JRPP No:	**Item 1 (2009HCC009)**
DA No:	**DA/1057/2009/SP**
PROPOSED DEVELOPMENT	**Proposed construction of two storey building for use as offices and laboratories also including a concrete shed, ancillary parking, and landscaping**
APPLICANT:	**NSW Department of Industry and Investment**
REPORT BY:	**Wyong Council**

Assessment Report and Recommendation

Owner	NSW Department of Education and Training
Description of Land	10 Chittaway Road, Ourimbah Lot 1 in DP.837937
Site Area	808100m²
Zoning	5(a) Special uses – University, TAFE and Community Purposes
Existing Use	Landscaped area within university campus
Employment Generation	56 employees
Estimated Value	$5 million

RECOMMENDATION

1 That the application be referred to the Hunter and Central Coast Joint Planning Panel for determination with a recommendation for approval subject to the conditions detailed in the schedule attached to the report.

EXECUTIVE SUMMARY

A development application has been received by Council for construction of a new building to be used as offices and laboratories for research purposes by NSW Department of Industry and Investment including ancillary landscaping, parking and a concrete shed. The application is for development by the Crown with a value of $5 million and is to be determined by the Hunter and Central Coast Joint Planning Panel. There are no submissions received in relation to the development. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, and is recommended for approval. The development is employment generating development for the Shire and is beneficial to the community by increasing the provision of research facilities within the existing university campus.

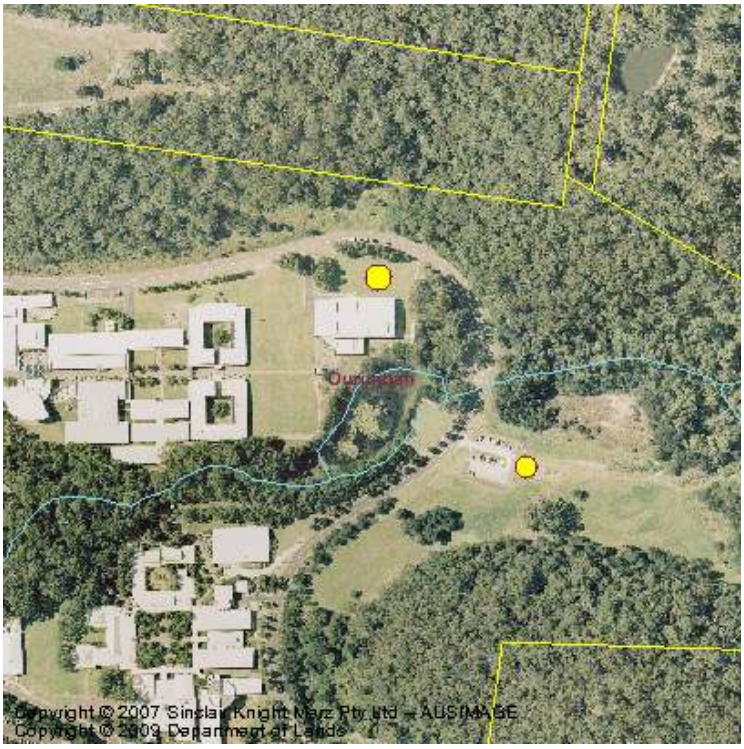
INTRODUCTION

The Site

The development site contains the Ourimbah Campus of the University of Newcastle. The university campus is located along Chittaway Road on the eastern side of the Pacific Highway and to the east of Ourimbah railway station. Immediately surrounding the site is recreational open space and rural residential uses containing remnant bushland. Further away from the site positioned to the west is the Ourimbah township and residential development.

The specific position for the proposed new building within the existing campus grounds is a vacant grassed area containing a number of trees located to the north of an existing building along Loop Road. The specific position for the associated car park to be constructed for the building is adjoining an existing car park accessed via Loop Road. The area for the new building is in the vicinity of the existing creekline extending east to west through the university campus which is a tributary of Bangalow Creek. The site contains an endangered ecological community following the creekline known as River Flat Eucalypt Forest and the proposal does not affect this vegetation.

The site is identified as bushfire prone land under Council's Bushfire Prone Land Map, although the specific areas within the site proposed for the car park extension are located outside these areas. The topography of the specific site location has a slope away from Loop Road and down towards the existing adjoining building to the south. The western portion of the university site is affected by the 1% AEP flood polygon. The area for the location of the new two storey building is in the eastern portion of the site and although further upstream and away from the flood plain is however, still subject to localised flooding. The existing vegetation within the nominated area for the new building includes a number of Spotted Gum trees that have been planted as part of the landscaping for the university campus grounds.



The Proposed Development

The application seeks approval for the construction of a two storey building and related facilities within the existing university campus to be used as offices and laboratory purposes for research by NSW Department of Industry and Investment.

The proposed development includes:

- Lower ground floor (898 m²) comprising laboratories (associated with entomology, plant pathology and bacteriology) with related storage space and Controlled

Environment Rooms (CER), a Market Access area with CERs and controlled temperature rooms for the conduct of experiments associated with altering storage conditions for fruit and vegetables to extend shelf life and food quality.
- Upper ground floor (867m²) comprising office accommodation, conference and meeting rooms, amenities and storerooms.
- Lower ground loading/service access area and wash down area.
- Excavation works.
- Car parking off Loop Road for 6 spaces (including 2 disabled) and 1 delivery bay
- Construction of a separate car parking area containing 30 spaces.
- Concrete garage building (160m²) with a colorbond roof and rainwater tank within the detached parking area.
- Landscaping including 12 replacement trees.
- Rainwater tanks and attached plant rooms

The building is located adjacent and to the north of an existing two storey building containing teaching facilities and a workshop. The design and construction of the building will include a splitface concrete blockwork base with grey and light grey cladding above and a colorbond skillion roof. The site contains a slope away from Loop Road and the lower level of the proposed building will be predominantly below the existing ground level requiring substantial excavation of the site to accommodate the lower ground floor.

The construction of the separate parking area containing 30 spaces is located within an existing cleared area adjoining an existing TAFE car park. The area for the new carpark is located alongside a riparian corridor for the existing tributary of Bangalow Creek that extends midway through the campus. It is proposed to discharge stormwater from the car park into the creek. Within this parking area it is proposed to construct a concrete building to be used for the garaging of departmental vehicles and equipment.

The development will employ a total of 56 staff with 22 of these being NSW Fisheries compliance staff. The hours of operation will be generally 7:30am to 5:30 pm, Monday to Friday for most staff with the exception of the Fisheries compliance staff who often work weekends and after hours but are off site undertaking patrols of coastal and estuarine waters.

The research activities undertaken on the site include:
- Market Access research aimed at ensuring extended shelf life and/or freedom from insect damage for horticultural products.
- Greenhouse research products incorporating hydroponics nutrition.
- Research to encourage the production of chemical free horticultural product, including the development of Integrated Pest Management systems.
- Development and promulgation of Quality Assurance schemes for the horticultural and lugume inoculants industries.

Internal Referrals

The application has been referred within Council to:

- Senior Health and Building Surveyor
- Arborist & Landscape Design Assessment Officer
- Development Planner (Ecologist)
- Development Engineer
- Water and Waste Engineer
- Trade Waste Officer

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

VARIATIONS TO POLICIES

There are no variations sought to Council policy under the proposed development.

PERMISSIBILITY

The subject site is zoned 5(a) Special Uses – 'University, TAFE and Community Purposes' under the Wyong Local Environmental Plan 1991. The proposed development seeks approval for construction of a new office and laboratory building and associated car park used for research purposes by NSW Department of Industry and Investment in conjunction with research and educational activities of the university.

Under Wyong LEP 1991, the following definitions are relevant for consideration.

education establishment *means a building or place used for education (such as teaching) and includes:*

(a) a school, and
(b) a tertiary institution, being a university, college of advanced education, teachers' college, technical college or other tertiary college providing a formal education, and
(c) an art gallery or museum, not used to sell the items it displays,
whether or not it provides accommodation for staff and students and whether or not it is operated for the purpose of gain.

Clause 10 of the LEP requires 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 development is permissible with consent within the 5(a) zoning of the site and complies with the objectives of the zone as follows.

The objectives for the Zone No 5(a) Special Uses are:

(a) to cater for the provision of community and public facilities and services, and

(b) to provide for any other development of land within this zone, with the consent of the Council, provided that:

(i) the other development is ancillary to or related to the current or future use of the land for the purpose of a community or public facility or service, and

(ii) the other development does not adversely affect the current or future usefulness of the land for the purpose of those facilities or services.

Within the 5(a) zoning any purpose related to the special use being the existing educational establishment, (ie. university) is permissible with development consent. The proposed new building and associated car park will be used primarily for research and associated administration purposes by a public authority that is related to the university research activities.

The proposal is compatible with the zone objectives as it caters for the provision of facilities and services operated by a state government department that will benefit the local and

regional community. The new building will operate as research facility related to the university.

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
- Wyong Local Environmental Plan 1991
- Wyong Shire Development Control Plan 2005
  Chapter 14 - Tree Management
  Chapter 61 - Carparking
  Chapter 69 - Controls for Site Waste Management
  Chapter 67 - Engineering Requirements for Developments
  Chapter 70 - Notification of Development Proposals
  Chapter 112 – Public Art
- Landscape Policy and Guidelines
- Ourimbah Palmdale Planning Strategy
- Planning for Bushfire Protection (PBP) 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. Subject to conditions, the proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this regard, it is noted that the site is bush fire prone land and measures to minimise the potential for loss of property or loss of life as a consequence of bush fire events have been included in the design of the building.

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. Any tables relating to plans or policies are provided as an attachment.

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

<u>Clause 10 - Zoning</u>

The subject site is zoned 5(a) Special Uses – University and TAFE & Community Purposes under Wyong Local Environmental Plan 1991. The proposed development is permissible with consent and complies with the objectives of the zone.

Clause 15 - Acid Sulphate Soils

Under Wyong LEP 1991, the site is identified as Class 5 on the Acid Sulphate Soils Planning Map. In accordance with Clause 15(2) 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 Australian height Datum (AHD).

Clause 29 – Services

The University site is currently serviced for water supply and the proposed development can be serviced for water supply from the existing onsite reticulation system. Council's existing system is adequate to provide water supply to the proposed development.

The University site is currently serviced for sewer by a private pumping station. The Developer is responsible for analysis of the existing private pump station capacity to ensure the loading generated by the development can be handled. Council's 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.

Wyong Shire Development Control Plan 2005

DCP Chapter 61 - Carparking

There is a total of forty three (43) spaces plus one delivery bay are provided for the development. These are to be located in two areas on the site. Six (6) are located directly in front of the building off Loop Road with a delivery space also provided. Thirty six (36) spaces are provided in a separate car parking area located east of the building on the opposite side of Loop Road. Of these thirty six (36) spaces, six (6) are in the form of garages for departmental vehicles and ten (10) are located behind security fencing and the remaining twenty (20) are open stand spaces outside the security fencing.

Council's DCP Chapter 61 requires parking for:

- Education establishments at a rate of 1 space per 2 staff, plus 1 space per 5 students for higher education establishments, plus 1 bus standing area per 200 students.

It is arguable whether this basis is the most appropriate use for considering the parking generation resulting from the proposal under Council's DCP, considering the nature of the use is research rather than teaching based. The proposed development does achieve compliance with the number of spaces required for the proposed 56 employees under this rate (ie. 28 spaces required).

A more appropriate alternative for consideration of the parking demand generated by the proposal is on the basis of:

- Commercial Premises at a rate of 1 space per 30m² of GFA
- Factories at a rate of 1 space per 75m² GFA

The new building includes two floors, one being used for administrative and research purposes accommodating 50 staff being considered at the commercial rate, and the lower floor laboratory accommodating 6 staff being considered at the factory rate. It is noted a number of the staff located at the upper level of the building are field based which will further reduce the parking demand on the site for the development.

Considered on this basis, the development generates a requirement for 29 spaces for the office component (based on 867m² GFA) and 12 spaces for the laboratory component (based on 898m² GFA). This totals a requirement for 41 spaces to be provided for the development and 43 have been proposed which complies with the DCP requirement. Two of the parking spaces provided at the front of the new building are to be identified and designed as disabled parking spaces which complies with the minimum number required under the DCP.

DCP Chapter 14 – Tree Management

The application results in the removal of approximately thirty three existing trees from the site. Council's Arborist identified all trees to be removed as Corymbia maculata Spotted Gum, which is a keystone species listed in Council's DCP Chapter 14 Tree Management. All of the trees to be removed appear to be immature and the applicant indicates that these trees were planted when the university campus was first developed. The removal of these trees is necessary in order to construct the new building (ie. Building A containing the office/laboratories) proposed under the application. The landscape plan proposes replacement planting for Building A in order to ensure that the redevelopment will maximise visual amenity and maintain the landscape character of the immediate area.

Conditions are to be included with any consent granted requiring that all trees to be removed are to be replaced at a ratio of 2:1. Also, that replacement species are to include Spotted Gum (Corymbia maculate) around Building A, and a combination of Eucalyptus saligna (Sydney Blue Gum), Syncarpia glomulifera (Turpentine) and Glochidion ferdinandi (Cheese Tree) around the car park and Building B (shed). Additionally, plant stock used in revegetation areas must be supplied from provenance specific seed/material collected from within the Tuggerah Lakes catchment area.

DCP Chapter 67 - Engineering Requirements for Developments

The plans have been reviewed by Council's Development Engineer who has raised no objection subject to the inclusion of conditions to address drainage, access and other matters. Conditions will also be included to address sediment and erosion control measures required for the development.

DCP Chapter 69 - Controls for Site Waste Management

In accordance with the DCP the applicant submitted a Waste Management Plan for the development and a condition has been included requiring the development to be carried out in accordance with the submitted plan. A condition has been included requiring provision of a waste storage area as part of the development. Also, a trade waste license will be required for the waste discharges to the sewer system and a condition requiring this will be included.

Landscape Policy and Guidelines

Council's Landscape Policy and Guidelines 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. A condition will be included to ensure that the landscape works are constructed and maintained in accordance with

Council's Policy including the engagement of an approved landscape consultant and contractor to undertake the work.

Ourimbah Palmdale Planning Strategy

A planning study is currently undertaken for Ourimbah and Palmdale. A key consideration under the study is the expansion of the Central Coast university campus and identifying what level of change can be achieved in respect of redevelopment and urban consolidation opportunities within the study area. The current application will serve to reinforce the significant role that the university plays in the area by providing additional research and facilities at the existing university campus.

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

Access, traffic and transport

Vehicular access to the new building is via Loop Road with a delivery/loading space and six parking spaces located alongside Loop Road in front of the new building. Two of the six spaces provided are to be designed and identified as accessible parking spaces. The new building is within walking distance of Ourimbah Railway Station and there are three local bus routes service the existing campus. The increase in traffic generation resulting from the proposal will not be significant. Construction of the kerb and guttering with the carparking adjacent to the main building will be required as will footpaving to connect the building to the carpark areas. These matters have been addressed under the conditions of consent

Parking design

The design of the new car park has been reviewed and conditions are to be included to address the following issues related to the car park design:

- The main carpark area appears to be located to the rear of an informal carparking area to the east of the university site. There appears to be a significant amount of cut and fill proposed which may affect flood storage.
- The carpark design will need to be adjusted to comply with AS/NZS2890.1 and will need to be asphalt and linemarked. The entry through the existing informal gravel carpark will also need to be sealed. All parking spaces, aisle width etc are to comply with the requirements of AS 2890.1 and pedestrian paths provided between the building and car park proposed under this development. These requirements have been included as conditions.

Drainage

Drainage from the main building is to be directed to the creek to the south. The majority of roof water will be directed to tanks for reuse in toilets and landscaping as a minimum with overflow to the creek. These tanks comprise three x 9000 litre tanks. It is proposed that a separate drainage line will take the remainder of the roof water to the creek and that drainage water from the hardstand areas will also be directed to the creek by a further separate existing drainage line. A turf dish drain is also proposed to direct water from the high side of the building to the creek at a separate location. The number of outlets to the creek as prposed is not acceptable. These should be reduced to a maximum of two. In this regard, the hardstand area drainage is to form one outlet, and the roof water tank overflow and turf drain should form the other outlet to the creek. This will be conditioned with scour protection included.

Water quality and quantity will need to mimic existing flows for events up to the 50% AEP event, with flows greater than the 50% AEP event to be in accordance with Council's

requirements for Water Sensitive Urban Design (WSUD). Stormwater flows from the carpark area and shed are to have similar water quality and quantity requirements. Scour protection will be required at the outlet of the carpark stormwater drainage. Groundwater impacts will also be addressed under consent conditions. Shed roof water is to be directed to a reuse tank of minimum size of 2000 litres.

Flooding

The proposed secure shed and carpark area indicates that a substantial amount of fill is to be placed in what appears to be a flood storage area. The applicant will need to demonstrate no net effect on the existing flood storage volume and this is addressed under the conditions of consent. This can be achieved by repositioning or reconfiguring the car park to reduce the extent of fill and this may increase in the extent of cut required for the car park. This will be dependant on the flood level for this area required under the consent conditions. The impacts of this can be appropriately managed in this location on the site as the area is already cleared of trees. The flood level at the area of the main building is identified as 20.41m AHD in the report from Parsons Brinkerhoff dated December 2008 prepared recently for the university grounds. The proposed minimum floor level of the main building is 22.60. Considering a building life of 100 years the effect of climate change would be 0.45m. Assuming a freeboard of 500mm, the proposed floor level is still well above the minimum required floor level under this future scenario.

Earthworks

Earthworks are expected to be significant due to the excavation for the proposed subfloor of the building and new car park construction. Conditions have been included to address the matters related to this including dilapidation, compaction requirements and groundwater.

Any effect on the flora and fauna.

The proposal has been reviewed in relation to potential impacts to for a and fauna it has been 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 or referral to the Department of Environment, Water, Heritage and the Arts is therefore not necessary. As part of the flora and fauna assessment, the following comments are made in relation to the proposal no objection is raised in relation to the proposal on these grounds, subject to the inclusion of specified conditions in any consent granted.

Vegetation Communities

Council's 2008 vegetation mapping identifies the native vegetation along the watercourse down stream of the proposal as being 'Riverine Alluvial Gallery Rainforest – Moist Forest', which is likely to qualify as the 'River-Flat Eucalypt Forest' Endangered Ecological Community (EEC) listed under the Threatened Species Conservation Act 1995 (NSW). The vegetation upstream and to the north of proposed car park is mapped as 'Narrabeen Warm Temperate Subtropical Rainforest', which is likely to qualify as the 'Lowland Rainforest' Endangered Ecological Community (EEC).

The proposed development does not require the removal of either community, however there is potential for indirect impacts due to changes in hydrological regime (flows and volumes) and water quality (primarily sediment during construction and litter, hydrocarbons and heavy metals during operation). Council's Development Engineer has conditioned that a stormwater system be provided for the building, car park and shed that has appropriate water quality control facilities required to treat stormwater runoff from the development in accordance with Council's Development Control Plan 2005 Draft Chapter 97 - WSUD and

Council's Development Control Plan 2005 Chapter 67 - Engineering Requirements for Development.

Specifically, water quality and quantity (flows and volumes) will need to mimic existing flows for events up to the 50% AEP event, with flows greater than the 50% AEP event to be in accordance with Council's draft DCP Chapter 97 with controls to disperse flows and prevent scouring are required for all outlets into the creek. All buildings will also be fitted with rainwater tanks to reduce potable water use and the quantity of runoff. These controls will ensure that there will be no impact on the EECs in regards to hydrological regime and water quality therefore no further assessment is required. The proposed car park requires the placement of fill in the flood storage area to the north of the car park. Council's Development Engineer has conditioned that the applicant must demonstrate no net effect on the existing flood storage. Provided these conditions are met it is unlikely that there will be any impact on the EECs.

Flora and Fauna

The applicant's indicate that thirty three (33) Spotted Gum trees will be required to be removed to construct the proposed two storey building. The Bushfire Report states that no additional clearing of vegetation will be required to achieve the necessary Asset Protection Zones, except for any branches overhanging the building. The trees to be removed appear to be immature, with an average height of 6 metres and DBH 0.3m, therefore they provide little foraging habitat for threatened species such that there is unlikely to be any negative impact from the removal of the trees on threatened species. The landscape plan indicates that 13 trees will be replanted to match the existing trees removed. Council's Arborist has included a condition requiring that all trees removed be replaced at a ratio of 2:1 (replace:remove). It is noted that it is unlikely that the area surrounding the building can accommodate 66 trees and meet bushfire requirements. However, no landscaping has been proposed for the area containing the car park and shed and a condition will be included requiring replacement planting under the proposal to also take place in this location. Spotted Gum do not naturally occur in this car park area, therefore a condition will be imposed specifying that additional species be planted adjacent to the car park area that are consistent with the 'Narrabeen Warm Temperate Subtropical Rainforest' vegetation community.

Council's Development Engineer has recommended that a footpath be constructed to connect the building to the car park area. The location of the footpath is not shown on the plans and it is considered likely that further trees planted for landscaping purposes will be removed to construct a footpath. For the reasons discussed above, this is unlikely to have a significant impact on any threatened species and it is recommended that all trees removed be replaced at a ratio of 2:1. The proposed car park and shed are located within an existing cleared area that provides little to no fauna habitat therefore these developments are unlikely to have a direct impact on any threatened species. There is potential for indirect impacts on threatened species from the development, including altered hydrology and degraded water quality (primarily sediment during construction and litter, hydrocarbons and heavy metals during operation). However, subject to conditions that are to be imposed regarding water quality there is unlikely to be any negative impact on any threatened species.

Council's Development Engineer has indicated that street lighting will be required for the car park area in accordance with AS/NZS1158.3.1. Over spill of light into adjoining remnant vegetation has the potential to affect the foraging patterns of fauna, such as microbats. The SEE states that lighting will be selected to have a horizontal cut off to minimise light spillage to surrounding areas and the night sky. Due to the significance of the adjoining remnant vegetation, the development will be conditioned to ensure that lighting must be of a type that minimises overspill.

Riparian Zone Management

It is noted that there is likely to be a future proposal for additional car parking and greenhouses on the site. As the current and future developments are within the vicinity a watercourse, compliance with relevant legislation is required. The recommended landscaping around the car park will assist with establishing a suitable buffer between the car parks and the watercourse therefore is consistent with DECCW's guidelines for riparian corridors. Due to the small scale of the site and required replanting, a landscape plan would be sufficient and a Vegetation Management Plan is not required.

Bushfire hazard

The site is identified as bushfire prone land and subject to the provisions of Planning for Bushfire Protection (PBP) 2006. The applicant prepared a bushfire hazard assessment report for the site and the proposed development. The development does not constitute Special Bushfire Protection Purposes therefore referral to the NSW Rural Fire Service for issue of a Bushfire Safety Authority is not required. However, the development needs to comply with the objectives for Planning for Bushfire Protection 2006.

The applicant prepared and submitted a bushfire report for the proposal that recommended specific levels of construction standards and APZ's for the new building in accordance with AS3959-1999 Construction of Buildings in Bushfire Prone Areas. It is noted that the site contains an endangered ecological forest. The report identifies that Asset Protection Zones (APZ) for the development are achieved entirely within the site boundaries and involves no additional clearing and therefore no impact on the EEC located on the northern side of Loop Road, opposite the site. However, the APZ places part of the mechanical plant area in the flame zone and this has been offset with entirely non-combustible construction and non-combustible sealing over any penetration to the office building. The plant area will offer radiant heat shielding to the office building and is suitably fire separated with the concrete wall. The site access remains unchanged and complies with Planning for Bushfire Protection 2006.

Disabled access and facilities

Two (2) accessible parking spaces are proposed in front of the new building along Loop Road. Accessible toilet facilities are available at both levels of the building. An access ramp is provided off Loop Road into the foyer entry within the first floor of the building. A condition has been included to ensure that the development considers the provisions of the Disability Discrimination Act and the obligations required of the university under this Act.

Safety, security and crime prevention.

The proposal incorporates design features and active security management measures to discourage anti social behaviour and minimise the opportunities for criminal activities. Crime prevention and safety measures have been included as conditions of consent.

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

The new building is to be located within the university grounds and will serve to reinforce the research and development role of the university. The site 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 but replanting is proposed and additional conditions are to be imposed regarding the required number of replacement species generated by the proposal. The design of the proposed development is in an appropriate form, layout and scale that suitably balances the opportunities and constraints of the site. Although the site is bushfire prone and flood affected, this has been considered in the siting, design and

materials selected for the development. 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 no submissions being received.

Any submission from public authorities.

The application was initially referred through to the NSW Office of Water (formerly Department of Water and Energy now changed to the Department of Climate Change and Water) for comment regarding the nature of the works (particularly earthworks for the car park) in close proximity of the existing water course that extends through the university grounds. The Department confirmed that no controlled activity approval would be required, however, the applicant would need to comply with the relevant provisions of the Water Management Act 2000 as part of the development.

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

The development will provide additional research facilities that will benefit the university and employment opportunities that are considered beneficial to the local and community interest.
It is noted that for the purposes of assessing the application, the applicant being the Department of Industry and Investment are prescribed to be a Crown authority under the EPA Regulation as such any conditions imposed in relation to the proposal are to be agreed upon by the applicant. Such agreement is to be obtained prior to determination of the application.

CONCLUSION

The application seeks approval for construction of a new two storey building within the university grounds to be used as an office and research facility consisting of research labs, and offices. Also proposed is construction of a new car park and garage building. The new development is to be used by the Department of Industry and Investment (formerly the Department of Fisheries and the Department of Primary Industries) The proposal will generate an increase of around 56 in staff numbers. The site context is appropriate for the design and form of development as proposed and will represent a positive opportunity to provide 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 being proposed by a Crown authority with an estimated value of $5 million. The development is considered to be consistent with Council's LEP and DCP requirements and the application is recommended for approval subject to conditions.

SCHEDULE OF CONDITIONS

Date:	25 November 2009
Responsible Officer:	Salli Pendergast
Location:	University Ourimbah, 10 Chittaway Road, OURIMBAH NSW 2258 Lot 1 DP 837937
UBD Reference:	
Owner:	Department Of Education & Training
Applicant:	Department Of Industry And Investment
Date Of Application:	25 September 2009
Application No:	DA/1057/2009
Proposed Development:	Offices, laboratory & associated carparking
Land Area:	808100.00

PROPOSED CONDITIONS

1 The development taking place in accordance with the approved architectural plans numbered A02 - A08 all issue A dated 18 August 2009 prepared by John Blackwood Architects, and landscape plans numbered L01/A dated 18.8.09 prepared by Gardenscape Design, the application form and any other supporting documentation submitted as part of the application, except as modified by any conditions of this consent, and any amendments in red.

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.

No Conditions

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.

Certificates/Engineering Details

2 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.

Erosion and Sediment Control – Design Plans

3 Prior to the commencement of Construction, the submission to the Principal Certifying Authority of design plans for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites or "Soils and Construction – Managing Urban Stormwater" (Blue Book). The design plans, including information regarding excess spoil stored for a future greenhouse development, must be approved by the Principal Certifying Authority or an appropriately Accredited Certifier prior to the commencement of Construction.

Filling and Haulage

4 Prior to the commencement of Construction, the submission to and approval by the Consent 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.

Flooding

5 The applicant is to provide a flood model / report for the approval of Council under Section 68 of the Local Government Act demonstrating the following:-

a) The 50%, 5% and 1% AEP flood levels and average velocity in the area of the proposed carpark and security area.
b) Should filling be proposed into the flood storage area of the designated creek, the applicant is to demonstrate no net increase in flood levels. Where this cannot be demonstrated, the proposed carpark and security area is to be constructed clear of the flood storage area.

Details are to be provided prior to the commencement of construction.

6 Prior to the commencement of Construction the submission to the Principal Certifying Authority of the following information for the shed in the area of the carpark security area;

- The provision of certification from a practising structural engineer that all sections of the approved structure which is subject to the force of water or debris due to a 1% AEP flood, have been designed to resist the stresses thereby induced. An appropriate factor of safety is to be applied to the forces exerted by the 1% AEP flood before it is used in any structural calculations.

- All building materials used or located below the 1% AEP flood level must be flood compatible. Plans and specifications detailing the building materials are to be submitted to the Principal Certifying Authority.

- The storage of all toxic or pollutant substances or other products which may be hazardous or pollute flood waters at a minimum level 500mm above the 1% AEP flood level. Alternatively these materials must be placed within an area protected by bunds constructed to a height such that no flood waters can enter the bunded area if the flood level rose to 500mm above the 1% AEP flood level.

7 Approval where required from the Department of Climate Change and Water for works within 40m of designated creek for filling and construction of the carparks and security area.

Roads

8 The provision of concrete foot paving in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The design plans must be approved by the Principal Certifying Authority/appropriately Accredited Certifier prior to commencement of Construction and shall include:-

- Footpaving from the entry of the main building to the carparking area fronting the main building.
- Footpaving from the entry of the main building to the carpark on the ring road approximately 200m to the east.

9 The design of the carparking area and loading bay fronting the main building is to ensure appropriate sight distance for both pedestrians and vehicles in accordance with AS/NZS 2890.1.

10 The submission of a plan of management for any works for the development that impact on road related areas or areas used by the public for the construction phase of the development, prior to that section of work commencing. The plan is to include a Traffic Control Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over areas used by the public. This plan must be certified by an appropriately accredited/qualified person.

Stormwater

11 The provision of a stormwater system with water quality control facilities required to treat stormwater runoff from the development in accordance with Council's Development Control Plan 2005 Draft Chapter 97 - WSUD and Council's Development Control Plan 2005 Chapter 67 - Engineering Requirements for Development. Design plans and supporting calculations must be submitted to and approved by Council under Section 68 of the Local Government Act prior to commencement of Construction and shall include:-

- Post development storm events are to mimic the 50% AEP pre development storm events. This will include quality, flows and volumes.

- Water quality for storm events greater than the 50% AEP events are to meet the water quality requirements of Council's Development Control Plan 2005 Draft Chapter 97 – WSUD.

- Post development storm flows are to match pre development storm flows for a range of storm events up to the 1% AEP design storm event.

- The detained duration flows for storm events greater than the 50% AEP storm event is to be equal to or less than 4 times the pre development storm flow duration.

- Modelling to demonstrate water quality outcomes.

- The number of new stormwater outlets from the area of the main building to the existing creek is to be restricted to one.

- Outlets to the creeks are to be designed to disperse flows and prevent scouring of the creek banks.

- Subsoil drainage is to be directed to existing or proposed piped drainage systems.

- Outlet from wash down area at the main building is to be connected to sewer and appropriate Trade Waste license obtained.

The above water quality and quantity requirements relate to both sites identified in the proposed development.

12 Prior to commencement of Construction the submission to the Principal Certifying Authority of a groundwater study identifying any impacts the proposal may have, including construction methods, development and detail designs of all proposals necessary to mitigate any effects.

Vehicle Access and Parking

13 The design of the carpark and accesses in accordance with AS2890.1/2. The design compliant with AS2890 is to be submitted to the Principal Certifying Authority prior to commencement of Construction and shall include:-

a) Loading bay in front of the main building suitable for medium rigid vehicles.

b) Car space grades in the carpark and security shed area are to be in accordance with AS/NZS2890.1 including the area of the entry ramp from the existing carpark. Where car space grades cannot be obtained in accordance with AS/NZS2890.1 within the entry ramp area, they are to be relocated to the satisfaction of Council.

c) Suitable linemarking and signage.

d) Disabled spaces in accordance with AS/NZS2890.1

e) The proposed fill in the carpark and security area is to be a maximum of 200mm below the 1% AEP flood level.

f) Carpark pavement is to be designed to cater for largest design vehicle.

g) Carpark surface areas are to bitumen seal.

h) The access to the proposed carpark and security area through the existing informal gravel carpark is to be constructed with a pavement suitable for the maximum design vehicle to access the site. It shall have a bitumen sealed surface.

i) The carpark area is to display signage indicating the possibility of flooding and flood level markers.

Water and Sewer Services/Infrastructure

14 All water and sewer works or works impacting on water and sewer assets are to be designed and constructed to the requirements of Wyong Shire Council as the Water Supply Authority under the Water Management Act 2000. The requirements of Section 306 of the Water Management Act, 2000 which apply to this development, are detailed in the Section 306 requirements letter attached to the consent. All works required in the Section 306 letter must be shown on the design plans. The design plans must be submitted to and approved by Council prior to the commencement of Construction.

Lighting

15 Lighting shall be provided to the proposed carpark and security area in accordance with AS/NZS1158.3.1. It shall be designed so that light overspill shall be minimised into retained vegetation areas and that glare does not adversely impact upon any adjoining property.

Bushfire Protection

16 The development is to be carried out in accordance with the Planning for Bushfire Protection Guidelines 2006 and with the Bushfire Assessment Report prepared by Newcastle Bushfire Consulting dated 14/10/2009 including the recommended construction standards, measures and ongoing maintenance.

Trade Waste

17 The submission of a trade waste application and subsequent approval by Council to discharge trade waste into the sewerage system prior to commencement of construction.

Erosion and Sediment Control

18 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) Council's Policy E1-Erosion and Sediment Control from Building Sites, 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. This includes on-going soil and erosion control for excess spoil stored for a future greenhouse development**. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

19 Sand and other materials that could potentially be washed off the site during rain periods are to be stored behind the silt control barrier. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

20 The provision of a metal groyne/s or kerb inlet trap/s to the downstream drainage pit/s of the street drainage system to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris must be removed from the site on a daily basis. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

21 The display of an appropriate sign to promote the awareness of the importance of the maintenance of sediment control techniques on the most prominent sediment fence or erosion control device, for the duration of the project. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

Site Requirements

22 The provision of a temporary closet on site from the time of commencement of building work to ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in the building activity. The temporary closet is to be a water closet connected to the sewerage system or approved septic tank or a chemical closet supplied by a licensed contractor.

23 In accordance with the requirements of Council's Development Control Plan 2005, Chapter 69 - Controls for Site Waste Management, an on site storage area for reuse, recycling and disposal of materials is to be provided during construction. Concrete, brick, tile and excavation material is to be given first priority for reuse and recycling.

24 The provision of a hoarding or safety fence between the work site and the public place in accordance with Work Cover Authority requirements, for the duration of the project. Details to be submitted to the Principal Certifying Authority/appropriately Accredited Certifier unless the hoarding is required within the footpath area where approval from Council under the Roads Act as the Roads Authority is required.

25 The Principal Contractor (or Owner/Builder) is to erect a sign in a prominent position on the 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 sign must be maintained while the work is being carried out and is to be removed when the work is completed. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated PCA.

Ecology/Trees

26 The protection of trees retained on site by fencing or other accepted protection method in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. 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.

Dilapidation

27 A dilapidation report must be submitted prior to the commencement of any works. The 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 assets in the vicinity of the development

General

28 The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage, Council services and other services for the purposes of the development.

29 In accordance with the requirements of Council's Development Control Plan 2005, Chapter 69 - Controls for Site Waste Management, an on site storage area for reuse, recycling and disposal of materials is to be provided during construction. Concrete, brick, tile and excavation material is to be given first priority for reuse and recycling.

30 All building materials, plant and equipment must be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road.

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

31 Compliance with the relevant provisions and requirements of the Building Code of Australia.

Certificates/Engineering Details

32 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 Occupation. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

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

Dilapidation

34 Any damage not shown in the Dilapidation Report will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to Occupation.

Filling and Haulage

35 All external fill to the approved structures is to be graded at batter not exceeding 1:4.

36 All filled areas are to be compacted in accordance with AS3798-1996. The submission to the certifying authority of test results and appropriate documentation in accordance with AS3798 prior to Occupation.

Flooding

37 All rainwater storage tank(s) must be installed with the stormwater inlet and outlets, air gap for mains water top up at a minimum level of 500mm above the 1% AEP flood. Where the stormwater outlet cannot be located 500mm above the flood level it must be fitted with a non return valve to prevent back flow in accordance with Council's rainwater tank installation guidelines.

38 A certificate is to be provided by a registered surveyor indicating that all building minimum floor levels and fill levels have been achieved prior to Occupation.

Plumbing and Drainage

39 The provision of the rainwater tanks in the approved locations including plumbing to collect rainwater from the roof area. The tanks to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500, shall include first flow diversion devices fixed to all inflows, be provided with a functioning pressure pump, and be plumbed to service all toilets, landscaping and auxiliary uses. The tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty. The provision of rainwater tanks is to include:-

a) Proposed tank sizes at the main building are to be demonstrated as suitable with water balance calculations.
b) Details of the proposed inground first flush diverter.
c) The minimum tank size to be used at the carpark and secure shed area is 2000 litres.
d) Rainwater tanks are to be approved by Council under Section 68 of the Local Government Act.

Stormwater

40 The stormwater system with water quality control facilities to treat stormwater runoff from the development must be approved by Council under Section 68 of the Local Government Act prior to Occupation.

41 The prevention of any obstruction of surface or sub surface drainage that could result in the disruption of the amenity, drainage or deterioration to any other area of the property. Works are to be satisfactorily completed prior to Occupation.

Ongoing Operation:

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

Ecology/Trees

42 All external lighting is to be of a type that minimises overspill into retained vegetated areas.

43 All trees removed must be replaced at a ratio of 2:1 (replace:remove). Species are to include Corymbia maculate around Building A (office/laboratories) and a combination of Eucalyptus saligna, Syncarpia glomulifera and Glochidion ferdinandi around the car park and Building B (shed). Plant stock used in revegetation areas must be supplied from provenance specific seed/material collected from within the Tuggerah Lakes catchment area. Non-provenance specific material is prohibited.

Stormwater

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

Waste Management

45 Arrangements are to be made to the satisfaction of Council for the storage on the site and regular removal of garbage, recycling and trade wastes. In this regard, an area on the subject land must be set aside for the purpose of a waste disposal/collection bin. It must be screen-fenced so as not to be visible from any road related area or thoroughfare. The waste bin area must be provided prior to the commencement of the use permitted by this permit, maintained and used to the satisfaction of the Consent Authority and must not be used for any other purpose.

Landscaping

46 The provision and maintenance of landscaping in accordance with Council's Policy Number L1 - Landscape for Category 3 development, including the engagement of an approved landscape consultant and contractor to undertake the construction of the landscaping. All landscaping works are to be completed prior to Occupation.

Safer by Design

47 To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following:

i. In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS1158 is to be provided throughout the site including the new footpath/s.

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

iii. The means to isolate the private and public components of the building shall be incorporated into the development (ie. measures for access control).

iv. Ensure that the development minimises the opportunities for concealment or entrapment spaces.

v. Ensure the development management adopts an ongoing policy of rapid repair of vandalism and graffiti and ensuring that all lighting is in working order.

Access for the Disabled - Disability Discrimination Act

48 The building/development must comply with the requirements of the Disability Discrimination Act (DDA). It should be noted that this approval does not guarantee compliance with the DDA and the applicant/owner should investigate their liability under this Act.

Waste Management Plan

49 The submitted Waste Management Plan shall be complied with during each relevant stage of the works.