

# MINUTES OF THE SYDNEY WEST REGION PLANNING PANEL MEETING HELD AT BLUE MOUNTAINS CITY COUNCIL ON THURSDAY 11 MARCH 2010 AT 5.30 PM

**PRESENT:** JANET THOMSON – CHAIR  
BRUCE McDONALD  
PAUL MITCHELL

## IN ATTENDANCE

Lee Morgan	Acting Group Manager E&CS BMCC
Will Langevad	Acting Manager, Planning, BMCC
Paul Koen	Executive Principal, Engineering, BMCC
Kate Raine	Town Planner, BMCC
Anita Rolfo	Executive Services, BMCC

**APOLOGY:** Nil

Meeting commenced at 5:32pm. The Chair welcomed everyone to the meeting of the Panel.

## 1. Declarations of Interest - Nil

## 2. Business Items

### **ITEM 1 - JRPP 2009SYW012 – Blue Mountains City Council DA X/821/2009 - Retail Development Leura Mall, 152-160 Leura Mall, Leura**

Recommendation:

*'That Development Application X/821/2009 for the construction of a new retail development incorporating a Woolworths supermarket, four new specialty shops, underground basement car parking, reconfiguration of the Council car park and subdivision at 152-160 Leura Mal, Leura (Lot 1 DP 1123432) and various Council owned parcels comprising the Leura Public Car Park be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this Report.'*

## 3. Public Submissions

Mark Alchon	Leura Village Association – Addressed the panel <b>in favour of and against</b> the item
Ivan Jeray	Addressed the panel <b>against</b> the item
John Hockney	Leura Community Alliance – Addressed the panel <b>in favour</b> of the item
Aiden Murphy	Regional Development Manager, Woolworths – Addressed the panel <b>in favour</b> of the item

## 4. Business Item Recommendations

### **JRPP 2009SYW012 – Blue Mountains City Council DA X/821/2009 - Retail Development Leura Mall, 152-160 Leura Mall, Leura**

The recommendation was adopted, subject to the following alteration of conditions:

1. Alteration of conditions in accordance with 'Attachment A: Recommended changes to conditions (8 March 2010)', as attached to the letter from Blue Mountains City Council to the Joint Regional Planning Panel of 8 March 2010 as tabled and distributed at the meeting. Attachment A applies to conditions 1, 22, 32, 41, 51, 52, 63, 64, 68 and 71.
2. Condition 16(h) altered to read as follows:

*Retain all trees at the eastern entry point from Megalong Street, including three Betula pendula and a Fraxinus oxycarpa "Raywoodii" in the western bed and a Fraxinus in the eastern bed (unless removal of any tree can be justified to the Council's satisfaction). Should the need for removal of a portion of the trees be demonstrated, replacement with narrow upright trees from the above list under-planted with Azalea cultivars would be appropriate.*
3. Condition 32(d) altered to read as follows:

*The Plan is to be devised after consultation with all adjoining land owners and tenants and the Leura Village Association.*
4. Condition 32(e) altered to read as follows:

*Construction access is to be limited to outside peak hours.*
5. Condition 41(a), third bullet point, altered to read as follows:
  - *Sunday, Public Holidays and the Leura Fair: No site or building works or delivery or removal of materials is to be carried out on the Saturday of the Leura Fair, any Sunday or Public Holiday.*

The approved conditions of consent are attached.

Janet Thomson  
Chair, Sydney West Regional Planning Panel  
15/3/2010

# Attachment 1: Conditions

## Contents

- A Preliminary
- B Subdivision
- C Sydney Catchment Authority
- D Prior to Issue of Construction Certificate
- E Prior to Commencement of Works
- F During Construction
- G Prior to issue of Occupation Certificate
- H Occupation and ongoing use

# A Preliminary

## Confirmation of relevant plans

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following plans and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent:

Drawing Title	Prepared by:	Plan No.	Issue	Date
Site analysis plan	D & R Architects	04006 DA01.01	H	15 January 2010
Demolition plan	D & R Architects	04006 DA01.02	K	15 January 2010
Site/Roof plan	D & R Architects	04006 (SK04.03H) DA01.03	J	15 January 2010
Basement plan	D & R Architects	04006 (SK05.04J) DA01.04	J	20 January 2010
Ground floor plan	D & R Architects	04006 (SK04.05N) DA01.05	N	17 February 2010
Mezzanine floor plan	D & R Architects	04006 (SK04.06G) DA01.06	G	15 January 2010
Elevations	D & R Architects	04006 (SK04.07K) DA01.07	H	15 January 2010
Sections	D & R Architects	04006 (SK04.08E) DA01.08	F	15 January 2010
Shadow diagrams	D & R Architects	04006 DA01.09	G	15 January 2010
Exhibition drawing	D & R Architects	04006 DA01.10	H	15 January 2010
Survey	D & R Architects Lockley Land Solutions	04006 DA01.11	F	15 January 2010
Colour Schedule	D & R Architects	04006 DA01.12	E	
Landscape Plan	Habitation			11 November 2009

## Period of development consent

2. Physical commencement of construction is required within a five (5) year period from the date on which the consent becomes operational pursuant to s.95 (Lapsing of Consent) of the *Environmental Planning and Assessment Act 1979*.

## Construction certificate (building)

3. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

## Council's Specifications for Engineering Works

4. Except as otherwise provided by specific conditions of this consent, all engineering works required by this development (including sediment and erosion controls, road, access, footpath and drainage works) are to be in accordance with Council's Specification for Engineering Work for Subdivisions and Development, Part 1—Design and Part 2—Construction (Development Control Plan No. 31), Australian Rainfall and Runoff 2001, AS2890 and other relevant Australian Standards.

The works to be at no cost to Council.

The design and construction is to include any additional works to make the

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construction effective.

## B Subdivision

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### Confirmation of relevant plans

5. To confirm and clarify the terms of consent, the subdivision shall be carried out in accordance with the following plan prepared by Damien Joseph Maguire (Surveyor):

Plan number	Date	Title
31966-32538DP	23-11-09	Plan of Subdivision of Lot 1 DP 1123432, Lot B DP336264, Lot 11 DP 656593

and supportive documentation, except as otherwise provided or modified by the conditions of this consent.

The proposed easements for services and rights of carriageway shown on the proposed plan of subdivision do not form part of this development consent.

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### Provision of services

6. To ensure that the proposed subdivision is appropriately serviced, the following utility services are to be provided to proposed Lot 1 prior to the release of the subdivision certificate:
- reticulated water and gravity sewer connection
  - electrical supply
  - telephone service

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### Certificates from authorities

*Early contact with these authorities is recommended*

7. To ensure satisfactory effluent disposal and utility services are provided to proposed Lot 1, you are required to submit to Council compliance certificates from:
- Sydney Water
    - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation confirming reticulated water and gravity sewer systems is available to the development.
    - Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.
    - Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.
    - The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issue of an Occupation/Subdivision Certificate.
  - A Notification of Arrangements from Integral Energy indicating that satisfactory arrangements have been made for the provision of electricity supply to the proposed lot containing the proposed retail development in

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the subdivision.

- c. An approved telecommunications service provider stating that satisfactory arrangements have been made for telephone services to the proposed lot containing the proposed retail development in the subdivision.

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#### **Subdivision certificate**

8. An application for a subdivision certificate is required on completion of all conditions in Section B of this consent. The application is to be lodged with and approved by Council as the consent authority. The application should include the original plan of subdivision plus five (5) copies.

The subdivision certificate is to be issued and registered prior to the issue of any Occupation Certificate for the proposed retail development.

## **C Sydney Catchment Authority**

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#### **General**

9. The site layout is to be as shown on the Ground Floor Plan & Basement Plan prepared by D+R Architects (Dwg. 04006 (SK04.05 N) DA01.05; Issue M; dated 20-01-2010 and Dwg. 04006 (SK05.04 J) DA01.04; Issue J; dated 20-01-2010). Any changes to this layout is to be agreed to by the Sydney Catchment Authority.

*Reason for Condition - The Sydney Catchment Authority has based its assessment under the Drinking Water Catchments Regional Environmental Plan No. 1 on this version of the development*

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#### **Stormwater Management and implementation**

10. All stormwater treatment and management measures are to be implemented as shown on the Civil Engineering Works Plans (Drawing Nos. 09285\_DA\_C100 [Rev 03]; C101 [Rev 03] & C200 [Rev 01]; all dated November 2009) and as specified in Sections 3 and 6 of the Water Quality Report prepared by Henry & Hymas Consulting Engineers Pty Ltd (dated November 2009), in particular as elaborated or varied in the conditions below:
- rainwater tanks with a minimum total capacity of 4,000 litres are to be installed to collect roof runoff;
  - the rainwater tanks are as a minimum to be plumbed for any non-potable uses;
  - a gross pollutant trap with oil baffle (CDS 0506 or equivalent) is to be installed to treat site runoff before discharge to the Leura Mall Street stormwater system;
  - an Operational Environmental Management Plan detailing the responsibilities for the inspection, monitoring and maintenance of all stormwater management structures, including pits, gross pollutant trap is to be developed in consultation with the Sydney Catchment Authority.

*Reason for Condition— To ensure appropriate stormwater treatment and quality control measures are in place so as to ensure a sustainable neutral or beneficial impact on water quality particularly during wet weather over the longer term.*

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#### **Stormwater Management prior to release of Occupation Certificate**

11. All stormwater management measures required in Condition ABOVE are to be fully installed prior to the issuance of an occupation certificate.

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*Reason for Condition– To ensure appropriate stormwater treatment and quality control measures are in place so as to ensure a sustainable neutral or beneficial impact on water quality particularly during wet weather over the longer term.*

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#### **Stormwater Management**

12. Any variation to stormwater treatment and management is to be agreed to by the Sydney Catchment Authority.

*Reason for Condition– To ensure appropriate stormwater treatment and quality control measures are in place so as to ensure a sustainable neutral or beneficial impact on water quality particularly during wet weather over the longer term.*

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#### **Construction Activities**

13. Effective erosion and sediment controls are to be installed as shown on the Sediment and Erosion Control Plans prepared by Henry & Hymas Consulting Engineers Pty Ltd (Dwg. 09285\_DA\_SE01; Rev 03; dated 11/11/09 and Dwg. 09285\_DA\_SE02; Rev 02; dated 6/11/09) prior to any construction activity. The controls must prevent sediment and contaminated runoff leaving the site and entering Council's stormwater drainage system, and are to be regularly maintained and retained until works have been completed and the ground surface stabilised.

*Reason for Condition– To ensure appropriate stormwater treatment and quality control measures are in place so as to ensure a sustainable neutral or beneficial impact on water quality particularly during wet weather over the longer term.*

## **D Prior to Issue of Construction Certificate**

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#### **Surrender of Consent**

14. Pursuant to section 80A 1(b) of the *Environmental Planning and Assessment Act 1979*, development consent X/543/2005 granted by the Land and Environment Court in Appeal 11098 of 2005 (*Alpall Pty Ltd v. Blue Mountains City Council*) shall be surrendered to the Council.

A notice of surrender of a development consent, as referred to in section 80A(5) of the Act, shall include the information prescribed by clause 97 (Modification or surrender of development consent or existing use right) of the *Environmental Planning and Assessment Regulation 2000* and shall be submitted to the Council prior to the issue of a construction certificate.

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#### **External finishes**

15. To ensure that the development is compatible with the Leura Mall Urban Conservation Area, details of colours and finishes are to be submitted to the Council for approval prior to issue of a construction certificate.

##### Leura Mall elevation

The details of colours and finishes for the Leura Mall (western) elevation shall be generally in accordance with plan 04006 DA01.07H (Elevations) as prepared by D&R Architects dated 15 January 2010, with the following details to be provided:

- Speciality shops 2, 3 and 4 shall be rendered blockwork, with rebates, surface treatments and differentiated colours to create the appearance of

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three separate shops to be specified.

- Paint colour of recessed panels within parapets is to be specified.
- Timber framed glazed shopfronts (including mullions and transoms) with a solid base panel shall be provided to Speciality shops 2, 3 and 4, with colour to be specified.
- Colours and finishes to Existing Shop 1 & 2 are to be specified.
- Finish and treatment of side walls of Existing Shop 1 & 2 (walls to the covered laneway entrance) shall be specified. Modifications to existing fabric should be minimised.
- Materials and colours of the pavement of the covered laneway entrance shall be specified.
- Colours and finishes of recessed masonry wall and doors shall be specified.

#### Other elevations

For the eastern, southern and northern elevations of the development, colours and finishes are to be in accordance with the colour schedule prepared by D&R Architects and depicted on plan 04006 DA 01.12 E.

#### Retained shops 1 and 2

Details of finishes and treatments proposed

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#### **Amended Landscape Plans to be submitted.**

16. In order to enhance the amenity of the built environment and protect the Blue Mountains landscape character, amendment of the landscape plan is required.

The following matters are to be specified or demonstrated on amended landscape plans:

- a. Where the risk of vandalism or damage to the vegetation from vehicles is high, vegetation protection schemes, such as tree guards, fencing or similar are to be provided to ensure successful establishment of the landscape;
- b. Wheel stops adjacent to planted areas;
- c. Amended locations of proposed tree plantings to indication maximum tree setback from edges of garden beds;

The following amendments to the proposed planting and layout are to be specified or detailed on amended landscape plans

- d. The dominant plants selected for use in all areas must be non invasive and long lived exotic species of moderate diversity, and characteristic of the locality.
  - e. Reinforce, wherever possible, successful established elements within the landscape. Species such as *Platanus* x hybrids, *Prunus serrulata* cvs, *Pyrus calleryana* cvs, *Viburnum tinus*, *Rhododendron* (Azalea) cultivars, *Abelia grandiflora*, *Coleonema pulchrum*, *Ulmus glabra*, *Quercus palustris* and *Betula pendula* are long lived exotic species successful in this setting.
  - f. Include within planting beds species capable of achieving sufficient height to foil the bulk and scale of the built form. Use taller, narrow species compatible with the reduced scale of the planting beds.
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- g. Select a combination of deciduous and coniferous species for the dominant plantings. Species selected should have a proven ability to survive in hostile environments. Suitable deciduous species include *Pyrus calleryana* 'Capital', *Prunus cerasifera* "Oakville Crimson Spire", *Acer rubrum* 'Scarsen-Scarlet Sentinel' and conifers such as *Cupressus sempervirens* 'Glauc', and worth considering new cultivars such as *Quercus palustris* 'Pringreen' Green Pillar, given how well the site appears to suit the Pin Oak.
  - h. Retain all trees at the eastern entry point from Megalong Street, including three *Betula pendula* and a *Fraxinus oxycarpa* "Raywoodii" in the western bed and a *Fraxinus* in the eastern bed (unless removal of any tree can be justified to the Council's satisfaction). Should the need for the removal of a portion of these trees be demonstrated, replacement with narrow upright trees from the above list under-planted with *Azalea* cultivars would be appropriate.
  - i. At least one of the two conifers at the visual termination of the southern most pedestrian link from Grose Street and the Council car park shall be retained and incorporated into a revised landscape entry threshold in the area identified by amendments in red.
  - j. Modification of the proposed planting style and plant selection along the Leura Mall is required. An eclectic planting style is more likely to retain consistency with the existing landscape style, rather than the proposed ranked underplanting of single species.
  - k. Trees # 9 must be accurately located and identified on landscape plans
  - l. Clarify the requirement for the proposed replacement planting of a *Platanus x hybrida* in the north eastern most sector of the carpark. Any new planting must not compromise existing plantings.
  - m. There must be no conflict between artificial lighting and existing and proposed planting. All light poles must be located well clear of existing or proposed trees, and the anticipated canopy spread of the trees at maturity should be used to determine locations.
  - n. The English Oak *Quercus robur* (tree #5) is to be retained and protected, with remediation measures undertaken as nominated in the Arborist's Report (recommendations 7.2 and 7.3). Removal of existing spoil, building materials and implementation of initial remedial care under the supervision of an arborist is to occur early in the construction phase, with details to be submitted with the amended landscape plan.
  - o. In order to assist in traffic management around the entry point to the underground carpark, ameliorate the impact of the hardstand and provide a visually dominant landscape feature in this key area, an advanced tree of sufficient scale shall be provided in the location of tree #6. In order to accommodate the larger landscape feature and provide sufficient soil volume in the location of tree #6, amendment of the proposed garden bed layout is required, necessitating the loss of one parking bay and a trolley bay.
  - p. In the area between the replacement planting for tree # 6 and tree # 8, provide two tall columnar deciduous or coniferous trees.
  - q. Provide a *Magnolia* only to replace tree #7
  - r. The rendered blockwork planter box proposed on the northern elevation shall be deleted from the floor plans as a legal maintenance access is not

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able to be secured. The building recesses, which are intended to ameliorate visual bulk as viewed from Leura Mall are to be retained without alteration.

- s. All trolley bays within the Council car park and adjacent to the loading dock are to be replaced with planter beds, with appropriate planting to be specified in amended landscape plans.
- t. To create a visual barrier to vehicle movement, and an impediment to trolley movement, replace proposed central (ground layer) planting of *Trachelospermum jasminoides* in the 31 new carpark bays with a more robust and visible tufted species, such as *Lomandra 'Tanika'* or smaller *Dianella* cultivars (which are rhizomatous and more able to recover from impact)
- u. The central planter bed should also serve to capture and channel rainwater to tree plantings (as a 'bioswale'). Proposed car park grades provide for this function, but the kerb would need to be omitted on the western edge of the carpark space, or provided with gaps sufficient to enable surface water movement to garden beds. The sub grade of garden beds should be graded accordingly and growing media selected and prepared in order to facilitate this secondary role.
- v. *Trachelospermum jasminoides* appears to be appropriate for use as an espaliered growth form on the proposed wall, however some amendments to the espalier frame are recommended in order to provide further visual interest along an otherwise featureless wall. It is recommended that the wires be either shaped or stepped rather than provided at a single height for the length of the wall.

The plan must be submitted to and approved by Council prior to the release of the Construction Certificate.

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#### **Roads Act approval**

17. Prior to the issue of the Construction Certificate, fully detailed engineering plans of all works within the road reserves are to be submitted to and approved by Council pursuant to the Roads Act 1993.

The plans are to include Traffic and Pedestrian Management Plans and Erosion and Sediment Control Plans for each component of the works.

Assessment and approval fees will be charged in accordance with Council's Fees and Charges.

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#### **Approval of car park reconfiguration and reconstruction design**

18. Prior to the issue of the Construction Certificate, fully detailed engineering plans of the reconfiguration and reconstruction of the Council car park are to be submitted to and approved by the Principal Certifying Authority.

The plans are to be supported by written confirmation from Council's Assets and Property Sections of their approval of the design plans.

The design is to include the following:

- a. All internal driveways, ramps, car parking areas, loading docks, accesses,( including sight distances, layout, dimensions, grades ,turning paths ,regulatory controls etc) shall be designed and in accordance with the relevant Australian and RTA Standards, especially Australian Standards (AS) 2890.1/2004 and AS 2890.2/2002. Clearance Heights are to be in accordance with AS2890 and the BCA

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- b. The extent of works shall be subject to engineering design
  - c. The design is to minimise the cut and fill in the Council Car Park especially as the result of pedestrian access to the development and vehicular accesses to the basement car park and the loading dock.
  - d. The design is to include drainage calculations, catchment plans, plan views with existing and finished surface contours and levels, cross sections ,typical cross sections, longitudinal sections,. Longitudinal Sections of access driveways (on both sides of the driveways if required) etc.
  - e. The design is to be based on a survey contour/level plan prepared by a registered surveyor to AHD datum.

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**Performance and  
Maintenance Bond**

19. Prior to the issue of a Construction Certificate, a \$100,000 performance, maintenance, damage and defects bond is to be lodged with the Council. The bond may be in the form of an unconditional bank guarantee with no expiry date, a bank cheque or cash. The bond is to cover the safety of the public, environmental protection, and performance and maintenance of the works and damage during and after construction in Council's Car Park and the road reserves.

This bond shall be retained for twelve (12) months after construction is completed to the satisfaction of Council's Supervising Engineer. The bond period commences at the issue of a successful final inspection of the works by the Council. The bond will be released upon an application being made by the applicant subject to the satisfactory performance of the works. The applicant is to pay a bond inspection fee upon lodgement of the application for the release of the bond.

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**Stormwater Management  
Plan**

20. Prior to the issue of a Construction Certificate a Stormwater Management Plan (SMP) shall be submitted to and approved by Principal Certifying Authority. The SMP must be prepared to comply with clause 57 (Stormwater management) of LEP 2005 as relevant to the development. The SMP is to address in particular:
- a. the provision of a gross pollutant trap within the development site to treat runoff before it is discharged into the Leura Mall drainage system.
  - b. all stormwater runoff from impervious areas of the site are to be collected and drained by a gravity underground stormwater system to the Leura Mall drainage system. The stormwater system is to be designed by a qualified person for a 1 in 20 years ARI, 5 minutes duration storm and in accordance with ARR 2001. Provision shall be made for an emergency overland flow path capable of conveying all surcharge flows up to and including the 1 in 100 years ARI storms to the public road.

The basement pump out system shall be designed and incorporate the following:

- The pump system shall consist of two (2) pumps, connected in parallel. An overflow, flashing light, and an audible alarm are to be provided to warn of pump failure.
- Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line and connected to the street gutter by a suitable gravity line.

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**Relocation of sewer system**

21. Detailed design options for the relocation of the sewer system affected by the construction of the basement car park are to be submitted to and approved by Council prior to release of construction certificate

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**Additional amenity facilities**

22. To ensure convenient and safe facilities are provided for patrons of the retail development, plans are to be amended to provide for an additional unisex toilet facility that provides for the following outcomes:
- a) the facility is to be located within, or accessed directly from, the area of the internal terrazzo Mall as depicted on the ground floor plan 04006 DA01.05M prepared by D&R Architects, and
  - b) the facility shall be accessible to people with a disability in accordance with AS1428.1-2001 Design for access and mobility, and
  - c) the facility shall be available for use by patrons during the operating hours of the main food shop, and
  - d) the facility is to include baby change facilities.

Details of amendments to plans are to be submitted to and approved by the Council prior to the issue of a construction certificate.

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**Deletion of the trolley bays in the Council car park.**

23. The trolley bays shown on plan 04006 (SK04.05N) DA01.05N (Ground Floor Plan) prepared by D & R Architects that are located within the Council car park are to be deleted and replaced by planter beds and landscaping. The trolley bay adjacent to the loading dock shall be replaced by a raised planter bed.

Details of amendments to plans are to be submitted to and approved by the Council prior to the issue of a construction certificate.

Notwithstanding this condition, a Shopping Trolley Management Plan (STMP) prepared in accordance with the relevant condition of this consent and approved by the Council prior to the issue of any occupation certificate may provide for the reinstatement of one or more trolley bays within the Council car park.

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**Access and mobility design statement**

24. To ensure access and facilities for people with a disability or limited mobility are provided in accordance with the principles of the *Disability Discrimination Act 1992* and the Council's planning instruments, a statement is required from a suitably qualified Access and Mobility Specialist certifying that the development (excluding Existing Shop 1 and Existing Shop 2) is accessible to people with a disability in accordance with the relevant part of the Council's *Better Living DCP* and Australian Standard AS 1428.1-2001 *Design for access and mobility – General requirements for access – New building work* as per clause 107 (Access to public buildings and public land) of *Local Environmental Plan 2005*.

This statement is to form part of the Construction Certificate documentation.

This condition is not imposed in relation to Existing Shop 1 and Existing Shop 2 as the provisions of LEP 2005 only apply to the design of new buildings, facilities and structures. As the proposal involves no structural work or alterations to the existing access to these buildings, this condition does not apply to those premises.

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Nothing in this condition alters any obligations imposed under the *Disability Discrimination Act 1992*.

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**Building dilapidation report**

25. A dilapidation report on the adjoining buildings (both those retained on site and on neighbouring sites including the Post Office building) is to be prepared by the applicant and submitted to the Principal Certifying Authority prior to issue of the Construction Certificate

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**Maintenance of garage management areas**

26. To enable waste garbage bins and storage areas associated with the development to be effectively cleaned and to prevent foul odours, garbage bin washing area is to be provided to the development and provided with a water supply through a hose tap and paved with an impervious material and graded and drained to an approved waste disposal system in accordance with Council's *Better Living DCP*. Details are to be provided within the Construction Certificate documentation.

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**Food Premise and Equipment**

27. To ensure the premises are constructed so as to be suitable for the safe and hygienic preparation of food, the fit-out of the premises is to comply with the National Food Standard 3.2.3 "Food Premises and Equipment" and Australian Standard AS4674-2004, "Design, Construction & Fit-out of Food Premises". Details are to be submitted to the Principal Certifying Authority as part of the Construction Certificate documentation

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**Waste for food premises**

28. To ensure that waste materials are stored by an appropriate method, garbage and recycling facilities are to be provided in accordance with AS4674-2004. Details including tap and drain to reticulated sewer are to be submitted to the Principal Certifying Authority as part of the Construction Certificate documentation.

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**Hand Basins for food premises**

29. Designated hand wash basin/s is required for the washing of hands. The washbasin shall be of an adequate size to wash hands and arms. There shall be a permanent supply of warm running potable water delivered through a single outlet. Taps to the hand washbasin must be hands free or elbow operated.

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**Mechanical ventilation for food premises**

30. Adequate mechanical ventilation (exhaust systems) is to be installed and must comply with the Building Code of Australia and the requirements of Australian Standard 1668. Details are to be submitted to the Principal Certifying Authority as part of the Construction Certificate documentation.

**[Advice:** The following advice is providing in relation to food safety

- To comply with Clause 4 of the Food Safety Standard 3.2.2, the NSW Food Authority should be notified of details of the food business. You are referred to the website where this may be done cost free [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)
- To comply with Clause 3 of the Food Safety Standard 3.2.2, a food business must ensure that persons undertaking or supervising food handling operations must have appropriate skills and knowledge of food hygiene and safety matters.

- Information relating to food businesses may be obtained on Council's website [www.bmcc.nsw.gov.au](http://www.bmcc.nsw.gov.au) and the NSW Food Authority website [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)

## E Prior to Commencement of Works

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### Construction Management Plan

31. Prior to the commencement of works, a Construction Management Plan shall be submitted to and approved by the Principal Certifying Authority. Written evidence is to be provided confirming the approval of Council's Assets and Property Sections where the Construction Management Plan affects the Council's car park.
- The Plan is to detail and or address but not be limited to the following:
- a. The Construction Program including the Demolition Management Plan.
  - b. The Traffic Management Plan (TMP).
  - c. Staging of work especially to minimize the impact on the public.
  - d. The Plan is to be devised after consultation with all adjoining land owners and tenants and the Leura Village Association.
  - e. Construction access is to be limited to outside peak hours.
  - f. Routes of construction vehicles, with construction traffic not to access the site via Leura Mall between Railway Parade and Megalong Street, (except in relation to specific works within Leura Mall road reserve).
  - g. Proposed hoarding location, type, height, and duration, noting that a separate approval is required for the erection under the Roads Act for works in the public road, including proposed methods to ensure the safe and convenient use of the council car park facility.
  - h. Proposed method for maintenance of safe pedestrian access along the Leura Mall frontage of the site and within the Council car Park at all times.
  - i. Proposed method for protecting retained heritage or historic buildings (both adjoining and external to the site) during the excavation process, which may require specialist input from a heritage engineer.
  - j. Days & hours of construction.
  - k. Proposed delivery/loading/storage locations, noting that roads and the public car park that are not proposed to be altered as part of the development shall not be used as loading or storage locations.
  - l. Location of site shed, toilet and other construction amenities

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### Preconstruction meeting

32. Prior to commencement of works within the Council's car park and the road reserves, a preconstruction meeting is to be held with Council's Supervising Engineer.

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### Installation of hoarding

33. Prior to the commencement of construction, to minimise the impacts of onsite works on the adjacent uses and ensure the protection of the public, hoardings are to be provided on all sides of the site to the requirements of NSW Workcover Authority. The Hoardings are to be in accordance with the Council's Policy for Temporary Fencing (Hoardings)/ Barrier Systems dated 24 March 2009, Work Cover requirements and other relevant Australian Standards and Statutes.

Where the hoardings affect the road reserve and/or Council's car park areas, an application for the erection of the hoarding is to be submitted to and approved by Council prior to the erection of the hoarding.

The Existing Hoardings are to be replaced to be in accordance with the

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Council's Policy for Temporary Fencing (Hoardings)/ Barrier Systems dated 24 March 2009, Work Cover requirements and other relevant Australian Standards and Statutes.

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**Car park, road and drainage dilapidation report**

34. Prior to the commencement of works within the development site and/or the road reserve, a dilapidation report on Council's car park, public roads and drainage system is to be prepared by the applicant and submitted to and approved by Council.

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**Insurance**

35. All contractors working in the road reserve and Council or Public land (Including the Council Car Park) shall be covered for workers compensation and public liability insurance to the amount of \$10 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to Council's supervising engineer at the pre-construction meeting

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**Builders details**

36. Prior to any works commencing on the site, written advice as to the builder's details (name, address and licence number) is required for Council records.

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**Construction Signage**

37. To ensure that the site is easily identifiable for deliveries and provides information on the person responsible for the site, a sign displaying the following information is to be erected:
- + The statement "*Unauthorised access to the site is not permitted*".
  - + The names of the builder or another person responsible for the site along with an out of hours contact number.
- Lot or Street number.

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**Installation of sediment and erosion controls**

38. Sediment and erosion controls are to be installed in accordance with the approved Erosion and Sediment Control Plans prior to the commencement of works.

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**Installation of pedestrian and traffic controls**

39. All pedestrian and traffic controls are to be installed in accordance with the approved Pedestrian and Traffic Management Plans prior to the commencement of works



## F During Construction

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### Site management

40. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, all works are to be managed in accordance with the approved Construction Management Plan, and the following:
- a) Days & hours of construction:
    - Monday to Friday: site and building works (including the delivery or removal of materials) shall only be carried out between the hours of 7am to 5pm.
    - Saturday: only those site and building works that result in no adverse noise impact are permitted and shall only be carried out between the hours of 8am to 3pm. No delivery or removal of materials is permitted on that day and workers' vehicles are not to be parked within the public car park area.
    - Sunday, Public Holidays and the Leura Fair: No site or building works or delivery or removal of materials is to be carried out on the Saturday of the Leura Fair, any Sunday or Public Holiday.
  - b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be wholly contained within site, and stored clear of any drainage path or easement, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - c) Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken wholly within the development site. The pollutants from these building operations shall be contained on site.
  - d) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

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### Plans on site

41. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

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### Disposal of material offsite

42. It should be noted that disposal of excess spoil within the Blue Mountains Local Government Area at a location other than an approved waste disposal depot will require the lodgement of a separate Development Application.

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### Management of works within the road reserve and Council's car park

43. All works within Council's Car Park, and public road reserves are to be managed by a suitably qualified and experienced person on behalf of the applicant.

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### Inspections of engineering works within the road reserve and Council's car park

44. To ensure all works are completed in accordance with the appropriate specifications and approved plans, compliance certificates for works undertaken off site are to be issued at significant stages throughout the construction period.

The inspections are to be carried out by Council's Engineer, and an inspection fee will be payable in accordance with Council's current schedule of fees & charges.

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Council's Engineer will require a minimum of 48 hours notice to conduct an inspection.

These stages are:

- a. Pre construction meeting.
- b. Roads, driveways, car parks, turning areas and passing bays  
After set out (prior to any excavation)  
Laying and compaction of subgrade  
Compaction of roadbase or placing reinforcement for concrete works  
During sealing of pavements  
Final – all disturbed areas revegetated.
- c. Kerb construction  
After set out (prior to any excavation)  
Laying and compaction of subgrade  
Placement of stringline  
During placement of kerb  
Compaction of roadbase to existing road  
During sealing of pavements  
Final – all disturbed areas revegetated.
- d. Pedestrian pathways  
After set out (prior to any excavation)  
After boxing out of pathway  
Final – all disturbed areas revegetated.
- e. Stormwater Drainage  
After set out (prior to any excavation)  
After installation of pits and pipes, prior to backfilling  
Final – all disturbed areas revegetated.
- f. Final inspection of completed development.

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**Conservation and protection  
of trees and other existing  
vegetation**

45. In order to restrict access during any site preparation or construction activity, Tree Protection Zones (TPZ) using (temporary or permanent fencing or similar) must be erected around all trees and other vegetation to be retained, and which occur adjacent to any proposed work area.

During construction works there shall be:

- a) No excavation, trenching or soil removal carried out within the dripline of any tree to be retained beyond those works indicated on the approved plans, without the prior written consent of Council.
- b) No goods or materials stored or vehicles parked within the dripline of any tree to be retained on the subject site.

The Tree Protection Zone must be established prior to the commencement of works.

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**Provision of services within  
the TPZ**

46. The provision of underground services must be in accordance with the Australian Standard 4970-2009 for the protection of trees on development sites.
- c) All services should be routed outside the Tree Protection Zone (TPZ) to be established at a distance determined by the arborist, and in accordance with the arborists recommendations. If underground services must be

	<p>routed within the TPZ, they should be installed by directional drilling or in manually excavated trenches.</p> <p>d) The directional drilling bore should be at least 600 mm deep. The project arborist should assess the likely impacts of boring and bore pits on retained trees.</p> <p>e) For manual excavation of trenches the project arborist should advise on roots to be retained and should monitor the works. Manual excavation may include the use of pneumatic and hydraulic tools.</p>
<hr/> <b>Canopy/root pruning options</b>	<p>47. To minimise impacts on the trees to be retained on site:</p> <p>a) Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.</p> <p>b) Canopy and/or root pruning of certain tree/s deemed necessary to accommodate the approved construction works and as indicated on site plans shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.</p> <p>c) Severed tree roots and exposed root-plate profiles are to be protected by the placement and securing of jute or coir matting or similar to completely cover the exposed surface until such time as backfilling operations provide permanent re-covering of exposed surfaces. The protective fabric should be maintained in a moist condition as far as is practicable.</p>
<hr/> <b>Accidental damage to trees and other vegetation to be retained</b>	<p>48. If, in the course of approved construction or excavation works, any tree or other vegetation occurring within the existing planting beds indicated on approved landscape plans, and accompanied by the notation 'Retain and make good existing planting' suffers accidental damage to the primary root zone, trunk, crown or major branching, the plant(s) shall be treated as soon as it is practicable, or within 48 hours (whichever is the lesser) by an Arborist or a qualified horticulturalist.</p> <p>If repair work is attempted and fails, or is impracticable, additional vegetation removal may be undertaken only following Council notification.</p> <p>Replacement planting of additional advanced to super-advanced landscape species, characteristic of the locality, or of the same species as the damaged vegetation, is a requirement should this situation arise. This includes replacement of any ground layer species accidentally damaged.</p> <p>Where alternative species are proposed the selection must be approved by the Council.</p>

## G Prior to issue of Occupation Certificate

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### Works required within the public road reserves, laneways and walkways

49. Prior to the issue of any Occupation Certificate, the following engineering works shall be constructed to Council's satisfaction within the public road reserves:
- a. the eastern driveway apron crossing and layback to the Council car park is to be reconstructed in heavy duty reinforced concrete to cater for the entry & exit turning manoeuvres and heavy wheel loads of the largest delivery and waste collection vehicles. This work is to include any necessary alteration to the existing infrastructures, drainage, signage, line marking, transitions of the adjacent footpaths and the internal driveway levels, reconstruction of the existing road pavement and seal in Megalong Street adjacent to the entry etc to make the construction effective.
  - b. Subject to detailed engineering assessment (CCTV, works as executed plans and analysis of the pipe capacity), the reconstruction of the existing stormwater drainage pipeline adjacent to the kerb and gutter in Leura Mall from the site to Megalong Street. This pipeline construction was a condition of consent in Development Application X/543/2005 and has not been inspected or approved by Council. This work is to include the trench restoration, pavement reconstruction and asphalt sealing of the route of the pipeline.
  - c. The obsolete driveways and gutter crossings within the Leura Mall site frontage are to be removed and reinstated with vertical kerb and gutter and footpath paving to match existing footpath treatment in Leura Mall. The restoration is to include the repair to the damaged footpath adjacent the site over the full frontage. The extent of works is to be as determined by engineering design.

The reconstruction & restoration of the northern most laneway connecting Leura Mall and the Council carpark with paving blocks to match the existing. The quality of the finish is to be consistent with or enhance the existing walkway finish. These works are required due to the extension of electrical services within this walkway.

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### Works required within the Council's car park

50. Prior to the issue of any Occupation Certificate, the following engineering works shall be constructed to Council's satisfaction within the Council car park:
- a. The main eastern driveway of the Council Car Park off Megalong Street is to be reconstructed in heavy duty reinforced concrete from the road boundary to the delivery dock to cater for the heavy wheel loads of the delivery and waste collection vehicles. This work is to include the heavy duty reconstruction of the delivery and waste collection vehicle manoeuvring area adjacent to the loading dock. Pavement design is to be in accordance with Council's DCP 31.
  - b. For the Council Car Park generally, the provision of Asphaltic Concrete (AC) sealed pavements in accordance with pavement design as per DCP 31. Minimum pavement thickness to be 150mm DGB20 base course with 50mm AC10 surface course on an approved subgrade.

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- c. the reconstruction/reconfiguration & linemarking of the Council carpark generally in accordance with AS2890 in so far as it relates to aisle widths, parking bay size and sight distances. The Council Car Park is to be reconstructed and/or reconfigured generally in accordance with the approved plan DA01.03 J prepared by D+R Architect dated 15 January 2010, as amended in red by Council, and subject to approved engineering plans.
  - d. the reconstruction/reconfiguration of the Council car park is to include the extension of the existing pipelines and the construction of stormwater pits as determined necessary by engineering design.
  - e. The adjustment and alteration of the existing lighting as follows:
    - Adjustments to lighting in the car park to comply with Australian Standard for category P11 (spaces, isles) and P12 (parking designated for disabled).
    - Adjustment to lighting for walkways to the car park from Leura Mall (including the laneway past the Post Office) and the provision of lighting from Grose Street (including the two laneways) to comply with Australian Standard for category P2.
    - Luminaries to be determined by lowest possible electricity consumption for the light spacings.
    - The style of posts, lanterns and luminaries to be determined to best fit with the character of the town centre precinct and to reduce glare to adjoining properties.
  - f. the provision of intersection treatments, traffic calming, signs and markings (including for Stop signs, Give way signs parking regulatory signs directional signs etc) to the approval of the Local Traffic Committee (LTC) and to the requirements of Council.

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**Works required within the proposed retail development site**

- 51. Prior to the issue of any Occupation Certificate, the following engineering works shall be constructed to the Principal Certifying Authority's satisfaction within the retail development site:
    - a. Kerbs and formation paving and sealing of access driveways Loading Dock and car parking areas in the development site together with any necessary drainage, retaining walls and other engineering works that may be required to make the construction effective shall be provided. The access driveway connection of the basement ramp to the Council Car Park is to be amended as shown in red ( including the provision of contrasting pavement, non mountable median, blisters, 150 kerbs, see through pedestrian barrier fencing, stop sign and stop line treatments etc).
    - b. All internal driveways, ramps, car parking areas, loading docks, accesses,( including sight distances, layout, dimensions, grades ,turning paths ,regulatory controls etc) shall be designed and constructed in accordance with the relevant Australian and RTA Standards, especially Australian Standards (AS) 2890.1/2004 and AS 2890.2/2002. Clearance Heights are to be in accordance with AS2890 and the BCA
    - c. A stormwater drainage system that is to include a gross pollutant trap and a sump and pump system to drain the basement car park. The stormwater drainage system is to connect directly into the stormwater pit
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within the Leura Mall site frontage.

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**Structural certificate**

52. To ensure all structural works have been completed in accordance with the approved structural details, a certificate from a registered Structural Engineer is to be submitted to the Principal Certifying Authority and to Council (for works in the Council Car Park and Public Roads) on completion and prior to occupation or use. This shall certify that all structural components of the work have been constructed in accordance with the approved structural details and is structurally adequate for the imposed loads.

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**Registration of right of  
carriageway and easement  
for services**

53. To ensure vehicle access rights in perpetuity, a right of carriageway under Section 88B of the Conveyancing Act, 1919 shall be prepared and registered over the vehicular access path through the public car park facility from Megalong Street in favour of the retail development site.

To ensure legal servicing of the development, any easements under Section 88B of the Conveyancing Act, 1919 required for services through the public car park facility in favour of the retail development site shall be prepared and registered.

No rights of carriageway or easements shall be registered over Lot 3 DP 574808 (164A Leura Mall) or Lot 4 DP 574808 (168A Leura Mall).

The applicant shall bear all costs associated in the preparation of the subject 88B Instrument. The wording of the Instrument shall be submitted to and approved by Council prior to lodgement at NSW Land and Property Information.

The right of carriageway and easement for services are to be registered prior to issue of the Occupation Certificate.

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**Positive covenant for  
maintenance of the  
stormwater drainage system**

54. To ensure the stormwater drainage system (including gross pollutant trap and sump/pump system) is satisfactorily maintained, a covenant under Section 88E of the Conveyancing Act, 1919 shall be prepared and registered over the subject land.

The terms of the 88E Instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall agree to be responsible for keeping clear and the maintenance of all pits, pipelines, trench barriers and other structures.
  - b. The Proprietor shall agree to have the stormwater drainage system inspected annually by a competent person.
  - c. The Council shall have the right to enter upon the land referred to above at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the stormwater drainage system or which convey stormwater from the said land and recover the costs of any such works from the Proprietor.
  - d. The registered Proprietor shall indemnify the Council and any adjoining landowners against damage to their land arising from the failure of any component of the stormwater drainage system or failure to clean, maintain and repair the stormwater drainage system.
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The applicant shall bear all costs associated in the preparation of the subject 88E Instrument. The wording of the Instrument shall be submitted to and approved by Council prior to lodgement at NSW Land and Property Information. Proof of registration with NSW Land and Property Information shall be submitted to Council prior to the issue of the Occupation Certificate.

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**Loading Dock Management  
and Waste Collection Plan**

55. A Loading Dock Management and Waste Collection Plan is to be submitted and approved by Council prior to the issue of any Occupation Certificate. The Loading Dock Management and Waste Collection Plan is to be designed to control and manage the servicing of the site. This plan is to ensure that:
- a. All delivery and service vehicles accessing the Council Car park that are equal to or greater than 8.8m Medium Rigid Vehicles (MRV) are restricted to the eastern driveway off Megalong Street.
  - b. Deliveries to, and waste collection from the supermarket loading dock off the Council Car Park are to be managed so that one vehicle arrives and departs before the next vehicle arrives and departs. That is only one vehicle is to use the Council Car Park at all times.
  - c. Servicing takes place outside of the weekday and trading peaks.

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**Restore disturbed area**

56. All disturbed earthworks and/or batters are to be restored, stabilised, topsoiled and turfed/revegetated to Council's satisfaction prior to release of the Occupation Certificate

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**Works as Executed plans**

57. Prior the issue of the Preliminary Final Inspection Report and prior to the issue of the Occupation Certificate, a Works as Executed Plan of all engineering works in the Council car park and the road reserves together with an engineer's certification confirming that all works have been constructed in accordance with the approved plans and specifications shall be submitted to and approved by the Council.

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**Certification by Council**

58. Prior to the issue of the Occupation Certificate, a certificate shall be obtained from Council to verify that all works within the Council Car Park and The Public Roads/Lanes have been completed in accordance with the approved plan and to Council's satisfaction

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**Landscape implementation**

59. Landscape works shall be carried out in accordance with the approved and amended Landscape, or otherwise as detailed by the following:
- Carpark planting
- a) Planter beds will use Gap Graded or "structural" soils in the subsoil layer to assist in the provision of a sustainable growing medium for selected species.
  - b) In order to provide the necessary soil volume for tree species to be used in the carpark area, the same structural subsoil should be provided beneath the car parking bays adjacent to the trees.
  - c) The soil volume provided within each planter bed must be sufficient to ensure successful establishment and growth of selected tree and shrub

	<p>species</p> <p>d) In order to reduce the potential for damage to tree trunks and to reduce subsequent pruning maintenance, trees are to be located to the centre of planting beds;</p> <p>e) Wheel stops or other means by which damage to vegetation will be prevented should be indicated for new planter beds;</p> <p>f) No tree or shrub planting should occur in areas where car overhang will occur; and</p> <p>g) Tree protection measures such as tree guards, fencing and other schemes necessary to ensure successful establishment of approved plantings are to be indicated on landscape plans.</p> <p>Healthy and vigorous plants must be sighted in the landscape prior to issue of the Occupation Certificate.</p>
<hr/> <b>Access and mobility certification for constructed building</b>	<p>60. To ensure appropriate access and facilities are provided, certification is required from a suitably qualified Access and Mobility Specialist that the development as constructed in accordance with an approved Access and Mobility Design Statement approved under this consent.</p> <p>This certification is to be provided to the Principal Certifying Authority prior to release of any Occupation Certificate.</p>
<hr/> <b>Acoustic report</b>	<p>61. In having regard to adjoining residential properties, noise from any activity associated with the development including plant (air conditioning, mechanical exhaust and ventilation, refrigeration equipment for food premises), loading and unloading of deliveries, garbage collection, recyclable material collection and cardboard compactor is not result in objectionable noise to any affected residence.</p> <p>At a minimum, the noise control measures shall be implemented in accordance with the recommendations of the Noise Impact Assessment prepared by Reverb Acoustics and dated June 2009, which accompanied the application, with the exception of proposed delivery times which are separately conditioned.</p> <p>A report certifying compliance with the Noise Impact Assessment Report prepared by Reverb Acoustics (including any additional measures to be incorporated to minimise noise impact), shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate. The report is to be prepared by a suitably qualified and practising acoustic engineer.</p>
<hr/> <b>Capacity indicator for basement parking facility</b>	<p>62. To promote the utilisation of the basement parking facility and to enable its safe and convenient use by customers of retail facilities, an electronic capacity indicator (depicting the number of available spaces) shall be provided at the entrance of the basement facility or within the public car park. Details of the electronic capacity indicator and its location shall be submitted to and approved by the Council and installed in the approved location prior to the issue of any occupation certificate.</p>



## H Occupation and ongoing use

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### Hours of operation

63. The trading hours of the food shop and specialty shops is limited to 7am to 10pm daily.

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### Advertising signs

64. Signage shall be limited to the details shown on the elevations prepared by D&R Architects, being drawing number 04006 (SK04.07K) DA01.07 H dated 15 January 2010 , except as modified by this condition:

#### Leura Mall:

To protect the visual amenity of Leura Mall and the Central Leura Urban Conservation Area:

- a) The “Woolworths” signage panel to the fascia of the glass roof above the entry from Leura Mall shall not be illuminated.
- b) Under-awning signage for specialty shops shown on the plans within Leura Mall may be internally illuminated.
- c) There shall be no advertising signs, promotional displays or the like on the walls on the northern elevation of the building.
- d) The fixed glazing on the northern elevation shall not be used for advertising signage or similar purposes.
- e) There shall be no advertising signs, promotional displays or the like on the walls of “Existing Shop 1” or “Existing Shop 2”.
- f) To enable provision of pedestrian way finding to the through-site link and the food store retailer from Leura, details of proposed signage may be submitted for approval by the Council in writing prior to the issue of an occupation certificate. Such signage may include a single additional under-awning sign that is internally illuminated.
- g) No other advertising signs, promotional displays or the like are permitted within the area labelled as the reinstated laneway, being the entrance to the development from Leura Mall.

#### Signage Pylon (Lift shaft):

To reduce the potential for adverse impacts on adjoining properties and to moderate impacts arising from signage that projects above the rooflines of buildings, no signage on the eastern and northern façade of the lift shaft shall be illuminated. The decals on the southern elevation may be illuminated only by way of subdued internal illumination.

#### Southern elevation:

To protect the amenity of the locality, the food store signage panel shall only be illuminated during the approved opening hours.

#### Illumination

To maintain the ambience of Leura Mall, the level of illumination of signage and any lighting of buildings and pavements shall be minimised and shall not create a glare impact.

The illumination of signage on the southern elevation shall provide no adverse

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glare impacts from Megalong Street.

Any other signage not approved as part of this condition shall require separate development consent.

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**Limits to retail gross floor area, display of goods and the use of public space**

65. The "Food shop" is to be limited to 1500m<sup>2</sup> Gross Floor Area as defined by *Local Environmental Plan 2005*.

There shall be no retail or display of goods or services in a form of a kiosk or otherwise within the area of the internal terrazzo Mall as depicted on the ground floor 04006 (SK04.05N) DA01.05 prepared by D&R Architects and dated 17 February 2010.

This mall space is to be kept free of impediments at all times to provide safe pedestrian access. Nothing in this condition prevents the placement of seating, bins and the like.

To avoid conflict with the use of public space adjoining the site no materials, goods, advertising structures, promotions or the like shall be stored, placed or displayed anywhere outside the building and property boundaries.

Any use of the public space outside the building for the seating or the sale/storage of goods shall require approval.

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**Vehicle Operation**

66. a) All vehicles are required to enter and leave the site in a forward direction, except vehicles utilising the loading dock.
- b) The size of delivery and service vehicles visiting the site from the Council Car park is to be restricted to a 14.4m small semi trailer/articulated vehicle.
- c) Delivery and service vehicles equal to or greater than the 8.8m Medium Rigid Vehicle (MRV) AS 2890.2/2002 visiting the site are not to use the Council Car Park, except as conditioned in this consent and/or approved by Council
- d) The size of delivery and service vehicles using the kerb side Loading Bay adjacent the site in the Leura Mall is to be restricted to a 12.5m Heavy Rigid Vehicle (HRV) as per AS 2890.2/2002.
- e) The size of vehicles using the underground/basement car park is to be restricted to B99 design car as per AS 2890.1/2004.
- f) Delivery vehicles and service vehicles for the Woolworths supermarket are to only stand in the loading dock within the development site only and are not to stand or park within the Council Car Park.
- g) Delivery and Service vehicles for the other shops with a frontage to Leura Mall are to use the on-street loading bay in the Leura Mall only.

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**Permissible days and hours for delivery and waste removal**

67. To protect residential amenity and minimise impacts on the functioning of the car park:
- a) On Monday to Friday (excluding public holidays), delivery and waste removal vehicles are only permitted to enter the Council car park between the hours of 7am and 8pm, with all vehicles are to leave the loading dock and Council car park by 9pm.
- b) On Monday to Friday, deliveries shall be minimised during peak use periods of the car park (being 10am to 3 pm or other period agreed in

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writing by the Council), with vehicle size to be minimised during those periods.

- c) On Saturdays, Sundays and public holidays, delivery and waste removal vehicles are only permitted to enter the Council car park to access the loading dock between the hours of 7am and 10am (with no more than 3 vehicles to enter the site) and between the hours of 3pm to 6pm (with no more than 3 vehicles to enter the site).
- d) On Saturdays, Sundays and public holidays, any vehicles entering the Council car park shall be no larger than an 8.8 metre Medium Rigid Vehicle (HRV) as per AS 2890.2/2002.

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**Public use of basement parking facility**

68. As the basement parking facility is partially located on land previously providing car parking spaces within the public car park, the basement parking facility is to be made available for use by the public during operating hours of the retail complex.

The Council is to provide written approval prior to the implementation of time restrictions, or changes to those restrictions, that are proposed in relation to the use of the basement parking facility, but only where such restrictions limit the use of the facility to less than two hours.

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**Monitoring the Council Car Park Circulation Pattern**

69. To ensure ongoing safe and efficient use, the Council Car Park circulation pattern shall be monitored by Council after the operation of the development commences. The Council may implement any changes to the circulation, signage and line-marking associated with the Council car park.

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**Management of Shopping Trolleys**

70. Prior to the issue of any occupation certificate, a Shopping Trolley Management Plan (STMP) is to be submitted to and approved by the Council.

The STMP is to be prepared in consultation with the Council in its capacity as owner and asset manager of the Council car park, with evidence to be provided of the Council's agreement of the proposed management measures that affect the Council car park.

The plan is to include the following:

- a) Measures to limit the storage of trolleys within the Council car park and to encourage the return of trolleys from the Council car park to the "trolley park" within the development site.
  - b) These measures shall comprise a coin operated trolley return system or other management measure/s to the satisfaction of the Council.
  - c) Measures to discourage trolleys being taken into that part of the Council car park to the east of the development site, so as to avoid pedestrian conflict with vehicles and constraints arising from cross-fall and travel distance.
  - d) Shopping trolley collection bays are to be confined to the supermarket site and basement car park, but measures may include the provision of one or more trolley bays within the Council car park with the agreement of the asset manager of the Council car park as part of the STMP.
  - e) Measures for the collection of trolleys that are abandoned or removed
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from the development site.

- f) Only manual collection of trolleys may occur within the car park, with no trolley collector tractors to be used
- g) Measures for the operational review, updating and approval of the STMP as it applies to the Council car park within a two (2) year period after the commencement of operation of the development.

The approved Shopping Trolley Management Plan is to be implemented and maintained, and the pre-operation component or works specified in the plan are to be implemented to the satisfaction of Council before the issue of the Occupation Certificate.

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**Maintenance of vegetation**

- 71. Following the completion of construction works, all trees and other vegetation affected by excavation, soil surface amendments or other potential modification to the primary root zone shall undergo preliminary assessment and treatment, then ongoing maintenance to include:
  - Inspection and assessment for damage and disease.
  - Treatment of any canopy and trunk damage.
  - Application of an appropriate moisture regime and
  - Improvement of aeration as required through processes such as radial or vertical aeration and mulching.
  - Ongoing monitoring of any affected trees for decline and hazards.

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**Graffiti management**

- 72. In ensuring the retail development is maintained to a high standard of presentation, and to minimise antisocial behaviour, the following measures are required:
  - a. external surfaces are to be treated with a graffiti-resistant finish or overspray, and
  - b. any graffiti visible from a public place must be removed within seven (7) days of its application or, if this is not practically achievable, within a longer period agreed by the Council.