

JRPP No.	Item 1 (2009SYE008)
DA No.	DA2009/1158
Applicant:	Stockland Development Pty Ltd
Report By:	Warringah Council

Assessment Report and Recommendation

Address / Property Description:	Nos. 56-58 Glen Street, Belrose
Proposal:	Stage One development application including a Concept Plan for the redevelopment of the Glenrose Shopping Centre and a detailed proposal for the first stage of the development, including partial demolition and alterations to the existing shopping centre.
Plans Reference:	<p>Concept Proposal</p> <p>DA0022-1, DA0023-1, DA0024-1, DA0025-1, DA0026-1 dated 08.07.09 and prepared by Stockland Group Design Delivery Group</p> <p>Stage 1 Works</p> <p>DA0001-D, DA0002-A dated 21.04.09 and prepared by Stockland Group Design Delivery Group</p>
Owner:	Trust Company of Australia Ltd
Application Lodged:	3 September 2009
Amended Plans:	NO
Locality:	C2 Glen Street Village
Category:	Category 1 (Shops)
Clause 20 Variations:	NO
Land and Environment Court Action:	NO
SUMMARY	
Submissions:	26
Submission Issues:	Acoustic impact, north-west loading dock, car park design, uses within the centre and competition, notification, demolition and remediation, construction and delivery vehicle access, traffic impacts, pedestrian safety and access, insufficient carparking, time limited car parking, construction hours, impacts during construction, timeframe for rebuilding, impact on the amenity of properties to the north, floor area of the development, safety and security, impact on private bus operator
Assessment Issues:	Building height, landscaping, acoustic impact of loading docks, impact of northern loading area, car parking,
Recommendation:	Approval (subject to conditions)
Attachments:	Site Plan and Elevations

LOCALITY PLAN (not to scale)



Subject Site: Lot 4, DP 548285 & Lot 104, DP 597544, Nos. 56-58 Glen Street, Belrose

Notification: The application has been advertised and notified in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*, *Warringah Local Environmental Plan 2000* and *Warringah Development Control Plan*. The application was advertised in the *Manly Daily* on 12 September 2009 and notification letters were sent to 103 property owners/occupiers. The advertising/notification period was from 14 September 2009 to 14 October 2009.

The application was re-advertised in the *Manly Daily* on 17 October 2009 to correct an error in the original advertisement. The exhibition period was extended for a period of 14 days (from 19 October 2009 to 3 November 2009) to account for the error.

SITE DESCRIPTION

The site is known as Lot 4, DP 548285 and Lot 104, DP 597544, Nos. 56-58 Glen Street, Belrose.

The site is located on the northern side of Glen Street and has an area of 23,145 square metres. The site has a frontage to Glen Street which is 165.15 metres in length and a frontage to Glenrose Place that is over 90 metres in length. The topography of the site is characterised by a fall of approximately 6 metres towards the northern (rear) boundary.

The Glenrose Shopping Centre currently occupies the site. The *Economic Impact Assessment* dated June 2009 prepared by Pitney Bowes Business Insight states that the existing Shopping Centre currently includes approximately 9,200m² of floorspace which consists of:

- A Woolworths supermarket (2,400m²),
- One 'mini major' tenant which occupies 487m²
- 2,693m² of specialty retail floorspace.
- 1,224m² of vacant specialty floorspace.
- 1,339m² of non-retail floorspace and 1,061m² of vacant non-retail floorspace.
- Undercover car parking below the shopping centre, at grade parking along the northern boundary adjoining Wingara Reserve and at grade parking adjoining the Glen Street. Approximately 360 car parking spaces have been provided on the site.
- A centralised open air loading dock in the south-eastern corner,
- A waste storage area located mid way along the northern boundary.

The majority of the site is built upon with extensive car parking areas surrounding the centre. Sporadic tree planting and landscaping has been provided within the at grade car park adjoining Glen Street.

The site is located within Glen Street Village which is characterised by a variety of land uses. A shop top housing development at No.54 Glen Street adjoins the south-east corner of the site, Belrose library and a service station are located on the western side of Glenrose Place and Glen Street Theatre is located on the southern side of Glen Street, opposite the site.

The development surrounding Glen Street Village is predominantly characterised by detached single dwellings.

Two primary areas of open space are located within close proximity to the site. Wingara Reserve adjoins the site to the north and Lionel Watts Reserve is located on the southern side of Glen Street opposite the south-eastern corner of the site.

Five vehicular crossings from Glen Street enable vehicles to access and egress the site. Vehicles are also able to exit the site from a crossing which adjoins the northern end of Glenrose Place.

The site is accessed from the surrounding residential area by a well-defined network of established footpaths and walkways. Pedestrian access to the centre is provided from Wingara Reserve and on the southern side of the centre. A pedestrian crossing has been provided on Glen Street adjacent to the site.

Bus stops have been provided on both the northern and southern sides of Glen Street to the south of the site.

PREVIOUS APPLICATION

The history of development on this site is outlined below.

6 February 2006	Development Application No. 2006/0079 was lodged for the re-development of the Glenrose Shopping Centre to provide 24,751m ² Gross Leasable Floor Area (GLFA) and 1,095 off street car parking spaces.
20 February - 17 March 2006	Development Application No.2006/0079 was notified and advertised. Approximately 880 submissions were received.
2 November - 11 December 2006	Development Application No.2006/0079 was re-notified and re-advertised as integrated development. Approximately 600 submissions were received (duplicates removed). Approximately 363 submissions were received outside the designated notification periods (that is, for both first and second notification periods).
23 November 2007	Amended plans and supporting documentation were submitted to Council. The amended proposal included 17,500m ² (GLFA) and 802 car parking spaces.
23 November - 18 December 2007	DA2006/0079 was re-notified and re-advertised. Eighty-four (84) submissions were received from adjoining property owners/occupiers.
18 January 2008	The Department of Environment and Climate Change (now the Department of Environment, Climate Change and Water) advised Council that the site has been declared a 'remediation site' under Section 21 of the <i>Contaminated Lands Management Act 1997</i>
20 March 2008	Amended plans were submitted. The amended proposal included 15,585m ² (GLFA) and 680 car spaces. The floorspace breakdown of the final proposal was as follows; <ul style="list-style-type: none">▪ Woolworths supermarket – 3,750m²▪ Supermarket – 1,300m²▪ Mini major - 2,226m²▪ Speciality stores – 6,471m²▪ Kiosk - 155m²▪ Seventy one (71) at grade car parking spaces▪ Car parking spaces for 609 vehicles on the park and mezzanine levels.
17 June 2008	DA2006/0079 was reported to the Independent Hearing and Assessment Panel with a staff recommendation for approval. The Panel recommended that the application be refused.
8 July 2008	The application was referred to the Council meeting of. Council adopted the recommendation of the Director, Planning and Development Services and the application was refused for the following reasons; <ul style="list-style-type: none">A. <i>Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Desired Future Character Statement of the C2 Glen Street Village Locality in Warringah Local Environmental Plan 2000 for the following reasons;</i><ul style="list-style-type: none">• <i>The development does not achieve a characteristic neighbourhood shopping centre for the surrounding locality.</i>

- *The development does not integrate with the surrounding public spaces and improve pedestrian links, particularly to the community facilities in Glenrose Place and the tennis courts.*
 - *The development does not provide a reasonable setback to the northern boundary which reduces the amenity of adjoining residential properties.*
- B. *Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with Clause 58 Protection of Existing Flora of Warringah Local Environmental Plan 2000 in that the development has not been sited and designed to minimise the impact on existing mature trees, many of which have been identified as Category A trees.*
- C. *Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 insufficient information has been submitted to demonstrate that the proposed roundabout at the intersection of Glen Street and Glenrose Place will be consistent with Clause 72 Traffic access and safety of Warringah Local Environmental Plan 2000 or that the development will improve pedestrian links to surrounding public spaces as required by the Desired Future Character Statement for the C2 Glen Street Village Locality described in Warringah Local Environmental Plan 2000.*

PROPOSAL IN DETAIL

The development application is Stage 1 of a staged development submitted pursuant to section 83B of the Environmental Planning and Assessment Act 1979 (EP&A Act).

In accordance with section 83B(1);

*For the purposes of this Act, a **staged development application** is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may set out detailed proposals for the first stage of development.*

The Stage 1 development application seeks consent for the following;

- A concept proposal or plan for the redevelopment of the shopping centre;
- A detailed proposal for the first stage of works associated with the redevelopment of the shopping centre including; partial demolition to allow for the remediation of the site and alterations to the existing shopping centre to allow the centre to continue to operate whilst remediation works take place on site.

Concept Plan

The development application seeks consent for a concept plan or proposal for the redevelopment of the Glenrose Shopping Centre. The proposal includes;

- A building envelope for the future redevelopment of the shopping centre comprising in total a maximum Gross Leasable Floor Area of 10,000m².
- An increase in the number of car parking spaces from 360 to 430.

The 'Economic Impact Assessment' prepared by Pitney Bowes Business Insight dated June 2009 submitted with the application states that the proposed redevelopment of the centre would incorporate the following key elements;

- An expansion of the existing Woolworths Supermarket to a full line store. The size of Woolworths would increase from 2,400m² to 2,900m².
- The addition of an Aldi discount supermarket.
- The addition of 'mini-major' tenants totalling 1,400m² on the undercroft level, directly under the Aldi supermarket.
- Provision of 3,600m² of retail specialty floorspace.
- The reduction of the non-retail floorspace from 1,776m² to 700m².
- The proposed redevelopment would increase the size of the centre by 797m² to approximately 10,000m². The retail floorspace would increase by 2,496m².

Three service areas will be provided. The existing service area on the eastern side of the building will be retained and a small truck bay will be added to this loading dock. A second loading dock, consisting of three service bays, will be provided along the northern service road on the eastern side of the proposed pedestrian entrance. The third service area is a new loading dock which will be provided in the north-west corner of the building.

Stage 1 Works

The Stage 1 works include the demolition of the western side of the shopping centre to allow for the remediation of the western part of the site which is contaminated. Approximately two-thirds of the shopping centre is to be demolished.

The existing Woolworths supermarket and 8 specialty retail tenancies will be retained and will continue to operate during the demolition and remediation works. Alterations to the eastern portion of the shopping centre are required to enable the Woolworths and the speciality retail tenancies to continue to trade.

It is proposed that the western portion of the at grade car park will become a 'work zone' and will accommodate the site office and amenities. The construction site access will be from Glen Street.

It is estimated that the demolition and remediation works will take up to 6 months.

STATUTORY CONTROLS

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Contaminated Lands Management Act 1997
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Warringah Local Environment Plan 2000
- Warringah Development Control Plan
- Draft Warringah Local Environmental Plan 2009
- Warringah Section 94A Development Contributions Plan

REFERRALS

External Referrals

Roads and Traffic Authority – Sydney Regional Development Advisory Committee

The application was referred to the NSW Roads and Traffic Authority (RTA) in accordance with Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*.

The RTA provided the following comments;

'It is noted that the redevelopment of the shopping centre has yet to be approved by Council and this development application is for the first stage of the development, including partial demolition and alterations to the existing shopping centre.'

The RTA has reviewed the development application and provides the following advisory comments to Council for consideration in its determination of the development application;

1. Construction activity vehicles to be co-ordinated so that no queuing on Glen Street occurs.
2. The proposed changes to the parking areas should ensure that provision is made for bicycles and motor cycle parking.
3. All traffic changes at and within the car park, including ingress and egress points should be clearly signposted and delineated by pavement arrows.
4. Stages of the modifications to the car park are unclear and should not hinder pedestrian access through the car park. Internal arrangements of the car park should be to Council's satisfaction.
5. Council should be satisfied with the 'Pedestrian and Traffic Construction Management Plan'.
6. Consultation with the Local Traffic Committee and local bus operator should be carried out to decide if the existing bus stop in Glen Street should be relocated to the proposed demolition/construction works.
7. The required sight lines to pedestrians or other vehicles in or around the car park and entrance are not to be compromised by landscaping or signage.
8. The redundant driveways shall be removed with kerb and gutter reinstated to the Council's requirements.
9. All vehicles are to enter and leave the site in a forward direction.
10. All vehicles are to be wholly contained on site before being required to stop.
11. The proposed turning areas within the car park are to be kept clear of any obstacles, including parked cars, at all times.
12. All works/regulatory signage associated with the proposed development will be at no cost to the RTA.'

The comments made by the RTA have been taken into consideration by Council's Traffic Engineer in the assessment of the application and have been included as conditions of consent.

Department of Environment, Climate Change and Water

The application was referred to the Department of Environment, Climate Change and Water (DECCW) for their information. The following advice has been received from DECCW;

'As you would be aware DECCW regulates the remediation of the site under the Contaminated Land Management Act 1997 (CLM Act). Stockland has stated its intention to remediate the contamination voluntarily and a remedial action plan is currently being finalised. This plan along with a voluntary management proposal will be assessed by DECCW and if deemed suitable, we will approve it and enter into a voluntary management agreement under section 17 of the CLM Act. For your information, a site auditor accredited under the CLM Act has been appointed to review the remediation works including the remediation outcomes.

We appreciate being provided with a copy of the Stage 1 DA but note that the DA is a matter for Council. Any voluntary management proposal we approve will be conditional on Stockland gaining any necessary approvals. Council will continue to regulate the site for operational issues. As required DECCW will advise Council when a voluntary management proposal has been approved for the site.'

NSW Police

The application was referred to the NSW Police for comment. The NSW Police carried out an informal crime risk assessment of the development. No issues were raised by the NSW Police in relation to the proposed building envelopes. A number of recommendations were made which should be considered during the detailed design of the shopping centre. A condition of consent has been included that requires a Security Review/Crime Prevention Report to be prepared and submitted with the Stage 2 DA which details the measures which will be implemented to ensure the safety and security of the public.

Energy Australia

The application was referred to EnergyAustralia (EA) to determine the energy supply requirements of EA for the proposed development. EA advised that this project is likely to involve multiple substations and may require a new high voltage cable being laid from the vicinity of Forest Way and Glen Street to the new Mall. The applicant should consult with EA during the preparation of the Stage 2 DA to ensure that any required substations are integrated with the design of the development

The application was also referred to EA in accordance with Clause 45 of *State Environmental Planning Policy (Infrastructure) 2007*. In accordance with Clause 45(2)(b) the consent authority is to take into consideration any comments received within 21 days of the date the notice was given to EA. A response to this referral has not yet been received and the required 21 days has expired.

Internal Referrals

Development Engineer

Council's Development Engineers have reviewed the stormwater management aspects of the development application and raised no objections. All relevant recommended conditions have been included in the draft consent.

Natural Environment

Council's Natural Environment division has reviewed the application as the site is flood affected. The Natural Environment division raises no objections to the proposal subject to a number of conditions being included in the draft consent. All recommended conditions which are relevant to the Concept Plan and Stage 1 Works have been included in the draft consent.

Building Assessment and Compliance

Council's Building Assessment and Compliance Officer has reviewed the application and raised no objections subject to a number of conditions being included in the consent if the application is approved. All recommended conditions have been included in the draft consent.

Environmental Health Officer

Council's Environmental Health Officer has reviewed the application and raised concerns with the noise levels which will be generated during demolition and remediation given the close proximity of the site to residential development, child care facilities, a library and sporting facilities. Council's Environmental Health Officer recommended that Council's standard construction hours condition be imposed, subject to an additional provision being included which restricts the hours during which demolition and excavation works can be undertaken. The recommended condition is as follows;

Building construction and delivery of materials hours are restricted to:

7am to 5pm Monday to Friday

8am to 1pm Saturday and no works on Sundays and public holidays.

Demolition and excavation works (use of plant based excavation machinery, jackhammers, rock breakers, rock drills and the like) to be restricted to 9am to 11.30am and 2pm to 4pm daily with no excavation on Saturdays.

The use of excavators to conduct bucket work, dewatering using pumps and hoses, refuelling machinery, servicing machinery and the sorting of materials and the like shall be permitted between 11.30am to 2pm and 4pm to 5pm Monday to Friday.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

Whilst approval is not required for the remediation works, the Department has advised that Council will continue to regulate the site for operational issues. As such, the construction hours condition can include restrictions which are related to the remediation works. The recommended condition has been included in the draft consent.

Landscape Officer

Council's Landscape Officer has raised no objections to the Stage 1 Works subject to a number of conditions being included in the consent. All recommended conditions have been included in the consent.

Council's Landscape Officer recommended that detailed Landscape Plans be submitted with the Stage 2 DA and that the plans include additional tree planting in the at grade car park fronting Glen Street.

Traffic Engineer

Council's Traffic Engineer has reviewed the application and advised there are no issues with the proposal in terms of traffic management.

NOTIFICATION & SUBMISSIONS RECEIVED

The application has been advertised and notified in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*, *Warringah Local Environmental Plan 2000* and *Warringah Development Control Plan*. The application was advertised in the *Manly Daily* on 12 September 2009 and notification letters were sent to 103 property owners/occupiers. The advertising/notification period was from 14 September 2009 to 14 October 2009.

The application was re-advertised in the *Manly Daily* on 17 October 2009 to correct an error in the original advertisement. The original advertisement stated that Warringah Council was the consent authority whereas it should have stated that the (Sydney East Region) Joint Regional Planning Panel is the consent authority. Notification letters explaining the role of the Panel were sent to all those previously notified. The exhibition period was extended for a period of 14 days (from 19 October 2009 to 3 November 2009) to account for the error.

Submissions were received from the following 26 property owners/occupiers;

Submission Received	Address
D & J Lonergan	2 Ashworth Avenue, Belrose
P Neary	Ashworth Avenue, Belrose
M & M Barker	14 Birrong Avenue, Belrose
P Addison	2A Ashworth Avenue, Belrose
G Foord	82 Peacock Parade, Frenchs Forest
M Relph, President of the Wakehurst Public School Parents and Citizens Association	Wakehurst Public School, Glen Street, Belrose
J & M Enright	7 Pindrie Place, Belrose
A & J Milne	34 Coora Avenue, Belrose
E Paulsen	6 Marina Place, Belrose
D Loomes	6 Marina Place, Belrose
K Collett	12 Pindrie Place, Belrose
F Van Den Brink	9 Hawea Place, Belrose
R Leith	No address given
M Jacquet	34 Forest Glen Crescent, Belrose
H Brown	34 Forest Glen Crescent, Belrose
I Hair	22 Macfarlane Street, Davidson
C Horne	1 Ashworth Avenue, Belrose
M Walmsley	8 Knightsbridge Avenue, Belrose
B & M Johnston	46 Glens Street, Belrose
P Burke	44 Glen Street, Belrose
G & B Potts	48 Glen Street, Belrose

Submission Received	Address
R Whiley	6 Ashworth Avenue, Belrose
R Bell	8 Oxford Close, Belrose
P Kitto	5 Ashworth Avenue, Belrose
M Matchett	28 Lowanna Street, Belrose
P Whipp	Forest Coach Lines, 4 Myoora Road, Terrey Hills

The following issues were raised in the submissions received to this development. A comment on each issue is provided.

Acoustic impact

Concerns were raised regarding the acoustic impact of the proposed loading dock in the north-west corner of the site. The following specific issues were raised;

- The noise levels will be higher than what is estimated once the supermarket is constructed.
- The loading dock hours from 7am to 10pm for the new loading dock will create noise that will greatly affect residents. It was suggested that the delivery hours be restricted to 7am to 7pm or 7am to 9pm. If the delivery hours are not reduced to 7am to 7pm a submission stated that time limitations should be imposed on the more noisy vehicles.
- The proposed noise abatement measures do not seem adequate.
- The recommendations of the Acoustic Report are not consistent with the map in Appendix 4 of the Acoustic Report that shows the locations of the proposed acoustic mitigation measures.
- The highest quality materials should be used when constructing the “sound absorbing” walls around the proposed loading docks.
- The loading dock should be roofed/enclosed.
- The current delivery of goods currently occurs over a 24 hour period despite an agreement to restrict delivery hours or a curfew. Therefore, any restrictions imposed are unlikely to be complied with.

Comment: To minimise the overall acoustic impact of the loading docks on the site a condition has been included which requires the loading dock midway along the northern boundary to be deleted.

As discussed under ‘Clause 43 Noise’ in the General Principles of Development Control’ table in this report the ‘Assessment of Noise Emissions’ submitted with the application demonstrates that the proposed western loading dock will meet the noise emission objectives which are based on the requirements of WLEP 2000.

In response to concerns raised by Council regarding the acoustic impact of the loading dock additional information has been submitted to demonstrate that the acoustic impact of the loading dock can be further minimised by providing a roof over the loading dock or by providing a higher screen wall along the northern boundary (an increase from 3.2m to 4.5m).

A number of potential acoustic mitigation measures have been detailed to demonstrate that the proposed development is capable of meeting the requirements of Clause 43 Noise. An assessment of the adequacy of the proposed acoustic mitigation measures will be undertaken following the submission of the Stage 2 DA when the final loading dock design is provided and the and acoustic mitigation measures are detailed.

The loading dock hours will be considered in more detail in the Stage 2 DA once the final design and acoustic mitigation measures are known. The loading dock hours will be included as a condition on the Stage 2 DA.

Any non-compliance with the conditions of consent should be reported to Council’s Regulatory Compliance Division.

North-west loading dock

Concerns were raised regarding the variety of vehicles entering and leaving the north-west loading dock and the potential conflict of these vehicles with vehicles leaving the customer carpark.

Comment: The application has been reviewed by Council's Traffic Engineer. No objections were raised by Council's Traffic Engineer to the proposed loading/unloading dock in the north-west corner of the site. The Traffic Report states that the access, servicing and layout arrangements will be provided in accordance with AS2890.1-2004 and AS2890.2-2004. The detailed design of the loading dock will be submitted with the Stage 2 DA.

Car park design

A submission stated that the undercover car park should be designed with more entrances and exits to allow for natural ventilation and for convenience.

Comment: Natural ventilation of the undercroft car park may be achieved despite the number of entry/exit points to the car park. The detailed design of the undercroft car park will be provided with the Stage 2 DA.

The at grade car park adjoining Glen Street will continue to provide spaces which are convenient for short visits to the shopping centre. The means of pedestrian access from the undercroft car park to the centre above will be detailed in the Stage 2 DA but must meet the needs of people with a disability.

Uses within the centre and competition

The following statements were made regarding the future uses within the redeveloped centre;

- The new building must accommodate a competitor for Woolworths
- Woolworths does not need to be increased in size.
- An assurance should be provided by Stockland that there will be no discount department store such as Big W.
- A café or restaurant should be provided on the top level overlooking the park.
- A bank should be provided within the shopping centre.

Comment: The *Economic Impact Assessment* submitted with the application has found that the proposed increase in the size of the shopping centre will not affect the viability of nearby centres. As the proposed increase in the size of the centre will not result in a significant impact on nearby centres no objection is raised to the proposed increase in the size of Woolworths.

It is not appropriate for the consent authority to include conditions which specify the building is to be occupied by specific business uses.

Notification

Concerns were raised that only 70 residents received written notification of the proposal from Council and that the application was not displayed at either Glenrose Shopping Centre or the Belrose library.

It was noted that the notification of this DA is not as extensive as the previous DA.

Some submissions stated that the notification period should be extended as information was difficult to obtain on Council's e-services website.

A submission questioned why only conceptual plans were available at the shopping centre when more detailed plans were available at Council's offices.

Comment: The development application was advertised in the Manly Daily on 12 September 2009. 103 surrounding property owners/occupiers and residents who had sent in submissions since the development application was determined in July 2008 were sent notification letters. The notification period was extended from the 14 days required by *Warringah Development Control Plan* to 30 days to provide sufficient time for interested stakeholders to view the development application documentation and prepare a submission.

The notification of the proposal was not as extensive as the previous DA due to the significantly reduced scale and intensity of the development.

The information display provided in the Glenrose Shopping Centre was not provided by or on behalf of Council.

The public exhibition and notification of the development was consistent with Council policy and therefore the re-notification or re-advertisement of the application is not warranted.

Demolition and remediation

Concerns were raised that the 'Report on Human Health Risk Assessment' dated June 2009 prepared by Douglas Partners Pty Ltd is inconclusive and should be subject to further negotiations. The submission advised that the risk to adjoining property occupiers should be further evaluated before remediation takes place.

Concerns were also raised that the Remedial Action Plan dated June 2009 prepared by Douglas Partners Pty Ltd does not provide sufficient detail in relation to the period of excavation, the actual backfilling or import of fill that is planned and how long it will be before the remediated site will be re-developed.

The following questions were raised regarding demolition and remediation;

- Why is remediation not considered necessary for the reserve despite the slope of the land towards the reserve and the watercourse below the surface? A separate submission requested an assurance that the contamination plume which extends on to the public reserve will be remediated.
- Why are shops at the southern end (sic western side) being demolished when the low point of the site is near Woolworths?
- Has Council commissioned any independent testing to justify the remediation proposed by Stockland?
- What is the timeframe for the completion of the remediation work?
- Is the site actually contaminated?

Comment: The application does not seek consent for remediation for the reasons outlined under *State Environmental Planning Policy No. 55 Remediation of Land*. As the site has been declared as a 'remediation site' under the *Contaminated Lands Management Act 1997* (CLM Act), the Department of Climate Change and Water (DECCW) is responsible for regulating the remediation of the site. The *Remedial Action Plan* (RAP) and the *Report on Human Health Risk Assessment* provided with the development application will be submitted to DECCW as part of the 'voluntary management proposal' prepared by Stockland. The reports detail the proposed remediation method. The RAP states the following in relation to the off-site contamination;

'Contamination of ground water is known to occur both on-site and off-site. The proposed remediation strategy deals predominately with on-site sources and concentrations of contamination and their removal, whilst acknowledging that off-site contamination is likely to require to be dealt with via a contamination or source removal (primary and secondary sources) and enhanced natural attenuation (via bio-stimulation) once source removal has taken place.'

The Site Environmental Management Plan prepared by Ward Environmental Engineering dated August 2009 states that the total duration of demolition and excavation works is expected to be 6 months, based on 6 working days a week and total off-site disposal of approximately 10,000m³.

Village feel

A submission raised concern that the proposed shopping centre will be too large and will destroy the village feel of Belrose.

Comment: A detailed assessment of the proposal against the provisions of the Desired Future Character Statement for the C2 Glen Street Village locality has been carried out and can be found under 'Warringah Local Environmental Plan 2000' in this report. The assessment has found that the proposal is consistent with the Desired Future Character Statement.

Construction and delivery vehicle access

The following issues were raised in relation to the proposed construction and delivery vehicle access;

- Several submissions, including one from the Wakehurst Public School Parents and Citizens Association, state that all truck and vehicle access to the site for demolition should only be via Adams Street, Blackbutts Road, Lockwood Avenue and Glen Street and that there should be no truck or vehicle access to the site from Glen Street between Forest Way and Pringle Avenue.
- Several submissions questioned how the proposed truck routes would be enforced.
- It was noted that if construction vehicles are unable to access the site by turning from Forest Way into Glen Street and the only other access for vehicles approaching from the north is either Ralston Avenue or Hews Parade as there is no right turn from Adams Street into Forest Way.
- Several submissions stated that the RTA should install a right turn lane from Forestway into Adams Street.
- Congestion will be increased by the proposal for all delivery trucks are to enter and leave the site via Lockwood Avenue.
- A submission stated that construction vehicles using the waste disposal centres at either Belrose or Kimbriki would need to enter the site from the north and are likely to travel along Ralston Road, Hews Parade or Glen Street from Forest Way.

Comment: Clause 3.19 of the 'Traffic Report for Staged DA' dated June 2009 prepared by Colston Budd Hunt & Kafes (CBHK) states that large service vehicles (articulated service vehicles), will enter and depart the centre via Glen Street/Lockwood Avenue/Blackbutts Road.

Clause 2.14 of the 'Pedestrian and Traffic Management Plan for Demolition and Remediation' dated June 2009 prepared by CBHK states that the trucks routes for construction accessing the site will be as follows;

Approach route

- Warringah Road, Forest Way, Adams Street, Blackbutts Road, Lockwood Avenue and Glen Street.

Departure route

- Glen Street, Lockwood Avenue, Blackbutts Road, Adams Street, Forest Way and Warringah Road.
- Glen Street, Lockwood Avenue, Blackbutts Road, Adams Street, Forest Way and Mona Vale Road.

The construction vehicle routes have been included as a condition of consent for the Stage 1 works. A similar condition can be imposed on the Stage 2 development application to ensure that

construction and delivery vehicles follow a similar route. If the condition is not complied with the matter should be referred to Council for compliance action.

Stockland have advised that the construction and delivery vehicle routes will be included in the construction and delivery contracts prepared by Stockland. If the route is not followed then Stockland is able to take action against the offending party.

The RTA do not require a right hand turn lane to be installed on Forest Way to provide access into Adams Street.

Traffic impacts

The following issues were raised in relation to the traffic impacts of the proposed development;

- The Traffic Report is not relevant because the survey work was undertaken in 2006, prior to the opening of the Woolworths Caltex service station. Residents advise that since the opening of the petrol station there is congestion on Tuesdays (when petrol prices are traditionally lower) which results in traffic and pedestrian safety issues.
- A submission questioned whether the traffic impact at the Forest Way Shopping Centre had been assessed as part of the DA.

Comment: The applicant has provided the following response to concerns raised regarding the timing of the survey work used for the Traffic Report submitted with the application.

'Traffic movements in and around Glenrose Shopping Centre have been surveyed in 2006 and 2008. In 2008 an automatic tube counter was installed on Glen Street (to the east of Glenrose Place). This counter collected traffic flows by the hour for seven days on Glen Street. The counter was in place from 20 to 28 February 2008. The counter found that peak hour traffic flow on each day (Monday to Sunday) was between 474 vehicles per hour, two way (on Sunday between 12pm and 1pm) and 604 vehicles per hour, two way (on Tuesday between 5pm and 6pm). Weekday afternoon peak hour traffic flows varied from 536 to 604 vehicles (two way). Thus there was only a minor variation (some 10%) between the highest and lowest weekday afternoon peak hour traffic flows.'

The traffic counts used to assess the traffic effects of the proposed modifications were undertaken in 2006 when the shopping centre was at a higher level of trading. These surveys found peak flows on Glen Street (east of Glenrose Place, the same location as the automatic tube counter) of some 600 vehicles per hour (two way) during the weekday afternoon period and some 635 vehicles per hour (two way) during the Saturday midday peak period. Thus the traffic flows used to assess the effects of the proposed modifications were similar or higher than the 2008 surveys. On this basis the traffic counts used to assess the traffic effects of the proposed modifications and the subsequent traffic analysis are considered appropriate.'

The RTA has not raised any objections to the proposal in relation to the proposed traffic impacts of the development.

Council's Traffic Engineer has raised no objections to the traffic assessment undertaken by CBHK. It is therefore considered that the traffic counts used in the traffic modelling are adequate.

The Traffic Report assessed the impact of the development on a number of nearby intersections including the intersection of Forest Way and Adams Street.

Council's Traffic Engineer has reviewed the proposal and raised no concerns regarding the impact of the development on local intersections or the increase in traffic generated by the proposal.

Pedestrian safety and access

Submissions advised there is an access problem between the library, children's playground and the proposed redevelopment. Concerns were raised that the poor access provided will compromise the safety of pedestrians. It was suggested that the additional cars and delivery vehicles exiting the site via Glenrose Place would further increase the safety risks to pedestrians. A wombat crossing, traffic lights or an overhead walkway were suggested as a suitable means to reduce the impact on pedestrians.

A submission stated that the plan for the at-grade car park adjoining Glen Street does not address the inconvenience of the uphill slope from the shopping centre to Glen Street.

Concern was raised that the extension of the centre to the north and west will reduce the width of the access road which is to be used by large delivery vehicles. This will impact on the safety of pedestrians.

A submission suggested that overhead bridges be provided to make the Shopping Centre, the library, Glen Street Theatre and Lionel Watts Oval more accessible.

Comment: The suitability of the pedestrian access links to the surrounding land is considered in detail under 'Desired Future Character' in the 'Warringah Local Environmental Plan 2000' section of this report.

In response to concerns raised in the previous DA in relation to the access difficulties between the shopping centre and the library/childrens' play area and child care facilities, the plans indicate a pedestrian crossing could be provided on Glenrose Place to provide direct access from the library/children's playground to the pedestrian path along the southern side of the centre. Council's Traffic Engineer has advised that the pedestrian path may not meet the RTA's warrant requirements for a pedestrian crossing. The provision of a pedestrian crossing or other traffic calming devices is to be addressed in detail for the Stage 2 DA.

A condition will be included in the draft consent which requires the proposed servicing area on the eastern side of the pedestrian entrance on the northern boundary to be deleted. This will reduce the potential conflicts between delivery vehicles and pedestrians and allow for an improved pedestrian connection to be provided to the north and provide an improved building presentation to the north.

The at grade car park adjoining Glen Street follows the natural topography of the site. Parking for people with a disability will be provided close to the entrance of the shopping centre. A detailed Access Report will be submitted with the Stage 2 DA to demonstrate that the development either complies or is capable of complying with all relevant accessibility standards.

There is no requirement in WLEP 2000 for overhead bridges to be provided in the C2 Glen Street Village locality.

Insufficient car parking

A submission indicated that the number of car parking spaces provided is inadequate given the increase in the size of the centre.

Comment: The adequacy of the proposed number of car parking spaces has been addressed in detail under 'Clause 74 Provision of car parking' in the General Principles of Development Control table of this report. In summary, an adequate number of car parking spaces is proposed.

Time limited car parking

The concern was that the car park will be time limited and that this will force people to park in surrounding cul-de-sacs.

Comment: Stockland has not indicated at this stage that the car park will be time limited. This is a matter for consideration for the Stage 2 DA.

Construction hours

A submission noted that there will be noise and disruption during demolition and remediation and requested that Council enforce the working hours and traffic flow around the site.

Comment: Any concerns related to construction hours not being complied with should be directed to the Private Certifying Authority or to Council's Regulatory Compliance division for compliance action.

Impacts during construction

The concern was the proposed demolition and remediation may result in vibration impacts on the property at No. 7 Pindrie Place, Belrose which would affect the structural integrity of the property.

Comment: Standard conditions have been included in the draft consent to ensure that nearby properties are adequately protected during demolition and construction works.

Timeframe for rebuilding

A number of submissions requested that a timeframe be set for the rebuilding of the demolished centre.

Other submissions requested that the 'hole in the ground' be filled and the site restored with grass and landscaping if there is a delay between the completion of the remediation and the approval and start of construction for Stage 2.

A submission suggested that a bond be imposed to ensure that reconstruction occurs within 6 months.

The Stage 2 DA should be approved prior to the demolition and remediation work commencing.

Comment: As it is estimated that the demolition and remediation works will take 6 months to complete and a building envelope will be approved at the time the Stage 1 works are approved, the Stage 2 DA for the detailed design of the shopping centre should be able to be determined prior to the completion of the remediation works. It is in the commercial interests of Stockland to ensure that the redevelopment of the shopping centre occurs as soon as possible after the remediation has been completed.

A condition has been included in the draft consent which requires the excavation to be backfilled to a level consistent with the natural ground level a maximum of 1 month after the completion of the remediation works, if the Stage 2 works have not commenced.

Impact on the amenity of properties to the north

A concern was raised by the owner of No. 7 Pindrie Place, Belrose that the development will be extended to be closer to their property and that this would impact on the privacy of their property and their quality of life.

Comment: The proposed building envelope is 5m closer to the eastern boundary and 7.1m closer to the northern boundary than the existing building. The entire area of the proposed building envelope which is closer to the northern and eastern boundaries than the existing building is identified as an articulation zone. The concept plan drawings indicate the building footprint will only occupy a maximum of 50% of the articulation zone.

Despite the reduced setbacks to the northern and eastern boundaries, the proposed setbacks combined with the width of the public reserve between the proposed building and nearby

residential development provide a reasonable distance of separation which will assist in minimising the visual impact of the future built form. The existing mature landscaping along the northern and eastern boundaries will also be retained which will further reduce any potential visual impacts on the nearby properties to the north and east.

The building envelope will generally comply with the maximum building height control (refer to the discussion under 'Built Form Controls for the C2 Glen Street Village Locality'). The detailed design of the shopping centre will be submitted with the Stage 2 DA. The detailed design of the shopping centre must be consistent with all relevant planning controls including the Desired Future Character Statement and the building bulk, privacy, development on sloping land and solar access General Principles of Development Control.

For these reasons, it is considered that the proposed development will not result in any adverse impacts on the privacy or quality of life of the nearby properties to the north or east.

Floor area of the development

A submission requested that a condition be placed on the consent which restricts the floor area of Stage 2 to 10,000m².

Comment: A condition has been included in the draft consent to ensure that the Gross Floor Area of the shopping centre does not exceed 10,000m².

Safety and security

The concern was that the loading dock may provide a location for anti-social behaviour such as drinking and fire lighting.

Comment: As discussed under 'CL50 Safety and Security' in the General Principles of Development Control table of this report, insufficient detail has been submitted to demonstrate that the proposed acoustic screen will not compromise safety and security. As such a condition has been included in the draft consent to ensure that the proposed acoustic mitigation measures and loading dock design do not provide the opportunity for crime.

A condition has also been included to require a Security Review/Crime Prevention Report to be submitted with the Stage 2 DA which will detail the measures which will be implemented to protect the safety and security of the locality.

Impact on private bus operator

The local bus operator, Forest Coach Lines, raised concerns regarding the impact of the demolition and construction works on the bus services travelling along Glen Street. Forest Coach Lines asked whether the existing bus stop will need to be relocated.

Comment: A condition has been included in the draft consent which requires consultation with the local bus operator prior to the commencement of the Stage 1 works to determine whether the bus stops will need to be relocated. A condition has also been included which requires consultation with the local bus operator prior to the submission of the Stage 2 DA to ensure that the proposed location of the bus stop meets the needs of the private bus operator.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (the Act), are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on <i>State Environmental Planning Policy No.55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007</i> and <i>Warringah Local Environmental Plan 2000</i> in this report.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(ii) – Provisions of any draft instruments	The proposed development is consistent with the relevant provisions of <i>Draft Warringah Local Environmental Plan 2009</i> as discussed under 'Draft Environmental Planning Instruments' in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	The application was advertised and notified in accordance with the requirements of Warringah Development Control Plan.
Section 79C (1) (a)(iiia) - Provisions of any Planning Agreement or Draft Planning Agreement	None applicable.
Section 79C (1) (a)(iv) - Provisions of the regulations	<p>A <i>Building Code of Australia 2009 - Summary Report for BCA Compliance</i> dated 22 June 2009 and prepared by Davis Langdon has been submitted. The report has been submitted in support of the Stage 1 works. The report indicates that the proposed alterations and additions to the existing shopping centre which allow the centre to continue operating during demolition and remediation works, will be capable of complying with the BCA. Council's Building Surveyor has reviewed the development application and raised no objections subject to a number of conditions which have been included in the draft consent. A condition has been included on the draft consent to require compliance with the Building Code of Australia in accordance with Clause 98 of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation).</p> <p>In accordance with CI92 of the EP&A Regulation for the purposes of section 79C(1)(a)(iv) of the Act, the provisions of <i>AS2601-1991: The Demolition of Structures</i> is a prescribed matter which is to be taken into consideration by a consent authority. In this regard a condition has been included in the draft consent to require demolition to be carried out in accordance with AS2601-1991.</p>
Section 79C (1) (b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<ul style="list-style-type: none"> (i) The environmental impacts of the proposed development on the natural and built environment are addressed in detail under the General Principles of Development Control in this report and are found to be acceptable and reasonable. (ii) The proposed development will not have a detrimental social impact in the locality considering the uses proposed are considered to be consistent with the desired future character statement and the development will revitalise a declining centre. (iii) The proposed development has not been found to have a detrimental economic impact on the locality. This issue has been considered in detail below.
Section 79C (1) (c) – The suitability of the site for the development	The site is not affected by any significant physical constraints and therefore subject to the provision of adequate drainage and the remediation of the site, the site will be suitable for the use proposed.
Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs	In regards to public submissions refer to the discussion on "Notification & Submissions" within this report.
Section 79C (1) (e) – The public interest	<p>The wider public interest is served by the continued maintenance of retail uses on the site which are Category 1 uses within the C2 locality and are therefore consistent with the desired future character of the locality.</p> <p>The revitalisation and minor expansion of the centre will attract a greater number and variety of shops and businesses thus improving the range of goods and services in the local community. This will assist in reducing the length and demand for vehicular trips as local residents will no longer need to travel to other centres in the region to access a similar variety of goods and services. The reduction in the length and demand for vehicular trips is consistent with State</p>

Section 79C 'Matters for Consideration'	Comments
	<p>government policy.</p> <p>The redevelopment of the shopping centre will also result in improvements to the streetscape, signage, landscaping, external finishes and safety and security.</p> <p>The narrower public interest is also served as the development is generally consistent with the planning controls which apply to the site. Subject to conditions that ensure the acoustic impacts are appropriately mitigated and pedestrian access across Glenrose Place is suitably managed, the proposal will not result in any unacceptable amenity impacts on the surrounding properties or the locality.</p>

Section 79C(1)(b) - Economic Impact

In *Fabcot Pty Ltd v Hawkesbury City Council* (97) LGERA, Justice Lloyd noted *"economic competition between individual trade competitors is not an environmental or planning consideration to which the economic effect described in s 90(1)(d) is directed. The Trade Practices Act 1974 (Cth) and the Fair Trading Act 1987 (NSW) are the appropriate vehicles for regulating competition. Neither the Council nor this Court is concerned with the mere threat of economic competition between competing business.... It seems to me that the only relevance of the economic impact of a development is its effect 'in the locality'..."*

In *Kentucky Fried Chicken Pty Ltd v Gantidis* (1979) 140 CLR 675 at 687 Justice Stephen noted that *"if the shopping facilities presently enjoyed by a community or planned for it in the future are put in jeopardy by some proposed development, whether that jeopardy be due to physical or financial causes, and if the resultant community detriment will not be made good by the proposed development itself, that appears to me to be a consideration proper to be taken into account as a matter of town planning... However, the mere threat of competition to existing businesses if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration."*

These decisions have been used to guide the assessment of the economic impact of the current development. The following assessment is therefore not concerned with the threat of competition but rather whether the viability of an established centre will be threatened by the proposed development.

Economic Impact

An *Economic Impact Assessment* (EIA) dated June 2009 prepared by Pitney Bowers Business Insight was submitted with the application. The EIA defines the main trade area as a combination of the primary and secondary sectors which have been defined as follows;

- Primary sector – encompasses the immediate area surrounding the centre and includes the suburb of Belrose and part of Frenchs Forest. This sector is generally bounded by the Garigal National Park to the north, south and east.
- Secondary north sector – includes the largely non-urban area which incorporates the Ku-rin-gai Chase National Park and includes the suburbs of Terry Hills and Duffys Forest.
- Secondary south sector – incorporates the suburb of Forestville and extends south to Middle Harbour and east to the Garigal National Park.

There are three shopping centres located within the main trade area being Forestville Town Centre, Forestway Shopping Centre and Stockland Glenrose.

Stockland Glenrose currently has approximately 9,200 square metres of floor space with a provision of 6,804 square metres of retail floorspace. The existing major anchor tenant of the centre is a Woolworths supermarket, 2,400m² in area. At 2,400m² this supermarket is smaller than what is typically considered a full-line supermarket which ranges in size from 3,200 to 4,500m².

Forestway Shopping Centre has a floorspace of 9,100m². Forestway shopping centre was expanded and refurbished in 2003. Woolworths and Franklins are the anchor tenants for this shopping centre. Woolworths has an area of 2,656m² and Franklins an area of 1,247m². The centre includes 42 speciality shops and is estimated to achieve total annual sales of around and \$89 million.

Forestville Town Centre is a strip retail centre with Coles being the anchor tenant. Coles occupies an area of approximately 3,500m². Approximately 52 retailers are located along the strip surrounding the anchor tenant.

The Economic Impact Assessment outlines the projected trading impact from 2009 – 2012 resulting from the proposed development, on shopping centres both within the main trade area and also beyond the main trade areas. The impact on centres within the main trade area has been outlined in the Assessment as follows;

The major impact that the Stockland Glenrose expansion would have on these existing centres would be on the supermarkets given that the Woolworths at Stockland Glenrose would be expanded under the proposal and also a discount supermarket would be added to the centre. The impacts on these centres are projected at around 9.2% for Forestway Shopping Centre and 6.4% for Forestville Town Centre.

The EIA states that the centres outside the defined trade area which may be impacted by the Stockland Glenrose expansion include Warringah Mall, centres within the Chatswood Central Business Area, Centro Warriewood, St Ives Village, Dee Why and Mona Vale supermarkets.

'In summary, the likely impacts on each of the existing retail facilities both within and beyond the Stockland Glenrose trade area are projected at 10% or less and would be well within the bounds of normal competitive impacts and would not affect the viability of these centres. Importantly, the projected impacts will only occur in the first year of trading for the expanded centre. Over time, all the retailers in the trade area would have access to subsequent growth in available trade area spending.'

The information submitted demonstrates that whilst the redevelopment of Glenrose Shopping Centre will impact on other shopping centres within the main trade area and shopping centres within the North Shore Region of Sydney, there is sufficient local retail and supermarket demand to ensure that the viability of other shopping centres within the region will not be jeopardised.

It is also important to note that the redevelopment will have a positive economic impact on the local area due to the creation of additional construction and operational jobs and the flow of effects generated by investment in the area.

For the reasons given above, it is considered that the proposed redevelopment will not result in an unacceptable economic impact.

Staged Development Applications

This development application is made pursuant to Section 83B of the EP&A Act which provides for the submission of a 'Staged Development Application'. The Act deals with staged development applications as follows:

83B Staged development applications

- (1) *For the purposes of this Act, a "staged development application" is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may set out detailed proposals for the first stage of development.*

- (2) *A development application is not to be treated as a staged development application unless the applicant requests it to be treated as a staged development application.*
- (3) *If consent is granted on the determination of a staged development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*
 - a) *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
 - b) *the staged development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*
- (4) *The terms of a consent granted on the determination of a staged development application are to reflect the operation of subsection (3).*

In *Anglican Church Property Trust v Sydney City Council* [2003] NSWLEC 353 Commissioner Roseth considered the issue of how much detail should be provided in a Stage 1 application.

'The principle we have adopted is that in multi-stage applications the information provided in Stage 1 should respond to all those matters that are critical to the assessment of the proposal. Where traffic generation is the critical issue, Stage 1 should include information on the precise number of cars accommodated on a site. Where the floor space is critical, Stage 1 should include the precise FSR. Where the major issue is the protection of vegetation, the footprints of the proposed buildings may be sufficient.'

The matters critical to the assessment of the current proposal include; the proposal's consistency with the desired future character of the locality and the proposal's compliance with all relevant planning controls related to the bulk and scale of the development. Adequate information has been submitted to demonstrate that the bulk and scale of the proposed building envelopes will be consistent with the desired future character requirements. As such, it is considered that the sufficient information has been submitted to enable the assessment of the Concept Plan submitted under the provisions of Section 83B. An adequate level of detail has also been submitted in support of the proposed Stage 1 Works.

State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2007

The application was referred to EnergyAustralia (EA) in accordance with Clause 45 of *State Environmental Planning Policy (Infrastructure) 2007*. In accordance with Clause 45(2)(b) the consent authority is to take into consideration any comments received within 21 days of the date the notice was given to EA. A response to this referral has not yet been received and the required 21 days has expired.

In accordance with Clause 104(3) of *State Environmental Planning Policy (Infrastructure) 2007*, before determining a development application for development to which this clause applies, the consent authority must:

- (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) *take into consideration:*
 - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*

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

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

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

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

The application was referred to the RTA in accordance with Clause 104 of the SEPP. The advice of the RTA has been taken into consideration as discussed under 'NSW Roads and Traffic Authority' in the External Referrals section of this report.

Adequate access to the site is available to enable deliveries to be made. The revitalisation and minor expansion of the centre will attract a greater number and variety of shops and businesses to the centre. This will reduce the length and demand for vehicular trips as local residents will no longer need to travel to other centres in the region to access a similar variety of shops and services.

All potential traffic safety and parking implications of the development have been considered in detail under Clause 71-75 in the General Principles of Development Control table in this report. The proposed development has been found to be consistent with the requirements of these clauses.

No objections have been raised by Council's Traffic Engineer in relation to traffic impacts of the proposed development.

For the reasons outlined above, the proposed development is considered to meet the requirements of Clause 104(3) of the SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1)(a) of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) and Clause 48 of WLEP 2000 states that a consent authority must not consent to the carrying out of any development on land unless;

- It has considered whether the land is contaminated, and
- If the land is contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose for which the development is proposed to be carried out, and
- If the land requires remediation to be made suitable for the development proposed to be carried out, it is satisfied that the land will be remediated before the development is carried out.

In a letter dated 18 January 2008 the DECC (now DECCW) advised Council that the site has been declared to be a 'remediation site' under Section 21 of the *Contaminated Lands Management Act 1997* (CLM Act) (now referred to in section 11 of the CLM Act as 'significantly contaminated land'). The declaration notice indicate that that the site is contaminated with chlorinated hydrocarbons including tetrachloroethene, trichloroethene and 1,2,- dicholoroethene.

Under the provisions of the CLM Act the EPA (now DECCW) is responsible for regulating the remediation of the site through either approving a 'voluntary management proposal' or by issuing a management order. Stockland are preparing a 'voluntary management proposal' which details the proposed remediation of the site.

A Remedial Action Plan dated June 2009 prepared by Douglas Partners was submitted with the development application which provides details of the proposed contaminants and the proposed remediation method. The RAP indicates that the proposed remediation method will render the site

suitable for a future retail development. The RAP will be submitted to the DECCW as part of the 'voluntary management proposal'.

The JRPP being the consent authority for the proposed development can be satisfied that the site will be suitable for the proposed use following remediation as required by Clause 7 of SEPP 55 and Clauses 48 and 49 of WLEP 2000. If the remediation has not occurred at the time the Stage 2 DA is approved, it is recommended that a condition is included on the consent to require remediation works to be completed prior to the commencement of works.

In accordance with Clause 8 of SEPP 55 a person must not carry out a category 1 development except with the consent of the consent authority and a person may carry out a category 2 remediation work without the consent of the consent authority. Category 1 remediation work is listed in Clause 9. Clause 9 identifies a number of areas or zones that if remediation work is proposed within, would be Category 1 development. One such area is a floodway. It should be noted that whilst the site is in a flood plain, it is not located within a floodway. The draft Frenchs Creek Flood Study clearly shows the site is not within a floodway. Accordingly, remediation work does not require consent and has not been included as part of the proposed development.

Regional Environment Plans

There is no Regional Environmental Plan applicable to the assessment of this application.

Local Environment Plans

Warringah Local Environmental Plan 2000

Desired Future Character

The subject site is located in the C2 Glen Street Village Locality under WLEP 2000. The Desired Future Character Statement for this locality is as follows:

The Glen Street Village will provide a retail and community focus for the surrounding locality incorporating a mix of business, community, leisure uses and shop top housing.

Future development in the locality will reflect the development of the surrounding areas and improve pedestrian links to surrounding public spaces.

Development at the edge of the village and adjacent to residential land will not reduce the amenity enjoyed by the adjoining occupants. In this regard development will provide a reasonable side and rear setback from adjoining residential land, particularly above ground floor level.

The proposed demolition and alterations relate to the existing shopping centre. The documentation submitted with the application indicates that the existing Woolworths and 8 speciality shops will be retained. 'Shops' are identified as a Category 1 use in the locality.

The Statement of Environmental Effects submitted with the application states that the shopping centre is to be redeveloped for retail uses (or 'shops') and therefore the Concept Plan is assessed as a Category 1 development. The Stage 2 DA will provide greater detail of the proposed uses which are likely to include 'business premises', 'offices', 'restaurants' in addition to the proposed 'shops' which are all Category 1 uses. Separate development applications may be required for uses such as cafes and restaurants following the approval of the Stage 2 DA.

Clause 12(3)(a) of WLEP 2000 requires the consent authority to consider the desired future character described in the relevant locality statement before granting consent for Category 1 development. Accordingly, an analysis of the various relevant components of the Desired Future Character of the C2 Glen Street Village Locality is as follows:

The Glen Street Village will provide a retail and community focus for the surrounding locality incorporating a mix of business, community, leisure uses and shop top housing.

The Glen Street Village locality includes a mix of business, community and residential uses.

The Glen Street Theatre and Belrose Library are both important community uses located in the Glen Street Village locality. The sites of these two uses occupy a considerable portion of the land area available within the Glen Street Village centre.

A shop top housing development located to the south-east of the site is also located within the Glen Street village locality. A Caltex service station is located within the locality to the south-west of the site.

The existing Glenrose Shopping Centre site occupies the remainder of the locality. The existing centre provides a retail focus for the surrounding locality and is therefore consistent with the desired future character statement. The proposed development upgrades and expands the retail uses which are currently provided on the site. The proposed development is therefore consistent with both the established and desired character of the locality.

The proposed expansion of retail uses is also considered to be an appropriate use of the site and consistent with the desired future character statement for the following reasons;

- The potential to provide a high quality shop top housing development on the site is limited due to the topography of the site combined with the maximum height limit of 8.5m (measured from natural ground level to the ceiling of the topmost floor),
- A considerable portion of Glen Street Village locality is already available for community uses.
- The subject site is currently the only site within the centre which is sufficiently large enough to provide a large floor plate which is capable of supporting a supermarket. A supermarket is an important feature of a retail centre as the success of retail centres is generally closely tied to the success of its anchor tenant (usually a supermarket in smaller shopping centres) and the ability of the anchor tenant to attract customers.

Following the redevelopment of the shopping centre, business, community and shop top housing uses will continue to be provided within the centre. For this reason the proposal is considered to be consistent with this component of the desired future character statement.

Future development in the locality will reflect the development of the surrounding areas and improve pedestrian links to surrounding public spaces.

Due to the limited detail provided at the Concept Plan stage, the building envelope height, landscaping and setbacks are the primary elements which can be considered in an assessment of whether the proposed development reflects the development of the surrounding areas. The following discussion considers each element.

Building Height

The proposed building envelope generally complies with the building height control which applies to the Glen Street village. The height of the development will therefore be consistent with the height of development within the Glen Street village locality.

The height of the development will also be compatible with and reflect the surrounding low density residential development as the building envelope is no higher than 8.5m above ground level which is consistent with the height limit which applies to the adjoining localities.

The architectural design, internal layout of the centre and the colours and materials selected will be essential to the success of the development's connection with the surrounding areas. These elements of the proposal will be detailed in the Stage 2 development application.

Landscaping

The Landscape Plan submitted with the application shows small areas of additional landscaping will be provided around the perimeter of the at-grade car park adjoining Glen

Street. The landscape strip along the southern boundary adjoining Glen Street is proposed to be 2.5 metres wide.

The Glen Street Village is located within a low density residential area which is characterised by buildings within landscaped settings. Public open space adjoins the site to the north and is located opposite the site on the southern side of Glen Street. The large areas of public open space in the local area contribute to the open, landscaped character of Glen Street Village.

The public open space, Belrose library and Glen Street theatre sites all support large mature trees and significant areas of landscaping. The Caltex service station is not consistent with the predominant character of the area.

Given the landscaped character of the locality, the scale of the at-grade car park proposed and the length of the building envelope proposed, the extent of landscaping proposed is considered insufficient and inadequate to meet the requirements of both the desired future character statement and the requirements of Clause 63. In this regard a condition has been included in the consent which requires either a 6.5m landscaped strip to be provided along the Glen Street frontage of the site or an alternative landscape design that incorporates substantial areas of landscaping throughout the at grade car park.

Setbacks

Given the separation of the site from nearby residential development to the north and north-east and that the articulation zone of the proposed development is setback from the northern boundary a minimum of 5 metres which allows for the retention of 'Category A' trees along the northern boundary, it is considered that the setbacks proposed to the north and north east are appropriate.

The at-grade carpark adjoining Glen Street is to be retained and provides an 'open feel' to Glen Street Village.

Minimal changes are proposed to the setback adjoining No.54 Glen Street and the setback to the western boundary is considered reasonable given the complying height of the building, the use of the building which requires large floorplates and the length of the building compared to the length of the western boundary.

For these reasons the proposed building envelope is considered to adequately reflect the character of the surrounding locality.

This component of the desired future character statement also requires pedestrian links to surrounding public spaces to be improved. The proposed building envelope and concept plans indicate that the following stronger pedestrian linkages will be provided as follows;

- A new pedestrian link through the car park between Glen Street and the main entrance to the shopping centre.
- A pedestrian path from the bus stop on the northern side of Glen Street, through the at grade car park to the entrance of the shopping centre. The pedestrian path then goes directly through the shopping centre to provide access to the public open space on the northern side of the site.
- A realigned pedestrian path on the road reserve along the site's boundary to Glenrose Place, adjacent to the at grade car park.
- A new pedestrian promenade along the southern elevation of the shopping centre adjoining the at grade car park to accommodate pedestrian movements and provide outdoor space.

The Concept Plan generally indicates there is potential to provide the pedestrian linkages detailed above. The adequacy of the pedestrian links will be determined when the Stage 2 DA is submitted.

Conditions of consent have been included in the draft consent in relation to the pedestrian link across Glenrose Place and the link from the centre to the public open space for the following reasons;

- A pedestrian crossing has been shown on Glenrose Place, linking the pedestrian pathway which is proposed along the southern side of the building to a pathway on the western side of Glenrose Place. The pedestrian crossing would provide safe and convenient pedestrian access to a children's playground, library, child care facility and residential development to the west and north-west.

Council's Traffic Engineer has advised that the proposed pedestrian crossing would not meet the RTA warrant requirements for a pedestrian crossing but that an alternative road narrowing/refuge island could be provided to improve the pedestrian link to the centre across Glenrose Place.

A condition has been included in the draft consent to require the possibility of a pedestrian crossing to be investigated further and that if a pedestrian crossing in this location does not meet the RTA's warrant requirements the condition requires other measures to protect the safety of pedestrians to be provided.

- The Traffic Report submitted with the application indicates that the specialty shops will be serviced from the northern service road. Three service bays will be provided to accommodate a large rigid vehicle and two small trucks/vans. In a letter to Council dated 6 November 2009, CBHK advised that 6-8 deliveries per day are likely to be made to the northern loading bay which is similar to the existing situation.

The proposed loading bay along the northern boundary will result in the following undesirable outcomes;

1. The loading bay will occupy a significant portion of the articulation zone on the northern side of the building and will therefore compromise the design of the northern façade of the building. The loading bay will result in a 'back of house' feel to the centre and compromise attempts to provide improved pedestrian access to the public reserve.
2. The close proximity of the loading bays to the pedestrian entrance does not minimise potential conflicts between traffic and pedestrians. Whilst the deletion of the northern loading dock would not result in a reduction in service vehicles travelling along the northern service road it would simplify traffic arrangements and reduce the potential hazards for pedestrians.

The deletion of the northern loading bay would improve pedestrian safety and would allow for the provision of a stronger pedestrian link from the centre to the public open space to the north. The overall acoustic impact on the adjoining properties which results from the loading areas would be reduced to a level which is more consistent with the existing development. The deletion of the northern service bay would reduce the visual impact of the development as viewed from the north.

In summary, a building can be designed within the proposed building envelope that reflects the development of surrounding areas. Subject to the conditions detailed above, improved pedestrian linkages can be provided to surrounding public spaces. Accordingly, the proposed development is consistent with this component of the desired future character statement.

Development at the edge of the village and adjacent to residential land will not reduce the amenity enjoyed by the adjoining occupants. In this regard development will provide a reasonable side and rear setback from adjoining residential land, particularly above ground floor level.

No.54 Glen Street, Belrose is the only site occupied by residential development that directly adjoins the site. The proposed building envelope which is immediately north of No.54 Glen Street

is considerably lower than the maximum height limit. As the site falls towards the northern boundary the height of the envelope increases to a height of 8.5m at a point which is approximately halfway along the along that part of the eastern boundary of the site which is north of No.54 Glen Street. The visual impact of future development and the impact on solar access to No.54 Glen Street has therefore been minimised.

The adjoining reserve to the north and east provides a reasonable level of separation between the proposed development and the residential properties to the north and east. The separation provided by the reserve combined with the provision of an articulation zone, the setbacks proposed and the retention of the existing 'Category A' trees along the northern boundary will ensure that the visual impact of the development will be minimised. The retention of trees along the northern boundary will also maintain the amenity of the public open space adjoining the development.

The shadow diagrams submitted with the application demonstrate that the proposed development will not result in an unreasonable impact on the solar access available to the surrounding and adjoining residential development.

The acoustic impact of the development is the primary factor which may affect the amenity enjoyed by nearby occupants, particularly occupants of No.54 Glen Street and dwellings to the north of the loading dock in the north-west corner of the site. The noise from delivery vehicles in the loading areas and customer and staff vehicles moving around the site and the noise from plant machinery are the primary noise sources associated with the development.

Whilst an additional small truck bay is proposed adjoining the existing Woolworths service area and there will be an acoustic impact associated with the provision of the truck bay, no customer vehicles will use this accessway and therefore this existing acoustic impact will be removed. It is therefore considered that the amenity of the occupants of No.54 Glen Street will be maintained.

An additional loading area is proposed in the north-west corner of the site and additional vehicles will be exiting the site via Glenrose Place. The proposed development will therefore result in an acoustic impact on the residents to the north of the western half of the building. The acoustic impact of the proposed development has been considered in detail under 'CL 43 Noise' in the General Principles of Development Control table of this report.

As discussed under the previous component of the desired future character statement, a condition is included in the draft consent that requires the deletion of the northern loading bay. The deletion of the northern loading bay would reduce the overall acoustic impact of the development on to a level which is more consistent with the existing development.

A condition has also been included to require safety and security, visual impact and acoustic issues associated with the north-west loading dock to be resolved to the satisfaction of the consent authority. At Stage 2 an acoustic report should be submitted which details the acoustic mitigation measures which will be employed to minimise the acoustic impact of the loading dock.

The acoustic impact of plant machinery is to be considered in the assessment of the Stage 2 DA.

Subject to the deletion of the northern loading bay and adequate acoustic mitigation measures being provided for the remaining loading docks, the Concept Plan will not result in any unreasonable impacts on the amenity of adjoining or nearby residential properties and as such the proposed development is considered to be consistent with this component of the desired future character statement. The detailed design of the development and the conditions imposed on the Stage 2 consent will be essential in ensuring consistency with this component of the desired future character statement.

Built Form Controls for the C2 Glen Street Village Locality

The building height control is the only built form control which applies to the C2 Glen Street Village Locality. In accordance with the building height control the maximum height of buildings is 8.5

metres measured vertically between any point on the topmost ceiling of the building and natural ground level below.

The plans indicate that the building envelope will be no higher than 8.5m above natural ground level with the exception of the envelope over the pedestrian entrance on the southern side of the building which exceeds 8.5m by approximately 1.8 metres to allow for an architectural entrance feature (as shown on Drawing No. DA0025-1).

As the height control relates to the point on the topmost ceiling of the building and the detailed design of the development will be submitted with the Stage 2 DA, it is unclear whether the proposed architectural entrance feature will result in a non-compliance with the building height control.

No objections are raised to the provision of an architectural feature at this location for the following reasons;

- The roof feature will ensure that the pedestrian entrance on the northern side of the building is clearly identifiable. This will reduce the likelihood of pedestrians crossing the service road at other locations and therefore minimise the potential conflict between pedestrians and vehicles.
- An appropriately designed roof feature will add visual interest to the northern façade.
- The height control allows for roof structures to exceed a height of 8.5m height limit.
- The feature will not be of a scale that will result in any adverse impacts on the surrounding land. The feature is also not in a location which will result in any adverse impacts on the amenity of surrounding land.

Any non-compliance with the building height control which may be associated with the provision architectural entrance feature is to be considered during the assessment of the Stage 2 DA.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL38 Glare & reflection	N/A	Glare and reflection will be addressed in the Stage 2 development application.	N/A
CL39 Local retail centres	NO	Not applicable.	N/A
CL40 Housing for Older People and People with Disabilities	NO	Not applicable.	N/A
CL41 Brothels	NO	Not applicable.	N/A
CL42 Construction Sites	YES	<p>Concept Plan</p> <p>A Construction Management Plan will be submitted with the Stage 2 DA.</p> <p>Stage 1 works</p> <p>A 'Pedestrian and Traffic Management Plan for demolition and remediation of Stockland Glenrose Shopping Centre' dated June 2009 prepared by Colston Budd Hunt & Kafes (CBHK) was submitted with the application.</p> <p>The Plan proposes the following hours for demolition, remediation and construction;</p> <ul style="list-style-type: none"> • Monday to Friday – 7am to 6pm • Saturday – 7am to 3pm and • Sunday/Public Holiday – No work 	YES, subject to conditions

General Principles	Applies	Comments	Complies
		<p>In order to minimise the impact on residential amenity, demolition, excavation work involving the use of machinery that perform noisy activity, including the loading of excavated material into trucks construction hours are proposed to be further restricted to the following hours;</p> <ul style="list-style-type: none"> • Monday to Friday – 8am – 5pm and • Saturday – 8am to 3pm. <p>As detailed under the 'Internal Referrals' section of this report Council's Environmental Health Officer has recommended that Council's standard construction hours of 7am to 5pm Monday to Friday and 8am to 1pm Saturday be imposed and that the following additional provisions be included which further restrict the hours within which noisy activities may be undertaken;</p> <p style="padding-left: 40px;"><i>Demolition and excavation works (use of plant based excavation machinery, jackhammers, rock breakers, rock drills and the like) to be restricted to 9am to 11.30am and 2pm to 4pm daily with no excavation on Saturdays.</i></p> <p style="padding-left: 40px;"><i>The use of excavators to conduct bucket work, dewatering using pumps and hoses, refuelling machinery, servicing machinery and the sorting of materials and the like shall be permitted between 11.30am to 2pm and 4pm to 5pm Monday to Friday.</i></p> <p>As no suitable justification for the work hours has been provided by the applicant given the sensitive land uses in the vicinity of the site, the condition recommended by Council's Environmental Health Officer has been included in the draft consent.</p> <p>Truck Routes</p> <p>Construction vehicle access associated with the proposed demolition, remediation and construction works will be via the driveway off Glen Street on the western side of the site. The Plan states the driveway will be controlled and that construction vehicles will enter and leave in a forward direction.</p> <p>The routes for trucks associated with the proposed demolition, construction and remediation are as follows;</p> <p><i>Approach route</i></p> <ul style="list-style-type: none"> - Warringah Road, Forest Way, Adams Street, Blackbutts Road, Lockwood Avenue and Glen Street, <p><i>Departure routes</i></p> <ul style="list-style-type: none"> - Glen Street, Lockwood Avenue, Blackbutts Road, Adams Street,, Forest Way and Warringah Road. - Glen Street, Lockwood Avenue, Blackbutts Road, Adams Street, Forest Way and Mona Vale Road. <p>The proposed truck routes restrict the trucks to the main road network and minimise the potential for conflicts between children crossing Glen Street to Wakehurst Public School (which is located at the eastern end of Glen Street) and construction vehicles travelling to the site. A condition has been included in the draft consent to ensure construction vehicles comply with this requirement.</p>	
CL43 Noise	YES	<p>Clause 43 states that development is not to result in noise emissions which would unreasonably diminish the amenity of the area.</p> <p>An 'Assessment of Noise Emissions' dated 22 July 2009 prepared by Acoustic Logic Consultancy has been submitted with the application. The report recommends the following;</p> <ul style="list-style-type: none"> • Both the eastern and western loading docks are to be used only between 7am and 10pm • An imperforate screen is to be constructed around the western 	YES, subject to conditions

General Principles	Applies	Comments	Complies
		<p>loading dock and undercroft exit ramp as marked on the attached plan (appendix 2). The screen should be constructed of impermeate material such as masonry, lapped and capped timber, Colorbond, Perspex panels or a combination.</p> <ul style="list-style-type: none"> • Noise absorptive treatments are to be installed to the loading dock walls. • Trucks are not to be left idling during loading/unloading. • A detailed review of all external mechanical plant should be undertaken at construction certificate stage (once plant selections and locations are finalised). <p>The Report states that if the above recommendations are adopted, noise emissions will comply with the LEP and therefore acoustic impacts on nearby developments will be satisfactory.</p> <p>New loading dock in the north-west corner of the site</p> <p>Council requested clarification of the number of deliveries which will be made to each of the three loading docks. In a letter to Council dated 6 November 2009, CBHK advised that the number of deliveries to the new loading dock in the north-west corner of the site will be 6-8 per day, with the majority associated with the new food store. The proposed hours of use of the dock are 7am to 10pm.</p> <p>In an e-mail to the applicant dated 28 October 2009, Council requested clarification of the height of the proposed screen walls along the boundary. In a written response from Acoustic Logic Consultancy submitted to Council on 11 November 2009, an amended plan showing the proposed acoustic mitigation measures was submitted. The plan indicates that a 3.2 metre high screen is to be provided along the northern boundary adjacent to the proposed north-west loading dock.</p> <p>Council also raised concerns regarding the acoustic impact of the new loading dock on nearby residents and requested that further measures be investigated which could minimise the acoustic impact of the loading dock.</p> <p>The Acoustic Consultant indicates that the most feasible way of minimising the acoustic impact of the loading dock is to increase the height of the proposed loading dock wall along the northern boundary to approximately 4.5m above the driveway level or by constructing a roof over part of the loading dock. According to the Acoustic Engineer these measures would reduce the loading dock noise from 39dB(a)_{Leq(15min)} to approximately 34-35dB(A) which the report describes as an exceptionally low noise level that the DECC Industrial Noise Policy would deem acceptable.</p> <p>The proposed acoustic screen along the northern boundary will be approximately 53 metres in length (as the screen is required to extend 5 metres past the eastern edge of the undercroft exit). The screen will have a height of at least 3.5m (tapering down to 1.8 metres in height on the western side and 2.1m in height on the eastern side).</p> <p>Sufficient information has been submitted with the concept plan to demonstrate that the acoustic impact of the north west loading dock can be mitigated to a reasonable level. The final design of the loading dock and the acoustic mitigation measures will be submitted with the Stage 2 DA.</p> <p>Insufficient information has however been submitted to demonstrate that the proposed screen walls will not result in an adverse visual impact and to demonstrate that the walls will not compromise the safety and security of the community by creating an area which is not under constant natural surveillance and that provides an opportunity for crime. As such, a condition of consent has been included which requires either the design of the loading dock to be amended or alternative acoustic mitigation measures to be proposed, unless the visual and safety issues associated with the proposed acoustic screens can be adequately resolved.</p> <p>Small truck bay addition to the existing eastern loading dock</p>	

General Principles	Applies	Comments	Complies
		<p>The letter from CBHK dated 6 November 2009 indicates that there will be 4-6 deliveries to the small truck bay addition to the eastern loading dock which is likely to be split evenly between rigid trucks and vans).</p> <p>In an e-mail to the applicant dated 28 October 2009, Council requested additional information in regards to the acoustic impact of the small truck bay. In a written response from Acoustic Logic Consultancy submitted to Council on 11 November 2009, the Acoustic Engineer advised that the noise level predicted by a small truck/van is approximately 45 dB(a)_{L_{eq}(15min)} which is consistent with noise levels of 45-47 dB(a)_{L_{eq}(15min)} for daytime/evening time.</p> <p>The Acoustic Engineer has also reported that the trucks/vans using the small truck loading bay would generally be unloaded manually rather than by pallet jack and would therefore not generate significant noise.</p> <p>As the Concept Plan design restricts the use of the service road along the eastern boundary to service vehicles only, the acoustic impact of the proposed loading dock is offset by the reduction in the number of vehicles using the service road. The addition of the small truck bay is not therefore considered to result in an unreasonable acoustic impact.</p> <p>Loading dock on the eastern side of the site</p> <p>The loading dock in the eastern corner of the site receives 4-6 deliveries by articulated trucks. A number of deliveries by small trucks or vans are also made to this dock. The Traffic Report submitted with the application indicates that the number of deliveries to the existing supermarket will be unchanged. It is proposed to restrict loading dock hours to 7am to 10pm. As there will be no change to the use of this dock and the hours of the dock have been restricted, the retention of this dock is reasonable.</p> <p>Vehicle circulation noise</p> <p>The 'Assessment of Noise Emissions' report states that the noise generated by vehicles circulating on the site will be decreased compared to present levels by the reduction in the number of openings on the northern façade, the provision of a new ramp to the undercroft which allow vehicles to access the undercroft without travelling around the perimeter of the site and the removal of 70 carparking spaces along the northern boundary. The Report also states that the noise from cars existing in the new undercover carpark will comply with the noise emission objectives.</p> <p>Subject to the conditions outlined above, it is considered that the proposed development can meet the requirements of clause 43. A detailed assessment of the acoustic impact of the development will be undertaken for the Stage 2 application following the submission of the detailed design of the centre.</p>	
CL44 Pollutants	NO	Not applicable.	N/A
CL45 Hazardous Uses	NO	Not applicable.	N/A
CL46 Radiation Emission Levels	NO	Not applicable.	N/A
CL47 Flood Affected Land	YES	Council's Natural Environment division has reviewed the proposal as the site is flood affected. The conditions recommended by the division have been included in the draft consent where they are relevant to the Concept Plan or the Stage 1 works.	YES
CL48 Potentially Contaminated Land	YES	<p>Compliance with the requirements of Clauses 48 and 49 of WLEP 2000 and SEPP 55 have been addressed in detail under 'State Environmental Planning Policy No.55 - Remediation of Land' in this report.</p> <p>In summary, as the site has been declared a 'remediation site' in accordance with the CLM Act. DECCW is responsible for regulating the remediation of the site under the CLM Act. The <i>Remedial Action Plan</i> which Stockland will be submitting to DECCW as part of the 'voluntary</p>	YES

General Principles	Applies	Comments	Complies
		management proposal' indicates that the site can be remediated to be suitable for the proposed use. If remediation of the site has not occurred at the time the Stage 2 DA is approved, a condition should be imposed on the Stage 2 DA to ensure the site is remediated prior to the commencement of the Stage 2 works.	
CL49 Remediation of Contaminated Land	YES	As above.	YES
CL49a Acid Sulfate Soils	NO	Not applicable.	N/A
CL50 Safety & Security	YES	<p>The provision of a 3.2 or 4.5m high acoustic screen along the northern boundary adjacent to the loading dock for a length of approximately 53m is likely to result in safety and security issues as the provision of a screen in a location combined with the limited casual surveillance of this part of the site will provide opportunities for crime. Such a large area which incorporates the rear service lane will also be difficult to restrict access to after hours.</p> <p>The supplementary report from Acoustic Logic Consultancy received on 11 November 2009 indicates that the screen may be treated in a number of ways, such as incorporating transparent panels. As a detailed design of the wall has not been submitted, it cannot be determined at this point whether the provision of transparent wall would adequately resolve the safety and security concerns and be of an appropriate design that does not result in an adverse visual impact when viewed from the public domain. A condition has therefore been included in the draft consent which requires the loading dock to be designed such that the acoustic impact of the dock is minimised, the design of the loading dock does not compromise the safety and security of the community and the design of the loading dock does not result in an adverse impact on the surrounding land.</p> <p>A condition has also been included in the draft consent to require a 'Security Review/Crime Prevention Report' to be submitted with the Stage 2 DA that details all measures which will be implemented to ensure the safety and security of employees and the community.</p>	YES, subject to condition
CL51 Front Fences and Walls	NO	Not applicable.	N/A
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	YES	<p>Clause 52 states that development adjacent to parks, bushland reserves and other public open space is to complement the landscape character and public use and enjoyment of that land.</p> <p>The development is setback a minimum of 5m from the northern and eastern boundaries of the site to allow for the protection of the 'Category A' trees along the northern property boundary. The trees will provide landscaped screening of the development and will assist in softening the visual impact of the built form.</p> <p>The setback and the generally complying height of the development will ensure that the visual impact of the development on the adjoining public land is minimised.</p> <p>The detailed design of the northern and eastern elevations, including the colours and materials of that elevation, will be detailed in the Stage 2 DA and must be visually sympathetic to the adjoining natural environment.</p> <p>It is considered that the design measures proposed in the Stage 1 application satisfactorily address the requirements of Clause 52.</p>	YES
CL53 Signs	YES	No signage is proposed as part of this development application. A condition has been included in the draft consent to require a signage strategy to be submitted with the Stage 2 application.	YES, subject to conditions
CL54 Provision and Location of Utility Services	YES	The site is satisfactorily serviced with utility services including the provision for the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage. The development meets the requirements of Clause 54 of WLEP2000.	YES
CL55 Site Consolidation in 'Medium Density Areas'	NO	Not applicable.	N/A

General Principles	Applies	Comments	Complies
CL56 Retaining Unique Environmental Features on Site	YES	<p>There are no distinctive environmental features such as rock outcrops, remnant bushland or water courses on the site that require retention.</p> <p>The removal of 18 'Category 'A' trees on the site has been addressed in detailed under 'CL58 Protection of Existing Flora' in this table.</p> <p>The proposed development is consistent with the requirements of Clause 56.</p>	YES
CL57 Development on Sloping Land	YES	<p>Clause 57 requires the height and bulk of development on sloping land to be minimised. Cut and fill is to be minimised by designs which minimise the building footprint and allow the building mass the step down the slope.</p> <p>As the site falls toward the north (away from Glen Street), the development appears as a single storey development from Glen Street. An undercroft is provided below the ground level so that the development has the appearance of a two storey development when viewed from the public reserve to the north. The height of the building envelope generally complies with the height limit which applies to the site.</p> <p>The undercroft level has been limited in size to the footprint of the ground floor of the shopping centre. A portion of this level is above natural ground level and therefore does not require excavation. The extent of excavation has therefore been minimised.</p> <p>As the bulk and scale is acceptable and the physical form of the development does not result in any significant impacts on the amenity of the surrounding areas, the building envelope is considered to be appropriate for the sloping site.</p>	YES
CL58 Protection of Existing Flora	YES	<p>An 'Arborist Appraisal' dated 23 July 2009 prepared by Naturally Trees Arboricultural Consulting has been submitted with the application. The report assesses 123 trees on and adjoining the site.</p> <p>The Arborist Appraisal uses the Tree AZ assessment method which is a systematic method of assessing whether individual trees are important and how much weight they should be given in management considerations. The most important trees are categorised as A and the least important trees as Z. Category Z trees are trees that could be removed without consent, present an unacceptable risk, cause intolerable nuisance or they inhibit good husbandry.</p> <p>Of the 123 trees assessed, 70 trees are categorised as 'A' (the most important trees) and 53 trees are categorised as 'Z' and are not worthy of retention.</p> <p>A total of 52 of the 70 Category 'A' trees can be retained with the implementation of tree protection procedures.</p> <p>A 5m building setback will enable the retention of all category A trees adjacent to the north and eastern boundaries.</p> <p>18 Category 'A' trees will require removal to accommodate the proposed development. All 18 trees are located within the existing at grade carparking area.</p> <p>31 'Z' trees are recommended for removal for health and safety reasons. The remaining 'Z' trees can be retained throughout works.</p> <p>Council's Landscape Officer has reviewed the 'Arborist Appraisal and raised no objections the proposed tree removal. All conditions recommended by Council's Landscape Officer in relation to tree protection during the Stage 1 works, have been included in the draft consent.</p>	YES, subject to conditions
CL59 Koala Habitat Protection	NO	Not applicable.	N/A
CL60 Watercourses & Aquatic Habitats	NO	Not applicable.	N/A
CL61 Views	YES	Clause 61 states that development is to allow for the reasonable	YES

General Principles	Applies	Comments	Complies
		<p>sharing of views.</p> <p>The site and surrounds has a moderate fall from the south to the north. As such, the only views which may be affected by the proposed development are from the south.</p> <p>Lionel Watts Reserve and Glen Street Theatre are located to the south of the site. Views from Lionel Watts Reserve are currently restricted by the existing development and no significant views are currently available from Glen Street Theatre. The proposed development will not result in any unreasonable view impact from these sites.</p> <p>The only properties with the potential for views over the site would be the northern facing units on levels two and three within the development at No. 54 Glen Street.</p> <p>The maximum height limit which applies to the site is measured to the topmost ceiling of the building, not the topmost point of the building. With the exception of an architectural element midway along the northern façade (which will not result in any significant impact on the views available from No.54 Glen Street), the proposed building envelope does not exceed 8.5m in height. The building could have therefore been marginally higher than is proposed in the Concept Plan.</p> <p>The east elevation demonstrates that the proposed envelope is significantly below the height limit where the site adjoins the northern boundary of No.54 Glen Street. Generally as the site falls to the north the height of the building envelope increases and therefore the height of the proposal has been minimised at this location. Further, the proposed building envelope height is generally consistent with the height of the existing development.</p> <p>No submissions have identified view loss as a concern.</p> <p>The proposed building envelope is not considered to result in any unreasonable impact on views.</p> <p>As the building envelope complies with the building height control any view loss experienced by residents of No.54 is not considered unreasonable.</p> <p>For these reasons it is considered that the proposed development is consistent with the provisions of Clause 61.</p>	
CL62 Access to sunlight	YES	<p>In accordance with Clause 62 development is not to unreasonably reduce sunlight to surrounding properties.</p> <p>Shadow diagrams have been submitted in support of the proposed building envelope. The shadow diagrams for June 21 demonstrate that the proposed development will not impact on the solar access available to the surrounding residential properties including No.54 Glen Street. As such the proposed development is consistent with the requirements of Clause 62.</p>	YES
CL63 Landscaped Open Space	YES	<p>Clause 63 requires landscaped open space to be of such dimensions that it will enable the establishment of appropriate plantings that are of a scale and density commensurate with the building height, bulk and scale. Landscaped open space is also to be of such dimensions that it will enable the establishment of appropriate plantings to maintain and enhance the streetscape and the desired future character of the locality.</p> <p>The Landscape Plan submitted with the application shows small areas of additional landscaping will be provided around the perimeter of the at-grade carpark adjoining Glen Street. The landscape strip along the southern boundary adjoining Glen Street is proposed to be 2.5 metres wide.</p> <p>The Glen Street Village is located within a low density residential area which is characterised by buildings within landscaped settings. Public open space adjoins the site to the north and is located opposite the site on the southern side of Glen Street. The large areas of public open space in the local area contribute to the open, landscaped character of Glen Street Village.</p> <p>The public open space, Belrose library and Glen Street theatre sites all</p>	Yes, subject to conditions.

General Principles	Applies	Comments	Complies
		<p>support large mature trees and significant areas of landscaping. The Caltex service station is inconsistent with the predominant character of the area.</p> <p>Given the landscaped character of the locality, the scale of the at-grade carpark proposed and the length of the building façade proposed, the extent of landscaping proposed is considered insufficient and inadequate to meet the requirements of both the desired future character statement and the requirements of Clause 63. A condition has been included in the consent which requires either a 6.5m landscaped strip to be provided along the Glen Street frontage of the site or an alternative landscape design that incorporates substantial areas of landscaping throughout the at grade carpark.</p>	
CL63A Rear Building Setback	NO	Not applicable.	N/A
CL64 Private open space	NO	Not applicable.	N/A
CL65 Privacy	YES	Compliance with the privacy requirements of WLEP 2000 and SEPP 65 will be the subject of comprehensive assessment at Stage 2 of the development.	Capable of complying
CL66 Building bulk	YES	<p>Clause 66 requires buildings to have a visual bulk and an architectural scale that is consistent with structures on adjoining and nearby land and are not to visually dominate the street or surrounding spaces.</p> <p>The building envelopes comprising the concept development are considered to have a visual bulk and an architectural scale consistent with development on adjoining and nearby properties.</p> <p>A detailed assessment of the measures used to minimise building bulk, including articulation, modulation, external finishes, balconies, sun control devices, awnings, eave overhangs etc. will be undertaken at Stage 2 of the development.</p> <p>The Stage 1 design is consistent with this General Principle and the Stage 2 design is capable of achieving consistency.</p>	YES and capable of complying
CL67 Roofs	YES	Compliance with the requirement for roofs under WLEP 2000 will be the subject of a comprehensive assessment at Stage 2 of the development.	Capable of complying
CL68 Conservation of Energy and Water	YES	A condition has been included in the draft consent to ensure that the development achieves Australian 'Best Practice' in environmentally sustainable design and construction for retail centres.	Capable of complying
CL69 Accessibility – Public and Semi-Public Buildings	YES	<p>Concept Plan</p> <p>Compliance with the requirements for accessibility will be assessed as part of the Stage 2 development application. Section 6.11 of the SEE relating to the Concept Plan for the redevelopment of the shopping centre states;</p> <p><i>'The siting and general design of the proposed development has been reviewed with respect to ensuring the equity, dignity and independence objectives of the Disability Discrimination Act can be achieved.</i></p> <p><i>The Staged DA plans and supplementary concept plans have been reviewed and are capable of complying with the AS1428 series (Access and mobility), AS 1735.12 (Lifts) and BCA part D3, and are therefore capable of complying with the requirements of Warringah LEP Clause 69 'Accessibility – public and semi-public buildings'.</i></p> <p>A condition has been included to ensure an Access Report is submitted with the Stage 2 DA.</p> <p>Stage 1 Works</p> <p>The BCA report prepared by David Langdon dated 22 June 2009 submitted with the application indicates that the proposal's consistency with the requirements of Section D3 of the BCA will be determined prior</p>	YES, subject to conditions

General Principles	Applies	Comments	Complies
		<p>to the issue of the Construction Certification. The report states;</p> <p><i>'It is understood that compliance will be achieved for entry to the building as well as the provision of a Disabled accessible toilet facility in the building.'</i></p> <p>A condition of consent will be included to ensure that the alterations and additions proposed as part of the Stage 1 works comply with the relevant provisions of AS1428.2 as required by Clause 69.</p>	
CL70 Site facilities	YES	Garbage storage areas will be provided in both the eastern and western loading docks. The garbage storage facilities will be screened from view as required by Clause 70.	Yes, subject to conditions
CL71 Parking facilities (visual impact)	YES	<p>Clause 71 states that parking facilities are to be sited and designed so as not to dominate the street frontage or other public spaces. In particular carparking is to be provided underground or in semi basements for large developments.</p> <p>The concept plan reduces the number of at grade carparking spaces accessed directly from Glen Street from 350 to 190 by increasing the number of carparking spaces in the undercroft carpark. The visual impact of the carpark has therefore been reduced.</p> <p>Condition 4C has been included in the draft consent to require additional landscaping to be provided within the at-grade carpark.</p> <p>Compliance with this condition and the requirements of Clause 71 will be the subject of a detailed assessment following the submission of the Stage 2 DA.</p>	Yes, subject to condition
CL72 Traffic access & safety	YES	<p>Clause 72 requires vehicle access points for parking, servicing or deliveries and pedestrian access to be located in such a way as to minimise;</p> <ul style="list-style-type: none"> • Traffic hazards • Vehicles queuing on public roads • The number of crossing places to a street • Traffic and pedestrian conflict • Interference with public transport facilities. <p>Concept Plan</p> <p>Access to the at-grade car park from Glen Street is proposed to be modified to provide separate entry and exit points at the western and eastern ends of the site respectively and a combined entry/exit driveway in the centre of the site. The number of vehicular crossings is proposed to be reduced from 4 to 3.</p> <p>An internal one-way ramp will provide access between the at-grade parking level (some 190 spaces) and the undercroft parking level (some 240 spaces). Egress from the undercroft carpark will be to Glenrose Place via the service road along the northern boundary.</p> <p>The reduction in the number of vehicular crossings will reduce traffic hazards and traffic and pedestrian conflict.</p> <p>The proposed access and egress arrangements for both the Concept Plan and the Stage 1 works have been reviewed by Council's Traffic Engineer. No objections have been raised to the proposed arrangements.</p> <p>The Transport Report submitted with the application indicates that the existing bus stop and shelter will be retained on the northern side of Glen Street along the frontage of the site. The Concept Plan indicates that the existing bus stop will be relocated. In an e-mail to Council dated 6 November 2009, Urbis advised that the new bus stop will be relocated to be brought in line with the new pedestrian connection. A condition of consent has been included to require consultation to be carried out with the local bus operator to ensure the proposed location of the bus stop meets operational needs.</p> <p>Stage 1 Works</p>	YES

General Principles	Applies	Comments	Complies
		<p>During the Stage 1 works, customer access to the eastern part of the shopping centre, which is to continue to operate, will be from two existing vehicular crossings in Glen Street. Egress from the site will be from the existing vehicular crossing midway along the Glen Street frontage of the site. The eastern most vehicle access point will be restricted to service vehicles accessing the loading dock and Woolworths staff accessing the undercroft car park.</p> <p>Construction vehicles will enter site from the existing vehicular crossing in Glen Street on the western side of the site.</p> <p>The separation of the customer and construction vehicles will assist in minimising traffic hazards.</p> <p>It is considered that the Stage 1 Works and the Concept Plan will adequately address the requirements of Clause 72.</p>	
CL73 On-site Loading and Unloading	YES	<p>Clause 73 requires facilities for the loading and unloading of service, delivery and emergency vehicles to be approximate to the size and nature of the development. On-site facilities are to be screened from view and designed so that vehicles may enter and leave the site in a forward direction.</p> <p>Concept Plan</p> <p>Service areas are proposed to be provided at both the eastern and western ends of the site and along the service road on the northern boundary. Entry to the service road will be via Glen Street (adjacent to the eastern boundary of the site). Service vehicles will exit the site via Glenrose Place.</p> <p>The existing eastern service dock will continue to service the supermarket. The dock has been designed to accommodate a 15.6 metre long articulated truck. This is the largest truck that currently services the site. A small truck bay will be added to the existing eastern service dock.</p> <p>A new dock will be provided at the western end of the site. This dock will service the small supermarket and speciality shops. The service area has been designed to accommodate a 15.6 metre long articulated truck (to service the food store) a compactor and a large rigid truck (to service the speciality shops).</p> <p>New loading docks will be designed in accordance with the Australian Standard for Off-Street Commercial Vehicle Facilities (AS2890.2-2002).</p> <p>Specialty shops will be serviced from the northern service road with parallel service bays. Three service bays will be provided to accommodate a large rigid truck and two small trucks/vans. A service lift will connect the service area with the retail level. For the reasons given under 'Desired Future Character' in this report, the northern service bay is not supported and a condition has been included in the draft consent to require the northern service bay to be deleted. It is considered that adequate loading/unloading facilities will be provided even if the northern loading area is deleted given that the north-west loading dock and a small truck bay adjacent to the existing eastern loading dock will be provided and the number of deliveries will be similar to the existing centre.</p> <p>Large service vehicles (articulated service vehicles), will enter and depart the centre via Glen Street/Lockwood Avenue/Blackbutts Road. A condition of consent should be included in the consent for the Stage 2 DA in this regard.</p> <p>Stage 1 Works</p> <p>The 'Review of the Traffic Effects of Stage 1 Demolition and Alterations to Stockland Glenrose Shopping Centre' dated June 2009 prepared by CBHK states that as the rear service lane will be closed during Stage 1 works, service vehicles will enter and depart the site via the existing eastern driveway. This driveway will be converted from one way (in) to two way traffic.</p>	YES, subject to conditions

General Principles	Applies	Comments	Complies
		<p>The north-eastern part of the car park will be modified to provide a reversing area for trucks servicing Woolworths to exit the site in a forward direction and provide a speciality loading dock.</p> <p>Swept paths of a 15.6 metre long articulated truck accessing the Woolworths loading dock and an 8.8 metre long single unit truck accessing the specialty dock have been included in the Traffic Report. The swept paths indicate that vehicles can enter and leave the site in a forward direction and that the docks can operate independently.</p> <p>The Report states that trucks accessing the site would use the same routes that they currently use to access the site. The continuation of the existing arrangements is acceptable given that construction vehicles will be using the western end of the site and the alternate delivery arrangements will be implemented with the Stage 2 DA.</p> <p>The proposed servicing arrangements for the Stage 1 works and the Concept Plan are considered to meet the requirements of Clause 73.</p>	
CL74 Provision of Carparking	YES	<p>Clause 74 states that adequate off-street carparking is to be provided within the subject property boundaries having regard to;</p> <ul style="list-style-type: none"> • the land use, and • the hours of operation, and • the availability of public transport, and • the availability of alternative carparking, and • the need for parking facilities for courier vehicles, delivery/service vehicles and bicycles. <p>Clause 74 requires carparking to be provided in accordance with the requirements of Schedule 17.</p> <p>Schedule 17 requires 6.1 spaces to be provided for a shopping centre 0 – 10,000m² in area and 5.6 spaces to be provided per 100 square metres GLFA for shopping centres 10 000 – 20 000m² in area. The minimum carparking requirements in Schedule 17 are consistent with the carparking rates identified in the RTA's Guide to Traffic Generating Development.</p> <p>On site carparking is currently provided for approximately 360 vehicles. Approximately 250 spaces are provided in an at grade carpark in the front of the centre with access from Glen Street. 70 spaces are located at grade along the northern boundary and 40 spaces are in the undercroft of the centre.</p> <p>Concept Plan</p> <p>The '<i>Transport Report for Staged DA</i>' dated June 2009 prepared by CBHK indicates that the Staged Masterplan for the proposed redevelopment of Glenrose Shopping Centre provides for some 10,000m² GLA including the following components;</p> <ul style="list-style-type: none"> • Supermarket – 2,900m² • Food Store – 1,400m² • Speciality retail – 4,300m² • Mini majors – 1,400m² <p>Schedule 17 requires 6.1 spaces to be provided for a shopping centre 0 – 10,000m² in area and 5.6 spaces to be provided per 100 square metres GLFA for shopping centres 10 000 – 20 000m² in area. The minimum carparking requirements in Schedule 17 are consistent with the carparking rates identified in the RTA's Guide to Traffic Generating Development.</p> <p>The RTA 'Guide to Traffic Generating Development' provides a formula, which can be used when a detailed breakdown of the uses within the shopping centre is known, that provides a more accurate estimation of the number of carparking spaces required for the shopping centre.</p> <p>The formula sets out the following carparking rates for the uses within a shopping centre;</p>	NO

General Principles	Applies	Comments	Complies
		<ul style="list-style-type: none"> • 4.2 spaces per 100m² GLA for supermarkets; • 4.0 spaces per 100m² GLA for mini-majors; and • 4.5 spaces per 100m² GLA for specialty shops. <p>Based on these rates, the shopping centre would require 430 spaces (181 spaces for the supermarket.food store, 56 spaces for the mini-major and 193 spaces for the speciality shops).</p> <p>430 carparking spaces will be provided on the site. The at grade car park adjoining Glen Street will contain 190 spaces and an extended undercroft carpark will accommodate 240 spaces. This is a rate of 4.3 spaces per 100m²</p> <p>The number of parking spaces to be provided on the site complies with the RTA's Guidelines which are based on the specific uses within the shopping centre and are therefore more accurate than the general requirements in Schedule 17. Accordingly, the proposed number of carparking spaces is considered to be adequate despite not complying with the generic WLEP 2000 requirements.</p> <p>The RTA has recommended that provision be made for bicycles and motor cycle parking. A condition has been included in the draft consent requiring an area to be provided in the carpark for motor cycle parking and for bicycle storage facilities and amenities to be shown in the detailed plans which are to be submitted with the Stage 2 DA.</p> <p>Stage 1 Works</p> <p>Schedule 17 requires 6.1 spaces to be provided for a shopping centre 0 – 10,000m² in area. The shopping centre will have a floor area of 3,070m² GLFA during demolition and remediation works.</p> <p>The '<i>Review of the Traffic Effects of Stage 1 Demolition and Alterations to Stockland Glenrose Shopping Centre</i>' prepared by CBHK indicates that parking for 140 vehicles will be retained within the existing at grade carpark to support a floor area of 3,070m² GLFA. This is a rate of 4.5 spaces per 100m² GLFA which is higher than the existing provision of 4 spaces per 100m² GLFA.</p> <p>Whilst the number of carparking spaces provided during the demolition and remediation of the shopping centre will not comply with the requirements of Schedule 17, the number of carparking spaces is considered to be adequate given the centre is unlikely to attract a similar number of customers during construction works as a completed shopping centre of the same size and as the proposed rate of carparking is higher than the existing carparking provision.</p>	
CL75 Design of Carparking Areas	YES	<p>Clause 75 of WLEP 2000 states that carparking (other than for individual dwellings) is not to be readily apparent from public spaces, is to provide safe and convenient pedestrian and traffic movement, should include adequate provision for manoeuvring and convenient access to individual spaces and where possible should enable vehicles to enter and leave the site in a forward direction.</p> <p>Clause 75 also states that carparking should be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant spaces.</p> <p>Concept Plan</p> <p>As discussed under 'Desired Future Character' and 'Clause 63 Landscaped Open Space' in this report, a condition will be included to require additional landscaping to be provided within the at grade carpark area. Subject to the provision of the additional landscaping, the development will be consistent with the requirements of Clause 75 in relation to the landscaping of carparking areas.</p> <p>The design of the caparking areas, including space widths and lengths, turning areas and ramp grades will be the subject of assessment at Stage 2 of the development. However, the Transport Report submitted</p>	YES and capable of complying.

General Principles	Applies	Comments	Complies
		<p>with the application indicates that the internal circulation will comply with the requirements of AS2890.1- 2004. Accordingly the proposal is considered to be capable of complying with this requirement.</p> <p>Stage 1 Works</p> <p>The Traffic Report submitted in support of the Stage 1 works states that to allow for appropriate access and circulation within the reduced on grade carpark, some modifications are required to the layout of the existing carpark. The report states that modifications to the car park will generally be in accordance with AS2890.1-2004</p> <p>The Traffic Management Plan indicates that the existing bus stops and shelters will be maintained during the Stage 1 works.</p>	
CL76 Management of Stormwater	YES	The application has been assessed by Council's Development Engineers. No objections have been raised to the Stage 1 works subject to a number of conditions being included in the draft consent. Detailed stormwater plans are to be submitted with the Stage 2 DA.	YES, subject to conditions
CL77 Landfill	NO	Not applicable.	N/A
CL78 Erosion & Sedimentation	YES	<p>An Erosion and Sediment Control Plan for the Stage 1 works has been submitted with the application. Conditions have been included in the draft consent to minimise the potential for soil erosion during construction.</p> <p>An Erosion and Sediment Control Plan will need to be submitted in support of the Stage 2 Development Application.</p>	Yes, subject to conditions.
CL79 Heritage Control	NO	The site is not identified as a heritage item nor is it located within a conservation area.	N/A
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	NO	Not applicable.	N/A
CL81 Notice to Heritage Council	NO	Clause repealed.	N/A
CL82 Development in the Vicinity of Heritage Items	NO	The site is not located within the vicinity of a heritage item.	N/A
CL83 Development of Known or Potential Archaeological Sites	NO	Not applicable.	N/A

SCHEDULES

Schedule 8 - Site analysis

A Site Analysis has been submitted and the site opportunities and constraints have been summarised in Section 3.4 of the SEE for the staged DA. The documentation submitted adequately addresses the requirements of Schedule 8.

Schedule 17 - Carparking Provision

Refer to 'CL 74 Provision of carparking' in the General Principles of Development Control table in this report for an assessment of the proposal against the requirements of Schedule 17.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Draft Warringah Local Environmental Plan 2009

In accordance with Section 79C(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation and that has been notified to the consent authority, must be taken into consideration by the consent authority in determining the development application.

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009) is on public exhibition from 12 October 2009 to 30 December 2009. Whilst the draft LEP was placed on exhibition after the development application was lodged, it is a relevant matter for consideration.

Pursuant to draft WLEP 2009 the subject site is located within the B2 Local Centre zone. Retail and business premises are permissible within the zone.

The objectives of the zone are as follows;

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide a pedestrian environment that is safe, comfortable and interesting.*
- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*
- *To minimise conflict between land uses in the one and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.*

For the reasons detailed under 'Desired Future Character' in the Warringah Local Environmental Plan 2000 section of this report, the proposed development is consistent with the objectives of the zone.

In accordance with Clause 4.3(2) of the Draft LEP the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height shown for the site on the map is 8.5 metres. Building height is defined in the Dictionary of the draft WLEP as;

'the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift over runs, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.'

The proposed building envelope complies with the 8.5m height limit with the exception of the envelope over the pedestrian entrance on the southern side of the building which exceeds 8.5m by approximately 1.8 metres to allow for an architectural entrance feature (as shown on Drawing No. DA0025-1).

Clause 4.6 of the draft LEP allows for variations to development standards where compliance is unreasonable or unnecessary and there are sufficient planning grounds to justify a variation. For the reasons outlined under 'Built Form Controls for the C2 Glen Street Village Locality' in this report, it is considered that the proposal meets the requirements to permit a variation.

Sydney Metropolitan Strategy – 'City of Cities', A Plan for Sydney's Future - Draft North East Subregional Strategy

Glenrose Shopping Centre is identified as a 'small village' in the Draft North East Subregional Strategy.

The Director General of the NSW Department of Planning has recently written to Warringah Council to provide the following advice regarding the correct interpretation of the Draft Subregional Strategies;

'It has come to my attention that the centres typologies contained in the Draft Subregional Strategies are being misinterpreted by some councils and members of the property/development industry as a restriction on retail development in centres. I am writing to refute this interpretation and clarify the position.

Submissions on the draft Strategies have noted that description of typical centres, including the numbers of outlets found in neighbourhoods, villages and towns, could be regarded by councils as prescriptive and be used to justify limits on growth in the numbers of shops or

supermarkets in a particular centre. This is not the case. The centre descriptions merely characterise the types of uses that maybe found in a typical centre and are not intended to prescribe maximums or limits on the types of retail uses in centres.

I would like to stress that growth and change in retail, office and housing in local centres is fundamental to the Draft Subregional Strategies. The Strategies include LGA specific housing and employment growth targets that will result in changes to the character of all centre types over the life of the Strategies.

The draft Subregional Strategies provide a starting point for addressing these growth targets by locating and characterising the existing range of local centres (ie towns, villages, neighbourhoods) using common terms. The draft Subregional Strategies do not create new policy directions in relation to retail; they apply adopted NSW Government policy (the Integrating Land Use and Transport Policy 2001 and Draft SEPP 66).

Council's Strategic Planner has also stated that the North East Subregional Strategy does not attempt to characterise centres by floor space quantum or car parking numbers, which is consistent with the comments made by the Director General of the Department of Planning.

Council's Strategic Planner has considered the previous much larger development's consistency with the Draft North East Subregional Strategy and provided the following comments:

The Glenrose Shopping Centre, both in its current form and its proposed expanded form is consistent with the subregional strategy descriptors of a small village and with other subregional centres in this category. The centre is a group of shops serving the local population and due to the geographical and transport infrastructure characteristics of the area is likely to remain of that typology. Whilst surrounding housing densities are lower than those described by the subregional strategy for a small village, this affords scope for projected growth in the housing sector within a 400m radius as foreshadowed by the strategy'.

Based on the comments provided by the Director General of the Department of Planning and Council's Strategic Planner, it can be concluded that the scale of the proposed development is consistent with the Draft North East Subregional Strategy.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The Stage 1 works proposed, including demolition, excavation and alterations and additions to the existing centre are subject to the application of Council's Section 94A Development Contributions Plan. The following monetary contributions are required to provide for additional infrastructure generated from this development;

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on Stage 1 development cost		\$ 2,786,508.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$26,472	Rams
S94A Planning and Administration	0.05%	\$1,393	Rams
Total	1.0%	\$27,865	

A condition has been included in the draft consent to ensure that the required contributions are paid prior to the issue of the Construction Certificate.

A condition will be included on the consent for the Stage 2 Development Application for Stage 2 works.

MEDIATION

Mediation was not requested for this development application.

CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, *Warringah Local Environmental Plan 2000*, *State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy No.55 – Remediation of Land*, *Draft Warringah Local Environmental Plan 2009*, *Warringah Development Control Plan* and the relevant codes and policies of Council.

This assessment has found that the proposed Concept Plan for the redevelopment of the shopping centre is consistent with all relevant planning controls, subject to the imposition of a number of conditions requiring either minor design modifications or specific details to be submitted with the Stage 2 DA.

The primary issues associated with the Concept Plan include; the minimal landscaping provided within the building's setback to Glen Street, the visual impact of the northern loading dock and the impact of the northern loading dock on the ability to provide a strong and safe pedestrian link to the adjoining public open space, the acoustic impact of the loading docks and the safety and security issues associated with the provision of a 53m long acoustic screen along the northern boundary.

Given the landscaped character of the locality and the surrounding area, the size of the at-grade car park and the length of the building envelope, the minimal landscaping provided within the front setback does not reflect the development of the surrounding areas and does not meet the requirements of Clause 63 landscaped open space of WLEP 2000. To ensure these issues are resolved prior to the submission of the Stage 2 DA, a condition of consent has been included to require a 6.5m landscaped buffer to be provided along the boundary adjoining Glen Street or provide significant landscaped areas throughout the car park.

The northern loading bay has been found to be inconsistent with the desired future character statement in that it will compromise attempts to provide a strong pedestrian link from the building to the public open space to the north of the site. The loading bay does not minimise potential conflicts between vehicles and pedestrians and it will impact on the building's presentation to the north. A condition of consent has been included to require this loading bay to be deleted. Given that a new loading dock is proposed in the north-west corner of the site, a small truck bay is to be added to the existing eastern loading dock and a similar number of truck movements is expected for the redeveloped centre as the existing centre, the deletion of the northern loading bay is not considered to be unreasonable.

The building envelope allows for a 1.8m high architectural feature to be provided over the pedestrian entrance on the northern side of the building. A detailed design of the architectural feature has not been submitted therefore it is unclear whether this element will result in a non-compliance with the building height control. This assessment raises no objections to the provision of an architectural feature at this location as it will ensure the pedestrian entrance is clearly identifiable, it will add visual interest to the northern façade and will not result in any adverse impacts on the surrounding properties. The appropriateness of the design of the architectural feature and any resulting non-compliance with the building height control will however be considered in the assessment of the Stage 2 DA.

The only non-compliance identified during the assessment of the application was a non-compliance with the minimum car parking rates required by Clause 74 and Schedule 17 of WLEP 2000. Whilst the Stage 1 Works will result in a minor non-compliance with the car parking rates, the number of spaces to be provided is considered adequate given that the proposed rate of car parking exceeds that which is currently provided and the existing centre is unlikely to generate the same demand for car parking as a completed centre of the same size. The Traffic Report submitted with the application indicates that whilst the development does not comply with the

generic shopping centre car parking rate provided in Schedule 17, based on the RTA's Guidelines for Traffic Generating Development which provide a more specific car parking demand calculation based on the types of shops within the centre, sufficient car parking will be provided. Accordingly, the number of car parking spaces to be provided for the redeveloped shopping centre is considered to be adequate.

The proposed Stage 1 Works involve the demolition of the approximately two thirds of the shopping centre to facilitate the remediation of the site and minor alterations and additions to allow Woolworths and eight speciality shops to continue operating during the demolition and remediation works. Other than a non-compliance with the car parking requirements addressed above, the proposed Stage 1 Works do not result in any inconsistency with the relevant planning controls. Conditions have been included in the draft consent to minimise the impacts of the demolition and construction work on the locality. Specifically, conditions have been imposed in relation to construction hours, tree protection, construction vehicle delivery routes and the protection of surrounding properties and the environment.

Submissions from 26 adjoining property owners/occupiers were received. A range of issues were raised with the main issues being the acoustic impact of the new loading dock in the north-west corner of the site, construction and delivery routes to the site and the timeframe for rebuilding the shopping centre.

Sufficient information was submitted with the application to demonstrate that the loading dock in the north-west corner of the site can be designed so that it will not result in an unreasonable impact on the amenity of residents to the north. The deletion of the northern loading bay will assist in minimising the acoustic impact of the development on the residents to the north. This assessment raised concerns regarding the visual impact and safety and security issues associated with the proposed 53m long, 3.2m high (or 4.5m high if an alternative design is implemented) acoustic screen along the northern boundary. As details of the mitigation measures do not need to be provided with the Stage 1 DA, a condition of consent has been included to ensure these issues are resolved in the Stage 2 DA submission.

Several submissions raised concerns regarding the construction and delivery vehicle routes to the site and requested that vehicles travel to and from the site via Adams Street, Blackbutts Road, Lockwood Avenue and Glen Street to avoid potential conflicts between pedestrians (particularly school children attending Wakehurst Public School) and delivery/construction vehicles. Conditions have been included on the draft consent for the Stage 1 works to require delivery vehicles to use this route and these routes should be included as a condition on any approval of the Stage 2 DA.

Many submissions requested that the rebuilding of the shopping centre be tied to the approval for the Stage 1 Works. A condition of consent has been included to require the excavation to be filled and the disturbed areas of the site covered with turf, if the construction works for Stage 2 have not commenced within 4 weeks of the completion of the remediation works.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed. Accordingly, it is recommended that approval should be granted subject to the attached conditions.

RECOMMENDATION (APPROVAL)

That Development Application No. 2009/1158, being Stage 1 of a staged development application, for a concept proposal for the redevelopment of the Glenrose Shopping Centre and a detailed proposal for the first stage of the development, including partial demolition and alterations to the existing shopping centre at Lot 4, DP 548285 & Lot 104, DP 597544, Nos. 56-58 Glen Street, Belrose be approved subject to the attached conditions.

STAGE ONE CONDITIONS OF CONSENT
In accordance with Section 83B (3)(a) of the *Environmental Planning and Assessment Act 1979*

PART 1 CONCEPT PROPOSAL

1. Approved Development

Stage 1 development consent is granted for the following:

- a. The building envelope as detailed in the following plans submitted with the Stage 1 development application;

Plan Number	Dated	Prepared By:
DA0022-1	08.07.09	Stockland Group Design Delivery Group
DA0023-1	08.07.09	Stockland Group Design Delivery Group
DA0024-1	08.07.09	Stockland Group Design Delivery Group
DA0025-1	08.07.09	Stockland Group Design Delivery Group

- b. The general layout of the shopping centre including the car parking and service areas.

- c. A maximum of 10,000sqm Gross Leaseable Floor Area for the shopping centre.

as amended by any other conditions of this consent.

Reason: To ensure the Stage 2 DA is in accordance with the approved concept plans.

2. New Development Application Required

The detailed design of the development (excluding the Stage 1 works) shall be the subject of a Stage 2 development application.

Reason: To ensure a detailed design DA is submitted and approved prior to construction.

3. Assessment and Determination of Future Applications

The Stage 2 development application must be generally consistent with the approved plans and conditions of approval contained in this development consent.

Reason: To ensure the future Stage 2 DA is consistent with the concept proposal.

4. Design Modifications

- a) The service area / loading dock to the north of the existing staff car park area is to be deleted.
- b) The design of the loading dock in the north-west corner of the site is to be amended or alternative acoustic mitigation measures proposed, if the visual impact and safety issues associated with the proposed screen wall along the northern boundary cannot be resolved to the satisfaction of Council.
- c) A 6.5m landscaped strip is to be provided along the Glen Street frontage of the site or an alternative landscaped design is to be prepared to the satisfaction of Council that incorporate areas of landscaping throughout the at grade car park that are consistent with the requirements of Clause 63 Landscaped open space and the Desired Future Character Statement for the C2 Glen Street Village locality of *Warringah Local Environmental Plan 2000*.

5. Building Envelopes

The building envelopes shown on approved drawings in Condition 1 are only approved on the basis that the final building design, including lift overruns, plant, equipment, services, vents, communication devices, architectural features and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring buildings and structures and the public domain.

Reason: *To ensure compliance with the approved concept plans and satisfactory amenity.*

6. Approved Design Roof Top Plant

The design and external finishes of rooftop plant shall be integrated with the design of the building and roof to minimise visual bulk. Rooftop plant is to be adequately attenuated to avoid acoustic impacts on the development and adjoining and surrounding properties.

Reason: *To ensure satisfactory visual and acoustic amenity.*

7. Advertising and Signage

A detailed **Signage Strategy** for the development is to be submitted with the Stage 2 DA. The signage strategy is to include information on the location, type and number of signs proposed for the development. All signage is to satisfy the requirements of the *Warringah Local Environmental Plan 2000* and *State Environmental Planning Policy No. 64 – Advertising and Signage*.

Reason: *To ensure compliance with the relevant signage standards.*

8. Environmentally Sustainable Development

The development is to achieve Australian 'Best Practice' in environmentally sustainable design and construction for retail centres. In this regard the detailed Stage 2 design for the development shall be accompanied by documentation that demonstrates the centre will achieve a 'Green Star' rating (or equivalent) which reflects 'best practice' in sustainable design and construction for retail centres.

Reason: *To ensure ESD principles are provided for in the development.*

9. Motorcycle and Bicycle Parking

The detailed design submitted with the Stage 2 DA shall incorporate adequate levels of motorcycle parking, bicycle parking and bicycle storage facilities. Adequate shower and change room facilities for staff shall be located close to secure bicycle storage facilities.

Bicycle parking and storage facilities shall be designed in accordance with the relevant Australian Standard. **Note:** AS2890.3-1993 – *Bicycle parking facilities* applied at the time of determination.

Reason: *To ensure that alternative forms of transport are provided for in the development.*

10. Pedestrian Access

The Stage 2 DA is to detail the measures which will be implemented to protect the safety of pedestrians crossing Glenrose Place from the path which is proposed along the southern side of the proposed building to the path leading to Glenrose library.

The provision of a pedestrian crossing at this location should be investigated. If a pedestrian crossing in this location does not meet the RTA's warrant requirements, other measures to protect the safety of pedestrians must be provided.

Reason: *To ensure a safe and functional pedestrian environment.*

11. Location of Bus Stop

Prior to the submission of the Stage 2 DA consultation with the local bus operator is to be carried out to ensure that the proposed location of the bus stop meets the needs of the local bus operator. The bus stop should allow for passengers to access the shopping centre without the need to cross a driveway.

Reason: To ensure the location of the bus stop meets the needs of the local bus operator.

12. Acoustic Report

The Stage 2 DA is to be accompanied by a detailed Acoustic Assessment addressing the requirements of General Principle 43 – Noise of *Warringah Local Environmental Plan 2000*, and including noise sources (mechanical plant, loading dock and garbage removal operations, undercroft car park) and noise control measures.

Reason: *To ensure the acoustic impacts of the development are minimised.*

13. Security Review/Crime Prevention Report

The Stage 2 DA is to be accompanied by a detailed Security Review/Crime Prevention Report addressing the Crime Prevention Through Environmental Design (CPTED) principles outlined in '*Crime Prevention and the Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979*' prepared by the Department of Urban Affairs and Planning (now Department of Planning). The report is to address safety and security issues and make specific recommendations on lighting, entrances, lobbies and the like. The report is to address the recommendations of the NSW Police which are detailed in a letter to Council dated 21 October 2009.

Reason: *To ensure a satisfactory level of for future residents, workers and visitors.*

14. On-site Stormwater Detention System

An On-site Stormwater Detention system is to be provided for the development. Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "*On-site Stormwater Detention Technical Specification*" is to be submitted with the Stage 2 DA.

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development.

15. Council's drainage pipeline

The existing Council stormwater drainage line being a 1350-1500mm diameter pipeline running down the eastern boundary is to be upgraded to cater for the 1 in 100 year ARI flow to Council's existing surcharge pit in the reserve (ref 120986-0). The upgraded drainage line is to be designed to cater for flows up to 9.15 cumecs. Details demonstrating compliance with the above requirements are to be submitted with the Stage 2 DA.

Reason: To ensure compliance with Council's specification for engineering works.

16. Overland flow paths

An overland flow path within the site and the public reserve located east of the site is to be provided over the upgraded drainage line to cater for pit blockages of 50%, up to and including the 1 in 100 year ARI. Flooding of downstream properties is to be prevented with bunding. Details demonstrating compliance with the above requirements are to be submitted with the Stage 2 DA.

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development.

17. Water Quality Management Plan

A Water Quality Management Plan is to be submitted with the Stage 2 DA demonstrating compliance with the Stormwater Management Objectives, as set out in the Northern Beaches Stormwater Management Plan must be provided for Council's consideration. This requires the inclusion in the hydraulics plans of Gross Pollutant Traps (GPT's), oil and grease separators, etc.

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development.

18. Water Sensitive Urban Design

The stormwater drainage plan submitted with the Stage 2 DA is to be designed in accordance with Council's draft Water Sensitive Urban Design Policy.

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development.

19. Flood

Details submitted with the Stage 2 DA are to be consistent with the following requirements;

a) Flood Protection

All new building works and services shall be designed to withstand the hydraulic forces of the floodwaters up to the flood planning level. Buoyancy (particularly in relation to cars in the ground floor car park), flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed.

b) Movement Prevention Devices

Car storage/parking areas in the undercroft parking area are to provide measures (e.g. bollards, gates etc) which can be engaged in a flood event to prevent movement of vehicles downstream.

Reason: To protect the building from flooding in accordance with Council and NSW Government policy. (DACNEC09)

PART 2 STAGE ONE WORKS

CONDITIONS THAT IDENTIFY APPROVED PLANS

20. Approved Development

Development consent is granted for the following;

- a. Partial demolition of the existing shopping centre and alterations and additions to the existing shopping centre as detailed in the following plans submitted with the Stage 1 development application;

Plan Number	Dated	Prepared By:
DA0001-D	21.04.09	Stockland Group Design Delivery Group
DA0002-A	21.04.09	Stockland Group Design Delivery Group

No construction works shall be undertaken prior to the release of the Construction Certificate.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

21. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.

Condition 2(c) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. e adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Reason: Legislative Requirement. (DACPLB09)

22. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

7.00 am to 5.00 pm inclusive Monday to Friday
8.00 am to 1.00 pm inclusive on Saturday,
No work on Sundays and Public Holidays.

Demolition and excavation works (use of plant based excavation machinery, jackhammers, rock breakers, rock drills and the like) are restricted to 9am to 11.30am and 2pm to 4pm daily with no excavation on Saturdays.

The use of excavators to conduct bucket work, dewatering using pumps and hoses, refuelling machinery, servicing machinery and the sorting of materials and the like shall be permitted between 11.30am to 2pm and 4pm to 5pm Monday to Friday.

- (b) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (d) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (e) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (h) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

23. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on Stage 1 development cost		\$	2,786,508.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$26,472	Rams
S94A Planning and Administration	0.05%	\$1,393	Rams
Total	1.0%	\$27,865	

Details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACPLC01)

24. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

25. Bonds

(a) Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee paid of \$210.00 as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

(b) Construction, Excavation and Associated Works Bond (Pollution)

A Bond of \$50,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

(c) Construction, Excavation and Associated Works Bond (Failure to Remove Waste)

A bond of \$20,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Council infrastructure. (DACENC01)

26. Structures Located Adjacent to Council Pipeline or Council Easement

All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy *Building Over or Adjacent to Constructed Council Drainage Systems and Easements*. Structural details prepared by a suitably qualified Civil Engineer are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: *Protection of Council's Infrastructure.*

27. Dilapidation Survey – Council Stormwater Assets

A Dilapidation Survey for Council Stormwater Assets is a document which is to be prepared to determine the quality of Council's Stormwater Asset pre and post construction. This allows Council to determine any damages to stormwater infrastructure caused by development works. The requirements of a dilapidation survey can be obtained from Council's Natural Environment section. The pre construction dilapidation report must be submitted to Council and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *Protection of Council's Infrastructure*

28. Dilapidation Survey

A dilapidation survey of adjacent buildings must be conducted prior to any site work. The lateral extent of the survey must cover the likely "zone of influence" of any excavation or construction induced vibration. The survey must be properly documented. The dilapidation report must be submitted to Council and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *Proper management of records. (DACGCds)*

29. CCTV of Stormwater Drainage Works

Prior to the issue of the Construction Certificate the applicant shall submit to Council a CCTV inspection of Council's stormwater drainage infrastructure located within the vicinity of the development. The above CCTV inspection is to be provided on a DVD in mp2 file format, and should be clearly labeled and contain a menu outlining the pipe attributes. The applicant is to liaise with Council's Assets Officer – Drainage prior to undertaking the above works with regards to the details to be provided on the DVD. The applicant shall bear the cost of all restoration works to Council's stormwater drainage infrastructure damaged during the course of this development.

Reason: *To ensure the protection of existing stormwater drainage infrastructure.*

30. Essential Fire Safety Services

Prior to the issue of the Construction Certificate details are to be provided to the Certifying Authority in relation to the maintenance of the essential fire safety services to the eastern part of the shopping centre which is to be retained and altered. The essential fire safety services are to be maintained at all times throughout demolition and works.

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety.

31. Sediment Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Soils and Construction Manual Volume 1 - Managing Urban Stormwater, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;

- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted and approved by Council, prior to the issue of the Construction Certificate

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

32. Consultation with Local Bus Operator

Prior to the commencement of works consultation with the Local Traffic Committee and local bus operator is to be carried out to determine whether the existing bus stop in Glen Street should be relocated during the proposed demolition /construction works. Evidence of the consultation is to be submitted to the Certifying Authority.

Reason: To ensure compliance with the requirements of the RTA.

33. Protection of Trees During Works

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during demolition, excavation and construction on the site. Details of protection methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAD01)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

34. Roads and Traffic Authority

The following requirements are to be complied with during demolition, remediation and construction work;

- a. Vehicles associated with demolition, remediation and construction works are to be coordinated so that no queuing on Glen Street occurs.
- b. All vehicles are to be wholly contained on site before being required to stop.
- c. The required sight lines to pedestrians or other vehicles in or around the car park and entrance are not to be compromised by landscaping or signage.
- d. The proposed turning areas within the car park are to be kept clear of any obstacles, including parked cars, at all times.
- e. All traffic changes at and within the car park, including ingress and egress points should be clearly signposted and delineated by pavement arrows.

Reason: Requirements of the RTA.

35. Works Associated with the Development

All works/regulatory signage associated with the proposed development will be at no cost to the RTA.

Reason: Requirement of the RTA.

36. Demolition Works

All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with all relevant Acts, Regulations and Australian Standards.

Note: The following Australian Standard applied at the time of determination

- Australian Standard AS2601.2001 - Demolition of Structures

Reason: To ensure a satisfactory standard of demolition works. **(DACGE_{dw})**

37. Construction Vehicle Access

Vehicles associated with the demolition, remediation and construction of the development are to only approach and depart the site via the routes detailed in section 2.14 of the 'Pedestrian and Traffic Management Plan for Demolition and Remediation of Stockland Glenrose Shopping Centre' dated June 2009 prepared by Colston Budd Hunt and Kafes Pty Ltd.

Reason: To ensure that the construction phase of the development is appropriately managed.

38. Pedestrian and Traffic Management Plan

The demolition and construction works are to be managed in accordance with the 'Pedestrian and Traffic Management Plan for Demolition and Remediation of Stockland Glenrose Shopping Centre' dated June 2009 prepared by Colston Budd Hunt and Kafes Pty

Ltd (with the exception of the hours of work).

Traffic control measures are to be implemented to ensure there are no conflicts between staff vehicles accessing the undercroft car park and delivery vehicles entering and leaving the site.

Reason: To ensure appropriate measures are implemented in relation to site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

39. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

40. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

41. No Removal of Trees on Public Property

No trees or native shrubs or understorey on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: Protection of existing environmental infrastructure and community assets. (DACLAE01)

42. Protection of Trees

All trees which are not listed as exempt or noxious in the Warringah LGA that are not indicated for removal on Tree Management Plan Drawing No. TMP01 prepared by Naturally Trees Arboricultural Consulting dated 23/07/09 are to be protected.

Reason: Protection of existing environmental infrastructure and community assets. (DACLAE02)

43. Trees Condition

- (1) Tree roots of 50mm or greater in diameter encountered during excavation, shall only be cut following consultation with a qualified Arborist. Tree roots between 10mm and 50mm in diameter, severed during excavation, shall be cut cleanly by hand.
- (2) The following guidelines are to be complied with at all times:
 - (a) The applicant shall ensure that at all times during the development period no activities, storage or disposal of materials shall take place beneath the canopy of any tree covered under Council's Tree Preservation Order unless specifically approved by Council.
 - (b) Trees marked for retention are not to be damaged or used to display signage, or as fence or cable supports for any reason.

- (c) Siting of sheds, stockpiles and vehicle parking should be sited so that they are remote from trees.
 - (d) Site personnel are to be made aware of tree requirements and protective measures. Paving materials placed within the dripline of any tree should be of a porous material.
- (3) During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:
- (a) A general decline in health and vigour.
 - (b) Damaged, crushed or dying roots due to poor pruning techniques.
 - (c) More than 10% loss or dieback of roots, branches and foliage.
 - (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
 - (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
 - (f) An increase in the amount of deadwood not associated with normal growth.
 - (g) An increase in kino or gum exudation.
 - (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
 - (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

- (4) All trees on neighbouring properties are to be protected from adverse impacts caused by the works. Any excavations or changes of level occurring within the canopy of trees on neighbouring properties shall only be undertaken following consultation by a suitably qualified Arborist.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLAE03))

44. Tree Pruning

Any tree pruning necessary the approved construction shall be carried out under the supervision of an appropriately qualified Arborist and be in accordance with the relevant Australian Standards.

Note: The following Australian Standard applied at the time of determination:

- Australian Standard AS 4373.2007 - Pruning of Amenity Trees.

Reason: To ensure protection and longevity of existing trees. (DACLAE04)

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION
CERTIFICATE**

45. Works as Executed

The Civil Engineer responsible for the supervision of the civil works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate. Works as Executed Data certified by a registered surveyor prepared in accordance with Councils requirements are to be provided to Council. Full details of the information to be submitted to Council, as part of the Works as Executed Data, are to be obtained from Council and verified by the Principal Certifying Authority prior to submission of any documentation.

The Works as Executed Data is to include but not be limited to the following:

- Works As Executed (WAE) plan outlining: any Council stormwater infrastructure removed as part of the demolition works, any remaining Council stormwater infrastructure and co-ordinated locations.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENF06)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

46. Site stabilisation

Where remediation works have been completed and new construction works have not commenced within 4 weeks of the completion of the remediation works, the area of excavation is to be backfilled to existing site levels and all areas of exposed earth affected by the demolition and remediation works shall be turfed. The site must be maintained in a safe and clean state until such time as new construction works commence.

Reason: To retain topsoil and minimise dust pollution.

47. Loading Within Site

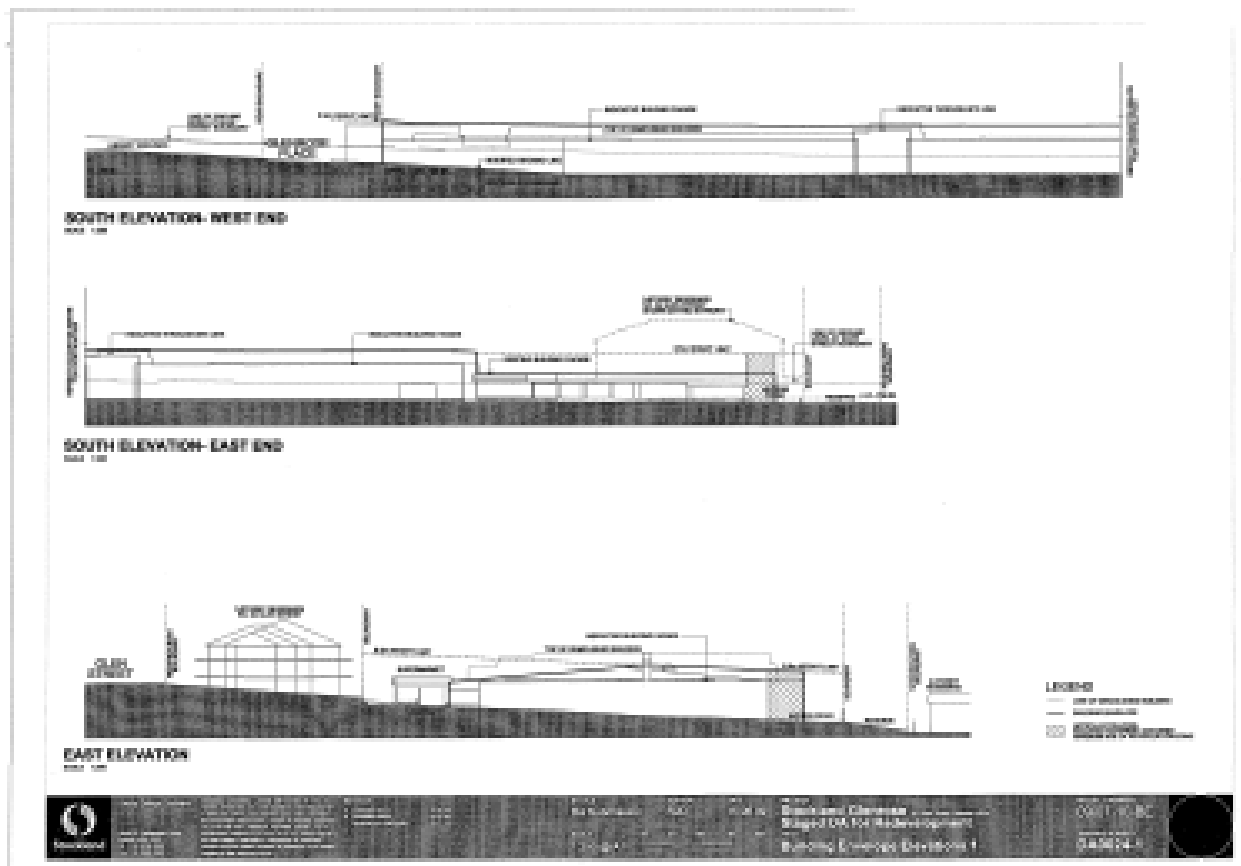
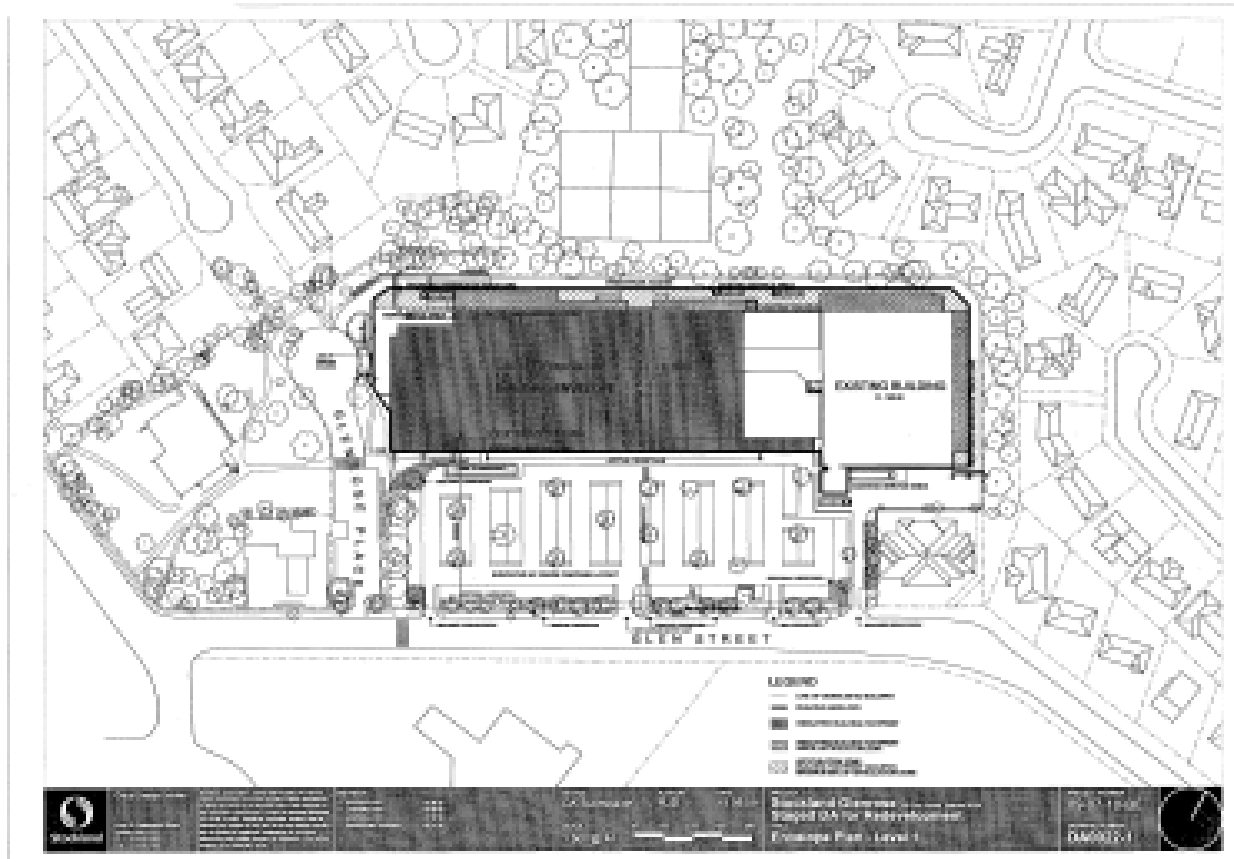
All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

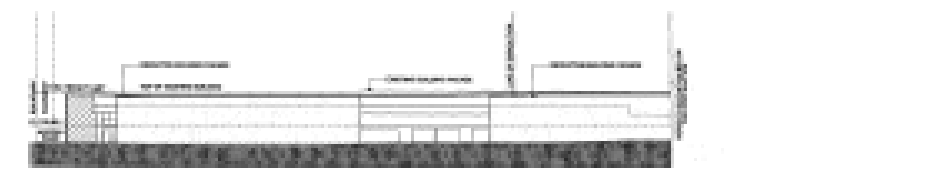
Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

48. Delivery Hours

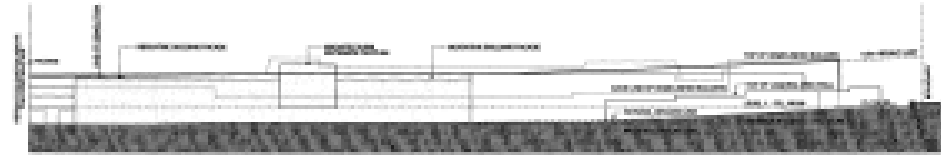
No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

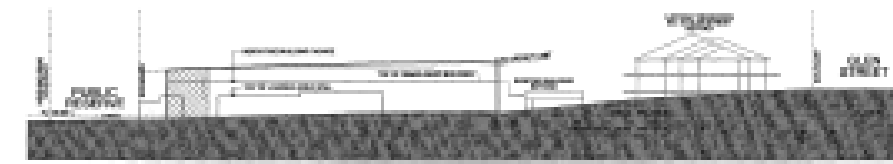




NORTH ELEVATION-EAST END
Scale: 1:500



NORTH ELEVATION-WEST END
Scale: 1:500



WEST ELEVATION
Scale: 1:500

LEGEND
--- EXISTING
--- PROPOSED
--- EXISTING/PROPOSED

City of Sydney logo on the left. A scale bar in the center. On the right, text reads: 'Business Element Strategic O&M for Redevelopment Planning & Strategic Framework'. Further right is the 'CITY OF SYDNEY' logo.



EXISTING CENTRE
Scale: 1:500



STAGE 1 - REMEDIATION
Scale: 1:500



STAGE 2 - NEW BUILDINGS REPLACEMENT
Scale: 1:500

City of Sydney logo on the left. A scale bar in the center. On the right, text reads: 'Business Element Strategic O&M for Redevelopment Initiative Mapping Plan'. Further right is the 'CITY OF SYDNEY' logo.