

JRPP No.	2010HCC013
DA No.	10-966
Proposed Development	Bulky Goods Showroom/Salesroom (Home Improvement & Building Supplies)
Location	Lots 122 and 123 DP1133194, 5-11 Mustang Drive, Rutherford
Applicant	Woolworths Pty Ltd
Author	Cindy Dickson - Maitland City Council

Assessment Report and Recommendation

Executive Summary

Development consent is sought for a bulky goods showroom/salesroom (home improvement and building supplies) on the corner of Mustang Drive and Anambah Road, Rutherford. The subject land is zoned 4(b) Light Industrial under Maitland Local Environmental Plan 1993 and is not mapped as being environmentally sensitive.

Bulky goods showroom/salesroom developments of this nature are permissible forms of development in the 4(b) Light Industrial zone with Council consent and are consistent with the objectives of the zone.

The site is situated on the south-western corner of the intersection of Anambah Road and Mustang Drive, within the Anambah Business Park, north of the New England Highway and is currently vacant. The site is within an industrial subdivision which is largely undeveloped, with the surrounding area comprising a range of uses including industrial, bulky goods and the Maitland airport to the west. The site is separated from the New England Highway by water quality control pond and associated landscaped area to the south and south-west. To the east is public recreational land and the north-east is the west Rutherford urban release area comprised of mixed residential development.

The proposal involves the erection of a bulky goods salesroom/showroom which will include a range of retail offerings such as timber, building materials, landscaping materials, plants and ancillary home improvement products including white goods. The proposed building form will comprise a single building with associated car parking, loading areas and landscaping.

The application was publicly exhibited for a period of 14 days from 10 May 2010 to 24 May 2010 and during the period two (2) submissions were received. One (1) submission supported the proposal and the key issues raised in the second submission included traffic and the access to Anambah Road. The issues raised are addressed in the body of this report. It is considered that the issues are not sufficient to warrant refusal of the application.

The application is submitted to the Hunter and Central Coast Joint Regional Planning Panel for determination as the capital investment value of the proposal is over \$10

million, therefore triggering Clause 13B(1)(a) of State Environmental Planning Policy (Major Development)2005.

The development has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory. Accordingly, it is recommended that the application be approved subject to conditions of consent.

OFFICER'S RECOMMENDATION

THAT DA 10-966 for a bulky goods salesroom/showroom (home improvement & building supplies) at Lots 122 and 123, DP1133194, Anambah Road and Mustang Drive, Rutherford, be approved subject to the conditions of consent set out in the attached schedule.

INTRODUCTION

This report provides a detailed overview of the development proposal involving the construction of a 'bulky goods salesroom/showroom (home improvement and building supplies)' on Lots 122 and 123 DP1133194, Cnr Mustang Drive and Anambah Road, Rutherford and provides a comprehensive planning assessment of the development against the major heads consideration under Section 79C of the Environmental Planning and Assessment Act 1979. The development application is reported to the Hunter and Central Coast Joint Regional Planning Panel on the basis that the estimated value of the project (\$13 million) exceeds the \$10 million threshold under Clause 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005.

The proposal is a joint venture between Woolworths Limited and Lowes Companies Incorporated. Woolworths are Australia's largest retailer and private sector employer and Lowes are the second largest home improvement retailer in the world, with over 1,700 stores across the USA and Canada.

BACKGROUND / SITE DESCRIPTION

The site is zoned 4(b) Light Industrial under the Maitland Local Environmental Plan 1993 and is not mapped as environmentally sensitive. The land is situated on the south-western corner of the intersection of Anambah Road and Mustang Drive within the Anambah Business Park, north of the New England Highway. It has an area of approximately 2.93 hectares and is currently vacant. The proposal sits over two allotments (lots 122 and 123 DP1133194) which are of irregular shape and have eastern frontage to Anambah Road of 200 metres and a northern frontage to Mustang Drive of 183 metres. The site is separated from the New England Highway by water quality control pond and associated landscaped area to the south and south-west.

The site sits within an industrial subdivision which is largely undeveloped at this point in time. The surrounding area comprises a range of uses including industrial and bulky goods. The Rutherford Aerodrome is located approximately 550m to the north-west of the site. On the opposite side of Anambah Road is public recreational land and the north-east is the west Rutherford urban release area comprised of mixed residential development. An aerial map and zoning/locality map have been included as Attachment 1 to this report.

Clause 51A of the Maitland Local Environmental Plan 1993 requires that a development control plan (DCP) be prepared and adopted by Council to address design and environmental management matters specific to the development of the Anambah Business Park site. Amendments to the 'Maitland Citywide Development Control Plan – Chapter Industrial Development Code' were adopted on 10 July 2007 which addressed matters including but not limited to, vegetation management, stormwater management, highway frontage design controls and provision for aircraft safety as required by Clause 51A of the Maitland LEP 1993. Also on 10 July 2007 Council granted development consent to the subdivision of the land into 61 industrial lots. A Section 96 application, approved by Council on 10 June, 2008, related to a minor adjustment to the approved lot and road layout - it is this design which creates lots 122 and 123 and therefore provides the platform for the application now presented to the JRPP for decision. Subdivision works are now completed at Anambah Business Park.



Photo 1 – Subject site viewed from intersection of Mustang Drive and Anambah Road

PROPOSAL

The proposal involves the establishment of a home improvement and building supplies development on the subject land which will incorporate a range of retail offerings including timber, building materials, landscaping materials, plants, and ancillary home improvement products including white goods. The development will consist of one main building of 13,198m², with associated car parking for 329 vehicles, loading areas, servicing infrastructure and landscaping.

The building is divided into three separate components:

- General sales area of approximately 7,642m² for a range of products including hardware, timber and building materials, décor and home decoration and kitchen/bathroom fittings;

- Nursery area of approximately 2,067m² for a range of landscaping and gardening products including plants, pots, landscape trimming and gardening equipment;
- Trade sales area of approximately 2,274m² for trade sales which include a drive-in loading area for all stock for sale in other areas of the building;
- 874m² 'back-of-house' area along the northern elevation of the general sales area for loading goods and materials;
- Mezzanine area of 341m² for office space, staff lunchroom, amenities and general administrative operations.

The balance of the site will accommodate ancillary services and infrastructure for the proposed use, including:

- A 329 space car park, including 7 accessible parking spaces and 8 staff spaces to the north;
- Landscaping along the Anambah Road and Mustang Drive frontages and within landscape beds in the car park;
- Servicing area along the Mustang Road frontage, including two loading docks and a waste management area with compactor;
- Separate customer and servicing entries to the site:
 - Customer access from Anambah Road which provides a left and right turn into the site from Anambah Road and an exit left and right from the site into Anambah Road;
 - Service access from Mustang Drive which provides separated entries and exits, and supports all vehicles entering and exiting the site in a forward direction;
- A small café along the southern elevation of the building;
- A BBQ area at the front of the building, to be used for community and charity fundraising associations;
- Associated substation, sprinkler tanks and water tanks.

Designs for business identification signage for the building, car park and a pylon sign at the south-eastern corner of the site have not been finalised at this point in time and will be lodged under a separate development application in the future.

The facility will employ approximately 130 to 150 staff (full time, part time and casual), with operating hours of 6.00am to 10.00pm Monday to Friday and 6.00am to 6.00pm Saturday and Sunday.

Application plans showing the development proposal in more detail are provided as Attachment 2 to this report.

PLANNING ASSESSMENT

The proposal has been assessed under the relevant matters for consideration detailed in Section 79C(1) of the Environmental Planning and Assessment Act, 1979 as follows:

Section 79C(1)(a)(i) provisions of any environmental planning instrument

Local Environmental Plan

The subject land is zoned 4(b) Light Industrial under the Maitland Local Environmental Plan (LEP) 1993. The proposed development is defined under the LEP as a 'bulky goods sales room or show room' and is permissible with consent in

the 4(b) Light Industrial zone. The proposal is considered to be consistent with the zone objectives, as follows:

- (a) *To set aside certain land for the purpose of light industry within convenient distances of the urban centres of the City.*
- (b) *To allow commercial and retail development that does not undermine the commercial and retail functions of existing and future urban centres.*
- (c) *To ensure that industrial development creates areas which are pleasant to work in and safe and efficient in terms of transportation, land utilisation and services distribution.*

Clause 51A of the Maitland LEP 1993 requires that Council adopt a development control plan addressing a prescribed range of design and environmental controls prior to granting development consent to the development of the 4(b) zoned land known as Anambah Business Park. These Clause 51A matters were incorporated into an amendment to the 'Maitland Citywide Development Control Plan – Chapter: Industrial Development Code' which was adopted by Council on 10 July 2007. These DCP provisions are discussed in detail in a further in Section 79C(1)(a)(iii) of this report.

Regional Environmental Plan

There are no regional environmental plans that are relevant to this proposal.

State Environmental Planning Policies

State Environmental Planning Policy 'Major Development (2005)'

The application was assessed against the criteria of the SEPP and requires determination by the Hunter and Central Coast Joint Regional Planning Panel due to the value of works (estimated at \$13 million) being over \$10 million, pursuant to Clause 13B(1)(a) of the Major Projects SEPP. The proposal is not defined as a Part 3A development under the *Environmental Planning and Assessment Act 1979*, therefore no further criteria under the SEPP applies to the development.

State Environmental Planning Policy 'Infrastructure (2007)'

The development is subject to the provisions of SEPP Infrastructure 2007 as it is classified under Clause 104 of the SEPP as a 'traffic generating development' due to its gross floor area of 13,198m². The provisions of the SEPP require the application to be referred to the Roads & Traffic Authority's Regional Development Committee for comment. The RTA has reviewed the application and have no objections to the proposed development provided that matters raised in their correspondence are addressed and appropriate conditions of consent are incorporated into the consent. Further discussion on this matter, including a response to the issues raised in correspondence from the RTA is included in the table in section 79C(1)(d) to this report.

State Environmental Planning Policy 55 – Remediation of Land

The purpose of this policy is to provide for a state-wide planning approach to the remediation of land. In particular this policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or other aspects of the environment. The site has been investigated for the potential for contamination with Parsons Brinkerhoff carrying out a Phase 1 Environmental Site

Assessment that found apart from grazing and minor filling during site preparation for development, potentially contaminating activities were not historically identified to occur on the site. Furthermore, based on the topography of the site and its surrounds, contamination of the site from surrounding land uses and ground water flows are considered low. Based upon the findings of the assessment, the site is considered suitable for a commercial or light industrial use.

Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

There is no exhibited draft environmental planning instrument relevant to the application.

Section 79C(1)(a)(iii) any development control plan

Maitland City Wide Development Control Plan Chapter 'Industrial Development Code'

The Industrial Development Code contains provisions which apply to industrial development generally and by virtue of amendments adopted by Council on 10 July, 2007 incorporates those matters prescribed under Clause 51A of the Maitland Local Environmental Plan 1993.

The proposal meets all of the general requirements of the DCP relating to building design/appearance, car parking, building setbacks, drainage, security and amenity. Those sections of the DCP that relate specifically to Anambah Business Park, in addition to general landscaping provisions are discussed below:

Section 3A.1 Staging of Development and Movement Hierarchy

The proposed development is occurring on a Stage 1 allotment and will gain access via both Anambah Road and Mustang Drive. The access to Anambah Road has been considered satisfactory having regard to design and geometry. The application was referred to the Roads and Traffic Authority for comment and detailed assessments of traffic, car parking and access have been included in Section 79C(1)(b) and Section 79C(1)(a)(iii) of this report.

Section 3A.2 Presentation to New England Highway and Anambah Road

The site has frontage to Anambah Road and is highly visible from the New England Highway. The design has paid particular attention to the landscaping of the street frontages and side/rear property boundaries, the location of car parking and the location of external storage areas to ensure that the development establishes a quality benchmark in streetscape terms as the first 'gateway' development within the Anambah Business Park with frontage to Anambah Road. Two sprinkler tanks encroach into the 10 metre wide landscaped area adjoining Anambah Road. It is however considered that the provision of intensive landscaping treatments including taller trees, hedging plants and the use of 3 metre high trellis structures with climbing plants growing over them will assist in screening the tanks. Other options were investigated, including locating the tanks underground, however, this was not feasible.

Section 3A.3 Building and Streetscape Design Guidelines

External building materials used in the development are to comprise a combination of concrete tilt panels, glazing, alucabond (high performance external grade

laminate) cladding and colorbond roofing of low reflective 'colourbond surf mist' finish. Articulation in the external elevations is provided by the stepping of external walls and punctuation with glazing, as well as through the use of horizontal projecting awnings at various locations around the building and a varied colour scheme. The building has a maximum ridge height of 10.75 meters and a feature parapet maximum height of 11 metres above existing ground level, with the exception of three rooftop air mechanical units and their screening devices which increase the height of the building to approximately 13.25 metres. The height of the building exceeds the maximum 12.0 metres specified under the DCP in the location of the rooftop units, however, it is considered that the exceedances are not significant given the overall scale of the facility, its proposed use and precedent already set within the subdivision (with building elements approved up to 14.8 metres above ground level). Further, the development is located well outside the approach path to the Newcastle Aeroclub's east-west runway and the development sits substantially below the obstacle limitation surface (OLS) at this location of approximately 40m.

Section 3A.4 Safety Requirements of the Adjoining Aircraft Facility

The obstacle limitation surface (OLS) for the east-west runway of the Newcastle Aeroclub is approximately 40.0m above ground level at the location of the proposed industrial development. The tallest part of the development are the mechanical units, which have a height of around 13.25m. The tallest of the tree species within the proposed landscape area is 15.0m. Neither the structural elements of the buildings or the proposed landscaping will infringe upon the OLS. The site is well removed from the flight approach path of the east-west runway and lies outside the aircraft noise exposure consideration area shown on Map 3 to the DCP. The roof materials were originally proposed as highly reflective 'zinculume', however, due to the proximity to the airport and safety requirements, this was changed to a low reflective colourbond roof of 'colourbond surf mist' finish.

Section 3A.5 Vegetation Management

The aim of this section of the DCP is to protect significant vegetation and habitat adjoining the Anambah Business Park. The development is not proposed on land that is zoned 7(c) Environment Protection under the Maitland LEP 1993 and the subject land comprises cleared grassland with no established native shrub and tree communities present. The vegetation management provisions of the DCP are therefore not triggered.

Section 3A.6 Stormwater and Water Quality Management

Stormwater will be collected on site and pass through a gross pollutant trap prior to discharging into the adjacent sediment control pond through the existing stormwater pit midway along the south-western boundary. Excess stormwater will be contained on site, and the car parking area has been designed with an appropriate grade of maximum depth 200mm to accommodate at-grade on-site stormwater detention in accordance with Council's Manual of engineering standards.

Existing site levels have been considered by the applicant in relation to localised flooding which may occur taking into account for blockage factor at the subdivision drainage system outlet. Council have no specific policy in relation to minimum flood free-board floor levels for commercial/industrial development and this is a commercial risk matter for the applicant to consider. To prevent damage to the building and stock, the building finish floor level has been set at RL 18.60 which includes a 500mm freeboard above the flood level. The car park level has been set

at RL 18.35, which will raise it above the flood level, however, localised graded areas to RL 18.15 will accommodate the on-grade on-site stormwater detention capacity to service the development.

Sediment and erosion controls (including water quality and quantity controls) will be provided for the works to ensure the development is undertaken in an environmentally responsible manner.

Landscaping Setback to Mustang Drive

The DCP chapter requires the front landscape setback to Mustang Drive to be a landscaped area of minimum depth 5 metres. The development provides a building setback of 9 metres, however, the development only includes a width of 1 metre of landscaping along the majority of the frontage. This is due to the need for vehicle manoeuvring space, staff parking and a footpath within this area. The variation to the chapter is considered appropriate given the following:

- The change in grade between the Mustang Drive carriageway and the servicing area along the boundary provides additional screening through different levels, allowing the landscaping features to appear more prominent within the streetscape;
- Landscaping proposed includes a mix of trees (water gums) and steel trellis structures which will create a landscaped screen along this boundary without requiring the same depth of landscaped area;
- The steel trellis structures will be 3 metres in height and climbing vegetation will be established on the structures to ensure they act as a suitable visual barrier whilst still maintaining a pleasant visual appearance to the streetscape;
- There will be 1.5 metre high hedge planting along the boundary to compliment the existing landscaping and provide visual relief at eye level to the servicing area;
- The tall trees are Water Gums which have a mature canopy spread that is of a reasonable scale to soften the impact of the building at this elevation.

Maitland City Wide Development Control Plan Chapter 'Car Parking Requirements'

The proposed use is defined as bulky goods salesroom or showroom under the DCP chapter and as such, requires the provision of car parking spaces at a rate of 1 space per 45m² gross floor area. With a total gross floor area of 13,198m², a minimum of 294 car parking spaces are required for the site. A total of 329 car parking spaces, including 7 appropriately located accessible spaces have been provided, therefore the proposed development meets the requirements of the chapter. It is noted that the office area component of the proposal is under 20% of the total gross floor area, therefore this area has been calculated under the bulky goods salesroom or showroom rate as per the requirements of the DCP chapter.

Minor variations have been sought to the DCP chapter requirements for space and aisle dimensions. General car parking space dimensions will be a minimum of 5.4 metres in length by 2.6 metres in width, with aisle dimensions of a minimum 6.6 metres. The minor variations are considered acceptable given the proposal is consistent with Australian Standard AS2890.1 and vehicles can adequately maneuver on-site. Furthermore the Australian Standard has been adopted for disabled parking space dimensions (Part 6: Off-street parking for people with disabilities, AS 2890.6:2009). This standard recommends a minimum dimensions of 5.4 metres long, 2.4 metres wide, plus an adjacent shared area of 2.4 metres wide. The proposed dimensions meet these standards and are therefore considered appropriate.

The car park includes landscape islands at the end of each car parking row with trees interspersed between, which will provide shade for vehicles, as well as visual relief to break up the hard-surface of the car park.

The site provides for separated customer and service vehicle access. Loading is anticipated to occur from a variety of commercial vehicles, including semi trailers. Two loading areas are provided along the northern boundary of the site off Mustang Drive, where two 19 metre semi-trailers can be parked simultaneously. Vehicles are able to enter and exit the site in a forward direction. The servicing area includes 8 car parking spaces which will be restricted to use by staff. These parking spaces do not meet the dimension requirements under the DCP chapter, however, Australian Standard 2890.1:2004 indicates dimensions of 5.4 metres long by 2.4 metres wide are appropriate for low turn over car parking. The employee parking spaces will be low turnover spaces and will not adversely impact on delivery and service vehicle movements within the service area.

All other provisions outlined in this chapter of the DCP have been adequately addressed including line marking and visibility. Impacts associated with the surrounding road network, including the primary customer access on Anambah Road and the intersection of Anambah Road and the New England Highway are addressed in Section 79C(1)(b) of this report.

Maitland City Wide Development Control Plan Chapter 'Accessible Living'

The DCP is designed to increase awareness and provide guidelines for access and mobility, particularly for new commercial buildings. The design demonstrates an ability to comply with accessibility criteria for car parking, footpaths and entry into the building. Conditions have been recommended to ensure compliance with the relevant standards for access and mobility (included within the Building Code of Australia), which will be provided at the Construction Certificate stage.

Maitland City Wide Development Control Plan Chapter 'Controls for Site Waste Management and Minimisation'

This DCP chapter acknowledges that waste management and minimisation at both the building construction stage and for ongoing operations is a major issue for the building industry and seeks to encourage resource efficiency. It also seeks to assist in planning for sustainable waste management through this process.

The applicant has provided detail on the proposed operational waste management procedures for the facility. The development will contract private companies to collect the waste to be generated by the facility. Provision is to be made for separation and collection of recyclable materials.

The Waste Management Plan has also recognised the location of the bins, odour control measures and suitability for vehicle manoeuvring to collect the waste. All of the above measures are considered to be addressed within the design of the facility.

Maitland City Wide Development Control Plan Chapter 'Advertisement/Notification of Development Applications'

The application was notified for a period of 14 days from 10 May 2010 to 24 May 2010. Council received two (2) submissions in response to the application and the issues raised are considered under Section 79C(1)(d) in this report.

Maitland Section 94A Levy Contributions Plan 2006

The development application will attract a monetary contribution of \$130,000 under the current Section 94A Plan.

Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Division 5 of Part 9 of the *Environmental Planning & Assessment Regulation 2000* applies to the proposal. The proposal fulfils the fire safety and structural adequacy requirements of the regulations and is therefore considered appropriate. In accordance with the requirements of the regulation, a condition of consent is included requiring the submission of annual fire safety statement from the applicant.

Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposed development will have no significant impact on the natural or built environment. The development is to occur on a vacant allotment created via the construction of the approved Anambah Business Park industrial subdivision. The development will have no impact on any significant flora or fauna communities and monitoring for Aboriginal artefacts/sites was carried out as part of the subdivision construction process.

Access and Traffic

Colston Budd Hunt and Kafes Pty Ltd have undertaken an assessment of the proposed development on the existing road network. The assessment identified the greatest traffic impacts of the development will occur on weekday afternoon and Saturday midday peak periods. The application and traffic assessment were discussed at the meeting of the Hunter Regional Development Committee (HRDC) on 1 July 2010. At this point in time, the committee did not support the vehicular access arrangements proposed in the report in relation to the vehicular access to/from Anambah Road. Council met with the applicant in respect to traffic issues and sought an updated Traffic Impact Assessment to include accurate estimations of traffic generation and distribution for the existing and ultimate surrounding development including Anambah Business Park and Anambah Urban Release Area, specification of major and minor peak flows, SIDRA output details at the proposed access intersection, Anambah Road and the New England Highway and a response to the recommendations of the HRDC.

A supplementary traffic report was prepared by Colston Budd Hunt and Kafes Pty Ltd which addressed the above issues. The report concluded that the existing road network is able to accommodate the traffic generated by the proposed development subject to intersection treatments at the proposed customer access off Anambah Road, which include a priority controlled intersection (with separate left and right turn bays). The report also notes that the completion of the Hunter Expressway will alleviate the existing traffic along the New England Highway by 20 to 30%.

The supplementary traffic report was discussed at subsequent meetings with the HRDC on 2 August 2010 and again on 30 September 2010 following further amendments to the design of the proposed access off Anambah Road. The HRDC stated they have no objections to the proposed development provided that matters raised in their correspondence were appropriately addressed by Council, which included a range of options and preferences in relation to the vehicular access points to the site in addition to recommendations for a bus bay, street lighting, no stopping signs on Anambah Road, a shared cycle and pedestrian path on Anambah Road and pedestrian facilities in the car parking area. A response to the issues raised is included in the table in Section 79C(1)(d) to this report.

Currently, as imposed by restriction on the title of land by the parent subdivision application (DA 07-460) vehicular access is prevented from Anambah Road. Maitland City Council is the authority empowered to release this restriction, which can be modified under the current application under the provisions of Section 80 of the *Environmental Planning & Assessment Act, 1979*. While the comments of the HRDC have been properly considered Council maintains the view that vehicle access to Anambah Road would not have any significant impact upon the operation of the New England Highway/Anambah Road intersection or the surrounding road network subject to appropriate intersection works. As such, the restriction concerning access should be amended accordingly.

Obstacle Height Limitations

The development will not intrude into the obstacle limitation surface (OLS) of the eastwest runway to the Royal Newcastle Aero Club, is located well outside the approach path to the runway and is not within the noise affectation area associated with the aerodrome. External lighting of the facility shall be designed so as not to compromise the safe operation of the adjoining runways and will be designed in accordance with the requirements contained within the "Manual of Standards for Aerodromes – Section 9.21: Lighting in the Vicinity of Aerodromes". A consent condition has been included which requires the preparation of a 'lighting design' for the site by a suitably qualified consultant which addresses the relevant design standards. The roof materials were originally proposed as highly reflective 'zinculume', however, due to the proximity to the airport and safety requirements, this was changed to a low reflective colourbond roof of 'colourbond surf mist' finish.

Landscaping

The landscaping treatments proposed are considered to be appropriate and compliment the design of the building. The site is currently devoid of any vegetation, so the proposed landscaping will provide an improved visual result for the site. The planting schedule includes a range of drought tolerant, low maintenance and foliage year-round plants. The taller trees provided along the perimeter of the development and within the car parking area compliment the scale of the building and also assure that the development does not appear out of scale for the site. The applicant has also incorporated trellis screens of 3 metres in height with climbing vegetation in locations along the northern and eastern boundaries to assist in obscuring site facilities such as water/sprinkler tanks, car parking, storage and loading areas. Hedge planting up to 1.5 metres in height has also been included around the perimeter of the development so soften the impact upon the streetscape. The landscaping to the water quality control pond to the south-west provides a softer presentation to the New England Highway across to the site and will assist in

screening the proposed retaining wall along this boundary. Landscaping on the Anambah Road and Mustang Drive frontages is discussed in further detail in Section 79C(1)(a)(iii) of this report.

Social and Economic impact

The proposed development will have a positive economic impact by providing full-time employment for around 130 to 150 employees and significant short term employment opportunity during its construction phase. Positive economic 'spin-offs' are also likely to occur for other local allied businesses. The development strengthens the employment base for Maitland's growing residential population and is consistent with the Hunter Regional Strategy 2006 which identifies the Anambah Business Park as employment land.

Bulk Earthworks

Approximately 30,000 cubic metres of fill is required to be imported to the site to regrade the lots. Given the site area, the bulk earthworks are considered minor and will improve existing access and site drainage without substantially altering the existing topography. A condition of consent has been recommended to ensure the material imported to the site is only natural earth material, free of contamination that is certified in accordance with AS 3798 as "virgin excavated natural material" (VENM) or "excavated natural material" (ENM) in accordance with the EPA requirements.

Safety and Security

The site does not include any perimeter fencing, however, due to its highly visible location and distance from nearby development, it is unlikely that the site will attract loitering and other anti-social activities. Security will be achieved through the installation of a Closed Circuit TV system (CCTV). Lighting is also proposed to the external areas of the site, including the car parking area which shall encourage natural surveillance opportunities.

Utilities

The site is serviced by town water, sewer, electricity, gas and telecommunications. A Section 50 Compliance Certificate will be required from Hunter Water Corporation prior to issue of a construction certificate.

Waste Management

Waste will be generated as part of the operations for the site and this will be managed through the provision of storage bins in the servicing area to the north of the building, which will be collected by a private contractor two to three times a week.

Noise

The site is located within close proximity to the New England Highway within an existing industrial subdivision. The nearest residential receptors are located over 280 metres away from the site. The greatest noise source is expected to be from vehicles entering and exiting the site. The operation of the loading docks are not anticipated to create unreasonable noise due to the goods being unloaded straight into the proposed building, which will act as a barrier to noise transmission. Given the

imposition of restricted hours of operation, it is not anticipated noise will exceed reasonable levels beyond the site.

Section 79C(1)(c) the suitability of the site for the development

The subject land is considered suitable for the proposed development for the following reasons:

- The site was created at subdivision stage for a use of this nature;
- The level topography of the site reduces the need for significant bulk earthworks;
- No significant flora and fauna communities are impacted by the development;
- The development is not expected to create any significant demand on the provision of public amenities or services;
- The site is well located with linkages to the New England Highway provided via the road improvements on Anambah Road; and
- Significant buffer distances exist between the subject land and the nearest residential development thereby reducing the potential for landuse conflict.

Section 79C(1)(d) any submissions made in accordance with this act or the regulations

The proposal was advertised and notified for a period of 14 days from 10 May 2010 to 24 May 2010 in accordance with the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulations 2000 and the Advertisement/ Notification of Development Applications DCP chapter of the Maitland City Wide Development Control Plan. During this period, two (2) submissions were received. The issues raised in the submissions are addressed as follows:

Issue 1:

The entry drive from Anambah Road into the proposed development appears to be adjacent to the intersection with the New England Highway and will cause undue pressure onto drivers of all vehicles that use the Highway and Anambah Road. Many of the current vehicles are large vehicles to the quarry, transporter vehicles, Tefol's trucks and future vehicles as the subdivision is occupied. With the intersection being as close to the proposed entrance drivers after concentrating at the intersection must then contend with uncertain drivers stopping and slowing to enter the development, which as the proposal gains recognition could result in vehicles banking through the intersection.

Comment

1. Council supports the applicants proposal to separate the customer traffic from loading and delivery areas off Mustang Drive to avoid conflict between heavy vehicles and customer vehicles. The applicant's proposed driveway and access treatments are considered adequate. The access accommodates right in and right out movements. Council has acknowledged that the development will experience delays only in the right turn out in the longer term, however, the intersection type suggested by the Hunter Regional Development Committee (type CHR / CHL intersection with two through lanes in both directions) is concurred with and will be satisfactory in managing traffic flow associated with the proposal.

Issue 2:

On communications with Hunter Land to purchase a number of blocks for our transport maintenance facility, the question was raised as to the probability of access from Anambah road into the subdivision and we were advised that there was no possibility of this access. The blocks adjacent to Anambah road would certainly have suited our operations more efficiently, so to now allow this access seems a double standard by Maitland Council.

Comment

2. Under the original subdivision application for the Anambah Business Park (DA 07-460) a condition of consent was imposed stating “a restriction on the title of the lots under Section 88B of the Conveyancing Act, shall be created to give effect to the prohibition of direct vehicular access to Anambah Rd and the New England Highway”. Council may however consider amendments to this restriction on a case by case basis under the provisions of Section 80 of the *Environmental Planning and Assessment Act 1979*. In this regard, the subject proposal is not likely to be common within the Anambah Business Park. It represents a fairly unique ‘gateway’ development, with the size of the site lending itself to multiple access points, therefore, in this circumstance access to Anambah Road is considered satisfactory subject to its appropriate management.

Issue 3:

The development would still be viable and allow for increased community safety by not allowing the Anambah entrance and realign the development to allow for the entrances from Mustang Drive. This building rearrangement would also benefit the local residential areas as noise from the development would still be facing towards the airport, and allow for segmentation of retail customers & deliveries.

Comment

3. Council does not support a customer access onto Mustang Drive on the basis that it is preferred to separate the customer traffic from loading and delivery areas. Given the access onto Anambah Road can be appropriately managed for the nature of the proposed development, it is considered acceptable.

Submissions from Public Authorities

Roads & Traffic Authority

The development was referred to the Roads & Traffic Authority (RTA) NSW and the Hunter Regional Development Committee (HRDC) under the provisions of State Environmental Planning Policy Infrastructure 2007. The RTA’s primary interests are in the road network, traffic and broader transport issues. A response to the issues raised by the HRDC and RTA is included in the table below:

HRDC Comment	Council Response
The Committee maintained its concerns with the configuration of the development on the site and preferred orientation towards Mustang Drive with all vehicular access via this road.	Council considers the position of the building on-site to be appropriate in principal and are satisfied the access to Anambah Road will provide a practical access solution to the site subject to an appropriate design.
The Committee noted the roundabout options for providing access onto Anambah Road	This particular type of proposal is not likely to be common within the Anambah Business Park. It

<p>midway between the highway and Mustang Drive. Council's opposition to a roundabout at this location was noted. It was also noted that access across the property boundary at this location is not permitted under a current Section 88B access restriction to the subdivision.</p>	<p>represents a fairly unique 'gateway' development and therefore, in this circumstance access to Anambah Road is considered satisfactory subject to its appropriate intersection design and management. The size of the site lends itself to multiple access points. Under Section 80 of the <i>Environmental Planning and Assessment Act 1979</i>, the condition to DA 07-460 that states "a restriction on the title of the lots under Section 88B of the Conveyancing Act, shall be created to give effect to the prohibition of direct <u>vehicular access</u> to Anambah Rd and the New England Highway" can be amended to provide permanent vehicle access to the proposed new lot (being the consolidation of lots 122 and 123 in DP1133194) from Anambah Road. The provision can be included in the new 88B instrument created under Section 88B of the Conveyancing Act, with the authority empowered to release, vary or modify the restriction being "Maitland City Council".</p>
<p>If a roundabout is not supported at the mid-block location, the preferred option is to provide a roundabout at the Anambah Road / Mustang Drive intersection with a left in / left out access mid block and right turn in, if permitted, given the restriction on access across the boundary.</p>	<p>A roundabout at Anambah Road / Mustang Drive intersection is not justified at this point in time. A roundabout solution may be considered in this location as part of the future infrastructure and Section 94 planning for Anambah Urban Release Area further to the north. The applicant's proposed driveway and access treatments are considered adequate. The access accommodates right in and right out movements. Conditions can only be imposed requiring a roundabout if it can be reasonably determined there is a nexus between the proposed development and demand for a roundabout within the next 10 years. Council cannot provide that degree of certainty at this point in time. The future infrastructure planning for the Anambah Urban Release Area will potentially provide that opportunity in the longer term.</p>
<p>The Committee raised concerns regarding the operation of the proposed Anambah Road access to / from the proposed development in the medium to long term (within 10 years), as proposed in the revised documents. In particular, the right turn out which is expected to experience long queues and delays (potential road safety issues) as the development of the Anambah Business Park and residential development to the north progresses. Accordingly, if this access is permitted by Council, access to the proposed development should initially be a Type CHR / CHL intersection with two through lanes in both directions. Provision should be made for the future ban of the right turn out of the proposed development with a roundabout provided at the intersection of Anambah Road and Mustang Drive to accommodate the U-turn movement.</p>	<p>Council agrees with the Committee's position that the development will experience delays in the right turn out in the longer term and the suggested intersection type is concurred with. An advice will be included in the consent to the effect that right turn out from the development may be removed at a future time dependant on traffic growth on Anambah Road and potential modifications to the Mustang Drive / Anambah Road intersection.</p>
<p>The Committee requests that consideration be given to providing an additional customer access to / from Mustang Drive and that this be segregated from the service vehicle access.</p>	<p>The separation of customer traffic from loading and delivery areas is supported and is achieved by the proposed site layout. The intersection to Anambah Road for general customer use is considered sufficient without the need for a second customer access / egress to Mustang Drive.</p>
<p>An indented bus bay should be provided on the western side of Anambah Road to the</p>	<p>The applicant has provided advice from Hunter Valley Buses that they are not intending to provide a</p>

south of Mustang Drive with a footpath connecting to the main pedestrian entry to the store. This is to make provision for a future bus route servicing the Business Park and residential development to the north.	bus service to the Anambah industrial area. A preferred site for a bus bay would be on the northern side of Mustang Drive, more remote from this development. This can be addressed with future planning for the Anambah Urban Release Area.
Street lighting should be provided at all vehicular accesses to the proposed development in accordance with Australian Standard AS1158.	This request is concurred with and has been included in the conditions of consent.
Unobtrusive lighting should be provided on-site to ensure that there are no impacts on highway traffic.	This request is concurred with and has been included in the conditions of consent.
No stopping signs should be installed along the Anambah Road frontage on both sides of the road to prevent on-street parking.	This issue is subject to Local Traffic Committee approval and will be addressed by the committee at a later date.
A shared cycle and pedestrian path should be provided on the western side of Anambah Road from the New England Highway to Mustang Drive at a width of 2.5 metres.	The preferred location of a shared cycle and pedestrian path is on the eastern side of Anambah Road. Provision for the shared path in this location is detailed within the West Rutherford Area Plan and will be constructed at a future time, possibly with Section 94 funds. As such, the 1.5 metre existing path along Anambah Road frontage of the development is considered adequate.
Safe pedestrian facilities should be provided from the southern part of the car park through to the main entry. Raised thresholds should be provided at pedestrian crossings.	These pedestrian footways are effective to some degree where there are distinct activity nodes around the perimeter of a car park and hence strong pedestrian desire lines between these nodes. In this case the development is stand alone and isolated from adjoining land by major roads and stormwater detention areas. There is no dominant facility at the edges of the car park apart from the development itself. Pedestrian behaviour suggests that people will filter through the car park (a low speed environment) along the shortest route or line of site. A dedicated footway is likely to be underutilised.

Section 79C(1)(e) the public interest

The development proposal represents a suitable use of the employment land necessary to support the growing residential population of Maitland in line with the Lower Hunter Regional Strategy. The business will provide additional retail services to the local community as well as draw trade and income from beyond the Maitland area which will have a positive impact on the local economy. The proposed facility will be designed to a high standard and its impacts appropriately managed. The development is therefore considered to be in the public interest.

CONCLUSION

The proposal will have a positive social and economic impact on the community and provides improved retail opportunities for a growing residential population. The application is generally compliant with the requirements of the relevant State Environmental Planning Policies and the relevant chapters of the Maitland City Wide Development Control Plan. The departures from these policies have been appropriately justified.

An assessment of the application has been carried out under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* as amended. The proposed development is considered satisfactory in terms of the relevant matters for

consideration under the Act and the development application is recommended for approval.

Signed (Assessing Officer) _____ Date: _____
Cindy Dickson
Town Planner

Reviewed (Supervising Officer) _____ Date: _____
Stephen Punch
Principal Planner

Reviewed (Supervising Officer) _____ Date: _____
David Simm
Manager
Development and Environment

Authorised for submission to JRPP _____ Date: _____
Leanne Harris
Group Manager
Service Planning and Regulation

Schedule of Conditions DA 10-966

Reason for Conditions

The following condition(s) have been applied to the development, subject of this consent, to ensure that the development meets the requirements of the NSW Environmental Planning and Assessment Act 1979, the NSW Environmental Planning and Assessment Regulation 2000, and the various policies and development controls of Maitland City Council and other government agencies relevant to the development being undertaken.

APPROVED PLANS AND DOCUMENTATION

1. The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions to this consent or as shown in red colour on the plans:

Plan Ref. Nº	Sheet Nº	Revⁿ Nº	Revision Date	Prepared by: (consultant)
Project 2870	DA01	E	27.8.10	Leffler Simes Architects
Project 2870	DA03	H	6.9.10	Leffler Simes Architects
Project 2870	DA04	F	3.9.10	Leffler Simes Architects
Project 2870	DA05 DA06 DA08	H	13.9.10	Leffler Simes Architects
Project 2870	DA07	G	13.9.10	Leffler Simes Architects
Project 2870	DA09	I	6.9.10	Leffler Simes Architects
Job No. SS10-2154	001 102	K	13.9.10	Site Image Landscape Architects
Job No. SS10-2154	101 103	J	13.9.10	Site Image Landscape Architects
Job No. SS10-2154	501	J	7.9.10	Site Image Landscape Architects
Project No. SY100093	C1.01 C3.01 C4.01	D	10.9.10	Acor Consultants
Project No. SY100093	C3.02	C	10.9.10	Acor Consultants

CONTRIBUTIONS & FEES

2. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Maitland S94A Levy Contributions Plan 2006, a contribution of \$130,000 shall be paid to the Council.

The above amount may be adjusted at the time of the actual payment, in accordance with the provisions of the Maitland City Council S94A Levy Contributions Plan 2006.

Payment of the above amount shall apply to Development Applications as follows:

- *Building work only - prior to issue of the Construction Certificate.*
- *Subdivision and building work - prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.*
- *Where no construction certificate is required - prior to issue of an Occupation Certificate.*

The above "contribution" condition has been applied to ensure that:

- i) Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan prepared in accordance with the provisions of section 94A of the Environmental Planning and Assessment Act, 1979.*
- ii) Council's administration expenses are met with respect to the processing of the application.*

CERTIFICATES

3. Prior to the commencement of works an application for a **Construction Certificate** shall be submitted to, and be approved by, the Accredited Certifier.
4. **Prior to the issue of an Occupation Certificate** all conditions of development consent shall be complied with.
5. Prior to occupation of the building an **Occupation Certificate** shall be issued by the Principal Certifying Authority.
6. **Prior to issue of the Construction Certificate**, a certificate of compliance under Section 50 of the Hunter Water Act 1991 for this development, shall be submitted to the Accredited Certifier.

LAND TITLE

7. **Prior to issue of the Occupation Certificate**, lots 122 and 123 in DP1133194 shall be consolidated.
- 8.a) The title of lot 123 DP1133194 shall be amended to extinguish the restriction of vehicular access to the property.
- b) The requirements of condition No. 26 of DA 07-460 shall be deleted under Section 80A(c) of the *Environmental Planning & Assessment Act, 1979* (as it

relates to the land subject of this application only) to provide permanent vehicle access to Anambah Road.

9. Land required for road widening purposes shall be dedicated to Council as “public road”, at no cost to Council.

LANDSCAPING

10. All landscaped areas of the development shall be maintained in accordance with the approved landscape plan. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.

CARPARKING

11. All on-site driveways, parking areas and vehicles turning areas shall be constructed with a bitumen sealed granular pavement, segmental pavers, or as reinforced concrete.
12. All parking bays shall be delineated with line-marking and/or signposting.

VEHICLE ACCESS

13. **Prior to issue of the Occupation Certificate**, the road pavement in Anambah Rd at the site access, shall be widened in accordance with Council's Manual of Engineering Standards, based on the concept plan SY100093 C6.01 Rev A to incorporate:
 - a) An auxiliary left-in lane,
 - b) A channelized right-in storage lane
 - c) Dedicated exit lanes catering for “left-out” and “right-out” movements,
 - d) Pavement widening on the east side of Anambah Rd, that maintains two southbound lanes, between Mustang Dr and the New England Highway
 - e) The maintenance (or replacement where disturbed) of the existing concrete footpath 1.5m wide along the frontage of Anambah Road.

CIVIL WORKS

14. **Prior to commencement of works** within the public road reserve;
 - an engineering design, in accordance with Council's Manual Of Engineering Standards, shall be submitted to Council for approval
 - consent under the Roads Act for the approved works, shall be issued by Council
 - all relevant Council fees shall be paid

- a traffic control plan in accordance with the RTA publication “Traffic Control at Worksites” shall be submitted to, and be approved by, Council.

STORMWATER DRAINAGE

- 15. Prior to issue of the Occupation Certificate**, a stormwater drainage system providing:

- i) On-Site Detention (OSD) of stormwater, and
- ii) an emergency overland flow path for major storm events,
- iii) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas,

shall be constructed in accordance with a design prepared by a suitably qualified person and Council’s Manual of Engineering Standards.

The design shall be based on the stamped *concept* plan number **SY100093 C2.01 Rev D** dated **10.9.10** (stormwater design only)

EROSION CONTROLS

- 16.** The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or “vehicle tracking”.

BULK EARTHWORKS

- 17.** Filling material, shall be certified in accordance with AS 3798, and certified as “virgin excavated natural material” (VENM) or “excavated natural material” (ENM) in accordance with the EPA requirements, and reported to Council upon completion to the finished surface level.

LIGHTING

- 18.** External lighting of the facility shall be designed so as not to compromise the safe operation of the adjoining aerodrome runways and will be designed in accordance with the requirements contained within the “Manual of Standards for Aerodromes – Section 9.21: Lighting in the Vicinity of Aerodromes”. A ‘lighting design’ for the site shall be prepared by a suitably qualified consultant that addresses the relevant design standards.
- 19.** On site lighting shall be designed such that light spill or glare does not encroach or adversely affect Anambah Rd or the New England Highway.
- 20.** The vehicle access point in Anambah Road shall be provided with lighting in accordance with AS1158.

BUILDING CONSTRUCTION

- 21.** All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 22.** Upon completion of the building BUT prior to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Council. Such certificates shall be prepared in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.
- 23.** At least once in each twelve month period, fire safety statements in respect of each required essential fire safety measure installed within the building shall be submitted to Council. Such certificates are to state that:
- a)** The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b)** That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building).
- Such statements shall be prepared in accordance with Division 5 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.
- 24.** All excavations and backfilling shall be executed safely, in accordance with appropriate professional standards and shall be properly guarded and protected to prevent the works from being dangerous to life or property.
- 25.** The applicant shall submit to Council, "Notice of Commencement" at least two days prior to the commencement of construction works.
- 26.** Hours of Work:
- Unless otherwise approved by Council in writing; all building work associated with this approval shall be carried out between 7.00am and 6.00pm Monday to Fridays and 7.00am to 5.00pm on Saturdays with no work permitted on Sundays or Public Holidays that may cause offensive noise.

SERVICES & EQUIPMENT

- 27.** A copy of the fire safety schedule and fire safety certificate shall be prominently displayed in the building in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation 2000.
- 28.** A copy of the fire safety schedule and fire safety certificate shall be forwarded to the Commissioner of New South Wales Fire Brigades, in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.

SITE CONSIDERATIONS

- 29.** All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.
Where a retaining wall is planned for this purpose and such wall exceeds 1.0m in height at any point from finished ground level, plans and specifications of the construction SHALL BE APPROVED BY COUNCIL BEFORE WORKS COMMENCE. Plans and specifications of retaining walls greater than 1.0m in height MUST BE CERTIFIED BY A PRACTICING PROFESSIONAL ENGINEER. Note: The submission of a separate Development Application is not required for a retaining wall associated with this approval and indicated on the approved plans.
- 30.** All building refuse on this building site shall be stored in such a manner so as not to cause a nuisance to adjoining properties.
- 31.** If an excavation extends below the level of the base of the footings of a building/structure on an adjoining allotment of land, the person causing the excavation to be made.
- i)** Must preserve and protect the building/structure from damage, and
 - ii)** If necessary, must underpin and support the building/structure in an approved manner, and
 - iii)** Must, at least 7 days before excavating below the level of the base of the footings of a building/structure on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building/structure being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
(Includes a public road and any other public place).

- 32.** If the work:
- i)** is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - ii)** involves the enclosure of a public place

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

33. A sign must be erected in a prominent position on the work:

- (i) stating that unauthorised entry to work site is prohibited, and
- (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.

Any such sign is to be removed when the work has been completed.

This condition does not apply to:

- (i) building work carried out inside an existing building, or
- (ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

34. Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.

35. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.

36. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.

37. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

FOOD PREMISES

38. The food premises, including the construction and installation of all equipment, fixtures and fittings must comply with the requirements of The Food Act 2003, Food

Regulation 2004, Food Standards Code and Australia Standard 4674 for the Design, Construction and Fit-out of Food Premises. In this regard the developers attention is drawn to the following aspects:-

- If Council is nominated as the Principal Certifying Authority, details of compliance are to be included in the plans and specifications for the Construction Certificate. Council's Environmental Health Officer is to be given 48 hours notice to inspect the premises prior to the commencement of the business.
 - Where Council is not nominated as the Principal Certifying Authority a Certificate from an appropriately qualified person confirming compliance with the above legislation and guidelines is to be provided before the issue of the Occupation Certificate.
 - Prior to occupation and commencement of trade the food business is to be registered with Council.
39. Prior to commencement of operations of the food business a final inspection is to be undertaken of the premises by Council's Environmental Health Officer.
40. The food business premises will be incorporated in Council's Surveillance Program and will be subject to 3 inspection(s) per annum. The current fee for an inspection is \$98.00.

ADVICES

- A** You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the **Protection of the Environment & Operations** (POEO) Act and may incur infringement fines.
- B** You (or the owner) are advised to notify Council in writing, of any existing **damage to the street infrastructure** (including landscaping) along the frontage of the property, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the property shall be held liable for the cost of those repairs.
- C** You are advised that there may be design matters in relation to the **drainage concept plan** that warrant further attention prior to the issue of the Construction Certificate.
- D** You are advised that the issue of this development consent unless authorised by this consent does not amount to a release, variation or modification by Council of any **covenant or easement** applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.

- E** You are advised that compliance with the requirements of the **Disability Discrimination Act**, (DDA) applies to works on this site. It should be noted that compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.
- F** You are advised that any proposed advertising signs are subject to a separate Development Application to Council.
- G** You are advised that the right turn movement from the development may be prohibited in future planning for Anambah Road.
- H1** Walls of all food premises, including food preparation areas, kitchens, sculleries, food serveries, food display and food storage areas shall be of solid construction.
- In all food premises and the like walls shall be finished to a height of 2 metres above floor level with glazed tiles, stainless steel, laminated plastics or similar approved impervious material adhered directly to the wall.
- The wall finish between the top edge of the wall tiling and the ceiling is to be finished flush to the tiling or other approved surface or splayed with an impervious material so as not to form a ledge upon which dust or grease can accumulate.
- Walls where not tiled are to be cement rendered to a steel trowel finish, set with plaster and finished to a smooth even surface, painted with a washable gloss paint of a light colour or sealed with other approved materials.
- H2** The intersection of floors with walls and exposed plinths shall be coved. The radius of the curve is to be not less than 25mm. Note that “feather edge skirting” is not permitted.
- H3** In food preparation areas and the like floors are to be constructed of materials which are impervious, non-slip, non-abrasive, resistant to chemicals, and capable of withstanding heavy duty operation. Suitable flooring includes ceramic tiles, impermeable cement render or similar topping over concrete, quarry tiles, magnesite, commercial grade vinyl sheeting with welded joints, or other approved material laid to the manufacturer’s specifications.
- The floor finish is to be smooth and even, free of surface protrusions that will prevent easy cleaning, graded and drained where necessary to floor wastes.
- Floor tiles are to be butt joined or alternatively the open joints are to be epoxy grouted.
- H4** Ceilings shall be provided over food preparation, display and storage areas. Ceilings are to be constructed of a rigid smooth faced, non-absorbent material and may include fibrous plaster, plasterboard, fibrous cement, cement render or other approved material painted with a washable gloss paint of light colour.

The ceiling surface shall be free of open joints cracks, crevices or openings in which grease, vapours or vermin may collect.

The intersection of the walls and ceiling are to be tight jointed, sealed and dust proof.

- H5** Ceiling light fittings shall be installed flush with the ceiling surface so as to provide the least likely harbourage for dust or vermin and be provided with approved diffuser covers.
- H6** Where possible all service pipes are to be constructed in floors, plinths, walls or ceilings. Where it is not possible to conceal pipes or where it is contrary to the regulations of other authorities, such pipes are to be fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and adjacent horizontal surfaces.
- All openings in walls, floors and ceilings through which service pipes and the like, pass, shall be made vermin proof.
- H7** Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage for vermin are not permitted.
- H8** Counter and bar tops may be constructed in solid core timber or similar timber sheeting glued and jointed in an approved manner.
- All exposed surfaces of the bar top or counter are to be finished with a smooth impervious material.
- H9** A separate storage area is to be provided for the storage of cleaning equipment, chemicals and personal items.
- H10** The installation of grease traps within kitchens and food preparation areas is not permitted.
- H11** Cabinets and equipment are to be supported on castors, solid plinths, legs or brackets or framework.
- Cabinets and equipment may be fitted against the wall provided all joints formed between the back of the cabinet and the wall are suitably sealed to prevent the access of vermin.
- Where cabinets and equipment are kept clear of walls or other fixtures they shall comply with the following:
- i. cabinets and equipment up to 6m in length are to be kept to a minimum of 200mm clear of the wall;
 - ii. where cabinets and equipment exceed 6m in length or cabinets are installed as a continuous run of more than 6m, a minimum space of 400mm is to be provided between the rear of the cabinet and the wall.

H12 Cabinets and equipment are to provide a minimum clearance of 150mm between the underside of the equipment and the floor. The bracket, legs or supports are to be constructed of non-corrosive solid or tubular metal or moulded plastic. Where open pipes are used, open ends are to be capped or sealed to prevent the access of vermin.

Legs, brackets and framework are to be finished smooth and free of angles, cavities, crevices, ledges and recesses etc, which will permit the lodgement of dust, grease and food particle or provide areas inaccessible for cleaning.

Flanges fitted to the base of legs or framework, are to be concealed in the floor or plinth and shall not be fixed onto the surface of floors or plinths.

H13 Equipment located on solid plinths shall be effectively sealed and coved.

H14 Inaccessible crevices formed by the butting together of fittings or appliances are not permitted.

The following space is provided between fittings:

- i. at least 75mm for fittings up to 750mm in width; and
- ii. for widths over 750mm at least 150mm clear space is required.

The following clearances are to be provided between the wall and the equipment:

- i. 200mm where appliances do not exceed 3m in a continuous run, and adequate access to such space is provided at one end;
- ii. 400mm where appliances exceed 3m in a continuous run, and access of 300mm is to be provided at both ends;
- iii. alternatively, cooking appliances may be butted against walls or other cooking equipment provided all joints between the appliances and the walls are suitably flashed or sealed.

H15 Cooking appliances may be butted together and provided with removable flashing or provided with a clearance of 75mm for appliances less than 750mm or 300mm clearance for appliances with a width greater than 750mm.

H16 Cupboards, cabinets and shelving and the backing materials shall be constructed of smooth impervious materials that are free of joints, cracks, crevices or cavities.

H17 Shelving may be free standing or fixed with the lowest shelf being not less than 300mm above the floor level. Shelving is to be kept at least 25mm clear of walls and vertical surfaces.

H18 Where direct contact with food may occur, benches in food preparation areas shall be constructed of stainless steel.

H19 A free standing hands free hand wash basin shall be provided in an accessible location in the food preparation area. The basin is to be provided with a supply of hot and cold water via a common mixing device and shall be a minimum size of 350mm x 350mm. A liquid soap dispenser and a paper towel dispenser or air dryer are to be provided at the basin.

H20 The following washing facilities are to be provided for the cleaning of eating and drinking facilities:

- i. a dishwasher and/or glass washer; and/or
- ii. a double bowl sink.

The dishwasher or glass washing machine shall be:

- i. fitted with a thermometer which is visible to the operator; and
- ii. capable of maintaining not less than 75°C for the rinse cycle.

One bowl of the double bowl sink shall be supplied with hot water at a temperature of not less than 44°C for washing, and the other sink with hot water at a temperature of not less than 75°C for rinsing. The sinks are to be suitably sized to allow for large utensils to be effectively washed.

A separate sink shall be provided where food stuffs need to be prepared by immersion in water.

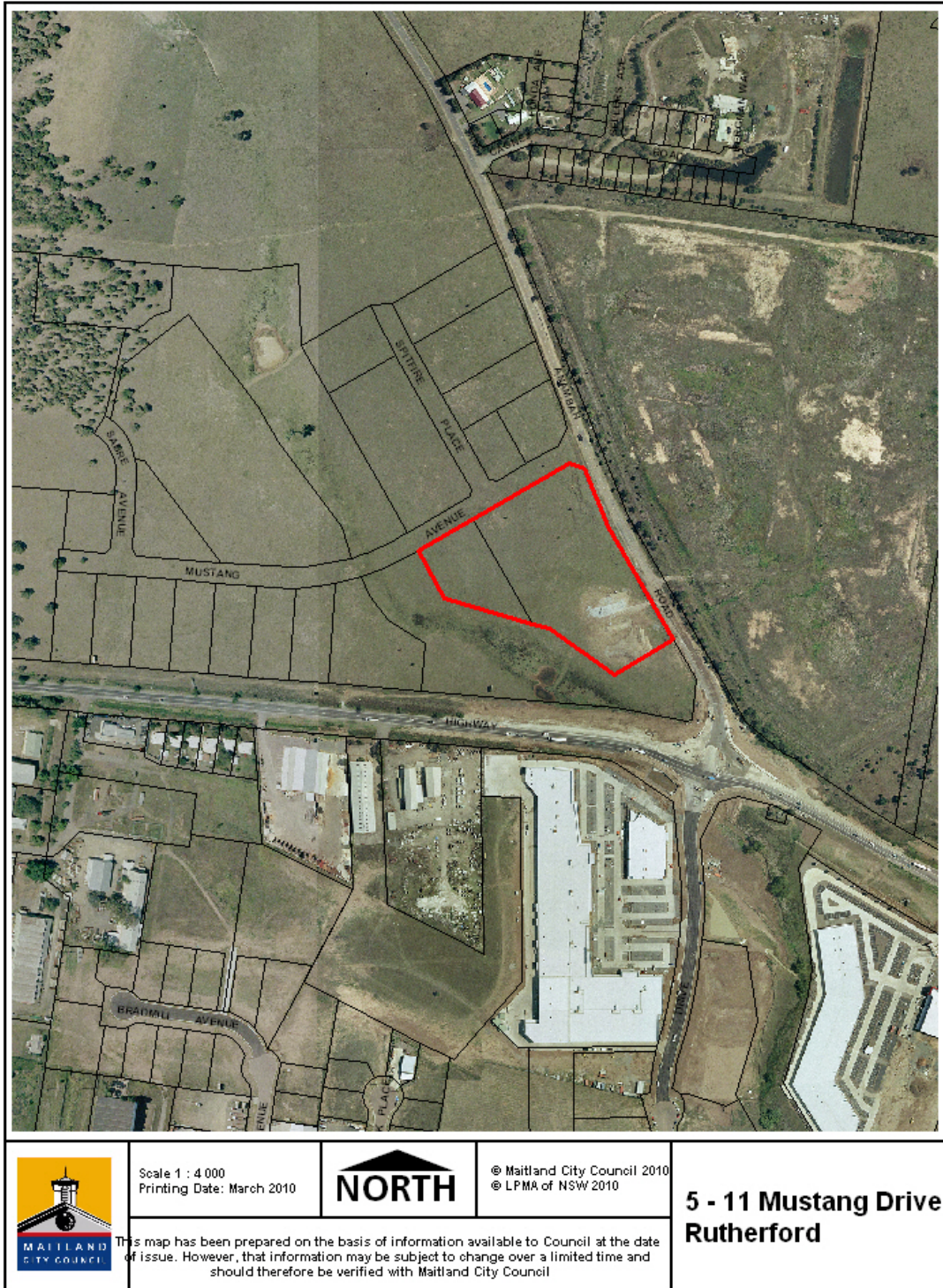
Sinks shall be free standing, supported on metal brackets and are not permitted in timber bench tops.

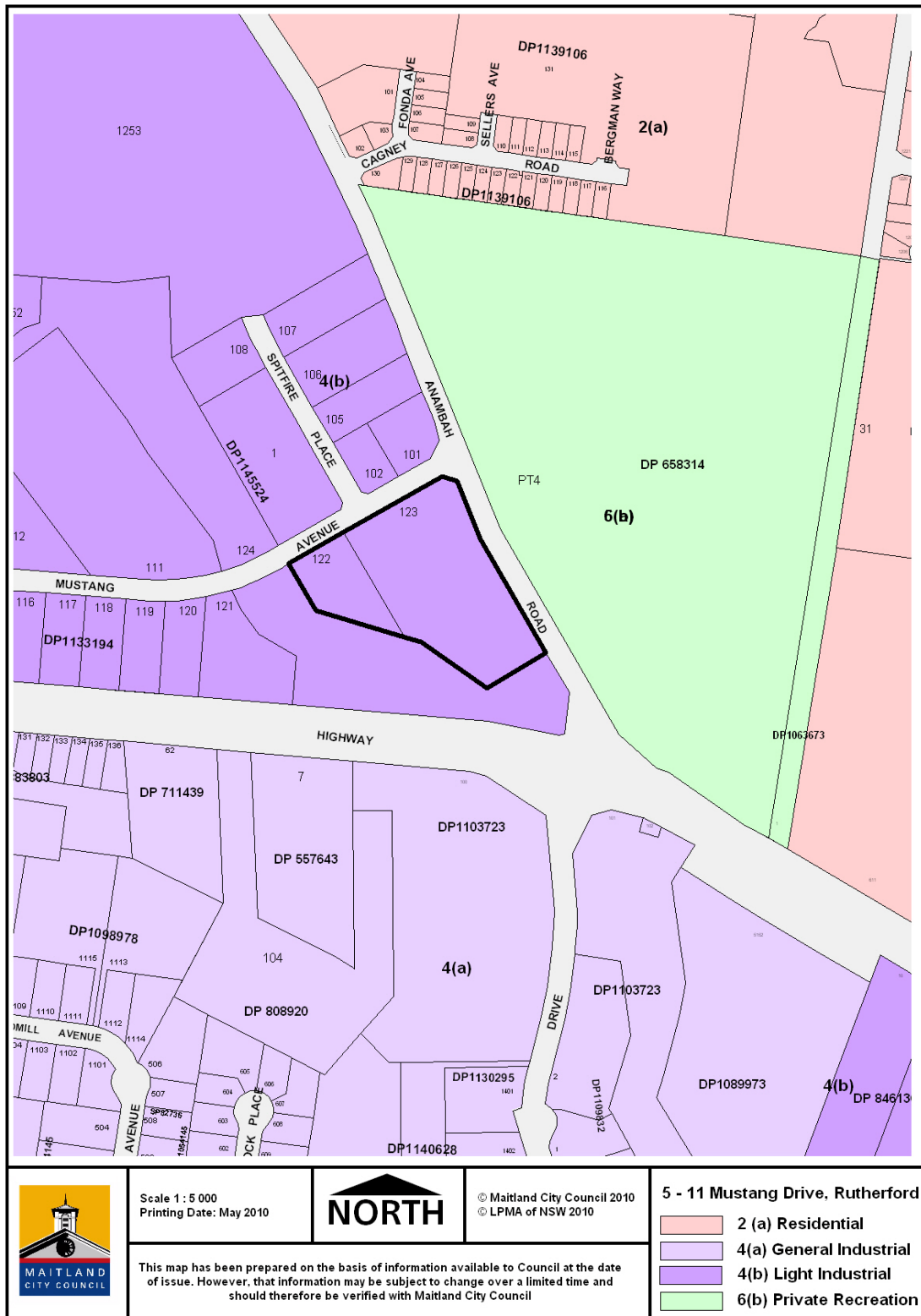
H21 Hot water systems must be capable of supplying an adequate hot water supply at a minimum of 75°C.

H22 A cleaner's sink is to be provided for the disposal of waste cleaning water. The sink is to be provided with a supply of hot and cold water and is to be located in a room or space away from food preparation areas.

H23 Hot and cold water taps with hose connections are to be provided and installed in a position 600mm above the floor.

ATTACHMENT A: AERIAL MAP AND ZONING PLAN

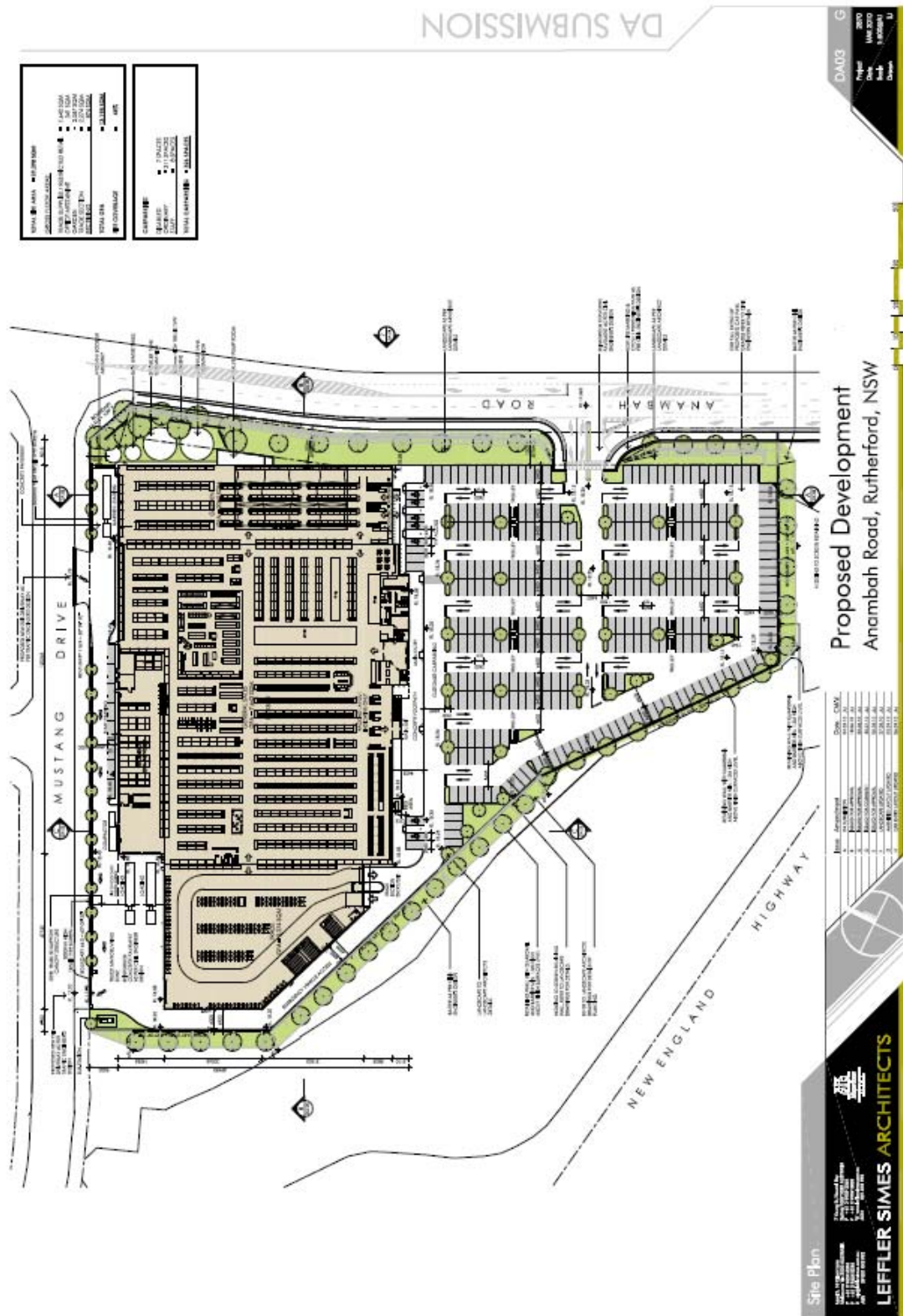


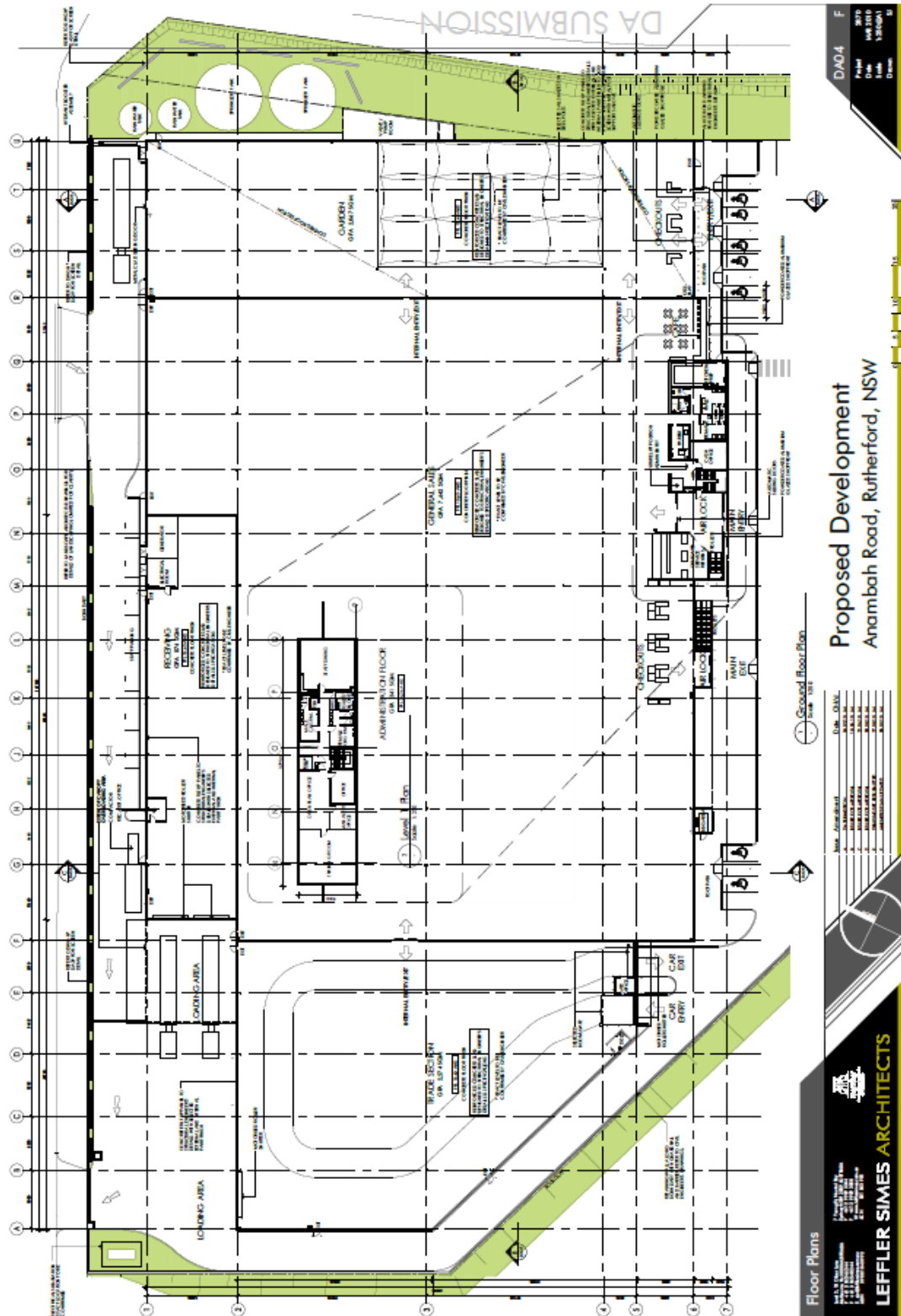


DA SUBMISSION

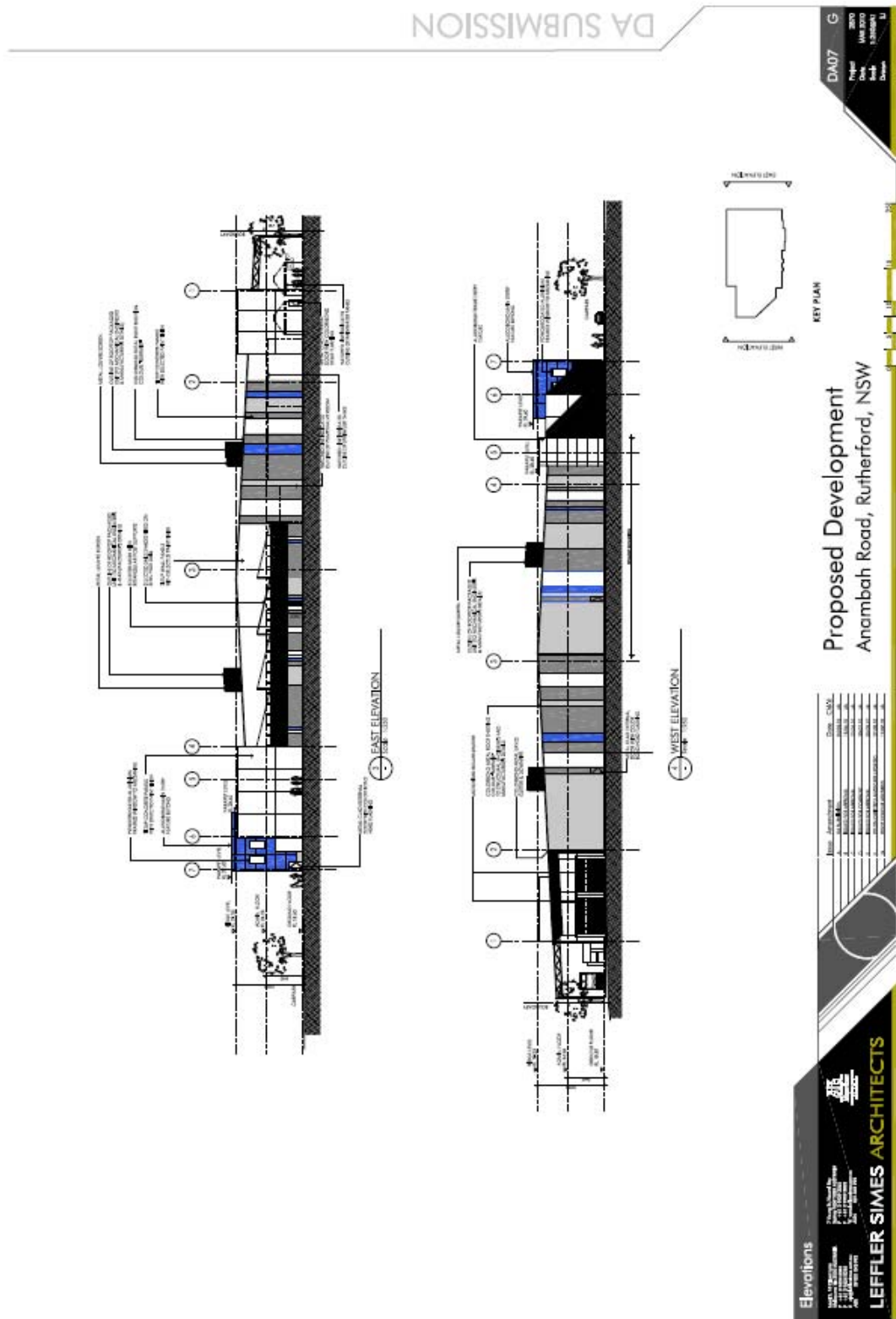
DRWG. NO.	DRWG. TITLE	SCALE
DA 01	TITLE SHEET	NTS.
DA 02	EXISTING SITE CONDITIONS	1:500 on A1
DA 03	SITE PLAN	1:500 on A1
DA 04	FLOOR PLANS	1:250 on A1
DA 05	ROOF PLAN	1:250 on A1
DA 06	ELEVATIONS	1:250 on A1
DA 07	ELEVATIONS	1:250 on A1
DA 08	SECTIONS	1:250 on A1
DA 09	STREET ELEVATIONS	1:250 on A1

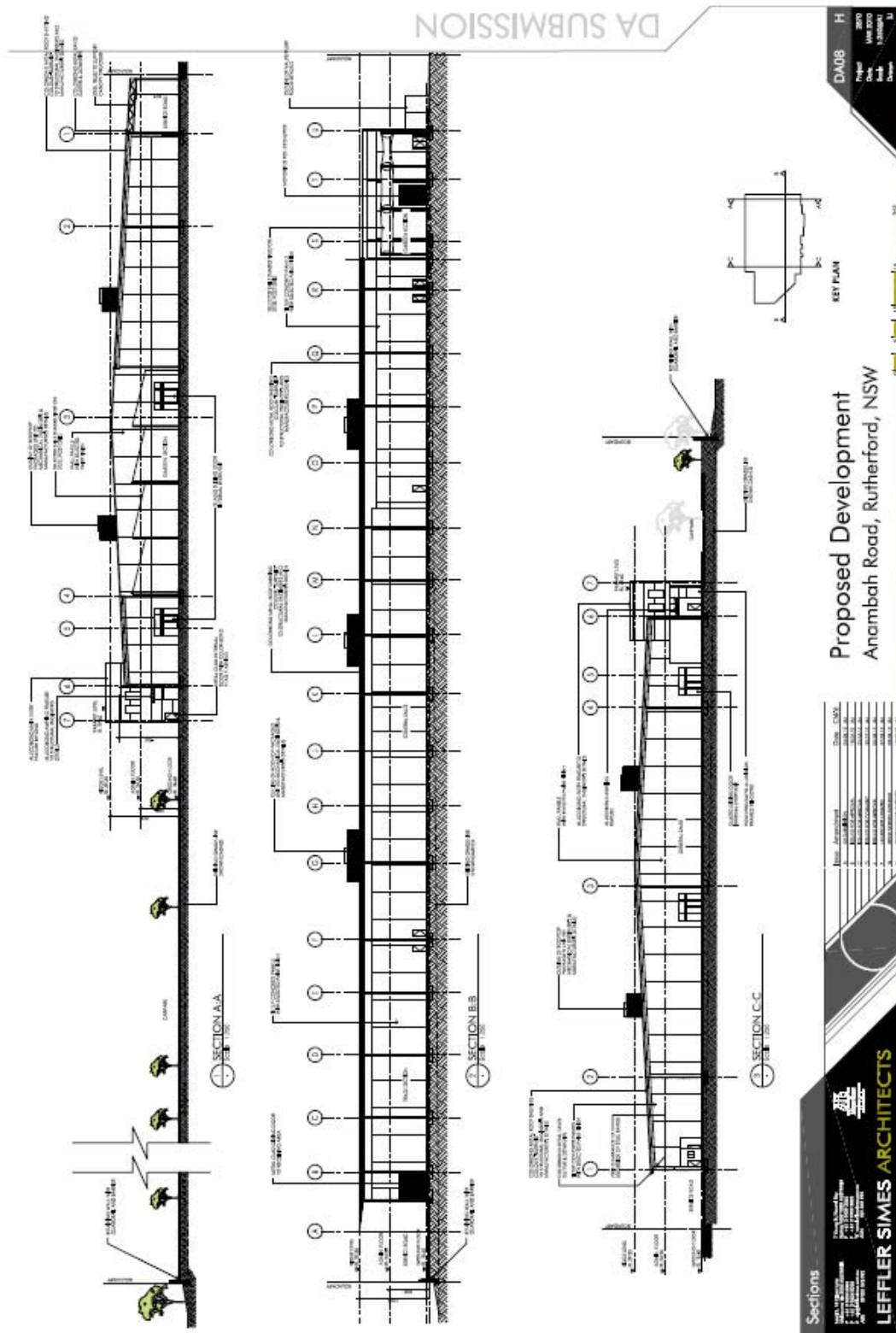
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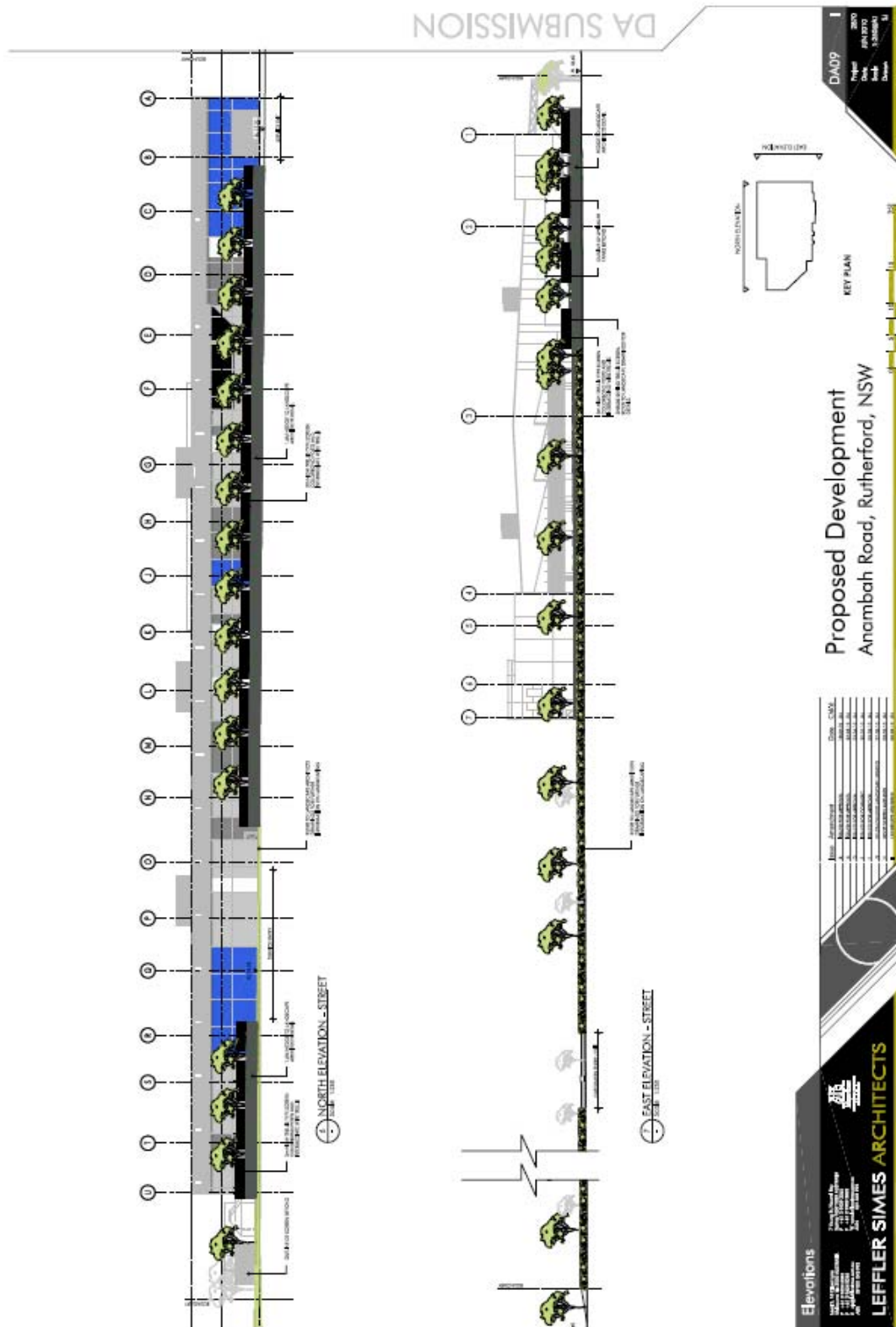






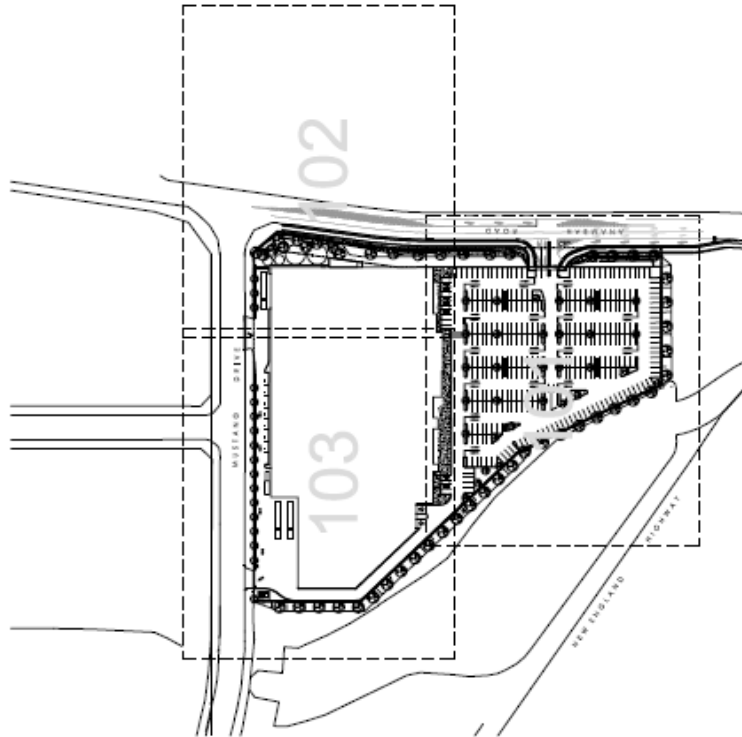


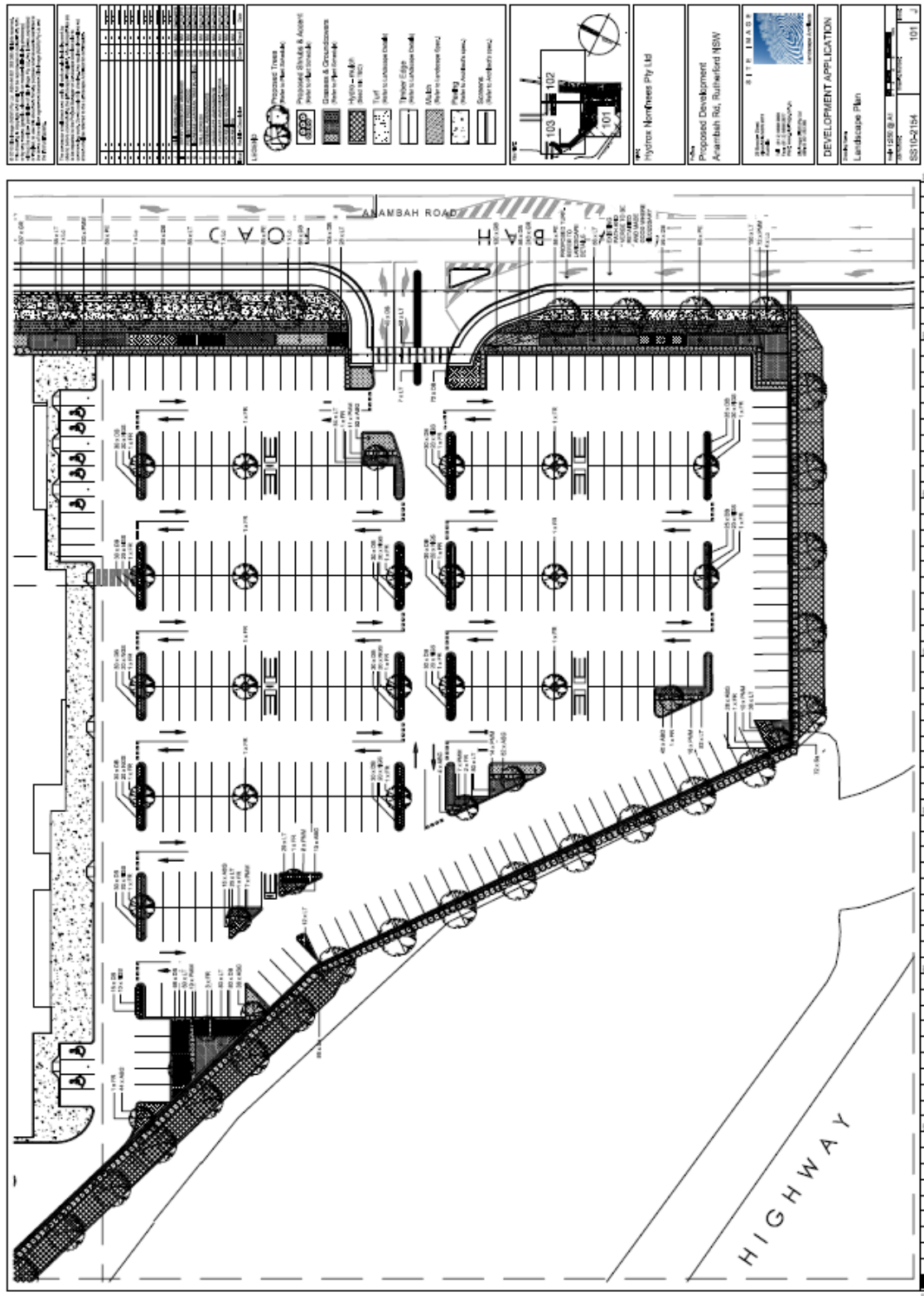




SEPTEMBER 2010

DRAWING No.	DRAWING	ISSUE
001	TITLE SHEET	K
101	LANDSCAPE PLAN	J
102	LANDSCAPE PLAN	K
103	LANDSCAPE PLAN	K
901	LANDSCAPE DETAILS / OUTLINE SPECIFICATION	J

[illegible]



[illegible]



48

