Operation:

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

Stormwater – Ongoing Maintenance Requirements

- 97 Sign(s) being displayed and maintained adjacent to all stormwater drains on the premises, clearly indicating 'Clean water only – No wastewater or rubbish'.
- 98 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.

Vehicle Access and Parking – Ongoing Requirements

- 99 The pavement and pavement marking must be maintained in a serviceable condition.
- 100 Garbage/recycling bins must not be permitted to encroach with the carpark or vehicle manoeuvring areas.

Noise Control Requirements

- 101 Twelve (12) months after the issue date of the occupation certificate an acoustic assessment is to be undertaken to determine whether the recommended acoustic devices are attenuating noise sources in a manner which is compliant with the Protection of the Environment Operations Act 1997.
- 102 To ensure reasonable acoustic amenity for surrounding properties is maintained, all recommendations made in the acoustic report prepared by add Reverb Acoustics dated May 2011 accompanying the application must be complied with.
- 103 Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to a maximum duration of ten (10) minutes, with no repeat sounding until manually reset; and or 'silently wired' to a security firm.

Waste

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

Landscaping Requirements

- 106 The general landscape maintenance program as per the landscape plan provided by habitation is to be endorsed with the landscape contractor to attend the site on a weekly basis for a period of no less than 52 weeks.

Ecology/Tree Requirements

- 107 The riparian area has several *Pinus radiata* that are not endemic to the area. It is recommended that these trees are removed in conjunction with the mass planting as per the VMP to minimise spread into the area zoned 7a conservation.

Vegetation Management Plan

- 108 The implementation of the actions proposed in the Vegetation Management Plan (Ecobiological 2011) to: monitor all known and potential threatened species on site; control noxious and exotic weed species; to employ rehabilitation and compensatory plantings; to mitigate any edge effects; to improve the overall ecological value of vegetation and fauna habitat on site; to minimise the environmental impact of the proposal; to provide management of any retained vegetation and to monitor fauna species use of the subject site during all stages of development.

Medical Centre

- 109 The medical centre is limited to a maximum of 6 staff and 5 surgeries unless further development consent is obtained.

Waste Management

- 110 No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare and odour must not be emitted from any such receptacle(s) so as to cause offence to any person(s) outside the subject land.

Safer by Design

- 111 To minimise the opportunity for crime and in accordance with CPTED principles, the development shall be carried out in accordance with the submitted CPTED report and incorporating the following:
- i. In order to maintain a safe level of visibility for pedestrians within and around the development, adequate lighting to AS1158 is to be provided to all common areas including parking, and any pedestrian routes to these areas. All lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties.
 - i. The means to isolate the various areas of the site shall be incorporated into the development, including measures for after hours access.
 - iv. Ensure the development management adopts an ongoing policy of rapid repair of vandalism and graffiti and ensuring that all lighting is in working order.

- v. Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.

Ecological – Nest Boxes

- 112 Nest boxes are to be constructed of a range of sizes in order to provide potential habitat for a range of species i.e. Microchiropteran bat species, Squirrel Glider). The monitoring of nest boxes to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following erection. Monitoring reports are to be forwarded to Council after each monitoring event.

Hours of Operation Requirements

- 113 For the purposes of preserving the amenity of neighbouring occupants and residents, hours of **operation for the shopping centre** are restricted to between:

7:00am and 12 midnight each day

Amenity Noise

- 114 No sound amplification equipment, juke boxes or loudspeakers shall be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or similar purposes (so as to be audible on adjoining public or private land) save with the written permission of the Responsible Authority. Noise emissions must comply with EPA and the relevant State/Regional/Local Environment Planning Policy requirements.
- 115 Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to maximum duration of ten (10) minutes, with no repeat sounding until manually reset; and or 'silently wired' to a security firm.
- 116 The use shall not cause unreasonable noise or interference to adjoining residences. The occupier shall take all necessary steps to ensure that no noise or other disturbance emanates from the premises which would be likely to cause a nuisance to the adjoining occupiers or a detriment to the amenity of the neighbourhood. Special precautions must be taken to avoid nuisance from warning sirens, intruder alarms, public address systems, heavy-duty compressors and the like.

Advertising Signs

- 117 No advertisement shall be erected on or in conjunction with the use and/or development without prior development consent unless the advertisement is an 'approved sign' under Development Control Plan 2005, Chapter 50 - Advertising Signs.

External Colours/Finishes Requirements

- 118 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 materials board/model/photomontage.

119 The external finish must be maintained in good order at all times.

Bushfire Protection

120 The development is to be carried out in accordance with the submitted Bushfire Threat Assessment (Ref.179-794) prepared by Ecobiological and dated 13.5.11 particularly the recommendations under Section 3 of the report.

Loading Dock Operations

121 To ensure the amenity of surrounding occupants, deliveries to and from the site including waste collection must only take place between the following times: -

7.00am and 10.00pm each day

A sign shall be placed in a prominent place within each loading area, stating that the loading docks are only open at the above times.

In this regard, the use of the loading dock shall be restricted to the hours above for a minimum of 6 months after the issue of the occupational certificate and until such a time, where an acoustic survey can demonstrate that the operation/use of the loading dock will not unreasonably impact the surrounding community.

122 All loading and unloading of goods is to be conducted wholly within the site within the loading facilities, internal dock or goods handling area. These areas are to be maintained free of obstruction (when not in use) for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in the street.

123 No overnight truck parking shall be permitted inside the loading areas.

124 No public address system shall be used in side the loading areas, except for emergency fire evacuation.

125 A sign shall be erected and be prominently displayed within the loading areas stating 'The loading dock is within hearing distance of people's homes. Please make as little noise as possible.'

126 All business operators shall ensure that all drivers under its control or driver's who work as contractors or suppliers, who are instructed to make deliveries, or are likely to make such deliveries shall be provided with a copy of the transport delivery arrangement plan.

127 All business operators shall instruct their employees, contractors and/or agents to observe care in the use and control of equipment (including shopping trolleys) in the loading dock and access areas so as to not cause or allow to be caused any unreasonable noise during the hours of operation of the loading dock and access areas.

- 128 A transport delivery arrangement plan is to be prepared identifying the restrictions and delivery constraints to be imposed upon all carrier agencies delivering to the supermarket tenancy. This shall include maximum truck size, delivery hours, types/frequencies of deliveries, driver conduct, loading dock management protocols, complaint management procedures, responsibilities for transport manager and store manager and incorporate the restrictions imposed under condition Nos. 121 to 127. The provisions of the plan shall be implemented at all times during the operation of the development approved under this Consent.

Security Requirements

- 129 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.

Advertising Sign Requirements

- 130 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.
- 131 The approved advertising sign/s must be constructed and maintained in a presentable and satisfactory state of repair for the life of the development.
- 132 No advertising sign/s shall be erected on or in conjunction with the use and/or development without prior development consent unless the advertisement is an 'approved sign' under Development Control Plan 2005, Chapter 50 - *Advertising Signs*.

Screening of rooftop plant/structures

- 133 Any rooftop or exposed structures including plant and equipment, air conditioning, ventilation and exhaust systems, are to be suitably screened and integrated with the building in order to ensure a properly integrated overall appearance.

Trolley management strategy

- 134 The development is to adopt management measures for the shopping trolleys to ensure that trolleys are not removed off the site and left unattended within the surrounding areas.