

JRPP No.	2010HCC024
DA No.	DA249/2010
Proposal	Refurbishment and extension of Gowrie Street Mall
Property	Lots 162 & 103 DP 635677, Lot 11 DP 592595, Lot 1 DP 194663, Lot 8 DP 666536, Lot 3 DP 973029, Lot 4 973028 and Lots 210 & 211 DP 1037874; 1 Gowrie Street SINGLETON
Applicant	Charter Hall REIT
Submission	Fourteen (14)
Report By	Alison Clark
Checked by	Mark Ihlein

Assessment Report and Recommendation

Executive Summary

Proposed Development

The proposed development is for the refurbishment and expansion of the existing single storey shopping centre (known as the Gowrie Street Mall) at the southern end of the Singleton central business district. The proposal is advertised and integrated development pursuant to the Environmental Planning and Assessment Act 1979 (EPA Act).

The development is proposed to be undertaken in stages to minimise disruption to existing business operations within the premises during the construction period. Once completed the shopping centre will have a gross floor area of approximately 24,628 square meters (it is currently 12,200 square metres) and will create 364 new full time positions (the current number of employees is unknown).

The following works are proposed as part of the development:

- Partial demolition of the existing structure and car parking
- Expansion of Big W, and Woolworths
- Construction of a new Coles supermarket
- Expansion of specialty retail
- Construction of a deck car park fronting John Street
- Construction of on grade car parking areas off Burns Lane and Gowrie Street
- Pedestrian access to the Mall from John Street and Gowrie Street
- Internal refurbishment of existing Mall
- Construction of an electricity sub-station chamber
- New toilet amenities
- Landscaping

Referral to Joint Regional Planning Panel

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to Clause 13B of State Environmental Planning Policy (Major Development) 2005 given it has a capital investment value over \$10 million.

Permissibility

The site is zoned 3 Business pursuant to Singleton Local Environmental Plan 1996. The proposal is categorised as a shop and is permissible within the 3 Business zone subject to

development consent. All required owner(s) consent has been provided. The proposal is integrated and advertised development.

Consultation

In accordance with the Council's Notification policy within the Singleton Development Control Plan 2009 the application was notified and exhibited from 23 July 2010 to 13 August 2010. A total of fourteen (14) submissions were received.

Key Issues

The two main issues identified in the assessment and/or raised in the submissions were as follows:

- Urban Design; and
- Traffic

Recommendation

That development consent be granted to DA249/2010, subject to the conditions contained in APPENDIX A.

1. Background

The existing Gowrie Street shopping centre Mall was originally constructed in 1984 and has subsequently been modified on a number of occasions (most recently in 2008). It now incorporates a building which accommodates a total net lettable floor area of approximately 11,066 sq.m. and provides car parking facilities for 608 vehicles.

In 2008 Council approved an application (DA574/2007) for major alterations and additions that proposed a 14,336 sq.m. net floor space increase to the existing shopping centre and the provision of 965 car parking spaces. However this approved development has not been proceeded with.

The current application was received by Council on 19 July 2010 and was publicly notified from 23 July 2010 to 13 August 2010. During this public notification period an assessment of the proposed development revealed a number of unsatisfactory aspects relating to traffic management, urban design and landscaping matters which the applicant was subsequently requested to address by letter dated 17 September 2010.

A meeting was held between Council officers and the proponents of the development on 12 October 2010 which resulted in amended plans being received from the applicant on 10 December 2010. A revised traffic report was subsequently received on 3 February 2011.

2. Site and Locality Description

The development site consists of nine (9) separate parcels of land at the southern end of the central business district (CBD) of Singleton having a combined area of approximately 4.5 hectares and comprising Lots 162 & 103 DP 635677, Lot 11 DP 592595, Lot 1 DP 194663, Lot 8 DP 666536, Lot 3 DP 973029, Lot 4 973028 and Lots 210 & 211 DP 1037874. It is located generally opposite James Cook/Rose Point Park in Ryan Avenue (to the north-west), the Singleton Plaza shopping centre and its associated car park off Gowrie Street (to the south west), and the Council owned car park on the opposite side of Burns Lane (to the north-east). The site also bounds an existing service station site at the corner of Gowrie Street and John Street as well as a 10 m wide paved laneway that extends off Burns Lane that provides vehicle access to the rear of a number of adjacent commercial premises fronting John Street.

The site is relatively flat and irregular in shape, having frontages of 376m to Ryan Avenue, 150m to Gowrie Street, 100m to John Street and 90m to Burns Lane. The site also has a 130m frontage to a 10m wide paved laneway that extends off Burns Lane through Lot 112 DP1005149. This paved laneway provides right of way vehicle access to the rear of the adjacent commercial buildings fronting John Street as well as the shopping centre car parking areas.

A single storey retail shopping centre (known as the Gowrie Street Mall) is located at the western end of the site near the intersection of Ryan Avenue and Gowrie Street. It has a gross floor area of 12,200 sq. m. and contains a supermarket and a departmental store as well as 19 specialty retail shops and 3 kiosks which are all accessed off an internal pedestrian arcade that extends along south-eastern side of the shopping centre building. A separate service station building is situated at the north eastern end of the site at the intersection of Ryan Avenue and Burns Lane. The John Street frontage of the site contains vacant lands that were formerly occupied by a number of commercial buildings and which were demolished following Council approval in 2006.

Off street car parking facilities for 608 vehicles is provided for the shopping centre patrons and staff in three separate locations within the site. A 30 space car park is located between

the western end of the shopping centre building and intersection of Ryan Avenue and Gowrie Street. A 132 space car park is situated adjacent to the south-eastern side of the shopping centre while a 446 space car park is located generally between the shopping centre and service station building to the north-east.

The service areas and vehicle loading docks for the shopping centre are located along the north-western side of the building fronting Ryan Street.

Vehicle access to the shopping centre car parking areas is currently obtained from six (6) separate driveway locations. Three separate vehicle entry/exit driveways are located along the Gowrie Street frontage which provides vehicle access to shopping centre car park as well as delivery/service vehicle access to the service and loading dock areas. Vehicle egress from the service and loading docks is directed to a centrally located combined ingress/egress driveway crossing in Ryan Avenue between the shopping centre and service station building. Vehicle access to and from the shopping centre car park is also available from the 10m wide paved access laneway off Burn's Lane as well as a separate combined ingress/egress driveway crossing adjacent to the existing petrol station in Burns Lane near its intersection with Ryan Avenue.

Existing landscape treatment of the site generally comprises some tree and shrub plantings adjacent to the service/loading dock areas along the Ryan Avenue frontage of the site and the car park adjacent to Gowrie Street, with a scattering of tree plantings throughout the shopping centre car parking areas.

Existing traffic management within the surrounding road network is generally limited to signage which directs that no right turn vehicle movements are permitted from Gowrie Street into John Street as well as from Burns Lane into John Street. A Bus stop with associated bus shelter is located in Gowrie Street, adjacent to the shopping centre car park.

The site is not located within a Heritage Conservation Area and does not contain any items of heritage significance as listed under Schedule 3 of Singleton Local Environmental Plan 1996.



Map 1: Aerial photo showing locality. Subject site is highlighted in red.

3. Project Description

The proposed development has a capital investment value of \$30 million.

The proposal involves the partial demolition of the existing single-storey shopping centre which includes:

- Partial demolition of the existing loading dock and plant room areas along the Ryan Avenue frontage of the existing shopping centre including the demolition of internal walls and fittings of both the existing supermarket and departmental store;
- Demolish the existing garden store, storeroom and plant rooms adjacent to the north-eastern side of the department store;
- Demolish existing interior fitout partitions, wall and roof structure including the existing amenities adjacent to the internal arcade at the south-eastern corner of the shopping centre;
- Removal of the eastern most driveway crossing into Gowrie Street as well as the combined ingress/egress crossing in Ryan Avenue; and
- Removal of trees within the existing car park areas as well as along the Gowrie Street frontage of the site;

The proposed development also includes building works which will:

- Enlarge the net floor area of the existing supermarket from 3,187.3sq.m to 3,800sq.m;
- Increase the size of the existing Departmental Store from 5,878sq.m. to 6,800sq.m (which includes the retention of an existing 350sq.m. mezzanine area);
- Provide a new single storey building addition to the north-eastern end of the existing shopping centre building to accommodate an additional supermarket (3,850sq.m.) and mini-major retail store (1,150sq.m) with associated service and loading dock areas along the Ryan Avenue frontage as an extension to the existing service/vehicle loading dock areas of the existing shopping centre and the provision of a secure trolley storage area for the new supermarket.
- Provide an extended undercover shopping centre arcade (accommodating 4 new pedestrian access doorways) within the south-eastern side of the building, providing 4893 sq.m. of specialty shop and kiosk commercial floor space adjacent to and within the arcade area.
- Provide a 3 level car parking building incorporating 610 car parking spaces along the alignment of John Street with the building being connected to the shopping centre by an enclosed bridging structure which contains a lift, staircase and travelator. The ground floor of the car park also incorporates a raised and featured 2.5m wide paved pedestrian walkway linking John Street with the main entry to the shopping centre and a secure trolley storage area.
- Provide a new electricity substation chamber building at the corner of Ryan Avenue and Gowrie Street with an attached secure shopping trolley storage area.
- Provide a new vehicle egress crossing into Ryan Avenue for service and delivery vehicles to exit from the loading docks of the shopping centre.
- Reconstruct the car parking areas off Burns Lane and Gowrie Street to provide 228 at grade and uncovered car parking spaces.
- Reconstruct a staff car park for 20 vehicles between the proposed substation chamber building and shopping centre building near the intersection of Ryan Avenue and Gowrie Street.

The hours of operation of the proposed redeveloped shopping mall will be as follows:

Entire Centre

- Monday to Wednesday and Friday to Saturday – 9:00am to 5:30pm
- Thursday 9:00am to 9:00pm
- Sunday 10:00am to 5:00pm

Supermarkets

- 24 Hours 7 Days

Big W

- Monday to Wednesday and Friday – 8:00am to 6:00pm
- Thursday – 8:00 am to 9:00pm
- Saturday and Sunday – 8:00am to 6:00pm

Refer to **APPENDIX B** for a copy of plans and elevations

4. Consultation

In accordance with the Council's public notification policy under Singleton Development Control Plan 2009 the application was publicly notified and advertised from 23 July 2010 to 13 August 2010. Surrounding property owners were notified (by individual letters) of the application and notices were placed in the local Singleton Argus newspaper on two (2) separate occasions, advertising the proposed development and affording members of the public an opportunity to make written submissions to Council regarding the proposed development. In response to this public notification and advertising process, fourteen (14) separate written submissions were received. The issues and concerns raised in these submissions were as follows:

- Inappropriate visual presentation of the proposed car park structure along the John Street alignment and the loss of commercial shopfront activation along this street frontage
- Removal of retail services from John Street
- Pedestrian access
- Singleton CBD Streetscape Improvement Project 2008
- Non compliance with Element 3 of the Singleton Development Control Plan 2009
- Previous DA approval
- Inadequate site analysis
- Accessibility and transport considerations
- Ecological sustainability considerations
- Landscaping
- Lighting
- Traffic Congestion
- Location of amenities
- Retention of rear access and car parks for John Street properties
- Removal of car parking along John Street

5 Referrals

The application was referred to the Roads and Traffic Authority under the provisions of Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*. As a result of the referral to the RTA the application was also placed on the Hunter Regional Development Committee agenda.

The development was referred to the NSW Police for comment regarding crime prevention through environmental design. The NSW Police's principle interest is to ensure that development provides safety and security to users and the community. The comments received by Council on 20 December 2010 are attached at **APPENDIX C** and a number of the recommended conditions of consent have been included in **APPENDIX A** as conditions I1, I2, I3 and I4.

The following internal referrals were undertaken and comments were received from:

- Local Traffic Committee
- Disability Advisory Committee
- Council Development Engineer

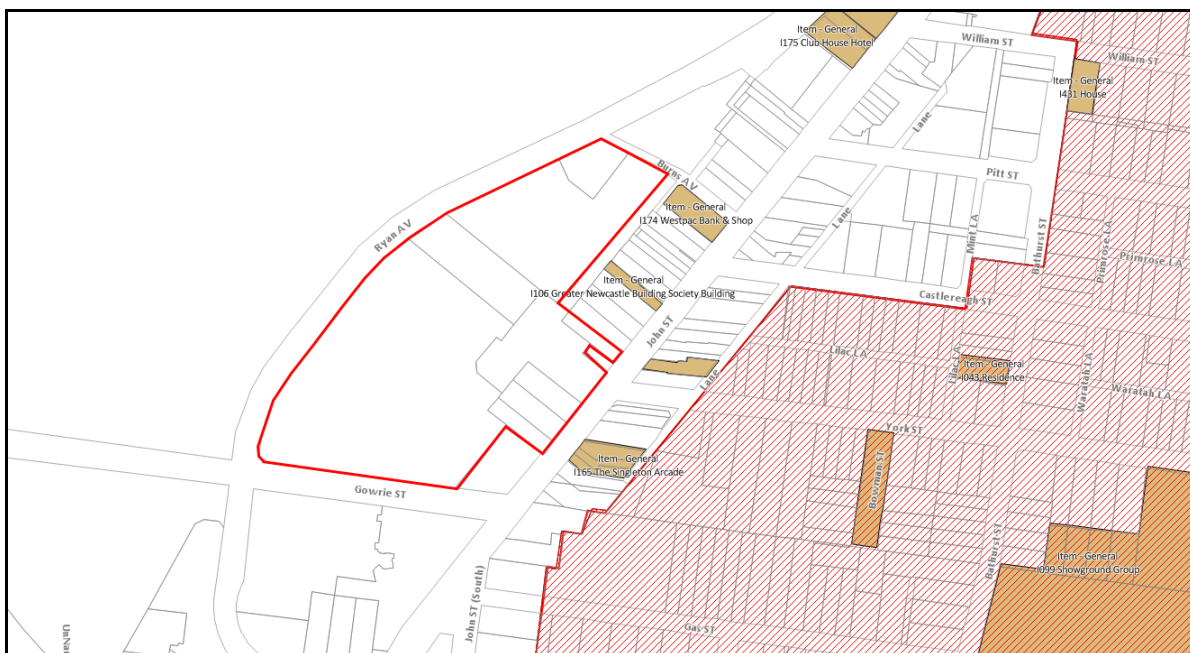
Refer to **APPENDIX C** for referral comments.

6. Section 79C Considerations

(a)(i) the provisions of any environmental planning instrument



Map 2: Zoning map extract. Subject site is highlighted in red



Map 3: Heritage Conservation Area & Heritage Listed items map. Subject site is highlighted in red

State Environmental Planning Policy (Major Development) 2005

SEPP (Major Development) 2005 is applicable to the proposal as the development has a capital investment value of \$30 million. Consequently the application is required to be determined by the Joint Regional Planning Panel (JRPP). The proposal is not defined as a Part 3A project 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 24,628 sq meters. The provisions of the SEPP require the application to be referred to the Roads & Traffic Authority's Regional Development Committee for comment. The application was referred to the RTA on 26 July 2010 and was considered at the Hunter Regional Development Committee meeting on 17 August 2010. Both the RTA and the HRDC requested additional information from the applicant. A revised traffic study was subsequently prepared and submitted to Council on 2 February 2011.

The RTA provided a response to the revised traffic study on 17 February 2011. The response raised the following areas of concern:

- Errors contained within revised traffic report prepared by Traffix
The RTA highlighted a number of errors and assumptions that have been made throughout the report and requested that these be addressed. Council's Development Engineer has considered these comments and notes that the impacts of these errors and assumptions cannot be determined without in depth analysis of the SIDRA input, however despite all of the above the recommendations presented in the assessment appear to have merit. The level of service at the Ryan Avenue/Gowrie Street and Ryan Avenue/Burns

Lane intersections is not as relevant and safety of the intersections. These intersections require improvements because of the poor sight distances and safety considerations. Therefore appropriate conditions have been included in **APPENDIX A** requiring significant upgrades to address these safety concerns, as discussed below.

- Intersection of Ryan Avenue and Gowrie Street
The RTA suggests that a single lane circulating roundabout should be constructed at this intersection and would support this should Council decide to include it as a condition of consent. Condition F11 has been incorporated in **APPENDIX A** requiring an upgrade of this intersection with the installation of a roundabout or traffic signals.
- Intersection of Ryan Avenue and Burns Lane
The revised traffic impact assessment prepared by Traffix recommends a sea gull intersection in this location. The RTA and Council do not support this due to safety concerns. Condition F11 has been incorporated in **APPENDIX A** requiring a channalised intersection with the inclusion of a cycle refuge at the Ryan Avenue and Burns Lane intersection.
- Service vehicle route for development
There is concern that the service vehicle route does not meet design guidelines and turning path diagrams should be provided to demonstrate these movements are achievable. Swept path diagrams have been submitted for all service vehicles other than the exit onto Ryan Avenue. The swept path diagram provided for the Gowrie Street entry does not make allowance for the required roundabout or traffic signals at this intersection with Ryan Avenue, however initial investigations by Council's Development Engineer demonstrates that it appears possible to provide a satisfactory design solution depending on the final configuration of the intersection. Due to the close proximity of the Gowrie Street and Ryan Avenue intersection to the service lane entry service vehicles will require considerable screwing to negotiate the turn. In addition the development will generate approximately twice the number of service vehicles.

Currently Gowrie Street is only a two coat bitumen seal and the wearing course will easily strip under this type of vehicle movement, with frequent patching already required. Consequently Gowrie Street from the Ryan Avenue intersection to the service vehicle intersection will be required to be upgraded with a wearing course of a minimum 50mm AC14 subject to a paving design. Condition F11 has been incorporated in **APPENDIX A** addressing this requirement.

The service lane exit onto Ryan Avenue is a concern as it is not possible to make a left turn from the service lane onto Ryan Avenue. The only possible turn is a right turn where the vehicle is at an awkward skewed angle. As a result all service vehicles will be forced to turn right thereby directing all service traffic to the traffic lights at the Ryan Avenue/John Street intersection then to Campbell Street and onto the New England Highway. Condition F11 has been included in **APPENDIX A** requiring the service vehicle exit to be constructed as right turn only.

State Environmental Planning Policy 55 – Remediation of Land

This policy provides a state-wide planning approach to the remediation of land. 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 was previously used as a mechanical workshop and contained a number of underground fuel storage tanks, which have since been removed and the site remediated. A site audit statement, prepared by Environ Australia Pty Ltd, was submitted with the application and confirms that the site is suitable for the proposed commercial use.

State Environmental Planning Policy 64 – Advertising and Signage

State Environmental Planning Policy 64 - Advertising and Signage is applicable to the proposal. Part 3 of the SEPP does not apply as the signage proposed is considered to be business identification signage and building identification signage. Part 2 of the SEPP requires Council to ensure the proposal complies with the aims of the policy and the assessment criteria of Schedule 1.

Part 2 Clause 8(a) requires Council to ensure the proposed signage complies with the aims of the SEPP. Whilst no signage has been proposed signage zones have been identified on the plans with typical details provided with photomontages. The typical details have been assessed as part of this development application, however all signage will require separate development consent. Condition H4 has been included in **APPENDIX A** advising the applicant of this requirement. In addition conditions H6, H7 and H8 all relate to advertising on the development site. All signage will be used to identify the Gowrie Street Mall, the location of car parking areas, and the businesses that operate from the site. The signage is considered suitable for the intended purpose and will effectively communicate the use of the site. The signs have been placed in suitable locations on the site with the majority of the signs located on the front façade of the mall. The site is located within the CBD of Singleton and as such the area has a high volume of business identification signage. The signage will be in keeping with the existing character of the area. Details of the content of all signage have not been provided however signage zones have been identified on the plans. The signage zones nominated on the south-east elevation are considered excessive; however the photomontages show a more acceptable signage outcome with business signs located above shopfronts not along the entire elevation and these are considered suitable for the development. There is no signage proposed along the Ryan Avenue frontage of the development. The building will incorporate the use of different colours and materials to identify the loading dock number. The service area is a highly visible building façade and the loading dock identification numbering provides a subtle refined architectural treatment. The following assessment is based on the signage shown in the photomontages as these provide a higher level of detail than that provided on the elevations.

Schedule 1 of the SEPP provides assessment criteria to assist Council in the consideration of applications for signage. Schedule 1 is addressed as follows:

1. Character of the area

The immediate locality surrounding the development site is characterised by commercial and business premises. The signage located within this area serves the purpose of identifying the businesses operating from the premises. The signage proposed for the development is ancillary to the intended use and will clearly and efficiently communicate this use to the public. There is a common theme of under

awning signage and front façade signage present in John Street. The signage proposed does not incorporate any under awning signage with the majority of the signs proposed to be attached to the front façade of the building and car park.

2. Special Areas

The development site is within close proximity to a number of heritage items in John Street. The signage proposed is consistent with the signage themes currently present in John Street and as a result will not have an adverse impact on the heritage significance of these sites. The Ryan Avenue frontage will have minimal signage as discussed previously and as a result will not detract from the open space area located adjacent to the site. The site is not located within or in close proximity to an environmentally sensitive area, natural or conservation area, waterway, rural landscape or residential area.

3. Views and vistas

The majority of the signage proposed will be located on the front façade of the mall building. As the building will be surrounded by car parks the signage will not obscure or compromise any views in the surrounding locality. The signs will not project above the building or car park and will not impede the views of any other advertisements.

4. Streetscape, setting or landscape

The signage proposed will be consistent with the existing advertising themes currently present in John Street and will not result in significant conflict with the nature of the existing streetscape. The signs will serve to identify the use of the site as a shopping mall in a clear and concise manner. Signage zones have been identified to ensure signs are appropriately located and to avoid a proliferation of signage within the development. Signage on the car park fronting John Street creates interest and helps break up the façade.

5. Site and building

The signage is considered suitable for the proposed development and is consistent with the scale of the proposed mall. The location of the signage has been chosen to provide clear identification of the use of the site whilst also respecting the character of the buildings. There is some continuity in the type of signage proposed on the site.

6. Associated devices and logs with advertisements and advertising structures

The content of the signs has not been provided however the photomontages provided show a typical design that may be used. All of the signage will contain the business logos of the companies operating from the site. The logos used on the signage will accurately reflect the use of the premises to ensure appropriate recognition of the range of services available within the mall.

7. Illumination

Signage is proposed to be internally illuminated to increase the public recognition of the signage. The illumination of signage would not create unacceptable glare and is unlikely to adversely affect the safety of pedestrians, vehicles or aircraft. There are no residential properties or accommodation within close proximity to the development site. It is not known if the illumination can be adjusted. As all signage will require separate approval illumination details will be assessed at a later stage.

8. Safety

The signage is to be located on the front façade of the building and car park which will ensure it does not obscure any sightlines or reduce the safety of any public roads, pedestrians and bicyclists.

Singleton Local Environmental Plan 1996

The proposed alterations and additions to the Gowrie Street Mall are defined by Singleton Local Environmental Plan 1996 (SLEP 1996) as a shop. Shops are permissible with consent in the 3 (Business Zone). The proposal is generally consistent with the aims and objectives of the instrument.

Pursuant to Clause 16(3) of SLEP 1996 the proposed development must be consistent or compatible with one or more objectives of the zone in order that Council may grant consent. The zone objectives and a planning assessment addressing the proposed development against them is offered below:

Zone 3 (Business Zone)

Objectives of zone

(a) to provide for commerce, retailing, offices and other similar commercial development and services in suitable locations,

The development site is located to the south eastern end of the CBD and currently contains a shopping mall. The development will enhance and improve the current retail opportunity present on the site. The location of the development is considered suitable as it will facilitate the refurbishment and expansion of an existing shopping mall and reinforce its role as a major retail complex located within the CBD. The proposed redevelopment will promote the economic development of the Singleton CBD through an expansion of the range of retail services available in the region. The proposal has been designed to be convenient and to suit consumers through the provision of a wide range of retail services, on-site car parking and pedestrian links to John Street and surrounding development. There are a number of vehicular access points to on-site parking and delivery vehicle access and egress has been separated from general public traffic. The shopping mall will provide additional employment opportunities during both the construction and operational phase.

(b) to maintain and enhance the character and amenity of commercial areas, to promote good urban design and to retain heritage values where appropriate.

The proposal will provide an appropriate commercial development with the CBD. Currently the majority of the development site is vacant or utilised for at grade open car parking. The erection of buildings on these lots will enhance the character and amenity of this area. The existing shopping mall is also disjointed from the John Street retail strip with there being no continuity of retail/commercial development effectively linking the two. The proposed pedestrian walkway that is to extend through the multi level car park to John Street seeks to create a link between the mall and the main street.

The development will enhance the existing streetscape with the design seeking to utilise various architectural elements and themes currently present in John Street. Street awnings over the footpath are a common building element employed to create a pleasant customer amenity along John Street. This theme has been extended to the proposal with an awning proposed along the John Street frontage. The urban design issue of the multi storey car park fronting John Street has been raised with the applicant on a number of occasions. As a result minor amendments to the plans have been made in an attempt to address this matter. Whilst the amendments have provided some improvement it is considered that there are further design measures that could be implemented to provide a more positive outcome in terms of streetscape and visual impacts. Condition C13 been included in **APPENDIX A** requiring footpath widening and associated landscaping.

Clause 31 of SLEP 1996 which relates to flood liable land is applicable.

The development site is identified as being inundated by the 1:100 year flood event and will be required to be designed to withstand the forces of flood waters as well as use building materials resistant to water inundation. Conditions C2 and C3 has been included in **APPENDIX A** to address the requirements of this clause.

(a)(ii) the provisions of any draft environmental planning instrument

No such instruments apply to the assessment of this proposal.

(a)(iii) any development control plans

The Singleton Floodplain Management Development Control Plan and the Singleton Development Control Plan 2009 apply to the proposed development. An assessment of the proposal based on the requirements contained therein follows:

Singleton Floodplain Management Development Control Plan

The subject land is mapped as being partially High Hazard – Flood Fringe and partly Low Hazard – Flood Fringe. Clause 7.3.5 relates to commercial development within the flood fringe and requires the development to be certified by a practicing structural engineer to ensure that the building will not sustain unacceptable damage from the impact of flood waters and debris associated with the standard flood. Condition C3 has been included in **APPENDIX A** to address the requirements of this clause.

Singleton Development Control Plan 2009

Element 3 – Commercial and Retail Development

Development Standard	Requirement	Proposal	Compliance
Clause 3.3.1 – Setbacks	Compliance with the BCA	<ul style="list-style-type: none">- Building to boundary line along Gowrie Street- Minimum of 2m to Ryan Avenue- Minimum of 52m to Burns Lane- Car park to boundary on John Street	Yes
Clause 3.4.1 – Building Height	Maximum height limit 8.5m	6m height	Yes

Clause 3.5 – External Appearance

The refurbishment and extension of Gowrie Street Mall will maintain its single level configuration with a three level car park fronting John Street. The centre will be constructed with a variety of textures and colours to provide building articulation and modulation.

The John Street frontage will contain a three level car park which is to be constructed to the boundary of the site to align with the existing buildings along John Street. The façade will be screened with mesh panels, painted steel columns and landscaping. The mesh panels will be offset at different distances to help create depth to the structure with the panels also forming an irregular height along the length of the

façade to break up the street profile. A variety of construction materials and finishes will be utilised to create visual interest and articulation. The incorporation of a cantilevered awning over the footpath creates user amenity and maintains the continuity of awnings which are common along John Street. Condition C13 has been included in **APPENDIX A** requiring local widening of the John Street footpath to improve pedestrian safety by minimising the potential for conflicts between pedestrians and vehicles. The widening will also enable the provision of additional hard and soft landscaping, together with street tree planting to the entire John Street frontage. The street tree planting will ensure continuity with the remainder of John Street, with large Plane trees a consistent theme along this street. This will assist in softening the multi storey car parking structure.

The principle pedestrian access linking the shopping mall and John Street is incorporated within the car park façade in John Street at street level with public seating provided adjacent to this entry to facilitate activation of the street front. The car park façade employs structural elements to help reflect the grid type structure currently present in John Street. The stairs provided at each end of the car park adjacent to John Street not only provide for convenient pedestrian access, but also assist in defining the extent of the façade. There will be limited signage along this frontage with the signage zones confined to the stairs and above the awning. The car park will provide a unique structure that will add visual interest to but not dominate the streetscape. The provision of additional footpath widening and street tree planting will help to integrate the structure with its surroundings.

A number of significant building elements will be visible from Gowrie Street. The car park will be largely obscured by the existing service station on the corner of John and Gowrie Street. This section of the car park will be broken into vertical segments through the use of painted and patterned precast elements, including brick, to tie the development in with the existing CBD.

The façade of the shopping centre incorporates a variety of different coloured precast concrete panels and strategically located signage zones to add interest to the façade. A trolley store and electrical substation building are significant building elements that will be visually prominent along the Gowrie Street elevation. The trolley store is to be setback 1200mm from the boundary to allow for a landscape screen planter along the street frontage. The trolley store will be enclosed by a mesh screen for security purposes with a painted precast panel used to screen the trolley store from the public street. The substation, which comprises a rectangular shaped structure measuring approximately 3 metres, will only be partially visible from the street due to the topography of the land. The intersection of Ryan Avenue and Gowrie Street, sits approximately one metre above the level of the proposed substation. In addition to this the ground level in front of the substation is to be built up another 750mm to further reduce the visible portion of the structure, with the substation wall also to be constructed of brick to blend with the materials commonly present in John Street.

The Ryan Avenue façade will feature concrete panel walls that will incorporate a mixed palette of colours and finishes to create visual interest. The loading dock numbers will be integrated into the concrete panel walls to identify the use of the area to the general public and delivery drivers. The walls exterior step in and out regularly to follow the curve of the loading dock and Ryan Avenue which will break up the profile of the building and reduce its perceived bulk and scale.

Viewed from Burns Lane the proposed redeveloped shopping mall will provide a new façade with the existing service station being retained. The existing uncovered at grade car parking area will be reconfigured to facilitate traffic movement and access

to the shopping centre and to allow for the extension of the mall to the north. The mall extension will incorporate an additional pedestrian entrance at the northern end of the site off Burns Lane which will be activated through an outdoor eating area that is proposed adjacent to the projected awning fronting this entry.

The proposed mini major building is to be located in proximity to the new Burns Lane mall entry but will incorporate a separate entrance with an awning over the pedestrian walkway. The mini major building projects forward of the main building which assists in creating some depth to the structure. The staggering of the buildings also reduces the perceived bulk and scale. Views of the blank concrete panel wall of the mini major will be partially obscured by the existing service station located on the corner of Ryan Avenue and Burns Lane. The visual impact of the car parking structure when viewed from Burns Lane will be partially negated by existing commercial buildings that front John Street. The use of mesh panels along the car park will screen vehicles parked in this location and will provide some transparency to reduce the dominance of this structure within the locality.

Clause 3.6 – Impacts on Local Amenity

The proposal will contribute to enhancing the CBD as the principal location for retail and non-retail services. The development has been designed to incorporate a number of building elements that are common within existing structures along John Street, whilst also introducing some new elements to distinguish it from the remainder of the CBD. Once complete the centre will provide the largest range of retail services in the locality and as such it will become the main retail centre for consumers.

The proposed development does not provide any retail floor space fronting John Street with the retail area of the development segregated from John Street by the multi storey car parking structure. This issue has been raised with the applicant who has advised that it is not viable to provide any form of retail along this frontage due to servicing issues. Whilst it would be desirable to have retail shops along this frontage the current design does not easily facilitate this and major amendments would be required. The current design does to some extent draw retail trade away from John Street, however it should also be noted that the provision of the majority of the car park along John Street is a positive contribution to the retail trade as there is a historical deficiency of car parking within the CBD. The provision of the multi level car parking structure fronting John Street will help to alleviate the CBD car parking shortage and facilitate accessibility to shops within John Street given it's central location.

Clause 3.7 – Vehicular and Pedestrian Access

There will be some minor changes to the existing vehicular access arrangements into and out of the site to help streamline traffic movements. These access arrangements will be as follows:

- Consolidation of three access points in Gowrie Street to two
- Closure of Ryan Avenue access/egress for light vehicles
- Provision for separate loading dock exit into Ryan Avenue
- Retention of access/egress into Burns Lane via right of carriageway

There are a number of existing pedestrian links from the existing Gowrie Street Mall into John Street that will be maintained as part of the proposed development. The increased pedestrian connectivity maximises the permeability of the commercial precinct therefore providing a positive contribution to the area. The three level car

park fronting John Street will be a benefit to the locality as it will provide a convenient location for users of the shopping centre as well as the remainder of the CBD.

3.8 Outdoor Dining, Display and Seating Areas

Outdoor dining and seating areas are to be contained wholly within the boundaries of the development site and will not encroach on the footpath or Council land. The photo montages of the development show the outdoor dining areas located adjacent to the Gowrie Street entrance and just outside the mall entrance off Burns Lane. These areas are subject to change and will depend on the tenants that are secured for the site.

3.9 Operational Details

Once operational there will be full time retail management on site to provide overall property management. The retail management will be responsible for overall site management, car parking control, centre marketing, tenant and public relations and trolley management. It is proposed that a trolley management plan be provided to Council prior to the issue of an occupation certificate to allow the supermarket tenants time to finalise trolley management procedures and condition F7 has been included in **APPENDIX A** to address this requirement.

The existing trading hours for the mall are as follows:

Entire Centre

- Monday to Wednesday and Friday to Saturday – 9:00am to 5:30pm
- Thursday 9:00am to 9:00pm
- Sunday 10:00am to 5:00pm

Woolworths

- Monday to Wednesday and Friday – 7:00am to 10:00pm
- Saturday – 7:00am to 9:00pm
- Sunday – 8:00am to 8:00pm

Big W

- Monday to Wednesday and Friday – 8:30am to 7:00pm
- Thursday – 8:30 am to 9:00pm
- Saturday – 8:30am to 6:00pm
- Sunday – 9:00am to 5:00pm

The trading hours for the centre will remain unchanged and Big W will implement some minor changes in their hours of operation as detailed below. The two supermarkets will trade 24 hours 7 days a week. The change in trading hours will not impact on the area and suitable lighting will be provided to provide clear visibility during night trading. In addition to this the centre will provide active surveillance measures to reduce the instance of crime. Condition H1 has been included in **APPENDIX A** outlining the hours of operation for the development.

Big W – New Trading Hours

- Monday to Wednesday and Friday – 8:00am to 6:00pm
- Thursday – 8:00 am to 9:00pm
- Saturday and Sunday – 8:00am to 6:00pm

Element 7 – Infrastructure Provision

The subject land is serviced with the essential infrastructure including sewerage services, water supply, electricity and telephone services.

Element 9 – Provisions for Vehicles

Development Standard	Requirement	Proposal	Compliance
Clause 9.2 – car parking spaces (shops)	1/30m ² GFA = 821	858 car parking spaces	Yes. See discussion below.
Clause 9.2 – delivery vehicle parking spaces	1/1500m ² GFA = 16	The supermarkets, mini major, discount department store and specialty stores have loading dock facilities located at the rear of the centre. A store dock is located at the dock entry off Gowrie Street. In total there are 10 loading docks.	No, however the number of docks proposed is considered adequate for the proposed development
Clause 9.2 – bicycle spaces	1/10 staff and 1/500m ² sales floor area = 79	There are no bicycle spaces proposed as part of the development.	No, an appropriate condition will be placed on the consent requiring the provision of bicycle spaces.

The traffic study prepared for the development has adopted the DCP's requirements for shops being 1/30m² gross floor area (GFA) which would require 821 spaces.

As a comparison the RTA's guide to traffic generating development indicates the minimum level of off-street car parking for a retail shopping centre to be 4.3 spaces per 100m² of gross leasable floor area (GLFA). It further suggests that as a guide 75% of the GFA equates to GLFA. Using this formula the proposed development provides 18,471m² GLFA which would require 794 car parking spaces.

Council was the previous owner of a public car park that is now part of the land on which the redevelopment of Gowrie Street Mall will sit. A condition of the sale of this land, by way of 88b instrument, was that 120 car parking spaces be kept and maintained as public carpark to ensure the existing businesses fronting John Street who have a historical deficiency are adequately catered for. The 120 spaces are to be provided in addition to any car parking spaces required by the Gowrie Street Mall retail development.

The RTA traffic generating development requirements are considered to be more reasonable than Council's DCP requirements given they are directed towards the type of development proposed in contrast to the DCP which is directed more towards small scale shops. Further to this the RTA traffic generating development calculates car parking requirements on GLFA rather than GFA which once again is considered more appropriate given there will be sections of the GFA, such as stores and amenities, that will not generate any traffic or car parking demand. Consequently based on the RTA traffic generating development requirements, the proposed development requires the provision of 794 car parking spaces.

In addition to the 794 car parking spaces a further 120 car parking spaces are required in accordance with the restriction as to user thirdly referred to by DP1005149 which has been discussed previously.

The total car parking required for the development is 914 spaces. However the development currently proposes 858 spaces. Accordingly there is a shortfall of 56 spaces. The applicant has been advised that this shortfall will need to be provided on the site or on another site within close proximity as agreed with Council. Conditions H9, H10, H12, H13, H14, H16 and H17 all relate to the provision of off street parking spaces and have been included in **APPENDIX A**.

The development does not comply with the requirements for delivery vehicle spaces with a shortfall of 6 spaces. The development proposes a loading dock at the rear of each supermarket, the discount department store and mini major. A store loading dock is located off the Gowrie Street service entry and a specialty store loading dock is located between supermarket 2 and the discount department store. It is intended that all specialty stores will share the loading dock, with centre management overseeing the use of this dock. Despite the non compliance with the requirements of the DCP the number of proposed loading docks is considered suitable for the development and it is not envisaged that there will be issues associated with the delivery of goods. Condition H18 has been included in **APPENDIX A** to ensure all delivery vehicles utilise the loading bays and do not interfere with the public roads, off street car parking and manoeuvrability within the site.

There has been no provision for bicycle spaces within the development. The above table shows that under the provisions of the Singleton DCP the development is compelled to provide 79 bicycle spaces, which is considered excessive due to motor vehicles being the preferred method of transport in Singleton. The major urban release areas are located to the north of the CBD and there are very limited bike paths and cycle ways linking these residential areas to the commercial precinct. The lack of safe cycle ways and the distance from the major urban areas to the CBD has resulted in a heavy reliance on motor vehicles for transport. Condition H11 has been included in **APPENDIX A** requiring 30 bicycle spaces to be provided in a suitable location on the site in accordance with Australian Standard AS 2890.3-1993 – Bicycle Parking Facilities.

Element 10 – Vegetation Preservation and Landscaping

As previously discussed the development site currently contains very limited landscaping and vegetation. The proposal is supported by a concept landscape plan which incorporates details of the type of landscaping that will be planted upon completion of the development. The plan shows that a number of existing trees will be retained on site with additional trees planted predominately along the boundaries of the site. Appropriate conditions have been included at C6, F5, H21, H22 and H23 in **APPENDIX A** that all relate to the provision and maintenance of landscaping on the development site.

Element 12 – Management of Stormwater

The development site is crisscrossed by a number of Council's major stormwater lines that drain part of John Street, Burns Lane and the Council carpark and commercial centre north of Burns Lane. This line crosses Ryan Avenue, goes under the levee bank and discharges at a large headwall infrastructure in James Cook/Rose Point Park which incorporates flood control gates. The system is a significant drainage line and accessibility is required for maintenance and repairs. Council requires that all building structure are maintained clear of the stormwater line which will necessitate some relocation works to be undertaken by the developer. In addition the developer will be required to incorporate water quality and quantity

devices, including a large gross pollutant trap that is accessible for maintenance, to meet the requirements of the Singleton Development Control Plan 2009. Appropriate conditions have been included at C12 in **APPENDIX A** requiring a detailed drainage design to be submitted with the construction certificate. All works are to be completed prior to the issue of the occupation certificate.

Element 13 – Waste Management

The applicant has provided minimal detail in regards to on site waste management. Conditions have been included in **APPENDIX A** at C5 & C7 that relate to the submission of a detailed waste management plan for both the construction and operational phases of the development prior to the issue of a construction certificate and also the provision of waste storage areas.

Element 14 – Flood Risk Management

This has been previously considered through consideration of the SLEP 1996.

Element 17 – Outdoor Advertising Signage

As previously discussed the development does not include any signage content however signage zones have been identified on the buildings. The requirements for signage have been addressed through consideration of SEPP 64 – Advertising and Signage.

Element 20 – Building Line and Setback Requirements

The proposal complies with the minimum building lines and setbacks contained within this element of SDCP 2009.

Development Standard	Requirement	Proposal	Compliance
Clause 20.2.1 – setback requirements	Compliance with the BCA	<ul style="list-style-type: none"> - Building to boundary line along Gowrie Street - Minimum of 2m to Ryan Avenue - Minimum of 52m to Burns Lane - Carpark to boundary on John Street 	Yes

(a)(iia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

No planning agreements have been entered into for this proposal.

(a)(iv) any matters prescribed by the regulations

Clause 92(1)(b) of the *Environmental Planning and Assessment Regulation 2000* prescribes that Council must taken into consideration the provisions of Australian Standard *AS2601 – 2001: The demolition of Structures* where a development application is for the demolition of a building. The redevelopment of Gowrie Street Mall involves the partial demolition of the existing mall to allow for rebuilding and renovation works. All demolition works will be required to comply with the relevant standard. A number of conditions have been included in **APPENDIX A** at B1, C4, E4, E5, E6, E7, E8, E9, E10, E13 and E14 to ensure all demolition works comply with AS2601.

(b) the likely impacts of the development

Context and setting

As previously discussed, the site's is within the Singleton CBD that primarily extends north south along John Street. The area to the north of the development site is predominately commercial in nature with a mixture of shops, office space, cafes and pubs. There are three shopping centres within the Singleton CBD. Gowrie Street Mall and Singleton Plaza are both located at the southern end of John Street and Singleton Town Square is located at the northern end of the CBD. Ryan Avenue is located to the west of the development site with James Cook/Rose Point Park and the Hunter River further west of this.

The site currently contains an older shopping centre with the proposed development seeking to approximately double the existing retail floor area. The proposal will generally retain the existing north south orientation and layout for the shopping centre with all of the building additions, with the exception of the multi level car park, to remain single storey.

Building design elements, signage and the treatment of the facades will assist in directing the public into and around the development. Large covered pedestrian walkways into and within the development site will enhance user amenity and will help provide clues to assist the public in navigating their use of the site.

The proposal will not be out of character with the other commercial developments in the locality and a number of common architectural elements and themes have been implemented in the design. The existing rhythm of John Street has been maintained with the development site through the structural grid of the three level car park. The existing pedestrian links from John Street to the development site have been maintained and an additional link is proposed through the car park with an awning over the footpath to increase user amenity.

The application was accompanied by shadow diagrams for 9:00am, 12 noon and 3:00pm in June. The shadow diagrams show that the proposed development will not unreasonably overshadow adjoining buildings and will not be adversely affected by overshadowing from adjoining buildings.

Access, transport and traffic

Access, transport and traffic have been previously considered through assessment under Element 3 and 9 of SDCP 2009.

Utilities

The proposed development has access to telecommunication, electricity facilities and reticulated water and sewer. It is likely that some or all of these utilities will require amplification, relocation or modification.

Sewer and water

Reticulated water and sewer are both available to the development site.

The existing sewer reticulation system traverses the site generally parallel to John Street and currently services a number of premises along John Street. The sewerage system which comprises old vitreous clay pipes will require replacement under the multi storey car park. A condition has been included at F9 in **APPENDIX A** outlining Council's requirements for upgrades that must be undertaken by the developer.

Major water mains exist in Gowrie and John Street and the developer will be required to ensure that full fire service flows are available to the site. A condition has been included at E18 in **APPENDIX A** requiring all water connections to be undertaken in accordance with the requirements of Council's specification, the Building Code of Australia and relevant Australia Standards.

Electricity

A new sub station is proposed as part of the development. The sub station is to be constructed in the south western corner fronting Gowrie Street and will be of a suitable capacity to service the development.

Stormwater drainage

This has been discussed previously in consideration of Element 12 of the Singleton Development Control Plan 2009.

Heritage

The site is not located within a Heritage Conservation Area and does not contain any items of heritage significance as listed under Schedule 3 of SLEP 1996.

It is unlikely that any items, relics or places of Aboriginal significance exist within the site given it has previously been extensively cleared and developed. However, should any items or relics be discovered during site works the proponent will be required to stop work immediately and notify the Department of Environment, Climate Change and Water (DECCW).

Flora and Fauna

As previously discussed, the site is mainly cleared of vegetation with minimal landscaping located throughout the site. A detailed landscape plan will be required to be submitted prior to the issue of the construction certificate.

Waste

Waste has been previously discussed in the report under consideration of SDCP 2009.

Noise and Vibration

It is estimated that the construction phase of this development will continue for a period of 18 months. During this time there will be significant construction noise however as the proposed development is located within an established commercial precinct it is not anticipated that the development will have an adverse impact on any adjoining residential areas. Standard condition have been included at E1 and E2 in **APPENDIX A** restricting the hours of construction work.

To ensure operation noise does not have an adverse impact on the locality standard conditions H2 and H3 have been included in **APPENDIX A**.

Natural and Technological Hazards

Natural hazards as a result of flooding have been discussed previously in the report. None of them are anticipated to have any significant adverse impact on the operations of the mall or be impacted by the operation of the mall.

There are no anticipated technological hazards as a result of this development.

Safety, Security and Crime Prevention

As previously discussed the proposal was referred to the NSW Police on 13 September 2010. The response received is attached at **APPENDIX C**. The comments received by Council on 20 December 2010 are attached at **APPENDIX C** and a number of the recommended conditions of consent have been included in **APPENDIX A** as conditions I1, I2, I3 and I4.

Social Impacts in the locality

The proposed development is not expected to have an adverse social impact in the locality by way of health and safety impacts or community structure or character. The proposed shopping mall will generate a positive social impact by providing a larger range of retail services; improvement in the overall appearance of the mall, provide additional covered parking within a location central to the CBD, and increase employment opportunities during both the construction and operational phases of the development.

Economic Impact in the Locality

The population of Singleton is currently estimated at 23,258 persons with steady growth over the past 20 years that is expected to continue at a rate of 1.5% per annum. Singleton is a relatively prosperous area compared to the Hunter Region and NSW with the population reasonably well off in economic terms. The population is also relatively young in terms of average age.

The Singleton CBD is located primarily along John Street and covers an area of approximately 26 hectares, with a concentration of retail anchors in the southern end of John Street. There are currently very limited shopping opportunities within the Singleton local government area (LGA) and as a result there is a large volume of escape expenditure.

The proposal is a significant retail development that will alter the economic balance that is currently present within the LGA. The applicant has not provided a current Economic Impact Assessment (EIA) however the statement of environmental effects refers to an EIA prepared in 2007 for the previous development application approved on the site. The previous development application was similar to the current proposal with a slight reduction in retail floor space now proposed.

The 2007 EIA observes that the redevelopment of the Gowrie Street Mall is likely to have a range of impacts, however it will not have an adverse impact on the financial viability of other retail services within the locality. The EIA identifies that the development will provide the following social and economic benefits:

- Provision of major shopping facilities within the Singleton LGA;
- Improvement in the range of retail and non retail services available to the Singleton LGA;
- Representation of a number of businesses that are not currently present within the retail sector;

- Reduction in the travel time required to access retail services;
- Decline in the volume of escape expenditure as the development will encourage consumers to remain within Singleton;
- The expansion of the Gowrie Street Mall will help to consolidate John Street and the CBD as the commercial core of Singleton and a desirable destination for consumer spending.

The proposal will generate approximately 364 full-time positions in the locality once operational and will also provide employment opportunities during the construction phase of the development.

The application seeks 24 hour trading for both the existing and proposed supermarket. The extended trading hours may have some impact on the current patterns of trading within Singleton however this will be limited to the supermarkets. The Gowrie Street Mall has sufficient separation from residential areas to ensure that 24 hour operation will not have an adverse impact on the locality. Condition H1 has been included in **APPENDIX A** to clearly outline the hours of operation for the development.

Site Design and Internal Design

Internal Design

The proposed development utilises the existing building structure to allow for the retention of major tenants during construction works. The mall is to be extended to towards the north of the site with the building aligned around a central arcade. The arcade will be lined with speciality retail outlets, with the anchor tenants positioned on the western side of the mall. The redevelopment will provide for an elongated arcade with retail shops on both sides.

The internal mall spaces will incorporate skylight elements to allow for natural lighting within the development. Strategically located elements will be used to improve the appearance and amenity of the existing building and to also ensure its integration with the new additions.

The building has been designed to incorporate both passive and active sustainability measures. The applicant identifies that the development will incorporate the new provisions of the BCA 2010 in regards to energy efficiency and performance.

Site Design

The site design is considered to be appropriate given the existing site conditions and the locality. The proposed additions are a logical extension of the existing mall and will allow for a substantial increase in retail floor space and on site car parking whilst also maintaining appropriate vehicle entry points and pedestrian access.

The development will consolidate pedestrian and access points to the site and will increase permeability from the development site to John Street. The existing vegetation on site is very limited and the development will provide more substantial and appropriately located landscaping.

Construction

The construction works associated with the proposed development are to be staged to ensure minimal disturbance to the trading of the existing retail premises and to maintain sufficient car parking. The development will be staged as follows:

Stage 1 – Civil enabling works

Reorganise traffic on site to enable:

- Clear delivery vehicle access to the majors loading docks;
- Internal traffic to flow around the new spine to allow for clear work areas;
- Safe footpath access from northern car park;
- Clearing of traffic from southern end of mall.

Stage 2 – Extension of southern end of existing mall re-furbish the exterior.

- Installation of new power mains supply;
- Creation of new southern entry to mall;
- Construction of new specialty loading dock to service existing tenants;
- Completion of façade works to existing mall;
- Completion of works at the rear of Woolworths.

Stage 3 – Construct the multi-storey car park and part mall with travelators.

- Creation of mall space for new tenants and relocation of existing tenants;
- Access to 3 level car park;
- Closure of access to northern car park when works completed.

Stage 4 – Construct the northern extension.

- Creation of mall space and new supermarket;
- Completion of external refurbishment of existing mall.

Stage 5 – Internal refurbishment of the southern mall.

- Tenancy entries to be refurbished;
- Entries to the majors to be provided.

The staging works are to proceed from the centre of the new mall, including the new multi storey car park, and then concurrently expand to both the north and south. The construction works are expected to take 18 months.

Condition C4 has been included in **APPENDIX A** requiring a construction management plan to be prepared prior to the issue of the construction certificate. Standard condition E1 limiting construction hours and condition E3 requiring all work to be in accordance with the Building Code of Australia have also been included in **APPENDIX A**.

(c) the suitability of the site for development

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

- The level topography of the site reduces the need for significant bulk earthworks;
- The development site is devoid of any significant vegetation and as a result 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 within the Singleton Business District; and
- The development is not within close proximity to any residential development thereby reducing the potential for land use conflict.

(d) any submissions made in accordance with this Act or the Regulations

- Inappropriate visual presentation of the proposed car park structure along the John Street alignment and the loss of commercial shopfront activation along this street frontage;

The proposal includes a three level car park built to the boundary fronting John Street. The design merits of this structure are discussed in further detail in this report. The applicant has amended the development plans to improve the external appearance to compliment the established building style and character in the locality. The development will introduce a new building element to John Street that is not currently present and as a result would be expected to become a focal point of the area.

- Removal of retail services from John Street

The three level car park has been placed along the John Street frontage to provide a large volume of vehicle parking spaces within close proximity to not only the mall but also the remainder of commercial and retail premises in John Street. Whilst the expansion of the mall along Ryan Avenue towards Burns Lane does not provide any retail opportunities along John Street it is considered that the additional parking and pedestrian links that are proposed will ensure there is a continuation of retail services flow from the centre into John Street. This has been discussed further in consideration of Element 3 of the Singleton Development Control Plan 2009.

- Pedestrian access

There are a number of pedestrian links from the mall to John Street with the main link being through the ground level of the multi storey car park. This will comprise a raised and featured 2.5m wide pedestrian walkway incorporating two marked crossings to ensure safe pedestrian movements through this area. There are a number of marked pedestrian crossings within the car park area and these will all be raised to ensure they are highly visible to vehicle traffic. The awning located over the John Street footpath provides an all weather pedestrian link into the development. A marked pedestrian crossing will be provided across Gowrie Street to facilitate the safe movement of people from Gowrie Street Mall to Singleton Plaza. To further improve the pedestrian network and to comply with Council's adopted Singleton CBD caretaker service area, both the John and Gowrie Street frontages are to be paved with Council approved paver type and colour.

A 1.5m wide concrete footpath is to be provided along the laneway entrance at the rear of the John Street shops to provide continuous pedestrian connectivity from the development to the CBD.

The main entrance to the development from John Street is considered dangerous and unacceptable in terms of pedestrian safety. A covered seating area is proposed in this location to encourage use as a pedestrian meeting place. The activation of this location through these measures is a desirable outcome however the existing footpath width is inadequate with pedestrian and traffic conflicts likely to occur, given the complicated traffic movements that are currently undertaken at the John and York Street intersection.

Condition C13 has been included in **APPENDIX A** requiring local footpath widening along the John Street frontage. The widening is required to allow for safe pedestrian movements within this location and ensure there are minimal conflicts between pedestrians and motorists. The additional landscaping required in this location will

enhance pedestrian amenity and provide an inviting pedestrian gathering place that is not only safe but also visually pleasing.

- Singleton CBD Streetscape Improvement Project 2008

This document was a draft report that was prepared in an effort to improve the streetscape of John Street. The document was never adopted by Council and Council does not have a current streetscape plan.

- Non compliance with Element 3 of the Singleton Development Control Plan 2009

The proposal generally complies with the requirements of this element which has been discussed in detail previously in this report.

- Previous DA approval

A number of the submissions refer to the previous development application approved for the refurbishment of the centre which included the provision of an underground car park and open landscaped plaza fronting John Street. The applicant has advised that they no longer wish to proceed with this application and as a result they have lodged the current application.

- Inadequate site analysis

A site context/analysis plan was submitted as part of the application and the design statement contains a site and street analysis for the proposed development. The information provided is considered adequate and provides sufficient detail in accordance with the requirements of the Singleton Development Control Plan 2009.

- Accessibility and transport considerations

The existing public transport arrangements will not be altered as a result of this development. The bus stop in Gowrie Street will be maintained to ensure there are no impacts on bus routes. Taxi stands will be provided within the site in close proximity to the mall entrances.

- Ecological sustainability considerations

The proposal will re-use the majority of the existing centre to reduce rebuilding and the new building elements have been designed to enhance and revive the appearance of the mall. The applicant has not provided sufficient detail in regards to sustainability and as such it is not known exactly what energy efficient measures will be implemented into the development. The design statement advises that "*the building will incorporate the new provisions of the BCA 2010 in regards to energy efficiency and performance.*" Additional information in regards to energy efficiency will be provided with an application for construction certificate.

- Landscaping

There is very limited landscaping currently present on the development site, with the majority of it to be removed to allow for the development. A concept landscape plan has been submitted as part of this application that outlines the general placement of landscaping on the site. Appropriate conditions have been included at C6, F5, H21, H22 and H23 in **APPENDIX A** that all relate to the provision and maintenance of landscaping on the development site.

- Lighting

The applicant has not provided any lighting details. Condition C14 has been included in **APPENDIX A** requiring the details to be provided to Council prior to the issue of the construction certificate. All lighting will be required to comply with the Australian

Standards. In addition to this conditions H5, I2 and I3 have also been included and relate to the provision and maintenance of lighting.

- Traffic Congestion

Major intersection upgrades will be required as part of the proposed development to alleviate any potential traffic congestion issues that may result from the development. In particular the Gowrie Street and Burns Lane intersections with Ryan Avenue will require significant upgrading to improve traffic flows and safety. This issue has been discussed previously in consideration of *State Environmental Planning Policy (Infrastructure) 2007*.

- Location of amenities

There are two sets of amenities located within the centre. The main amenities block is to be located centrally within the complex, with a smaller set of amenities located opposite supermarket one (1) in proximity to the Gowrie Street entry. The number and location of the amenities are considered suitable for the proposal and will improve the existing amenities offered in the mall. Conditions C8 and C9 in **APPENDIX A** relate to the provision of adequate sanitary facilities.

- Retention of rear access and car parks for John Street properties

The right of way access from Burns Lane into the development site also services a number of other properties that front John Street. In addition to this a 'Restriction as to User' thirdly referred to by DP1005149 requires the proprietor of the subject land to provide 120 public car parking spaces to benefit Singleton Council. This 'Restriction as to User' remains and the applicant has advised that they will not provide designated public parking spaces as they will allow any spaces within the mall car parks to be utilised by the public. The car parking will be available to any member of the public including the John Street shop owners and their customers. Currently the development has a shortfall of 56 spaces and this has been addressed by way of condition H9 in **APPENDIX A**.

In regards to the right of way access the developer will be required to upgrade this access to provide a 1.5m wide footpath, 2 x 3.5m wide travel lanes and a 2.6m wide loading zone lane. The requirement for these works has been included as condition F11 in **APPENDIX A**. These upgrade works will allow for safe pedestrian movements, adequate space for through traffic and also provision of a loading area to service the shops fronting John Street. In addition to this the lane will be required to be dedicated as a public road thereby securing the use of this access to those shops and the general public.

- Removal of car parking along John Street due to the provision of a new pedestrian crossing over John Street

The development proposes a pedestrian crossing over John Street on the southern side of York Street which would result in the removal of a number of on street car parking spaces. This proposed crossing fails to adequately consider that there are three lanes of traffic in this location necessitating a number of complicated traffic manoeuvres. Consequently the number of conflict points are unacceptable. For the proposed crossing to remain in this location John Street would need to be widened and a cycle refuge provided. A more suitable option is for the pedestrian crossing to be relocated to a position north of York Street with the incorporation of kerb blisters to allow for additional pedestrian standing space and to act as a calming device on

traffic. Condition F11 has been included in **APPENDIX A** requiring the pedestrian crossing to be relocated to a more suitable location.

Submissions from Public Authorities

Roads & Traffic Authority

The submission by the RTA has been addressed in consideration of *State Environmental Planning Policy (Infrastructure) 2007*. The comments are contained within **APPENDIX C**.

NSW Police

The development was referred to the NSW Police for comment regarding crime prevention through environmental design. The NSW Police's principle interest is to ensure that development provides safety and security to users and the community. The comments received by Council on 20 December 2010 are attached at **APPENDIX C** and the recommended conditions of consent have been included in **APPENDIX A** as conditions I1, I2, I3 and I4.

(e) the public interest

The development proposal represents a suitable use of the commercial land and will support the growing residential population of Singleton and surrounds. The new development will provide for an expansion of retail services within Singleton and will assist in recapturing some of the escape expenditure that currently exists. The development is therefore considered to be in the public interest.

7. 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, the Singleton Local Environmental Plan 1996 and the relevant elements of the Singleton Development Control Plan 2009.

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 subject to appropriate conditions.

8. Recommendation

That development consent be granted to DA249/2010, subject to the conditions contained in **APPENDIX A**.

APPENDIX A - Conditions of Consent

A General Conditions

- A1** The development shall be carried out in accordance with the stamped approved plans and documentation detailed in the following schedule and any amendments arising through conditions to this consent or as shown in red colour on the plans:

Drawing Title	Drawing No.	Revision No.	Revision Date	Prepared by:
Site Context/Analysis	DA01	A	14-07-2010	Scott Carver Architects
Existing Site Plan	DA02	A	14-07-2010	Scott Carver Architects
Existing Elevations	DA03	A	14-07-2010	Scott Carver Architects
Demolition Plan	DA04	A	14-07-2010	Scott Carver Architects
Proposed Ground Floor	DA05	B	30-11-2010	Scott Carver Architects
Proposed Level 1	DA06	B	30-11-2010	Scott Carver Architects
Proposed Level 2	DA07	B	30-11-2010	Scott Carver Architects
Roof Plan	DA08	A	14-07-2010	Scott Carver Architects
Proposed Amenities	DA09	A	14-07-2010	Scott Carver Architects
Elevations	DA10	B	30-11-2010	Scott Carver Architects
Elevations	DA11	B	30-11-2010	Scott Carver Architects
Sections	DA12	A	14-07-2010	Scott Carver Architects
Sections	DA13	A	14-07-2010	Scott Carver Architects
Proposed Shadow Diagrams	DA14	B	07-02-2011	Scott Carver Architects
Existing Shadow Diagrams	DA15	A	14-07-2010	Scott Carver

				Architects
Materials Board	DA16-A	B	30-11-2010	Scott Carver Architects
Materials Board	DA16-B	B	30-11-2010	Scott Carver Architects
Landscape Plan	DA17	B	February 2011	Scott Carver Architects
Inground Services – Site Plan	DA19	A	07-02-2011	Scott Carver Architects
Survey Plan	950223J\CD S\GOWRIE 15B.DWG	A	09-03-2010	Scott Crisp & Hamblin

- A2 Consent for the development will lapse after 5 years. Note that this relates to the period within which the development must commence.

Reason: To specify the period for the lapsing of consent.

B Conditions which must be satisfied prior to the commencement of any building or demolition work

- B1 A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is carried out:

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

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

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

C Conditions which must be satisfied prior to the issue of any construction certificate

- C1 All proposed driveways, parking bays, loading bays and vehicular turning areas being constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a construction certificate application.

Reason: To facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

- C2** An appropriate flood emergency response plan being prepared by independent consulting engineers experienced in flood management and put in place by the applicant prior to occupation of this site for the intended use. Such plan to be effectively updated and maintained by the occupiers; to include an education and awareness component for the workforce and detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved.

A flood emergency response plan should describe the following components:

- a) Likely flood behaviour
- b) Flood warning systems
- c) Education awareness program
- d) Evacuation and evasion procedures
- e) Evacuation routes and flood refuges
- f) Flood preparedness and awareness procedures for residents and visitors

Considerations should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. As much as possible, the plan should be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details to be included in documentation for a construction certificate application

Reason: To adequately manage the risk of life, property and all potential adverse flood impacts within the flood environment.

- C3** A report shall be submitted to Council from a suitably qualified and experienced engineer in respect of the proposed development to verify that:

- a) any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property;
- b) the building structure will be able to withstand the force of flood waters (including buoyancy forces) and the impact of debris;
- c) all finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of flood waters.

The report is to be submitted with an application for a construction certificate.

Reason: To minimise the extent of property damage and the risk of injury in the event of flooding of the site.

- C4** A detailed demolition and construction management plan being prepared by a suitably qualified professional. The plan must clearly outline how the demolition and construction work is to be undertaken for each stage of the development and how the work is to be undertaken whilst maintaining the ongoing use of the centre. Such plan shall be submitted with an application for a construction certificate.

Reason: To ensure that the demolition and construction of the development complies with the relevant requirements.

- C5** A detailed waste management plan being prepared by a suitably qualified professional. The plan must clearly outline how the all construction and operational waste is to be managed on the site. Such plan shall be submitted with an application for a construction certificate.

Reason: To ensure that the demolition and construction of the development complies with the relevant requirements.

- C6** A comprehensive landscape design plan and specification being prepared by a qualified landscape designer and being submitted with a construction certificate application. The landscaping is to include, but should not be limited to, the provision and maintenance of the following landscaping:

- Street tree planting along Gowrie Street frontage
- Street tree planting along John Street frontage
- Street tree planting along Ryan Avenue frontage.
- Tree planting spaced throughout the car park area
- A mixture of hard and soft landscaping to enhance the visual appearance of the development.
- An automatic irrigation watering system using recycled water.

A suitably qualified landscape architect is to supervise construction. Council must approve any landscape works proposed in a public road or public space. All landscaping works are to be completed prior to the issue of the occupation certificate. A twelve month maintenance period will apply for all landscaping works within the road reserve and Council will require a bond of 5% of the landscaping works to ensure that plantings are properly maintained and established.

Note: i) The required comprehensive landscape design plan and specifications is to include cross sections through the site where appropriate, proposed contours or spot levels, botanical names, quantities and container size of all proposed trees, shrubs and ground cover, details of proposed soil preparation, mulching and staking as well as treatment of external surfaces and retaining walls where proposed, drainage, location of taps and the nominated maintenance periods.

iii) A landscape practical completion report is required to be submitted to the Principal Certifying Authority by the consultant responsible for the landscape design plan prior to occupation of the premises or any portion of the premises that is the subject of this consent. The report is to verify that all landscape works have been carried out in accordance with the approved landscape design plan to a high professional standard and that an effective maintenance program has been commenced.

Reason: To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development, to enhance the external appearance of the premises and to contribute to the overall landscape quality of the locality.

- C7** Adequate facilities being provided in a screened location within the premises for the storage of garbage, including any putrescible matter, contaminated or medical wastes, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same. Full details are to be included in documentation for a construction certificate application.

Note: The required garbage facility is to be suitable for the accommodation of bulk waste containers.

Reason: To ensure adequate garbage storage and removal arrangements in the interest of public health, safety and sanitation and to ensure that the required on-site garbage storage facilities do not unreasonably detract from the overall appearance of the proposed development.

- C8** The premises being provided with adequate toilet facilities and wash hand basins for each sex in accordance with the provisions of the Building Code of Australia. Full details are to be included in the documentation for a construction certificate application.

Reason: To ensure compliance with appropriate public health and hygiene standards.

- C9** Adequate separately accessible toilet facilities being provided for persons with disabilities in accordance with Part F of the Building Code of Australia. Full details are to be included in the documentation for a construction certificate application.

Reason: To ensure compliance with appropriate public health and hygiene standards.

- C10** The building being provided with adequate means of access for persons with disabilities in order to comply with the Building Code of Australia and the Disability Discrimination Act 1992.

In this regard, the applicant is to submit a design detail which has been certified by a qualified Access Advisor* with the application for a Construction Certificate.

Note: i) Compliance with the Building Code of Australia only can still leave a building professional or building owner in contravention of the Disability Discrimination Act 1992.

ii) * A qualified Access Advisor is a current member of -
Association of Consultants in Access Aust Inc 326 Autumn Street,
HERNE HILL, VIC. 3218. Ph (03) 5221 2820 www.access.asn.au

iii) A qualified Access Advisor should carry current and relevant public liability and public indemnity insurances for the practice of their trade.

Reason: To ensure compliance with the provision of the Environmental Planning and Assessment Act, 1979 and the Building Code of Australia and the Disability Discrimination Act 1992 in relation to the provision of equity in access for disabled persons.

C11 A dilapidation report being submitted to Council prior to the issue of a construction certificate. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.

Reason: To ensure any damage to Council's land is documented.

C12 Existing piped stormwater system, overland flows and surface drainage are to be designed and constructed generally in accordance with the stormwater management report and concept drawings prepared by RobertBird Group dated 1 July 2010 Job No., 10406 report No. 10406-SWMM-1.

The applicant shall provide Council for approval a detail stormwater plan for the major trunk drainage through the site concurrently with the preparation of construction certificate drawings.

All major trunk drainage works are to be constructed and approved by Council prior to the issue of an occupation certificate.

Stormwater quality treatment is to be incorporated into the drainage design that comply with Council's DCP Element 12 Stormwater Quality Criteria. A 'MUSIC' analysis will be required to demonstrate compliance. All water quality control facilities are to be located on the subject site unless prior approval in writing from Council. The applicant shall lodge with Council a Plan of Management of all water quality control devices to ensure that the facilities continue to operate as designed.

Reason: To ensure that the development is adequately drained and will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour.

C13 Local widening of the John Street footpath along the frontage of the development site being undertaken. As a minimum the widened footpath area is to include the following:

- A footpath with a minimum width of 5m for a distance of 5m on either side of the 5m wide pedestrian walkway through the car parking structure and;
- The remainder of the footpath being widened a minimum width of 3m and;
- A threshold of paving or tiles and;
- Adequate lighting and;
- Provision for seating and;

- Garbage receptacles and;
- Soft and hard landscaping that provides an open space amenity for multi purpose use and as a connection to the pedestrian pathway leading to the complex and;
- Street tree planting along the entire John Street frontage.

No advertising signs will be permitted within this area. Care and maintenance of this area is to be undertaken at all times by the centre management.

Details are to be submitted to Council for approval prior to the issue of the construction certificate and works are to be completed prior to the occupation certificate.

Reason: To ensure safe pedestrian movements within public areas.

- C14** All lighting details to be submitted with the construction certificate documentation. All lighting must comply with the relevant Australian Standard.

Reason: To ensure adequate lighting is provided for the development.

E Conditions which must be satisfied during any construction or demolition work

- E1** Construction/demolition work that generates noise that is audible at residential premises being restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm;
- Saturday, 8:00 am to 1:00 pm;

With no noise from construction/demolition work to be generated on Sundays or Public Holidays.

Reason: To prevent 'offensive noise' from construction/demolition sites in order to safeguard the amenity of the neighbourhood

- E2** No construction/demolition work being undertaken on a Public Holiday or on a Saturday or Sunday adjacent to a Public Holiday

Reason: To safeguard the amenity of the neighbourhood.

- E3** All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

- E4** All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

- E5** All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

- E6** Any building waste containers used in association with the proposed demolition being located on the site where possible.

Reason: To ensure that such containers are so positioned as to not endanger pedestrian or vehicular traffic movement.

- E7** All demolition material incapable of being reused in restoration works being removed from the site and the site being cleared and levelled.

Note: Where reusable building materials are to be stored on site for use in future building works, such materials are to be neatly stacked at least 150 mm above the ground.

Reason: To safeguard the amenity of the neighbourhood and ensure compliance with appropriate public health and hygiene standards.

- E8** The owner/demolisher ensuring that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

Reason: To ensure that the proposed demolition is undertaken in a manner that does not intrude upon adjacent public or private property.

- E9** Any demolition/waste building materials being disposed of at Council's waste management facility or other approved site.

Reason: To prevent indiscriminate dumping or use of demolition/waste building material for purposes of unauthorised land fill.

- E10** If the work involved in the erection / demolition of the building:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building 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. Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

- E11** The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

- E12** The placing of building materials or the carrying out of building Operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.

Reason: To maintain pedestrian passage and public safety.

- E13** The removal of any asbestos material during the demolition phase of the development being in accordance with the requirements of the Workcover Authority.

Reason: To prevent environmental pollution and to ensure observance of appropriate public health standards.

- E14** Building demolition being planned and carried out in accordance with Australian Standard AS 2601 - 2001 The Demolition of Structures.

Reason: To minimise the risk of injury or damage to property as a result of the proposed demolition.

- E15** The right of carriageway over Lot: 112 DP: 1005149 known as an unnamed public laneway to the east of the development site shall not be affected by site works, construction material stockpiles, building products and debris, site sheds and spoil placement. No access for vehicles or machinery associated with the construction works is permitted without Council approval.

Reason: To ensure that public land is not adversely affected by the proposed development.

- E16** Any vegetation and/or trees removed as a consequence of this approval will not be burnt on the site. Onsite mulching of the material is recommended.

Reason: To prevent environmental pollution.

- E17** The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council's Development Engineering Specifications, Department of Conservation and Land Management's 'Urban Erosion and Sediment Control' requirements and the Department of Housing 'Soil and Water Management for Urban Developments'. Erosion control measures are to be implemented prior to the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

Reason: To ensure protection of the environment by minimising erosion and sediment.

- E18** The applicant shall provide all water services necessary to service the development in accordance with Council's specifications, Building Code of Australia and relevant Australian Standards. The water service will be constructed in accordance with Council Development Construction Standards for Water and Sewer (Oct 1996) and any relevant Australian Standards.

Connections to Council's existing water reticulation system is to be carried out by Council. At the Developer's request Council will provide estimated costs to carry out the works.

You are advised to contact Council's Utilities Engineer (Special Projects & Development) Co-ordinator prior to undertaking this work.

Reason: To comply with Council policy.

- E19** The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

Reason: To ensure that any required alterations to utility infrastructure are undertaken to acceptable standards at the developer's cost.

F Conditions which must be satisfied prior to any occupation or use of the building

- F1** Any redundant existing vehicular crossings being removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure and being completed prior to the issuing of a final occupation certificate for the proposed development.

Note: A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the Roads Act 1993.

Reason: To clarify site access arrangements in the interest of traffic and pedestrian safety, as well as road efficiency, to maximise kerbside parking opportunity and to ensure that reinstatement work is undertaken to an appropriate standard.

- F2** Any proposed work within the public road reserve, including reinstatement of a kerb, pipe or vehicular crossings, being the subject of the separate approval of Council prior to commencement.

Note: A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the Roads Act 1993.

Reason: To ensure that works within the public road are suitably authorised and constructed to appropriate standards.

- F3** All public footways, footpaving, kerbs, gutters and road pavement damaged during the works being immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the issue of any occupation certificate in respect of the development.

Reason: To ensure that safe conditions are maintained on the site during construction and that the required restoration is undertaken to acceptable standards, without demand on public sector resources.

- F4** The whole of the land comprising Lots 162 & 103 DP 635677, Lot 11 DP 592595, Lot 1 DP 194663, Lot 8 DP 666536, Lot 3 DP 973029, Lot 4 973028 and Lots 210 & 211 DP 1037874 being consolidated into a single title and documentary evidence of the lodgement for registration of a survey plan of consolidation with the Department of Lands, Land and Property Services being submitted to Council prior to occupation of the premises.

Reason: To ensure that no portion of the total development site is disposed of independently without the prior approval of Council under the Environmental Planning and Assessment Act, 1979.

- F5** A landscape practical completion report being submitted to the Principal Certifying Authority prior to occupation of the premises.

Reason: To ensure that landscape works are carried out in accordance with the approval.

- F6** A separate Development Application being submitted for Council's consideration in respect of any specific proposed use of the premises or portion of the premises prior to occupation of the premises.

Reason: To confirm the necessity for submission of a separate Development Application for occupation of premises proposed on a speculative basis in order to ensure compliance with the relevant planning instrument.

- F7** A trolley management plan being prepared detailing the procedures for the collection of trolleys within the development site and from the surrounding locality. The management plan is to outline how each separate tenant is to manage the collection and storage of the shopping trolleys associated with that tenancy. The trolley management plan is to be submitted to Council prior to occupation of the premises.

Reason: To ensure shopping trolleys are managed in an appropriate manner and to ensure shopping trolleys are not left in public areas in order to protect the amenity of the Singleton Central Business District.

- F8** A suitable litter bin being provided within the public footway area in Gowrie Street adjacent to the bus stop prior to the issue of the occupation certificate. The bin and footway area shall be maintained, by the centre management, in a tidy condition, free of litter.

Note: The separate approval of Council will be required.

Reason: To protect the amenity of the neighbourhood and to ensure compliance with appropriate public health and hygiene standards.

- F9** The applicant shall provide reticulated sewer services to service the development.

An existing sewer main intersects the site generally parallel to John Street. The sewer connections to properties external to the subject site are to be maintained. The existing vitreous clay sewer main is to be replaced or concrete encased where there are any works over Council's sewer main that restrict Council's ability to service the main. Council's Utilities Engineer (Special Projects & Development) shall be contacted to determine which mains are to be replaced or concrete encased.

No building or structure is to be built over the existing sewer main without Council's written approval

Any footing located within the zone of influence of the sewer main trench will require a structural engineer's design specific to the site.

The building foundation system is to be designed so that the pressure from the foundations is not transferred to the main. The design must also consider the effect of the sewer main and trench on the building foundations.

The full cost of the design and construction of the foundation system is to be borne by the owner.

Council's Utilities Engineer (Special Projects & Development) must be contacted to determine depth of the main and to arrange for the sewer main on the property to be located and marked prior to the preparation of construction certificate plans and prior to inspection of any piercing. The location and depth of the sewer main is to be shown on drawings submitted for the Construction Certificate.

Any redundant sewer connections are to be capped and inspected by Council and any redesign of Council's sewer main is to be in accordance with Council Development Construction Standards for Water and Sewer (Oct 1996). Design plans are to be approved by Council.

It is the responsibility of the applicant to verify the location of any underground utilities, including sewer, prior to any works on the site.

Any damage to Council's infrastructure during the course of construction is to be immediately reported to Council's Utilities Engineer (Special Projects & Development) and repaired to Council's satisfaction at the full cost to the applicant.

All works are to be completed to Council's satisfaction prior to the issue of an occupation certificate.

Reason: To comply with Council policy to protect and prevent damage to buildings, structures and existing sewer mains and to reduce maintenance required and costs of re-excavation.

- F10** A reinforced concrete access crossing shall be constructed from the kerb and gutter to the property boundary, including a layback in the kerb, in accordance with Council's Engineering Specifications and AS 2890.

All works within a public road must be inspected and approved by Council under the Roads Act 1993 as the Roads Authority. Driveway levels across Council's footpath are to be submitted to and approved by Council. Access crossing construction is to be inspected by Council after excavation and placement of reinforcement and on completion.

Where water main cocks are under the access crossing approved cast iron main cock covers are to be placed. The covers are to be fixed plumb and square to the centreline of each main and 100mm NS uPVC minimum Class 9 pressure pipe is to be used as a protective sleeve between the cover and the main cock.

All works are to be completed and approved by Council prior to the issue of an occupation certificate.

Reason: To ensure the provision of safe, adequately defined and properly constructed means of vehicular access from the road to the development.

- F11** The registered proprietors of the land shall construct the following in accordance with Council's Development Engineering Specifications.

- (a) Construct a roundabout at the intersection of Gowrie Street and Ryan Ave in accordance with Austroads Guide to Road Design, Part 4B, Roundabouts. Ryan Avenue is a B Double route and the roundabout shall be designed to facilitate B Double vehicles and incorporate a pedestrian/cycleway crossing. Any road widening required to facilitate the roundabout is to be dedicated to Council as road widening on a plan of survey. Alternatively, traffic signals can be constructed at the intersection and the applicant will be required to enter into a Works Authorisation Deed and consult with the RTA for such works.
- (b) Provide an urban channelised turn treatment at the intersection of Ryan Avenue and Burns Lane. The intersection is to include raised medians and cycleway refuge crossing Ryan Avenue.
- (c) Upgrade Gowrie Street from the proposed roundabout to the service vehicle entrance off Gowrie Street and provide a wearing course of AC14. A pavement design is to be submitted and approved by Council.

- (d) Construct drainage works where necessary.
- (e) Construction/reconstruction of Lot 112 DP1005149 (Laneway) to provide for a 1.5m concrete footpath, 2 x 3.5m travel lanes and a 2.6m wide loading zone lane to enable delivery vehicles to service the existing shops that front John Street. A pavement design is to be submitted and approved by Council for the roadworks. The lane way and any road widening is to be identified on a survey plan and dedicated as a public road. Loading Zone signage is to be erected along the eastern side of the laneway and a clearly identified route, through the Burns Lane carpark, to enable 12.5m service vehicles utilising the loading area to turn around.
- (f) Construct kerb blisters and a marked pedestrian crossing on Gowrie Street as shown on the approved plans.
- (g) Construct kerb blisters and marked pedestrian crossing on John Street immediately north of the York Street intersection.
- (h) Provide a concrete 2.5m wide cycleway to link Council's existing cycleway west of Ryan Avenue in Cooks Park to provide safe cycleway/pedestrian access to the mall.
- (i) Design and construct the service vehicle exit onto Ryan Avenue as a 'Right Turn' only.
- (j) Construct a brick paved footpath with Council approved paving type and colour for the full frontage of Gowrie Street and John Street to match the adjoining foot paving theme in John Street. Construction and laying of the foot paving is to be in accordance with Council's Specification for the laying of brick paving in John Street. Provide pram ramps where required complying with relevant Australian Standards for disability access.
- (k) All road cycleway and pedestrian crossings and the intersections at Ryan Avenue/Gowrie Street and Ryan Avenue/Burns Lane are to have street lighting in accordance with AS1158.
- (l) The service vehicle access road which abuts Ryan Avenue road reserve is to be designed and constructed such that Ryan Avenue footpath is maintained at a 4% crossfall within the road reserve.
- (m) Maintain the existing two way traffic arrangement in Burns Lane from John Street.
- (n) Maintain the existing traffic arrangement at the intersection of John Street and Gowrie Street.

Details are to be submitted to and approved by Council under the Roads Act 1993. Note: The applicant will require a separate approval from Council as the Roads Authority under Section 138 of the Roads Act 1993 for any works within a public road reserve.

All works are to be completed prior to the issue of an occupation certificate and inspected and approved by Council where the works are within an existing public road and by an accredited certifier for other works. The cost of all works is to be borne by the applicant at no cost to Council other than through any cost sharing arrangements between Council and the developer by way of a Voluntary Planning Agreement or similar agreement.

Reason: To ensure that adequate and safe all-weather access is available to the development.

- F12** The applicant is to enter into a voluntary planning agreement with Council to fix a one off contribution to provide car parking in Cook Park required as a result of the loss of car parking spaces along Ryan Avenue from the construction of the channelised intersection of Ryan Avenue and Burns Lane.

Reason: To compensate for the loss of car parking spaces in Ryan Avenue.

G Conditions which must be satisfied prior to the issue of any Subdivision Certificate

- G1** An application for a subdivision certificate is required to be submitted to Council. The application must be accompanied by the final plan of subdivision, and 5 prints pursuant to Clause 157 of the Environmental Planning and Assessment Regulation 2000.

Reason: To provide for certification of the subdivision plan.

- G2** A subdivision fee, in accordance with Council's Fees & Charges is required to be paid to Council prior to Council endorsing the final plan of subdivision. The fee payable is subject to annual adjustment.

Subdivision Certificate Fee	\$150.00 + \$10 per additional lot	No. Additional Lots. 0	\$150.00
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Reason: To comply with Council's adopted fees and charges.

- G3** Any creation or deletion of existing easements that benefit Council are to be accompanied by a Linen plan deposited with Council suitable for lodgement at LPI.

Reason: To ensure that linen plans contain appropriate easements.

H Conditions which must be satisfied during the ongoing use of the development

- H1** The hours of operation or trading of the premises shall not be more than from:

Entire Centre

Monday to Wednesday and Friday to Saturday.....9:00am to 5:30pm
Thursdays.....9:00am to 9:00pm
Sundays and Public Holidays.....10:00am to 5:00pm

Supermarkets

24 Hours 7 days

Discount Department Store – Big W

Monday to Wednesday and Friday.....8:00am to 6:00pm
Thursdays.....8:00am to 9:00pm
Saturday, Sundays and Public Holidays.....8:00am to 6:00pm

unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

Reason: To protect the likely and future amenity of the neighbourhood and to ensure the use of the premises does not intensify without the prior consent of the Council.

- H2** The use and occupation of the premises including all plant and equipment installed thereon, not giving rise to any "offensive noise", as defined under the Protection of the Environment Operations Act, 1997, as amended.

Note: Should Council consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic consultant's report recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming that the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council before the expiration of the nominated period.

Reason: To ensure that appropriate noise control measures are implemented if required.

- H3** Any proposed mechanical ventilation and/or air conditioning systems, or other mechanical services, being operated in a manner which does not give rise to "offensive noise", as defined under the Protection of the Environment Operations Act, 1997, as amended.

Reason: To ensure compliance with the provisions of the Protection of the Environment Operations Act, 1997, as amended.

- H4** Any proposed business identification sign or advertising sign being the subject of a separate Development Application approved prior to erection or placement in position.

Reason: To advise of the necessity to submit further applications to Council in respect of proposed signage in order that any such proposals may be properly assessed in accordance with relevant heads of consideration under the Environmental Planning and Assessment Act, 1979.

- H5** Any proposed floodlighting of the premises being so positioned, directed and shielded as to not interfere with traffic safety or detract from the amenity of the adjacent premises.

Reason: To ensure that the proposal does not interfere with traffic safety and to protect the existing amenity of the neighbourhood.

- H6** No flashing, chasing or scintillating lighting or promotional material of a visually intrusive nature being installed or displayed on the exterior of the premises.

Reason: To protect the existing amenity of the neighbourhood.

- H7** Any flags, bunting or other promotional material of a like nature being arranged and properly maintained in a manner which does not detract from the appearance of the premises or the streetscape and which does not represent a hazard to the public.
- Reason:** To ensure that there is adequate control over such displays in order that they do not detract from the amenity of the neighbourhood or threaten public safety.
- H8** No goods or advertising signs being displayed or allowed to stand on the public footpath or street.
- Reason:** To avoid interference with pedestrian traffic flow and to protect the visual amenity of the neighbourhood.
- H9** On-site car parking accommodation being provided for a minimum of 914 vehicles and such being set out generally in accordance with the details indicated on the submitted plans except as otherwise provided by the conditions of consent. Any car parking spaces that cannot be provided on site are to be provided, only upon an agreement with Council, on another site within close proximity to the development.
- Reason:** To ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development.
- H10** The development is to incorporate 19 off-street car parking spaces as disabled spaces. All of these car parking spaces are to be located in areas of easy access to passenger lift cores and achieve a minimum width of 3.66 metres.
- Reason:** To ensure the provision of adequate on-site parking facilities for persons with a disability that are easily accessed from the development.
- H11** A minimum of 30 bicycle parking rails or lockers in a suitable location for the convenience of employees and visitors to the development which are designed and installed in accordance with Australian Standard AS2890.3 are to be provided.
- Reason:** To ensure the provision of adequate secure on-site bicycle parking facilities commensurate with the demand likely to be generated by the proposed development.
- H12** The minimum height between the car park floor surface and the lowest overhead obstruction being 2.3 m.
- Reason:** To ensure safe and convenient use of the car park by the public, including persons driving vans and recreational vehicles and to thereby encourage its use and to minimise overflow parking in adjacent streets.

H13 All parking bays being permanently marked out on the pavement surface.

Reason: To encourage the use of the proposed on-site car parking facilities and thereby minimise kerbside parking in the adjacent public road as a result of the proposed development.

H14 Signs being clearly displayed at the frontage of the premises indicating the availability of car parking on the site for the life of the development.

Reason: To encourage the use of the proposed on-site car parking facilities and thereby minimise kerbside parking in the adjacent public road as a result of the proposed development.

H15 The vehicular entrance and exit driveways and the direction of traffic movement within the site shall be clearly indicated by means of reflectorised signs and pavement markings prior to occupation of the building.

Reason: To ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking spaces and driveway access and in the interest of traffic safety and convenience.

H16 The proposed staff parking bays being permanently marked out on the pavement surface and being clearly indicated by means of signs and/or pavement markings.

Reason: To encourage the use of the proposed on-site car parking facilities and thereby minimise kerbside parking in the adjacent public road as a result of the proposed development.

H17 Proposed parking areas, service bays, truck docks, driveways, vehicular ramps and turning areas being maintained clear of obstruction and being used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

Reason: To ensure the proposed/required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose and are not otherwise used in a manner which detracts from the overall appearance of the development.

H18 Vehicles being loaded or unloaded standing wholly within the premises and within loading bays designated on the submitted plans or as otherwise provided in accordance with the conditions of this consent and under no circumstances are vehicles to be loaded or unloaded at the kerbside, across the public footpath or in a manner which obstructs vehicular access to the site.

Reason: To ensure that the proposed development does not give rise to street loading or unloading operations or obstruction of internal driveways with consequent accident potential and reduction in road and driveway efficiency.

H19 All vehicular movement to and from the site being in a forward direction.

Reason: To ensure that the proposed development does not give rise to vehicle reversing movements on or off the public road with consequent traffic accident potential and reduction in road efficiency.

H20 Any vandalism and graffiti are to be removed from the premises at the earliest possible time.

Reason: To ensure that the premises appear well kept and maintained and vandalism is not encouraged.

H21 The site is to be maintained in a tidy and orderly manner at all times. Landscaped areas are to be kept free of vehicles, stored goods, garbage or waste material. All work or storage of goods and materials is to be confined within the building except for external areas specifically approved for such purposes on the approved plan.

Reason: To ensure that the site is maintained in an orderly manner and does not detract from the overall appearance of the locality.

H22 Landscaping will be kept trimmed, irrigated and in a tidy condition. Undergrowth will be kept to a minimum. Plants that die or fail to achieve their desired form are to be removed and replaced.

Reason: To provide user safety by minimising concealment spaces.

H23 A landscape establishment report is to be submitted to the Principal Certifying Authority following completion of a three (3) month maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out to a high professional standard.

Reason: To ensure that the landscape works are conserved and properly maintained in accordance with approved plans so as to improve the appearance of the premises and the visual quality of the locality.

I Other Agency Conditions

- I1** CCTV surveillance cameras being installed to monitor the centre, the access points into the centre, the car parking areas and the loading dock area.

Reason: To enhance the security of the site and to assist in the identification of people involved in anti-social or criminal behaviour.

- I2** Installation of security lighting in and around the development, particularly along pedestrian pathways and adjoining areas, and over entry/exit points.

Reason: To ensure the development is adequately illuminated to avoid opportunities for concealment/entrapment.

- I3** A light maintenance policy being developed and implemented for the development.

Reason: To ensure the lighting for the development is maintained and kept in good working order.

- I4** Bollards or similar barriers being installed to reduce the opportunities for ram raid attacks.

Reason: To reduce the opportunities for criminal activity and to increase the safety of the development.

APPENDIX B – Plans and Elevations

APPENDIX C – Referral Comments

Comments from External Agencies

- RTA
- NSW Police

Comments from Internal Departments

- Council Development Engineer
- Local Traffic Committee
- Disability Advisory Committee