

JRPP No.	2010HCC050
DA No.	DA 312/2011
Proposal	New full-line supermarket
Property	17-23 Peel Street, 24 Manning Lane and 3-7 Kent Street, Tuncurry (Lot 1 DP 305223; Lots 1 and 2 DP 577194; Lot 4 Section 5 DP 759005; Lots 5, 11, 12 and 13 DP 416145; Lot 1 DP 591283)
Applicant	Projects and Infrastructure on behalf of Great Lakes Council
Report By	David Pirie, Senior Development Assessment Planner
Checked by	Wayne Burgess, Manager Development Assessment

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

Proposed Development

The application proposes demolition of the existing structures and carpark and the construction of a full-line supermarket of approximately 2696m² of retail space, including an associated liquor store and signs. The supermarket is proposed as a part two storey building on the corner of Peel Street, Kent Street and Manning Lane in Tuncurry, having 84 off-street parking spaces and with 45 on-street angled car parking spaces being provided by the reconstruction of Peel and Kent Streets. The proposed trading hours for the supermarket are from 6am to 12 midnight every day (excluding reduced trading hours on public holidays).

Referral to Joint Regional Planning Panel

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to clause 13B (2) of State Environmental Planning Policy (Major Development) 2005, as it is a Council application with a capital investment value over \$5 million.

Permissibility

The site is zoned 3(a) (General Business Zone) and 5(a) (Special Uses Zone) pursuant to the Great Lakes Local Environmental Plan 1996, as amended. The proposal is categorised as a shop, carpark and advertisements are permissible within Zone No. 3(a) (General Business Zone), subject to development consent and a carpark is permissible within Zone No. 5(a) (Special Uses Zone), subject to development consent. The required owner's consent has been provided. The proposal is regional development.

Consultation

In accordance with Council's Notification Policy the application was advertised and notified from 5 January 2011 to 1 February 2011 and received 50 submissions, of which 27 objected to the proposal and 6 of which, were late objections relating to the Council funding of the proposal, resulting from a different exhibition process. The majority of the other submissions expressed support for the proposal. The proposal is classified as "traffic generating development" under Clause 104 of State Environmental Planning Policy (Infrastructure) 2007, requiring notice of the application to be given to the NSW Roads and Traffic Authority (RTA). The RTA advised by letter dated 3 March, 2011 that it raises no objections to the proposal, subject to conditions of development consent.

Key Issues

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

- Expression of community support for the application.
- Location of the loading dock and consequent noise, odour and visual impacts
- Traffic and parking

Recommendation

Grant approval to DA-312/2011, subject to conditions

1. Background

Council adopted the *Forster-Tuncurry Employment Land Implementation Strategy* in November 2009. This recommends a range of planning and economic development strategies designed to cater for the future demand for employment land within the Forster Tuncurry area and also to attract additional businesses to the area.

The Strategy prioritises the provision of retail floor space and particularly a second retail anchor in the Tuncurry Town Centre to "*provide a greater range of goods to the residents in Tuncurry*" and to "*enhance its economic viability and support its growth into a Town Centre*". The Strategy identified the land owned by Council at the junction of Kent Street and Peel Street in Tuncurry as land that could facilitate a full-line supermarket or alternative anchor store for this purpose.

In July 2010, Council resolved to submit a draft planning proposal to the Department of Planning (in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979*, as amended) indicating Council's preference to amend the *Great Lakes Local Environmental Plan 1996*, to enable the establishment of a major anchor supermarket within the Tuncurry town centre. The rezoning has since been completed with the gazettal of Amendment No. 80 to the *Great Lakes Local Environmental Plan 1996* on 18 February 2011.

In November 2010, Council resolved that as the Hunter and Central Coast Joint Regional Planning Panel is the determining authority for the proposal, Council endorse the development application being assessed internally by Council staff in accordance with the '*Policy: Applications by Council*' (adopted 12 February 2008).

In December 2010, the development application for a full-line supermarket and associated infrastructure was submitted to Great Lakes Council by Projects & Infrastructure, a private company acting as Council's Development Manager.

The application was publicly advertised between 5 January, 2011 and 1 February, 2011.

A briefing to the Hunter and Central Coast Joint Regional Planning Panel (HCCRPP) was provided on 10 February, 2011. At this meeting, the HCCRPP identified the following issues that required clarification:

- **Signage**

The location, size and colours of all signs need to be depicted on the plans to allow for assessment, including assessment in accordance with *State Environmental Planning Policy No. 64 - Advertising and Signage* (SEPP 64). If the signs are illuminated, in particular signs facing residential properties, the lux needs to be specified for the SEPP 64 assessment.

- **Exhaust fans**

Noise from exhaust fans in loading dock needs to be addressed as part of the acoustic report and their location specified.

- **Trees within carpark**

Trees are required centrally within the carpark.

- **Colour and finishes board and non-reflective roof materials required**

- **Loading dock roof**

The roof of the loading dock should have a landscape treatment or pebble treatment to make it more attractive to residents (or future residents) that will overlook it.

- **Fault in drawing**

The mezzanine when viewed in plan form has a 'step out' over the loading dock which does not appear to be reflected in the elevations.

- **Windows into mezzanine level**

Windows on the northern elevation of the mezzanine level should be provided in such a way as to provide light without impacting on the amenity of adjoining residential properties, e.g. highlight windows, use of obscure glass, etc. This will serve as a sustainability measure and increase articulation of this wall.

- **Loading Dock**

The Traffic Report and/or the Acoustic Report should address the following issues:

- Noise of engines from truck queuing if the loading dock is in use.
- Management procedures for the dock
- Noise from loading dock doors
- More accurate detail on truck movements/deliveries including times and frequency, type of truck, etc, and including garbage trucks. Details on what happens if a second truck arrives when a truck is already in the loading dock.
- Weekend deliveries. Note deliveries should be further restricted on Sundays.
- Plant/air conditioning noise

- **Sustainability**

There should be attention given to sustainability measures including solar panels, rainwater tanks and re-use, etc.

- **Other**

Although not to be addressed by the applicant, but to be considered in the assessment report, the proposal should be considered in relation to what is potentially possible on the site with regards to setbacks, height, FSR, etc under its current and previous zoning.

Council requested additional information by letter dated 24 January, 2011. As well, an additional information request was made by letter on 14 February, 2011, as a result of the issues raised by the HCCRPP.

Subsequently additional information and plan revisions in respect to the above and also to Council's letter of 24 January, 2011, were received and are included in the assessment of the application as contained in this report.

2. Site and Locality Description

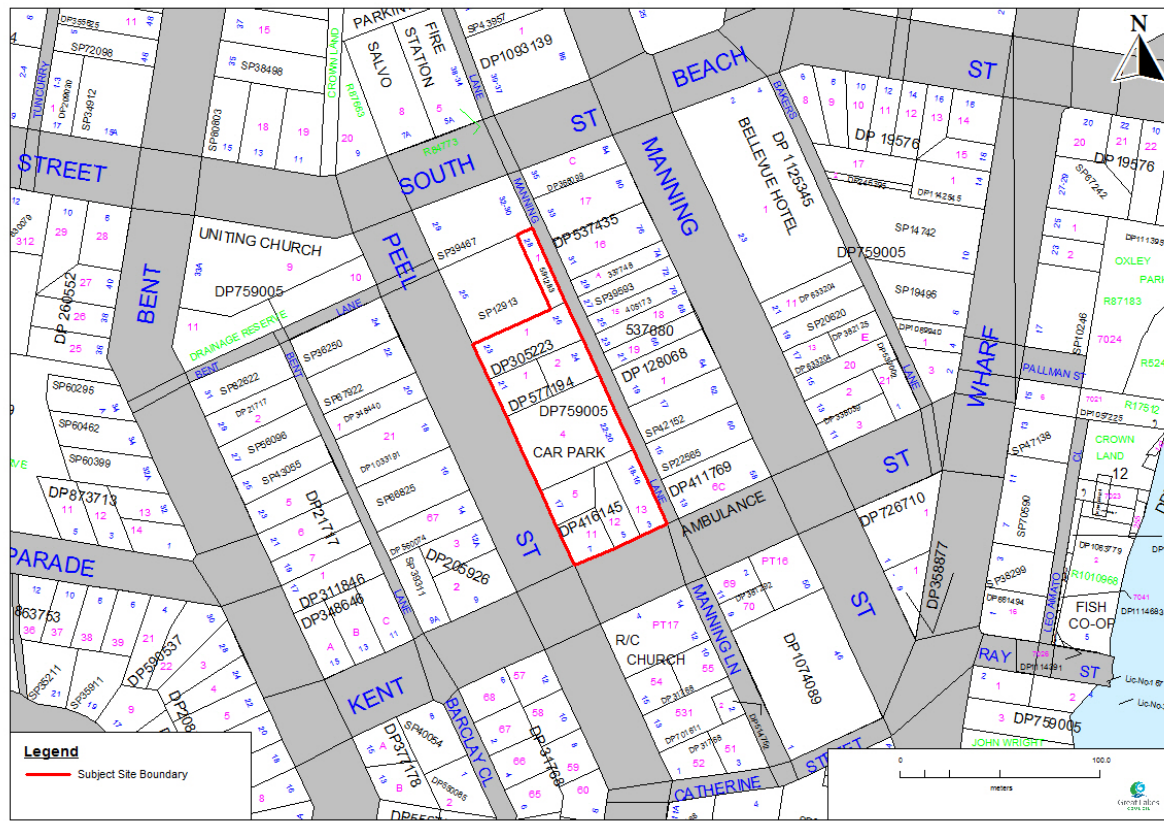


Figure 1: Locality map

The subject site (hereafter called 'the site') is located on the corner of Peel Street, Kent Street and Manning Lane in Tuncurry and comprises the following allotments:

- Lot 1 DP 305223 (23 Peel Street);
- Lots 1 and 2 DP 577194 (21 Peel Street and 24 Manning Lane respectively);
- Lot 4 Section 5 DP 759005 (19 Peel Street also known as 20-22 Manning Lane);
- Lots 5, 11, 12 and 13 DP 416145 (17 Peel Street and 3-7 Kent Street);

The site of the supermarket and car park is regular in shape and has a frontage width of 120.775m to Peel Street and a frontage to Kent Street of 50.295m, having an overall site area of 6074.3m² approximately. In addition, the proposal includes Lot 1 DP 591283, which is currently utilised for car parking, adjacent to the east of the adjoining northern residential property (SP 12913). A splay to the south-eastern corner of this lot is proposed to allow vehicular access to the supermarket loading dock.

At its northern end, there is an approximate maximum fall of 1.77m in the site's topography from Manning Lane on its eastern frontage to Peel Street on its western frontage, while at the southern end, the site rises mid-way along the Kent street frontage by up to 1m approximately.

Existing on the southern end of the site are single storey dwelling houses at Nos. 3, 5 and 7 Kent Street and No. 17 Peel Street, while a council car park is located on 19 Peel Street and a two storey dwelling house at No. 21 Peel Street. No. 23 Peel Street and No. 24 Manning Lane are vacant allotments. A bus stop is located adjacent to the Peel Street entrance to the existing Council car park.

Located on the immediate adjacent property to the north at No. 25 Peel Street (SP 12913) is a three storey residential flat building, consisting of ground level garaging, with the upper two floors comprising residential units. This building is located approximately 4.3m from the common boundary with the site.

Located on the opposite side of Manning Lane are properties within the 3(a) (General Business Zone) Zone, with frontages to Manning Street. These buildings generally consist of shops and offices at ground floor level, while the building at No. 62 Manning Street contains residential units on the upper floors. The secondary frontages for these buildings along Manning Lane generally contain car parking and service areas, with limited retail activity along this frontage. Connections between Manning Street and Manning Lane exist at Nos. 60, 64 and 66 Manning Street. The Tuncurry Ambulance Station is located on the north-western corner of Kent and Manning Street (58 Manning Street).

The western side of Peel Street, between South and Kent Streets, consists predominantly of one and two storey residential buildings, apart from a single storey medical centre at No. 18 Peel Street.

Directly opposite the site, on the southern side of Kent Street is the Tuncurry Roman Catholic Church, which is located between Manning Lane and Peel Street. Figure 2 below is an aerial view of the subject site and surrounding area.



Figure 2: Aerial view of the site and surrounds

3. Project Description

The proposed development comprises the demolition of existing structures and car park on the site and the construction of a full-line supermarket, including an enclosed loading dock, liquor store, associated signs, landscaping, drainage and stormwater infrastructure and car parking on the corner of Peel Street, Kent Street and Manning Lane in Tuncurry (Lot 1 DP 305223, Lots 1 and 2 DP 577194, Lot 4 Section 5 DP 759005, Lots 5, 11, 12 and 13 DP 416145, Lot 1 DP 591283). The proposal includes the consolidation of the lots as identified. The estimated capital investment value of the proposal is identified as \$8 million.

The supermarket building is part one storey and part two storey, with the two storey portion being a 'mezzanine' level above the ground floor supermarket 'back of house'. The maximum height of the building is 10.45m approximately. The proposed ground floor area of the supermarket, consisting of the selling area and the associated back of house store and preparation rooms, loading dock, etc, has approximately 2,697m² of gross floor area. The associated offices and staff amenities located on the mezzanine level have approximately 237m² of gross floor area. Plans, elevations and photomontages of the proposal are contained within Appendix 'B' of this report.

The proposed trading hours for the supermarket are from 6am to 12 midnight every day (excluding reduced trading hours on public holidays, etc). The trading hours for the proposed liquor store are to be determined in accordance with the licensing conditions imposed by the Liquor Licensing Authority.

The supermarket is proposed to be constructed on the northern portion of the site, with an open car park to be constructed on the remaining southern portion of the site. The entrance to the supermarket is located on the south-east corner of the building. The enclosed loading dock is located on the northern elevation of the building, with entry from Manning Lane and egress to Peel Street. The loading dock is proposed to incorporate noise attenuation measures, including roller doors on the Peel Street and Manning Lane elevations.

The car park is to provide 84 off-street parking spaces, including 4 parking spaces for people with disabilities. The proposal includes the reconstruction of Peel and Kent Streets to provide 45 on-street angled car parking spaces, presently existing as 19 parallel parking spaces, as well as landscaping works and a bus stop on Peel Street. The proposal also includes reconstruction of Manning Lane and involves a shared zone for pedestrian activity in Manning Lane.

4. Consultation

In accordance with Council's Notification Policy the application was advertised in the local paper (the Great Lakes Advocate) and notified by letter to surrounding residents, with the plans and documentation exhibited at the Great Lakes Council Chambers from 5 January, 2011 to 1 February, 2011, resulting in the receipt of 39 submissions from different parties. Of the submissions received 17 objected to the proposal, the majority of the other submissions being expressions of support for the proposal. Council received, after the closure of the exhibition period, a further 10 late submissions, of which one (1) submission was in support of the proposal and three (3) related to Council financing the project.

It should be pointed out that there were two other exhibition processes that were undertaken subsequent to the exhibition of the development application and which are separate to the development application process. These are exhibitions relating to a proposed rate increase and Council funding of the supermarket. The matters on exhibition are set out below.

- Community Engagement - Great Lakes 2030 (Integrated Planning and Reporting Framework and Special Rate Variation).

A suite of documentation was on public exhibition between 24 February, 2011 and 25 March, 2011, containing detailed information about the strategies proposed and resources and finances available to meet the community's expectations. This included Council's resolution to apply for a Special Rate Variation (increase) to address Council's current infrastructure maintenance issues, community needs and aspirations as expressed in Great Lakes 2030 and the long term financial sustainability of Council. The appropriate forum for the consideration of these submissions is the Independent Pricing and Regulatory Tribunal (IPART).

- Community Engagement - Capital Expenditure Review

Council is in the process of undertaking a Capital Expenditure Review for the supermarket project in accordance with the Division of Local Government Capital

Expenditure Project Guidelines. As a component of this review, Council is required to carry out public consultation and engagement processes prior to making any financial commitment to the project. A public meeting has been held, Council's intention to finance the project has been publicised and a number of submissions have resulted. The period for public submissions ended on Tuesday 29 March 2011. Council will be responding to the submissions received and forwarding them to the Division of Local Government when it submits the Capital Expenditure Review for consideration.

Support

The key matters raised in the submissions in support of the proposal can be summarised as follows:

1. Increased competition and consumer choice.
2. Revitalisation of Tuncurry Town Centre.
3. Caters for population growth.
4. Encourages tourism.
5. Job creation.
6. Decrease in traffic congestion.
7. Convenience.
8. Utilises existing infrastructure.
9. Supports existing businesses.

Objection

The key matters raised in the submissions as objections can be summarised as follows:

1. Traffic and parking.
2. Noise and pollution
3. Economic and social impact.
4. Conflict of interest and lack of due process.
5. Location, layout and site suitability.
6. Landscaping.
7. Drainage and water quality.
8. Height, size, bulk and setbacks.
9. Loss of property value.

The above matters are discussed in more detail in Section 6.9 of this report and under relevant headings in Section 6.7.

5. Referrals

The proposal is classified as "traffic generating development" under Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*, requiring notice of the application to be given to the New South Wales Roads and Traffic Authority (RTA). The RTA advised by letter dated 3 March, 2011 that it raises no objections, subject to conditions of development consent. In addition, the following agencies/authorities provided comment

- New South Wales Police Service
- MidCoast Water
- Country Energy

The comments from external agencies/authorities are contained in APPENDIX 'C' of this report.

Internal referrals were obtained from the following within Council (refer APPENDIX 'C') and appropriate conditions of consent are contained within the Recommendation of this report.

- Environmental Health Officer
- Traffic Engineer
- Senior Ecologist

- Senior Development Engineer
- Manager, Natural Systems
- Manager, Building Assessments
- Manager Waste, Health and Regulatory Services
- Great Lakes Council Access Committee

6. Section 79C Considerations

The following matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, as amended (EP&A Act), are relevant in considering this application:

6.1 Environmental Planning Instruments - Section 79C(1)(a)

6.1.1 State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Major Development) 2005 (SEPP Major Development) aims to identify development to which the development assessment and approval process under Part 3A of the Act applies; to identify critical infrastructure projects; to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State and to identify development for which regional panels are to exercise specified consent authority functions.

Clause 13B (2) of SEPP Major Development specifies that applications for development that has a capital investment value of more than \$5 million and council is the applicant, owner of the land or is to carry out the development are to be determined by a Joint Regional Planning Panel. As the proposal has a capital investment value of \$8 million and the application is on behalf of Council and Council is both the owner of the land and the developer, the Hunter Central Coast Joint Regional Planning Panel is the consent authority responsible for determining the application.

6.1.2 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) has the aim to facilitate the effective delivery of infrastructure across New South Wales (NSW), which includes consultation requirements with relevant public authorities about certain development during the assessment process or prior to development commencing.

Clause 104 of SEPP Infrastructure relates to traffic generating development as identified in Schedule 3 of the SEPP. The proposed supermarket development falls within a category in Schedule 3 as a 'shop' having a size greater than 2000m² and with direct vehicular or pedestrian access to any road, thus requiring referral of the development application to the NSW Roads and Traffic Authority (RTA). The consent authority must take into consideration the response of the RTA and the following:

- (a) The accessibility of the site concerned, including:
 - the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - The potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail.
- (b) Any potential traffic safety, road congestion or parking implications of the development.

The RTA has advised by letter dated 3 March, 2011 that it raises no objections, subject to conditions of development consent which are contained in APPENDIX 'A' of this report (RTA comments are contained in APPENDIX 'C').

In relation to the matters of consideration identified above, the following points, including those stated in the submitted Statement of Environmental Effects, are relevant:

- Additional services to the Tuncurry community will be provided by the proposal, reducing the need for additional trips over the Forster-Tuncurry Bridge for general grocery and shopping needs. Currently, the only full-line supermarkets are located at Stocklands in Forster, which attracts a significant proportion of the shopping expenditure from the Tuncurry local community. It should be noted that there is, however, a Bi-Lo supermarket in Manning Street, Tuncurry, which has previously been identified as part of the assessment for the shopping 'convenience' centre (DA 565/2008) as not being a full-line supermarket.
- Through the increased provision of local services, the proposal will minimise the need for Tuncurry residents to travel by car to Forster and will be within walking and cycling distance for a greater number of Tuncurry residents.
- The car parking arrangements as proposed are in excess of those required under the RTA's *Guide to Traffic Generating Development*.
- The anticipated increase in traffic generation is unlikely to have any significant impact on road congestion or traffic safety, subject to the requirements of the RTA.
- The provision of a new anchor supermarket within the Tuncurry town centre will encourage multi-purpose shopping trips to other shops located in Manning Street, utilising the existing pedestrian arcades and linkages.
- The location of a full-line supermarket in Tuncurry reduces the vehicle kilometres travelled for freight activities.

6.1.3 State Environmental Planning Policy No. 64 - Advertising and Signage

The application proposes three (3) internally illuminated signs and two (2) non illuminated signs, all of which are attached to the supermarket building. The two (2) non illuminated signs are proposed on the northern elevation of the building and one (1) internally illuminated sign on each other elevation of the building. *State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP 64) applies to the proposed signs, which are listed below in Table 1 (also refer drawings in APPENDIX 'B' of this report).

Elevation	No.	Sign Types	Illuminated	Dimensions	Wording
North	1	Wall	No	1.3 x 1.3m	Logo only
	2	Wall	No	9m x 1.5m	Woolworths + logo/Liquor Woolworths
South (Kent Street)	3	Under awning sign	Yes	10.8m x 1.5m	Woolworths + logo/Liquor Woolworths
East (Manning Lane)	4	Under awning sign	Yes	10.8m x 1.5m	Woolworths + logo/Liquor Woolworths
West (Peel Street)	5	Under awning sign	Yes	10.8m x 1.5m	Woolworths + logo/Liquor Woolworths

Table 1: Proposed signs.

Each of the proposed signs is defined under SEPP 64 as a 'building identification sign', with the following meaning:

"a sign that identifies or names a building, and that may include the name of the business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but does not include general advertising of products, goods or services".

In accordance with Clause 8 of SEPP 64, prior to granting development consent, the consent authority must be satisfied that the signs are consistent with the objectives of SEPP 64 and satisfy the assessment criteria as specified in Schedule 1 of SEPP 64. Please note that SEPP 64 does not regulate the content of signage and does not require consent for a change in the content of signage.

The objectives of SEPP 64 are contained within Clause 3(1)(a), which are to ensure that signage (including advertising):

- (i) is compatible with the desired amenity and visual character of an area, and*
- (ii) provides effective communication in suitable locations, and*
- (iii) is of high quality design and finish.*

It is considered that the proposed signs are consistent with the objectives of SEPP 64 for the following reasons:

- The site is on the edge of the General Business Zone, are limited in number and designed contextually with the building. The adjacent residential areas are identified in Development Control Plan No. 51 Forster/Tuncurry Town Centres (DCP51) as a mixed use/transition area, which will include commercial office space adjoining the CBD.
- Signs are located at adjacent to the building entry on the Kent Street and Manning Lane elevations and on the Peel Street elevation, adjacent to the pedestrian walkway to the building entry. On the northern elevation, they are placed on the eastern and western sides to identify the building for vehicular and pedestrian traffic, approaching the site from South Street, either along Peel Street or Manning Lane. As such, the location of these signs most effectively locates the building, the business and its entry point.
- The Statement of Environmental Effects advises that the signs will be of *"a high quality design and finish...designed having regard to the building architecture and Woolworths standard corporate signage"*.

The proposed signs are discussed below in relation to the assessment criteria specified in Schedule 1 of SEPP 64.

1. Character of the area

There is no particular theme for outdoor advertising in the locality. The proposed signs are to be installed on walls or attached to the awning fascia of the proposed building. The proposed signs are consistent with the existing commercial character of the existing commercial precinct.

2. Special areas

There are no environmentally sensitive areas; natural areas, open space areas, waterways, rural areas, heritage buildings or conservation areas in the immediate proximity of the site. While there are residential properties to the west and north of the site, it is considered that the proposed signs will not detract from the visual quality of the adjacent residential areas, as the signs are appropriately integrated with the building design, are limited in number and are internally illuminated signs and those in closest proximity to a residential property, being signs on the northern elevation of the building, are proposed to be non illuminated. Further, it is considered that the proposed illuminated signs will not detract from the amenity of adjacent

properties, as the intensity of lighting from this form of sign will not direct glare towards any residential property.

3. Views and vistas

The proposed signs do not project above the parapet line of the building and as such will not dominate the skyline nor have any impact upon views or vistas. The proposed signs do not impact on the viewing rights of any other advertisers.

4. Streetscape, setting or landscape

The proposed signs are of a size, scale and form so as not to dominate the streetscape elevations on which they are located. The signs provide the necessary visual markers for the identification of the building within the streetscape in an uncluttered way and with clean simple lines. As previously stated, the signs do not protrude above the building and do not require any vegetation management.

5. Site and building

It is considered that the proposal is compatible with the scale and characteristics of the site and its context. Additionally, the signs are compatible with the scale of the building on which it is to be located, respecting the shape, form and design lines of the building. The proposed signs are corporate signs for Woolworths that are consistent throughout Woolworths' supermarkets.

6. Associated devices and logos with advertisements and advertising structures

The proposed signs include the Woolworths' logo and will utilise Woolworths' corporate colouring and lettering, which are integral components of the signs.

7. Illumination

The proposed signs on the southern, eastern and western elevations are internally illuminated. The SEE advises that the signs will cease illumination upon the close of business each night and this is also a recommended condition of consent contained in APPENDIX 'A' of this report. In response to the JRPP's request for further information regarding the illumination levels of the signs, the applicant has provided the following information:-

"The illuminated signs are proposed to be lit by internal LED lights illuminating text and logos on the signboard. The lux level of these LED lights has not been specified as they only serve to internally illuminate the sign. The light from this form of signage is diffuse and does not result in light spill beyond the immediate surrounds of the signs. If there is still concern that light from these signs will impact on neighbouring properties, the lighting is to be controlled by a dimmer switch so the lights can be lowered if required."

It is therefore considered that the intensity of illumination of the proposed signs is manageable so as to not result in unacceptable glare that will detract from the amenity of nearby residences. Appropriate conditions of consent are contained within APPENDIX 'A' of this report.

8. Safety

The proposed signs will not obscure sightlines in the adjacent road network and will not obscure sightlines from public areas. The proposed signs will not create a hazard for traffic or pedestrians due to their location or colours.

6.1.4 State Environmental Planning Policy No. 71 – Coastal Development

State Environmental Planning Policy No. 71- Coastal Development (SEPP 71) applies to all land within the coastal zone as defined in the *Coastal Protection Act 1979* and accordingly applies to

the subject site to the extent of requiring Council to consider the matters listed in Clauses 8 and 16 of the Policy. The proposal is considered to be consistent with the aims of the Policy and the matters for consideration under Clause 8 for the following reasons:

- The proposal does not impact on existing or potential public access to a coastal foreshore.
- The supermarket and carpark have been designed to minimise impacts to surrounding development and is located to suit the site, which is appropriately zoned for these uses.
- The development is proposed to be located on a site that does not impact on a coastal foreshore and is not visible from a coastal foreshore.
- The development does not impact on the scenic qualities of the coast and is a high quality design for the type of building proposed, with its bulk, scale and size appropriate for its location.
- The proposed development will not impact on any threatened species or their habitats or existing wildlife corridors.
- The site is located in an area that will not be affected by flooding or erosion as a result of coastal processes, including the predicted impacts associated with climate change.
- The proposal will not conflict with water-based coastal activities.
- The inclusion of bio-retention stormwater treatment devices will ensure that stormwater run-off from the development site will not impact on the water quality of coastal waterbodies.
- The site does not contain any items of Aboriginal or European heritage significance.
- The proposed development will not contribute to a detrimental cumulative impact on the environment.
- The development proposes a rainwater tank for water flushing and landscape irrigation in order to conserve water usage.

In accordance with the matters, outlined above, the proposal is considered consistent with the aims of SEPP 71.

6.1.5 Great Lakes Local Environmental Plan 1996

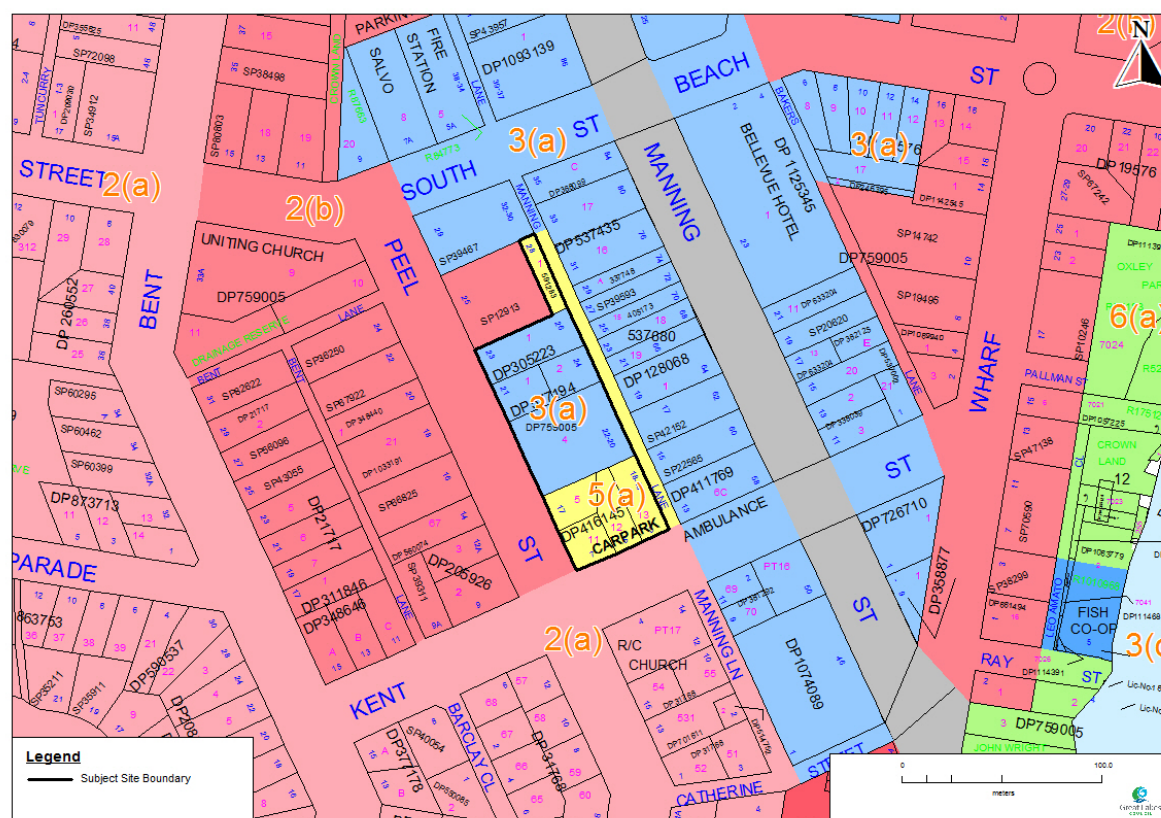


Figure 3: Zoning map

The site has two zonings (refer Figure 3 above), which are Zone No 3(a) (General Business Zone) and Zone No 5 (a) (Special Uses Zone), under the provisions of the Great Lakes Local Environmental Plan 1996, as amended (GLLEP 1996). The proposed supermarket and adjacent first row of car parking spaces and two (2) parking spaces for people with disabilities are located within the northern part of the site that is identified as 3(a) (General Business Zone), while the majority of the proposed car park is located within the remaining southern portion of the site that is identified as 5(a) (Special Uses Zone) for the purpose of a 'carpark'.

The supermarket is classified as a 'shop', defined within the Dictionary of the GLLEP 1996 as:

"a building or place used for the retail sale, auction sale or hire, or for the display for the purpose of sale or hire, of goods, materials and merchandise, but does not include a building or place elsewhere defined in this plan".

A 'carpark' is defined within the Dictionary of the GLLEP 1996 as:

"a building or place used for parking vehicles (otherwise than as an ancillary use of land) whether or not operated for gain, and includes any associated access and manoeuvring space".

Each of the proposed signs located on the supermarket building is classified as an 'advertisement', which is defined within the Dictionary of the GLLEP 1996 as

"a display of symbols, messages or devices for promotional purposes or for conveying information, instructions or directions, whether or not the display involves the erection of a structure or the carrying out of a work".

In accordance with the Development Control Table contained within Clause 8 of the GLLEP 1996, shops, carpark and signs are permissible within Zone No 3(a) (General Business Zone), subject to development consent, while only the particular land use indicated by black lettering on the zoning map, being a 'carpark' and any development ordinarily incidental or ancillary to that land use, is permissible on land identified as 5(a) (Special Uses Zone).

The objectives of Zone No 3(a) (General Business Zone) are:

- (a) *Objective (a) to enable the development of a range of retail and commercial uses which:*
 - (i) *do not adversely impact on traffic movements in the locality, and*
 - (ii) *could reasonably be expected to service existing or identified future trade area populations, and*
 - (iii) *are of a scale and type compatible with the amenity of any surrounding residential area, and*
- (b) *Objective (b) to enable residential or other similar development which:*
 - (i) *is within the same building as, or on the same allotment of land as, shops, commercial premises or any other non-residential use, or*
 - (ii) *is unlikely to significantly prejudice the supply of retail and commercial floor space within contiguous land zoned 3 (a) or other nearby areas zoned 3 (a).*

Objective (b) is not applicable to the proposed supermarket and carpark development as there is no residential or similar development proposed. The proposed supermarket and carpark development is considered consistent with Objective (a) above, for the following reasons:

1. The proposal will not adversely impact on traffic movements in the locality (for a detailed assessment refer to the headings for 'State Environmental Planning Policy (Infrastructure) 2007' and 'Traffic and Parking' in Sections 6.1.2 and 6.7.1 of this report respectively).
2. The *Forster-Tuncurry Employment Land Implementation Strategy* identifies that a second retail anchor in the Tuncurry centre is required to "provide a greater range of goods to the residents in Tuncurry" and to "enhance its economic viability and support its growth into a Town Centre". The Strategy identified the subject land owned by Council as land that could facilitate a full line supermarket or alternative anchor store for this purpose.
3. The scale is compatible with development within the adjacent 3(a) (General Business Zone) on land to the east. While the adjoining property to the north and land on the opposite (western) side of Peel Street are within Zone No 2(b) (Medium Density Residential Zone), it should be noted that the adopted *Forster/Tuncurry Town Centres Development Control Plan No. 51* (DCP 51) anticipates residential development of a higher scale than proposed, i.e. development with maximum height of 20m (5 storeys) and with a maximum floor space ratio of 2:1. In comparison the maximum height of the proposed development is approximately 10.4m and part one storey/part two storey with a floor space ratio of approximately 0.74:1 on the land identified as Zone No. 3(a) (General Business Zone). The amenity impacts of the proposal are considered acceptable, subject to conditions of consent (refer to APPENDIX 'A' and relevant headings in Section 6.7 of this report).

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

- (a) *Objective (a) to provide for the development of public facilities and services, and*
- (b) *Objective (b) to provide for other land uses if they do not affect the usefulness of the land for the purpose for which it is zoned.*

The proposed development incorporates only a car park over the portion of the land zoned for that purpose. As such objective (b) is not relevant. The submitted Statement of Environmental Effects advises that "*while the car park is associated with the supermarket, the car park will remain in public ownership and will be a public facility that will continue to provide car parking services available to the public*". Accordingly, the proposed development is consistent with Objective (a) as it for the purpose for which the land is zoned. The Section 94 contributions payable for the shortfall in parking resulting from the removal of the existing parking from the site are discussed in Section 6.10 of this report.

Clause 10 of the GLLEP 1996 applies with regard to the making of tree preservation orders, such that if a tree preservation order applies to any tree, then the consent of Council is required to remove that tree. In this regard, Council's Tree Management Officer has advised that all existing trees on the site may be removed as part of the development consent, subject to replacement plantings as shown in the submitted landscape plans and with recommended conditions of consent as contained in APPENDIX 'A' of this report.

Clause 11 of the GLLEP 1996 applies to land form modification in order to control soil erosion, sedimentation and drainage impacts associated with land form modification, requiring development consent for filling or excavation of land except where the development will, in the opinion of the Council, not significantly affect the natural and existing built environment. Council's Senior Development Engineer has advised by memo (as contained in APPENDIX 'C' of this report), appropriate conditions to address drainage, soil erosion and sedimentation and these conditions are contained in APPENDIX 'A' of this report.

Clause 12 of the GLLEP 1996 has the objective to ensure that all development has adequate water and sewerage services. As such development consent must not be granted unless an adequate water supply and facilities for the removal of sewage and for the drainage of the land are available to the land, or satisfactory arrangements have been made for the provision of their supply. In this regard MidCoast Water, the responsible authority for water and sewerage services, has advised by letter dated 24 January, 2011 that the proposed development can be served by reticulated sewer mains and reticulated water mains. Existing sewer mains crossing the site will be required to be removed and capped, along with a number of other requirements. Accordingly appropriate conditions to be imposed on any consent have been provided by MidCoast Water and these are contained in APPENDIX 'A' of this report.

6.2 Draft Environmental Planning Instruments - [Section 79C(1)(a)]

6.2.1 Draft State Environmental Planning Policy (Competition) 2010

The *Draft State Environmental Planning Policy (Competition) 2010* (Draft SEPP Competition) was exhibited between 27 July 2010 and 26 August 2010. The draft SEPP aims to promote economic growth and competition and to remove anti-competitive barriers in environmental planning and assessment. The Draft SEPP Competition follows the release of the *Draft Centres Policy - Planning for Retail and Commercial Development* which was exhibited between 9 April 2009 and 11 May 2009, which is discussed under the heading 'Public Interest' in Section 6.10 of this report.

Relevant to the consideration of this application are proposed Clauses 8 and 9 of the Draft SEPP.

Clause 8 precludes the commercial viability of a proposed commercial development from consideration by the consent authority.

Clause 9 precludes from consideration by the consent authority the likely impact of a proposed development on the commercial viability of other individual businesses except if the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities, taking into account those to be provided by the proposed development itself.

The proposed supermarket building is likely to be in direct competition with the existing Bi-Lo supermarket located at the northern end of Manning Street, Tuncurry. The Bi-Lo supermarket is not a 'full-line' supermarket. The proposed full-line supermarket is, therefore, likely to have a competitive advantage over the existing Bi-Lo. Notwithstanding, the Forster-Tuncurry Employment Land Strategy (ELS), adopted November 2009, indicated support for a new anchor supermarket adjacent to the Tuncurry Town Centre for its future growth and to provide a level of service desirable for Tuncurry. In this respect, it should be noted that after much deliberation, Great Lakes Council approved an out-of-town shopping 'convenience centre', consisting of a full-line supermarket and five (5) speciality shops, although the economic impact reports indicated that this would have an immediate negative impact to traders in the town centre and up to 111 job losses within the town centre, which is already suffering with shop closures.

in recognition of the need to stimulate business and enterprise activities in the Tuncurry Town Centre, Council agreed to endorse a recommendation contained in the ELS to investigate the feasibility for the development of a full line supermarket and the necessary car parking on Council owned land at the corner of Peel Street and Kent Street (the subject site for the development application). Council engaged experienced consultants to further investigate the feasibility of establishing a supermarket at this site, in accordance with the ELS recommendation. In comparison to the out of town proposal, it was seen that this would help provide economic support for businesses in the town centre by bringing more people into the town centre.

The proposed supermarket is not likely to have an overall adverse impact on the extent and adequacy of facilities and services available to the local community. Instead the proposed supermarket is likely to increase services and facilities within the town centre from people taking advantage of other services on offer by nearby businesses through a flow-on effect. The provision of increased retail choice in Tuncurry will attract more people to shop in Tuncurry, rather than take any out-of-town option, and thereby create new business opportunities within the town centre. This is different to the approved out-of-town option which provides a full-line supermarket and replaces some of the existing shopping but does not provide a full range of compensatory services and facilities. Accordingly, the proposal is considered consistent with the aims of the Draft SEPP Competition, by promoting economic growth and the likely impacts on the commercial viability of other individual businesses should not be taken into account. Consideration of matters relating to commercial viability and competition would be inconsistent with the Draft Competition SEPP.

6.3 Development Control Plans - [Section 79C(1)(a)]

6.3.1 Development Control Plan No. 6 - Outdoor Advertising

Great Lakes Council's Development Control Plan No.6 – Outdoor Advertising (DCP 6) applies to the proposed signs. The relevant aims of DCP 6 are as follows:

- *To provide opportunities for businesses, facilities and services to effectively and equitably communicate with the general public.*
- *To provide for directional signs to meet the needs of visitors and residents in finding facilities, places and services.*
- *To provide for effective advertising for the area's tourist attractions, commercial facilities and services.*
- *To ensure that advertising signs do not detract from the visual environment.*
- *To ensure that advertising signs do not have any adverse effects on road safety.*
- *To provide for an orderly display of advertising which demonstrates Council's intentions for a well-managed Shire which cares for its residents, visitors and environment.*

- *To ensure that business performance is not detrimentally affected by inappropriate advertising signs which create visually chaotic environments;*

The above aims are not inconsistent with the objectives of SEPP 64 (as discussed in Section 6.1.3 of this report), albeit with an emphasis of providing sign opportunities for signs for businesses, facilities, services and tourist facilities, as long as business performance is not detrimentally affected through inappropriate signs. It is considered that the proposed signs are consistent with the objectives of DCP 6 for the following reasons:

- The proposed signs are appropriately located to effectively identify the supermarket without dominating the appearance of the building.
- The proposed signs are of appropriate sizes and proportions to integrate within the overall building design and to not detract from the surrounding visual environment.
- The signs will not adversely affect any other business.
- There will be no adverse impacts to road safety.
- The signs represent an orderly approach for identifying and advertising the supermarket without causing visual clutter.

Under DCP 6, the proposed signs are classified by type as being two (2) 'panel' signs and three (3) 'verandah fascia signs' (Sections 9.10 and 9.14 of DCP 6 respectively). These sign types are deemed permissible in Zone No 3(a) (General Business Zone), subject to specified criteria for each type of sign as detailed in Table 2 below (also refer to Table 1 in Section 6.1.3).

Sign location (elevation)	Type	Criteria	Complies
1. North	Panel Sign	<ul style="list-style-type: none"> • 20m² maximum size. • Fixed flush with wall. • Not to project beyond lines of wall or cover any window or building detail. • 2.7m minimum clearance above ground • 0.3m maximum projection from wall 	Yes Yes Yes Yes Yes
2. North	Panel Sign	<ul style="list-style-type: none"> • 20m² maximum size. • Fixed flush with wall. • Not to project beyond lines of wall or cover any window or building detail. • 2.7m minimum clearance above ground • 0.3m maximum projection from wall 	Yes Yes Yes Yes Yes
3. South	Below verandah Sign	<ul style="list-style-type: none"> • Not animated. • Fixed flush with fascia. • Must not project above or below the fascia. 	Yes Yes Yes
4. East	Below verandah sign	<ul style="list-style-type: none"> • Not animated. • Fixed flush with fascia. • Must not project above or below the fascia. 	Yes Yes Yes
5. West	Below verandah sign	<ul style="list-style-type: none"> • Not animated. • Fixed flush with fascia. • Must not project above or below the fascia. 	Yes Yes Yes

Table 2: Criteria for signs by type.

The signs are considered acceptable for the following reasons:

- The illumination for the below verandah signs is of a low intensity which is unlikely to project unreasonable glare.
- The illumination is necessary to enable clear identification of the premises at night and is considered to be the most appropriate form of illumination for the site. This is considered to be a reasonable method of identifying businesses in the commercial zone which trade outside of daylight hours and as such is generally accepted in the community.
- It is considered the signs have merit having regard to the intent of the controls to allow illumination in appropriate locations;

In addition to the above, Section 8.2 of DCP 6 outlines 'performance measures' for all signs in Zone No 3(a) (General Business Zone). The relevant measures are listed for consideration as follows:

- *Signs must be compatible with scale and character and design of the building on which they are displayed and must not hide building detail.*
- *The size and location of signs must generally be consistent with signs on adjoining buildings and must not reduce the visibility of other signs.*
- *The size, location and design of signs must be compatible with the overall streetscape.*
- *Signs should be related to the size of the shopping centre and must not be the dominant element.*
- *Signs must not contribute to sign clutter in the area.*
- *Repetitive signs should not be used.*
- *There should only be limited use of signs above verandah level.*

It is considered that the proposed signs are not inconsistent with the above performance measures and as discussed previously in this report, the proposed signs:

- Will not result in visual clutter, with the number of signs appropriate for the elevation to which they are attached.
- The signs are compatible with the scale, size and character of the proposed building.
- Will not detrimentally impact on the streetscape.

In accordance with the discussion above in this section, it is considered that the proposed signs are in general accordance with the relevant provisions of DCP 6 and will not have any significant adverse impact upon the streetscape or the amenity of the surrounding area.

6.3.2 Development Control Plan No. 51 - Forster/Tuncurry Town Centres

The site is located in the area identified within Development Control Plan No. 51 - Forster/Tuncurry Town Centres (DCP 51) as the Tuncurry Town Centre. DCP 51 applies to multi-dwelling housing, residential flat buildings, serviced apartments and mixed use development incorporating a residential component within the Forster and Tuncurry town centres. Although DCP 51 does not specifically apply to retail or commercial only development, it is stated as a purpose of the DCP that:

"many of the design controls contained within this DCP should be considered when designing buildings containing only commercial or retail activities. Any such development will have to be consistent primarily, but not only, with the town centre vision, objectives, precinct character, pedestrian amenity, building height, built form and density provisions".

Town Centre Vision

The Town Centre Vision is stated as:

"To retain and enhance the unique natural environmental character and relaxed coastal lifestyle offered by Forster/Tuncurry, whilst embracing high quality development promoting the area as a popular location for residential living, tourism and business".

The site was identified in the *Urban Design & Density Review - Forster/Tuncurry & Tea Gardens/Hawks Nest - 2008* (UDDR) adopted by Council in July 2008, as a SP2 Infrastructure Zone (in accordance with the Standard Instrument), adjacent to a mixed use zone to the north. The intention for the SP2 zone was to permit the construction of a commercial or mixed use development in association with any car park constructed on the site.

The proposal is considered consistent with the Town Centre Vision as it will enhance the retail services within the town centre through the provision of a modern contemporary shopping facility which will support local businesses and tourism and make Tuncurry more attractive as a living choice.

Objectives

The objectives for the Tuncurry town centre are listed as:

- *Achieving sustainable town centres.*
- *A unique identity.*
- *Creating compact and attractive town centres.*
- *Facilitating access and mobility around and between the towns.*
- *Creating liveable towns.*
- *Re-connecting the towns to the foreshore.*
- *Improving the quality of the public domain.*
- *Improving the quality of new buildings.*
- *Improved neighbourhood amenity.*
- *Diversity and availability of housing types.*
- *Environmental accountability.*

The proposed supermarket incorporates high quality architectural features and substantial landscaping, both within the carpark and the surrounding public domain. It will help facilitate a compact town centre by providing a retail anchor to support existing businesses, rather than providing such a shopping facility away from the town centre. It will thus reduce car dependency for shopping tasks and will also provide additional employment opportunities within the Tuncurry Town Centre. As such, the proposal is considered consistent with the objectives for the town centre and will create a more liveable town.

Precinct character, pedestrian amenity, height and density

The site is located within the identified Tuncurry CBD Precinct, which currently has no strong architectural precedent for the contemporary coastal buildings envisioned by the DCP controls. The unifying element for future buildings will be a height profile of three (3) storeys to podium level, with commercial uses at these lower levels, individual buildings will reach a higher height, with residential units above the podium level, required to utilise the setback controls to reach the full permitted height. In this regard, the potential height identified for the site is mapped as 20m, equivalent to five (5) storeys and the floor space ratio (FSR) is mapped at 2: 1. In this regard,

the proposal is considered consistent as it maintains a retail presence at street level with an approximate FSR of 0.73:1 on that part of the site contained within Zone No. 3(a) (General Business Zone). As well, the proposed development has a maximum height of approximately 10.4m, consisting as part one storey and part two storeys, with no residential component.

The retention and promotion of the service function of Manning Lane for existing shops and businesses fronting Manning Street and any new developments within the CBD precinct have been identified as integral components for the design of any new development having a rear lane address. The proposed development has the loading dock for all service deliveries (and including waste pick-up) accessed directly from Manning Lane, with a pedestrian shared zone to reinforce existing through links to Manning Street in order to encourage main street shopping and services. This recognition of the existing pedestrian linkages promotes the desired future CBD vision for site permeability. In order to reduce the number of cars travelling down Manning Lane to gain entry to the proposed carpark and to maintain its service role for existing businesses fronting Manning Street and for pedestrian safety reasons, it is recommended that the entry to the car park from Manning be changed to an exit only, with the main car park entry located in Peel Street. An appropriate condition of consent is contained in APPENDIX 'A' of this report.

Improvements are proposed to the public domain by way of perimeter footpaths, landscaping (including street tree planting) and the provision for an awning in the proposed supermarket design. Although the site is not located in an area which requires the provision of awnings, the proposal includes awnings over Manning Lane and Peel Street, to facilitate the creation of a pleasant pedestrian environment and to encourage the use of Manning Lane as a pedestrian connection to commercial activity on Manning Street. The proposed awning will comply with the minimum height of 3 metres above the footpath and will also facilitate the provision of street trees as shown on the submitted landscape plans.

Built form

The proposed development maintains consistency with the desired character with a built form compatible with contemporary coastal architecture. The entry is well located to link with the existing Manning Street pedestrian thoroughfares, while the skillion roof raked to the south and with aluminium louvres attached to its perimeter on three (3) sides, gives the building its coastal flavour and contributes to a visually interesting skyline. The building has been designed to comply with public access requirements for people with disabilities (AS1428.1) and Crime Prevention through Environmental Design Guidelines (refer Section 6.7.7 of this report), to provide safety and amenity for all users of the building.

The development does not turn its back onto the street, as is the case in a lot of supermarket and shopping centre development, which have solid blank walls facing the street. Instead it utilises large glazed areas to provide 'active' street frontages, which in combination with wood, masonry, colorbond steel roof fascias and powder coated aluminium louvres, present highly articulated street facades. At the HCCJRPP's suggestion, additional windows have been incorporated into the northern elevation as highlight windows to provide further articulation to this façade. While the highlight windows ensure the amenity of the dwellings in the residential flat building on the adjoining property to the north, it is considered that these windows should also be opaque to minimise overlooking into the office area of the proposed supermarket building. As such an appropriate condition of consent is contained in APPENDIX 'A' of this report.

As stated above, tree planting is proposed for the public domain and a recommended condition of consent for tree planting within the car park (as contained within APPENDIX 'A' of this report) will positively enhance the overall appearance of the building in its setting and provide necessary shade for parked cars.

The choice of external materials and finishes and colour palette (as per the submitted schedule as contained in APPENDIX 'B' of this report), including a pebble finish to the loading dock roof, as suggested by the HCCJRPP, will ensure that the building will contribute positively to the streetscape, the public domain and surrounding amenity, by providing a richness of detail and architectural interest especially along its street frontages.

6.4 Planning Agreements and Draft Planning Agreements - [Section 79C(1)(a)]

There are no planning agreements or draft planning agreements that have been entered into under section 93F of the EP&A Act.

6.5 Matters Prescribed by the Regulations - [Section 79C(1)(a)]

6.5.1 NSW Coastal Policy 1997

The *NSW Coastal Policy 1997* (the Coastal Policy) applies to the coastal zone as defined in the *Coastal Protection Act 1979* and is a 'prescribed matter' under Section 79C (1)(a)(iv) of the EP&A Act. The Coastal Policy contains a detailed range of objectives and strategic actions for coastal zone planning and management. The relevant objectives are:

- *To improve water quality in coastal and estuarine waters and coastal rivers where it is currently unsatisfactory and to maintain water quality where it is satisfactory (Objective 1.3).*
- *To design and locate development to complement the surrounding environment and to recognise good aesthetic qualities (Objective 3.2).*
- *To encourage towns to reinforce or establish their particular identities in a form which enhances the natural beauty of the coastal zone (Objective 3.3).*
- *To promote compact and contained planned urban development in order to avoid ribbon development, unrelated cluster development and continuous urban areas on the coast (Objective 6.2).*

The development is considered to be consistent with the above objectives of the Coastal Policy for the following reasons:

- The discharge of untreated stormwater from the site to Wallis Lake catchment is minimised through appropriate water treatment strategies, such as rain water tanks and bio-retention systems (refer Section 6.7.2 of this report).
- The site is appropriately zoned for the supermarket, signs and carparking uses and to take advantage of existing links to main street shopping. The supermarket and car park are well designed in that:
 - The supermarket is light and open design suitable for its coastal context, with a combination of materials including glass, so that it does not "turn-its-back" on the street on the Peel Street, Kent Street and Manning Lane elevations.
 - The proposal provides perimeter landscaping of native coastal vegetation and (by condition of consent) will include central tree plantings within the car park (refer Section 6.7.5 of this report).
- The proposal is intended to revitalise the Tuncurry town centre through the provision of a new anchor supermarket, which will encourage enhancements to main street businesses and further streetscape improvements to promote Tuncurry's unique coastal character.
- The proposal promotes a compact town by establishing a new full-line anchor supermarket within the Tuncurry town centre, rather than in an out-of-town location. As such, the proposal takes advantage of existing infrastructure and transport networks and thus reduces energy dependency.

6.6 Coastal Zone Management Plans - Section [79C(1)(a)]

There are no relevant coastal management plans that apply to the site.

6.7 The Likely Impacts of the Development - [Section (1)(b)]

6.7.1 Traffic, Transport, Parking and Access

A Traffic Impact Study prepared by RoadNet dated 14 February, 2011, accompanies the development application. The car parking requirements for the proposed supermarket have been calculated in accordance with Council's Parking Policy adopted on 8 March, 2011, based on the definition of 'gross leaseable floor area' as contained in the RTA's *Guide to Traffic Generating Developments*. As such, the proposed development is required to provide 96 spaces.

The proposed development provides 84 on-site car parking spaces, including four (4) parking spaces for people with disabilities, in the car park located at the southern end of the site. In addition, the proposal includes the re-configuration of the on-street parking, from parallel to 90 degree parking, on the eastern side of Peel Street and the northern side of Kent Street, resulting in the creation of 45 spaces (26 additional parking spaces to those already existing). This arrangement whereby a development provides additional on-street parking as part of the proposal has previously been approved for the Roman Catholic Church, opposite the site in Kent Street, the Great Lakes Cinema, as well as for developments for the Tuncurry and Forster Bowling Clubs.

While the proposed development is providing 33 spaces above the required parking requirement under Council's Parking Policy, there are 58 car parking spaces within the existing car park and one car parking space on Lot 1 DP 591283, which require relocation as per Council's Section 94 Plan (refer Traffic Engineer's memo in Appendix 'C' and Section 6.10 of this report).

Manning Lane is one-way traffic movement to the south. As part of the proposal, a shared pedestrian zone is to be constructed in Manning Lane by way of raised pavement treatment, to encourage pedestrian access to Manning Street shops, via existing linkages through arcades and walk ways. The proposed shared area will be required to be referred to Council's Traffic Advisory Committee prior to implementation and the requirement for a reduced speed limit in Manning Lane must be approved of by the RTA. A footpath is proposed around the site frontages in Manning Lane, Kent and Peel Streets.

Access to the car park is shown as being provided by an entry at the southern end of Manning Lane, with the main entry and exit being from Peel Street, adjacent to the proposed supermarket. As discussed previously in the report, in order to reduce the number of cars travelling down Manning Lane to gain entry to the proposed carpark, to maintain its service role for existing businesses fronting Manning Street and for pedestrian safety reasons, it is recommended that the entry to the car park from Manning be changed to an exit only, with the main car park entry located in Peel Street. An appropriate condition of consent is contained in APPENDIX 'A' of this report.

Both Peel Street and Manning Lane have bitumen seal with kerb and guttering. Service truck deliveries are proposed by way of an enclosed loading dock on the northern elevation of the supermarket, with access from Manning Lane and egress into Peel Street. A splay is proposed to the south-eastern corner of Lot 1 DP 591283 in order to facilitate semi-trailer access from Manning Lane to the supermarket loading dock. This is a Council owned property currently utilised for public car parking and is adjacent to the east of the adjoining northern residential property (SP 12913).

The RTA has reviewed the information provided and has raised no objections to the proposed development, subject to conditions of development consent (refer Section 6.1.2 and APPENDIX C of this report).

6.7.2 Drainage and Water Quality

Stormwater from the roof of the proposed supermarket and carpark is to be treated by way of a combination of an on-site 4000 litre rainwater tank, bio-filtration swales, rainwater gardens and bio-retention pods, prior to surcharge to the street drainage system. This water treatment train has been designed to achieve the load based pollution reduction targets identified in the *Great Lakes Water Quality Improvement Plan, 2009* (WQIP). These targets are based on the load reduction targets established by the Department of Environment, Climate Change and Water (DECCW) and are also included in the *Great Lakes Draft Development Control Plan No. 54 - Water Sensitive Design* (Draft DCP WSD). The load reduction targets are:

- Gross pollutants 90%.
- Total Suspended Solids 80%.
- Total Phosphorus 60%.
- Total Nitrogen 45%.

An amended stormwater strategy has been submitted following initial issues and concerns raised by Council's Manager Natural Systems and in a public submission regarding compliance with the Draft DCP WSD. A *Model for Urban Stormwater Improvement Conceptualisation* (MUSIC) has been prepared to justify the amended water quality strategy.

Council's Manager, Natural Systems has advised (refer APPENDIX 'C' of this report) that the MUSIC model demonstrates that the amended stormwater strategy achieves the required water quality objectives and is consistent with best practice water sensitive design requirements. It should be noted as a part of the proposal's sustainability measures that the water from the rainwater tank would supply water for toilet flushing and landscape irrigation.

6.7.3 Flooding and Climate Change

Council's Senior Development Engineer has advised (refer memo in APPENDIX 'C' of this report) that the site is above the 1% flood height. The development is considered as "infill" development in accordance with Council's Draft Policy *Impacts of Sea Level Rise on Developments* due to climate change. The modelled sea level rise to the year 2060 is RL 2.28m AHD. The proposed ground floor level is RL 3.5m AHD, while levels proposed within the car park vary between RL 2.9m AHD and RL 3.350m AHD. Accordingly the site is not considered affected by flooding or the impacts of climate change due to sea level rise.

6.7.4 Noise and Ventilation

The relationship between the proposed supermarket building and the adjacent residential land uses and in particular the residential flat building on the adjoining land to the north (SP 12913) has been considered by fully enclosing the loading dock to reduce acoustic impacts and maintain residential amenity. The acoustic impacts associated with the supermarket, including loading dock activities, traffic (including car park) noise, air conditioning and operation of mechanic plant, have been assessed by Hunter Acoustics in an Acoustic Assessment Report, dated 22 December 2010, submitted with the application. Supplementary information and clarification was subsequently provided on 1 February, 2011 and 4 March, 2011, in response to Council and HCCJRPP requests that included the type of loading dock exhaust fans and their acoustic assessment. Council's Environmental Health Officer has reviewed the information received (refer to his memo in APPENDIX 'C' of this report) and advised appropriate conditions of consent for noise attenuation in accordance with the recommendations made by Hunter Acoustics with respect to mechanical plant selection, noise barrier installation requirements, loading dock construction requirements, and site operational requirements. Additionally, a condition of consent restricts delivery and waste collection times to ensure that noise associated with the supermarket is adequately controlled. These conditions are contained in APPENDIX 'A' of this report. As a consequence of compliance with these conditions, the predicted noise level is expected to successfully meet the noise requirements as set by the Department of Environment Climate Change and Water (DECCW).

An issue of noise associated with the loading dock exhaust fans was raised by the HCCJRRP at its briefing meeting. These fans are to be centrally located on the loading dock roof and Hunter Acoustics have recommended maximum sound power levels and attenuation measures to ensure compliance with the relevant noise criteria. Accordingly, appropriate conditions of consent are contained within APPENDIX 'A' of this report.

A Transport Delivery Management Plan (TDMP) has been submitted on behalf of Woolworths for the coordination of deliveries into the loading dock and to allay surrounding resident's concerns regarding noise and pollution (refer APPENDIX 'D'). The TDMP includes the following key features:

- Complete knowledge of delivery constraints is known by Woolworths NSW Transport Manager, with control of all deliveries from Woolworths Distribution Centres.
- The "run sheet" for every truck is electronically and manually checked to ensure delivery constraints are not breached.
- Woolworths' trucks are in constant communication with the Distribution Centre, the supermarket and the transport manager to ensure conflicts at the supermarket location do not occur.
- Deliveries are staggered to ensure that events where two or more trucks arrive simultaneously do not occur.
- In the unlikely event of simultaneous deliveries, only one vehicle is permitted inside the loading dock at a time. The second truck will be directed to pull over at a roadside stopping centre or in an industrial area to wait until the store manager advises the all clear.
- The maximum number of large (articulated) Woolworth's trucks would be six (6) per day, with the expected number of additional deliveries per day being between 14 and 24, the majority being small trucks and vans. The average unloading time is approximately 25 minutes.
- There are a number of direct deliveries, which the Store Manager coordinates, such as milk, bread, chicken, deli, eggs and waste. These are on an agreed schedule with the store manager. The store manager will ensure that direct deliveries and pick-ups do not breach timing restrictions and do not conflict with warehouse deliveries scheduled by the NSW Transport Manager.
- The anticipated operation time of the loading dock (subject to conditions of consent) for semi trailer deliveries to be between 7am and 7pm Monday to Saturday and 8am to 6pm Sundays.
- A complaint management procedure is to operate.

As pointed out in the memo by Council's Environmental Health Officer (refer APPENDIX 'C'), a semi trailer (articulated vehicle) will require to move through the loading dock to the Peel Street kerb and undertake a reversing manoeuvre into the loading dock. According to the Acoustic Assessment Report, this will result in a short term noise level to residences on the opposite side of Peel Street and to the adjacent property to the north (Strata Plan 12913) that will to some degree exceed the target noise goal. According to the Hunter Acoustics assessment, these noise levels are consistent with sound levels of existing light traffic on Peel Street and would be unlikely to be considered intrusive to nearby residents. These noise levels are expected to occur for approximately two (2) minutes per delivery event and up to six (6) times per day and would only take place during daytime hours in accordance with the condition of consent restricting delivery times as contained within APPENDIX 'A' of this report.

6.7.5 Flora and Fauna

The application was referred to Council's Senior Ecologist and Council's Tree Management Officer for comment on the proposal in its environmental context and appropriateness of the proposed landscaping. A joint response is provided by memo as contained in APPENDIX 'C' of this report. It is advised in the memo that the site is a modified landscape, which is developed by way of existing dwelling structures, lawns and gardens, specimen landscaping and a current public car-park. As such, the land does not contain special, natural ecological values, although the existing exotic and native trees and shrubs present provide some contribution to local amenity.

There are no known threatened species or endangered ecological communities or populations present on the site. It is advised that:

"Given the developed context and modified nature of the subject lands, potential threatened species are likely to be confined to wide-ranging species tolerant of modified landscapes. This might include the Grey-headed Flying-fox and the Eastern and Little Bentwing-bat, along with the Swift Parrot. Any such use would be highly infrequent and none of these species would rely on the subject lands for any critical lifecycle purposes".

In summary it is advised that:

"The proposal does not appear associated with significant or unreasonable ecological impacts. The current/existing values would be removed for site development, but replaced with a landscaping strategy of the facility and its car park and surrounds. Given the developed nature of the current site, the effects of the proposal on landscape and amenity are not considered to be significant and can be adequately controlled/mitigated by conditions of consent that can be imposed in any positive determination".

The recommended conditions of consent (as contained in APPENDIX 'C' of this report) include:

- Landscaping in accordance with the submitted landscape plans.
- The use of planting diamonds and specimen trees within the internal car park.
- Relocation of the existing Cabbage Tree Palms from the land to sites approved by Great Lakes Council.

6.7.6 Waste, odour and pollution

A Waste Management Plan (WMP) has been prepared as part of the proposal and has been commented on by Council's Manager, Waste, Health and Regulatory Services (refer memo in APPENDIX 'C' of this report). As part of the WMP all bins are to be located within the loading dock, with sufficient bins for residual waste, recycling and organic waste. At the time of collection, the loading dock doors are to be closed to minimise noise impacts and bins are to be emptied before they become odorous or overfull. Additionally, Council's Environmental Health Officer recommends restrictions in relation to the hours for the waste collection services such that collection only takes place during daytime hours. These matters have been addressed by appropriate conditions of consent (refer Appendix A of this report).

Council's Environmental Health Officer has advised the following in relation to odour and air pollution:

"Odour

Potential sources of odour associated with the development include emissions from the mini bakery, as well as from the cooking of chickens in the delicatessen. The floor plans provided for the development indicate that sufficient separation from potentially affected receptors should be achieved, with the delicatessen area being located adjacent to Manning Lane and the mini bakery being located in front of the

loading dock. Conditions of consent requiring that the premises not to be a source of offensive odour and that certification be provided from a mechanical engineer stating that the ventilation complies with (AS) 1668 'The use of mechanical ventilation and air conditioning in buildings' will be required prior to the issue of a construction certificate.

Air Pollution

Ventilation of the loading dock has been assessed by a mechanical services engineer. The mechanical services engineer confirms that the mechanical ventilation of the loading dock will comply with Australian Standard (AS) 1668 'The use of mechanical ventilation and air conditioning in buildings'. AS 1668 requires that "all exhaust air and spill air shall be discharged to the atmosphere in such a manner as not to cause danger or nuisance to occupants in the building, occupants of neighbouring buildings or members of the public". A condition of consent requiring certification to be provided from a mechanical engineer stating that the ventilation complies with the AS will be required prior to the issue of a construction certificate.

It is also considered that exposure levels of gases to surrounding residences associated with the loading dock would be low compared to road traffic exposure, considering frequency and duration of deliveries."

6.7.7 Safety and Security

The application was referred to the Manning Great Lakes Crime Management Unit of the New South Wales Police Service (NSW Police) for a formal crime risk assessment (Safer By Design Evaluation) using the principles of Crime Prevention Through Environmental Design (CPTED) to minimise the opportunity for crime. The NSW Police response was given by letter dated 24 January, 2011 (refer APPENDIX 'C' of this report), which contains general comments and recommended conditions of consent. Conditions of consent as appropriate are contained in APPENDIX 'A' of this report.

The NSW Police have given a site risk rating for this development as "*medium crime risk*", with the major crime issues affecting this development stated as involving stealing from unattended motor vehicles, stolen motor vehicles, malicious damage (graffiti) and stealing from the retail store (shop lifting). The key issue arising from the NSW Police Assessment in relation to safety and security to users of the supermarket/carpark and the community is the request for the trading hours of the liquor store to be restricted to 9.00am to 9.00pm in order to minimise the risk of anti-social and intimidatory behaviour. Other recommended conditions of consent include the following:

- Requirements for CCTV both within the interior of the supermarket and exterior for the monitoring of the carpark area, the back dock entries and exit, as well as the external areas around the entry from Manning Lane and along the Manning Lane frontage of the building.
- Australia and New Zealand Lighting Standard 1158 - Pedestrian must be used throughout the development. This requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- Landscaping close to the building should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building.
- A graffiti management plan is required to be incorporated into the maintenance plan for the development.
- A monitored intruder alarm system designed to the Australian Standard, Domestic and Commercial. As a number of business premises have had telephone lines cut to prevent alarms being reported to the security monitoring company, a supplementary system such as Global Satellite Mobile (GSM) or Radio Frequency (RF) systems should be used to transmit alarm signal by either mobile telephone or radio frequency.

- A floor or wall safe subject to Australian Standards should be installed.
- Consideration should also be given to enhancing staff access control treatments with electronic access control equipment to enhance physical security.

6.7.8 Equitable Access

The application was referred to Council's Access Committee (a community advisory body to Council) on 7 February, 2011, at which the following points were raised in discussion:

- Insufficient car parking overall for the proposed development.
- Insufficient number of accessible car spaces.
- Need for a community bus parking space/drop off zone.
- Lift required for mezzanine level. Committee believes chair lift dangerous and unacceptable.
- There is a need for a public accessible toilet.
- The proposal should meet the new Disability (Access to Premises - Buildings) Standards effective from 1 May 2011.
- The bus stop should be positioned before the car park entry/exit in Peel Street so that people can readily access the pathway to the building entrance without crossing the car park entry.

The following comments are made in response to the above points:

- The proposal is providing in excess of the number of car parking spaces required by Council's Parking Policy and the RTA's *Guide to Traffic Generating Developments*.
- The number of car parking spaces and their design is in accordance with the Building Code of Australia and with the relevant Australian Standard (AS) 2890.6.
- The design does not specifically provide for a community bus space, however, a community bus may pull up in the aisle adjacent to the supermarket entrance to allow passengers to get on or alight or it can utilise the bus stop in Peel Street.
- The proposed development provides staff toilet facilities, including those for people with disabilities as required by the Building Code of Australia. There is no requirement under the BCA to provide public toilet facilities.
- The proposal complies with the current Building Code of Australia in relation to access for people with disabilities. A construction certificate has been lodged and the proposal is therefore required to be assessed under the current Building Code of Australia 2010. In addition to this, the proposal has been amended, after consultation with Woolworths, to provide a stair lift to provide access for staff only between the ground floor level and the mezzanine level.

In relation to the chair lift being dangerous and unacceptable for people with disabilities, the applicant's consultant has made the following statement in regard to the *Disability Discrimination Act 1992 (DDA)*:

"The Disability Discrimination Act does not contain any standards of compliance and instead contains functional statements which make it an offence to discriminate against persons on the basis of a disability".

It should be pointed out that stair lifts are not uncommon in improving access within buildings for the elderly or people with disabilities. The DDA is complaints based legislation. Woolworths Limited have provided a copy of their Diversity Policy contained within which is the following objective:

"Provide people with a disability employment opportunities and career advancement".

Additionally, Council has been advised that:

"Woolworths is a gold member of the Australian Employers Network on Disability, which is an organisation targeted at supporting corporate Australia in achieving outcomes in employment and support of people with a disability".

- The current position of the bus stop is located to allow entry into the car park and exit to the north from the car park while a bus is standing at the bus stop. Relocation of the bus stop to the south of the car park entry/exit, while marginally improving pedestrian amenity, has a more marked impact on access to and exit from the car park while a bus is standing at the stop.

6.7.9 Views

While there may be some impacts to district views from the southern units in the residential flat building adjoining the site to the north (SP 12913), it is considered that these are reasonable impacts, as the view is gained from south facing balconies over the common side boundary with the site. The area is mapped in DCP 51 (refer Section 6.3.2 of this report) as suitable for buildings to a height of 20m (5 storeys). This would have the effect of obscuring any such southerly views at the first floor level and restricting the views at the second floor level. As stated in the Land Environment Court Case *Tenacity Consulting v Warringah (2004) NSWLEC 140*:

"the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries".

In this case an outlook is still obtained at an oblique angle past the proposed building and a full outlook is obtained from bedroom windows that either face toward Peel Street or Manning Lane.

6.7.10 Solar access

Shadow diagrams for 21 June, being the winter solstice (i.e. the 'worse case' scenario) have been submitted as part of the documentation for the proposal. These demonstrate that between 9am and 3pm on this day, there will be no adverse shadow impact to surrounding residential properties, due to the orientation of the site and the siting of the proposed building to the south of the existing residential flat building on the adjoining land to the north (SP 12913).

6.7.11 Utilities

The site is capable of providing all necessary services. It should be noted that an electricity sub-station is shown on the plans in the south-western corner of the site. Country Energy has advised by letter, received by Council on 5 February, 2011 (refer APPENDIX 'C') that it has no specific objections to the proposal, although noting that there is an existing overhead voltage (11,000 volt) power line along Peel Street, which would provide a point of connection for the proposed sub-station. Any alterations to the network in this area to facilitate the development will be at the developer's cost. Appropriate conditions of consent are contained in APPENDIX 'A' of this report.

Council is in receipt of a letter from MidCoast Water, dated 24 January, 2011, advising that the site can be served by reticulated water and sewerage services (previously referred to in Section 6.1.5 and as contained in APPENDIX 'C' of the report). Existing sewer mains crossing the site will be required to be removed and capped, along with a number of other requirements. Accordingly, appropriate conditions to be imposed on any consent have been provided by MidCoast Water and these are contained in APPENDIX 'A' of this report.

6.7.12 Soils

The site is located on land identified on the Acid Sulphate Soils Planning Maps as having Class 3 Soils whereby works beyond 1m below natural ground surface or works likely to lower the water table to a depth of more than 1m below natural ground surface are likely to encounter acid sulphate soils. As part of the documentation submitted with the application is a *Preliminary Geotechnical Investigation* prepared by Douglas Partners, dated December 2010, which indicated that acid sulphate soils were not present. Notwithstanding, an appropriate condition of consent is contained in APPENDIX 'A' should acid sulphate soils be encountered during the further investigations referenced in the Douglas Partners report.

6.7.13 Bulk, Height, Density and Setbacks

As previously discussed under the heading *Development Control Plan No. 51 - Forster/Tuncurry Town Centres* (DCP 51) in Section 6.3.2 of this report, the site is identified as being within the Tuncurry CBD and as having a maximum floor space ratio (FSR) of 2:1 and a maximum height of 20m (5 storeys) for a mixed use retail/commercial and residential development or a purely residential development. The proposal is well below the density requirements of DCP 51 having an FSR of approximately 0.73: 1 for that part of the site on which the supermarket is proposed and that is contained within Zone No. 3(a) (General Business Zone). It is even less if calculated over the consolidated site that includes the car park contained within Zone No. 5(a) (Special Uses Zone), being approximately 0.48:1.

The maximum height for the proposed development is 10.4m approximately to the top of the mezzanine level (and plant room). The height to the loading dock roof is a maximum of 7.2m approximately from existing ground level, while the roof of the supermarket selling floor varies between a maximum of 7.65m approximately from existing ground level at its northern end and a maximum of 9.4m approximately from existing ground level to the apex of the skillion roof at its southern end.

From the comparisons above, it can be seen that the proposed development is significantly lower in height and density than otherwise envisioned by DCP 51 for a residential development or a mixed use development.

The proposed supermarket maintains a nil setback from both the eastern (Peel Street) and western (Manning Lane) boundaries, which is considered an appropriate setback for a business use in Zone No. 3(a) (General Business Zone), notwithstanding that the specified setback for a residential or mixed use is within the range of between 3m and 4m. The car park provides an approximate 27.5m setback to the southern boundary (Kent Street). In relation to the proposed setback to the northern boundary with the most affected neighbouring property (SP 12913), a 1.8m wide landscaped setback is provided to the loading dock and a 9.3m setback to the second storey mezzanine level of the proposed building.

In comparison, DCP 51 sets the minimum side setback for the first three (3) storeys for business development in the town centre as a nil setback, while for a mixed use development the required minimum setbacks for the first three (3) storeys in the town centre is a nil setback for one side boundary and a 2.5m setback for the other side boundary. As such, it can be seen the staggered setback of 1.8m to 9.3m offered by the proposed development to the northern boundary is not inconsistent with both the required setback for business development and those for mixed use development. When the existing setbacks of the residential flat building to the north are taken into account, there is a 5.32m separation between the face of the balconies at the western end of the southern face of the residential flat building and the proposed loading dock, which is considered reasonable.

In comparison, *Development Control Plan No. 46 - Single Dwellings and Dual Occupancies* (Draft DCP 46) sets a maximum building height of 8.5m for single dwellings and dual occupancies. The required side setback under DCP 46 is based on a formula depending on the building height at any given location. Applying this formula, using the height of the loading dock, the loading dock would be required to be setback 1.75m from the northern side boundary, if it

were to be treated the same as a two storey dwelling. This is consistent with the proposed setback of 1.8m.

6.7.14 Privacy

Issues relating to acoustic privacy have been discussed in Section 6.7.4 of this report. In relation to visual privacy, the proposed development maintains adequate separation to surrounding land uses to the east, west and south afforded by the existing roadways and laneway. In relation to the adjoining property to the north, while windows have been introduced into this elevation for articulation, it is recommended that they be opaque to maintain the privacy of residents in the adjoining residential flat building on land to the north of the site (SP 12913).

6.7.15 Visual Impact and Public Domain

As discussed previously, the proposed development maintains consistency with the desired character for the area by retaining a retail presence at street level and a form compatible with contemporary coastal architecture (refer Section 6.3.2 of this report).

The supermarket building design is highly articulated and employs a diverse range of materials and finishes (refer sample board in APPENDIX 'B' of this report). The roof colour is provided as Colorbond 'Dune', which is a beige colour, not highly reflective but is still considered light enough to reduce solar absorption, thus reducing heat transfer into the building. The concrete roof of the loading dock is now proposed to be treated with a pebble finish, although a pebble sample has not been provided. It is therefore recommended that the pebbles chosen not be white in colour in order to minimise glare and that a pebble sample be provided to the certifying authority for approval as a condition of consent (refer APPENDIX 'A' of this report). Lighting (as recommended in Section 6.7.7 of this report) is to be in accordance with the relevant Australian Standard, with a lighting maintenance plan included as a recommended condition of consent in APPENDIX 'A' of this report.

Improvements to the public domain included as part of this proposal are the creation of a pedestrian shared zone in Manning Lane, a perimeter site footpath, street tree plantings and landscaping within the car park. It should be noted that other public domain improvements for the Tuncurry Town Centre have been identified under Council's Special Rate Variation proposal. As such, Council is in the process of meeting with the Tuncurry business representatives and the Forster Tuncurry Business Chamber to discuss short term and longer term improvements, subject to available funding.

6.7.16 Sustainability

The stormwater strategy includes bio-retention measures for water quality and a rainwater tank for toilet flushing within the building and landscape irrigation. The building is a high quality contemporary design, which incorporates an abundance of natural light, thus reducing daytime dependency on electricity use for lighting. Additionally, the building must comply with Part J of the Building Code of Australia in terms of energy efficiency. The waste management plan incorporates recycling services that include the normal range of recyclable materials. Due to the large quantities of cardboard for this commercial development a separate cardboard collection will be provided. In addition, this is the first development whereby a food organics collection service will be provided.

6.7.17 Economic Impact

Council's Manager, Economic Development, has addressed the potential economic impacts in her memo as contained in APPENDIX 'C' of this report. The proposal to rezone and develop the site follows on from the recommendations contained in the strategic document *Forster-Tuncurry Employment Land Implementation Strategy 2009* (ELIS) adopted by Council in November 2009. The recommendation for an anchor supermarket was made to support the economic performance of Tuncurry and its ability to meet the needs of local residents and sustain economic growth for the town centre. As such, the proposal is seen (including by a significant

number of Tuncurry business owners as evidenced in the submissions received in relation to the proposal), as reinforcing the future economic viability of Tuncurry. Accordingly, it will provide a positive economic stimulus, by bringing more people into the town centre and having economic flow-on effects to other businesses and services, as the proposal does not include any additional 'speciality' stores. As stated by Council's Manager, Economic Development:

"It is part of a broader strategy to support the economic viability of the Tuncurry business district which has been under performing for some time and to increase the range of services available to local residents and visitors to the area".

6.7.18 Social Impact

A 'Net Community Benefit Test' (NCBT) for the supermarket site was conducted by Hill PDA as part of the planning proposal submitted to the New South Wales Department of Planning (DOP) for the rezoning of the site. Dwelling houses on the site have already been purchased by Council. No land acquisition has been required, as such there has been no forced displacement. One of the existing Council buildings, located on the site on land identified as Zone No. 5(a) (Special Uses Zone), is tenanted by 'Homebase Youth Services' (HYS), an organisation that provides a range of youth services dependant on funding. Council is currently working with HYS to find suitable alternative accommodation, bearing in mind that the identified use for a carpark on this area of the site has not changed with the current proposal.

Positive social impacts arising from the proposal identified in the NCBT include the following:

- Tuncurry currently has only one 1,780m² supermarket and approximately 300m² grocery store space, as a result Tuncurry residents must travel to Forster or Taree for the full range of grocery and household related goods (Hill PDA). As such, the proposal will result in a reduction in car travel and dependency for members of the Tuncurry population, as well as greater access to opportunities for retail choice, price comparison and competition.
- The need for Tuncurry residents to travel to Forster for a full range of supermarket needs results in inequities of undertaking shopping due to affordability of increasing petrol costs.
- It adds to the generation of greenhouse gases by increasing the travel distance to access a full range of household goods and services.
- The proposal offers opportunities for urban renewal and town centre growth, which is currently suffering the effects of a high level of shop front vacancies.
- The proposal offers direct opportunities for job generation for the local community, by way of both construction work and operation of the supermarket. Increasing employment opportunities decreases social stress caused by unemployment thus improving living standards and well being. The number of construction jobs created is estimated as approximately 48 jobs over one year (based on Hill PDA figures) for the estimated development cost of \$8 million, while a conservative approach for jobs generated by the supermarket yields an estimated figure of between 53 and 68 full time equivalent jobs (Hill PDA).
- The proposal offers a strong positive commitment to the local area, which may in turn attract further investment to the area, including as a by product job creation.
- The proposal will result in significant economic multiplier effects, both in dollar terms and in jobs, as a result of both construction induced and consumption induced multiplier effects.
- The site is an existing 'brownfield' site located within an existing town centre and thus efficiencies result in regard to infrastructure supply costs when compared to the development of a 'greenfield' site.

- Notwithstanding that existing car parking spaces will be lost, the payment of a Section 94 levy as part of the conditions of consent ensures their replacement within the town centre.

6.8 The Suitability of the Site for Development - [Section (1)(c)]

The site was identified in strategic planning documents as being suitable for an anchor supermarket and has been rezoned, following public consultation, for this purpose. Given the identified strategic need for an anchor supermarket for the Tuncurry Town Centre, as discussed previously in this report and given the high level of site fragmentation, which significantly restricts the potential for a large scale development, the current site is considered most suitable for a new supermarket in the town centre location.

The issue of an alternate site layout has been raised in submissions to the development application, these request the loading dock to be relocated to the southern end of the site, rather than in its northern location as proposed. While this may introduce further acoustic benefits to the northern property to the north (SP 12913), it is considered that the acoustic impacts to this property can be adequately ameliorated to an appropriate standard (refer Section 6.7.4 of this report). The current site layout produces a better urban design outcome by not having the loading dock on a street frontage. Council's Traffic Engineer has also advised by memo (refer APPENDIX 'C' of this report) that:

"The current location allows for safe pedestrian access from the car park to the store and to the surrounding pedestrian links by removing any interaction of pedestrians with loading activities. Additionally, relocation of the loading dock to the southern boundary will reduce intersection safety as the delivery access will be in too close proximity to the intersection. As such, it is recommended that the loading dock remains along the boundary of 25 Peel Street".

6.9 Submissions in Accordance with the Act or Regulations - [Section (1)(d)]

As a result of the consultation identified in Section 4 of this report, the following matters were raised either in support of the proposal or as issues of objection or concern.

6.9.1 Submissions in support

The matters raised in support of the proposal are as follows:

- It will encourage more people to shop in Tuncurry and grow the market for Tuncurry businesses.
- Increased competition and variety of choice for customers.
- It will encourage the present supermarket and other shops to update their facilities.
- A prudent step for the revitalisation of the Tuncurry Town Centre and attract more custom to the area, which is "slowly dying".
- It will cater for the expansion of Tuncurry to the north and increased population.
- The proposed supermarket will encourage tourism.
- It will result in decreased traffic flows and congestion on the Forster-Tuncurry Bridge, especially in peak periods.
- Positive stimulus for the creation of jobs and improved facilities in the area.
- It is needed for the area to survive.
- It is a logical place for the location of a supermarket rather than in an out-of-town location.
- This anchor position will support other Tuncurry businesses.
- The site is centrally located for customers that do not have car access.
- It utilises existing infrastructure and thereby reduces the carbon footprint.
- The Forster Tuncurry & District Chamber of Commerce advises that 82% of all existing businesses in the Tuncurry Town Centre contacted by the Chamber are of the opinion that "the development will be good for Tuncurry".

- The Tuncurry Business Centre representing 23 shops/offices support the proposed supermarket.

6.9.2 Submissions containing objections

The issues raised as points of objection are summarised below and addressed as identified below.

1. Loading dock, noise, pollution and odour

Issues arise with the location of the loading dock and the consequent noise, pollution and odour arising from its use, as well as its visual impact, particularly to the neighbouring residential flats on the adjoining property to the north ("Mountview"). The issue of noise, odour and a transport management plan for the supermarket have been addressed in Sections 6.7.4 and 6.7.6 of the report respectively. Council's Environmental Health Officer has advised the following specific responses in relation to noise issues:

- **Noise and ventilation**

Comment

"Noise associated with the loading dock has been assessed by Hunter Acoustics in their Acoustic Assessment dated 22 December 2010 (Report Ref 8179-401.2). Hunter Acoustics have further advised in a letter dated 1 February 2011 that 'In order to conservatively assess the noise emissions from the supermarket the noise emissions from activities within the loading dock have been modelled using maximum noise levels emitted from noisy individual activities. The received noise levels from the individually noisy activities have been summed at the receivers even if they are not likely to occur simultaneously'. Hunter Acoustics also state that 'the 15 minute LAeq will conservatively be not less than 5 dB(A) lower than the short term levels predicted in the Acoustic Assessment. Based upon Hunter Acoustics' Acoustic Assessment and supporting letters, it is considered that the operation of the loading dock in its proposed location will comply with the Industrial Noise Policy and the target noise goals set by Hunter Acoustics, with the exception of a manoeuvring pantech type articulated vehicle.

Ventilation of the loading dock has been assessed by a mechanical services engineer. The mechanical services engineer confirms that the mechanical ventilation of the loading dock will comply with Australian Standard (AS) 1668 'The use of mechanical ventilation and air conditioning in buildings'. AS 1668 requires that "all exhaust air and spill air shall be discharged to the atmosphere in such a manner as not to cause danger or nuisance to occupants in the building, occupants of neighbouring buildings or members of the public". A condition of consent requiring certification to be provided from a mechanical engineer stating that the ventilation complies with the AS will be required prior to the issue of a construction certificate.

It is also considered that exposure levels of gases to surrounding residences associated with the loading dock would be low compared to road traffic exposure, considering frequency and duration of deliveries."

- **Exhaust fans**

Comment

"The loading dock fan has been considered by Hunter Acoustics in a letter to Council dated 4 March 2011. Hunter Acoustics has recommended maximum sound power levels and attenuation measures for the fan which have been addressed through conditions of consent."

- **Operation of roller doors to the loading dock**

Comment

"Information specifically relating to the loading dock roller doors has been provided by Hunter Acoustics in a letter dated 1 February 2011. Hunter Acoustics have stated that 'it is not likely that even noisy roller doors will cause an exceedance of the 46 dB(A) LAeq criteria because of the short duration of their action'. A condition of consent requiring regular maintenance and linings to be provided to the roller doors to prevent metal on metal contact has also been included to further reduce noise emissions.

A condition of consent has been imposed which requires that a management plan for the operation of the loading dock doors be submitted to Council for approval prior to the issue of a construction certificate. This plan will be reviewed to ensure the loading dock doors are managed effectively."

- **Traffic and operation of loading dock**

Comment

"Traffic Noise Criteria based upon the Department of Environment Climate Change and Water's (DECCW) Environmental Criteria for Road Traffic Noise (ECRTN) has been provided by Hunter Acoustics in their Acoustic Assessment dated 22 December 2010 (Report Ref 8179-401.2). Figure 2a and Figure 2b of the Acoustic Assessment show that received sound levels from both daytime traffic and night time traffic at SP12913 (Mount View units) are well below the ECRTN criteria. As such sound reduction barriers have not been proposed. Traffic noise is acknowledged as being above acceptable limits for sleep disturbance criteria, and this has been addressed through restricting loading dock deliveries to daytime periods only, therefore, sleep disturbance to surrounding residents from truck movements will be avoided.

A condition of consent requires that only one vehicle is permitted to access the loading dock area at any given time. Woolworths 'Transport Delivery Management Plan' dated February 2011 supports this and states that "Woolworths make every effort to ensure deliveries are staggered, and seek to ensure that events where two or more trucks arrive simultaneously do not occur". It is also conditioned that vehicles do not park within the loading area, other than in the dock with the doors closed."

- **Refrigeration trucks**

Comment

"Refrigerated trucks may keep the truck motor running however, noise associated with the refrigeration units has been considered in Hunter Acoustics assessment and will be contained within the loading bay."

- **Semi-trailers entering and exiting**

Comment

"Manoeuvring of a 19 metre articulated vehicle has been considered by Hunter Acoustics in a letter dated 4 March 2011. Hunter Acoustics state that 'the short term noise level from the vehicle at the residences opposite the site on Peel Street are predicted to be over the range 53 – 58 dB(A) and the short term noise level at the worst location on the worst affected façade of SP12913 are predicted to be 56 – 61 dB(A)'. According to Hunter Acoustics, these levels are expected to occur for approximately 2 minutes per delivery event and are likely to occur up to six times per

day. Hunter Acoustics in their letter dated 4 March 2011 claim that these noise levels are consistent with sound levels with existing light traffic on Peel Street and that 'the sound is not likely to be considered intrusive by nearby residents.'

- **Location of noise level readings and required noise criteria**

Comment

"The location of the noise logger was provided to Council by Hunter Acoustics in a letter dated 1 February 2011. The noise logger was placed on 23 Peel Street adjacent to the units in SP 12913, which was the closest potential affected receptor. Hunter Acoustics have described the development as being located in an urban area, for the purpose of assigning 'amenity' criteria, however, the project specific noise level criteria have been based upon 'intrusive' criteria in accordance with the INP, as this is the most restrictive criteria."

- **Balconies and windows of 'Mountview'**

Comment

"Hunter Acoustics in their letter dated 1 February 2011 have advised that the acoustic assessment was conducted considering that the building at SP 12913 is constructed to a height of 7.6 metres above the ground level or AHD of 11.1 metres to the eve. Hunter Acoustics also state that "the height to which the receiver noise level calculations were made is 6 metres above the ground, 1.6 metres below the eve (typically the middle of a window)". The noise assessment provided received sound levels for SP 12913 which are predicted at the façade of the building, which is representative of sound levels received on balconies. Further attenuation of the predicted received sound levels from the supermarket would be achieved within the residences."

- **Hours of operation for loading dock**

Comment

"Hours of operation for the loading dock will be restricted through conditions of consent, with deliveries being restricted to daytime periods only. Woolworths have also provided a 'Transport Delivery Management Plan' dated February 2011 which acknowledges hours of operation restrictions and describes delivery patterns and management procedures."

- **Hours of operation of supermarket**

Comment

"Hunter Acoustics in their Acoustic Assessment dated 22 December 2010 (Report Ref 8179-401.2) has considered noise emissions from the proposed supermarket during day, evening and night time periods. 'Target Noise Goals' for day, evening and night time periods have been established by Hunter Acoustic in accordance with the Department of Environment, Climate Change and Water's (DECCW) Industrial Noise Policy (INP), and Hunter Acoustics claim that the 'noise levels from the proposed supermarket can be adequately controlled and will successfully meet the requirements of the INP and will not become a source of offensive or intrusive noise for nearby residents'. Hunter Acoustics have not raised any issues associated with the proposed hours of operation. However, deliveries and loading dock operations will be restricted through conditions of consent as previously mentioned."

- **Waste management**

Comment

"Hours of operation for the loading dock have been restricted through conditions of consent. Restrictions in relation to waste collection services have also been imposed through conditions of consent."

2. Traffic and Parking

The objections received can be summarised in three (3) main categories below. Appropriate comments have been provided by Council's Traffic Engineer.

- **Intersection safety and road network**

Comment

"The Traffic Impact Study indicates that apart from the Kent Street/Manning Street intersection, all adjoining intersections will have spare capacity to cater for the increased traffic and the increased traffic will not adversely impact on intersection or road safety, both vehicular and pedestrian. There are no changes proposed to Manning Street. Original proposals to address the impact on Kent Street/Manning Street have since been revised in consultation with the Roads and Traffic Authority and a median closure is proposed at this location instead of a roundabout. Emergency access at the intersection of Kent and Manning Street is addressed as a condition of consent in accordance with the RTA requirements (refer APPENDIX 'A' of this report). The Traffic Impact Study has been carried out in accordance with the Roads and Traffic Authority (RTA) Guide to Traffic Generating Developments, which does not require assessment for peak holiday periods or for one-off events."

Manning Lane is being partially reconstructed to a shared pedestrian zone as part of the conditions of consent. In order to limit the number of cars using Manning Lane, the car park access is recommended to be an exit only as part of the those conditions. Additionally, improvements to the surrounding footpath and cycle way network are also addressed as conditions of consent as contained in APPENDIX 'A' of this report."

- **Parking**

Comment

"The proposal includes the conversion of parallel on-street parking to 90 degree angle on-street parking to maximise on-street car parking numbers in Kent and Peel Street. This approach has previously been approved by Council for developments for the Roman Catholic Church (opposite in Kent Street) and the Tuncurry and Forster Bowling Clubs."

Under Council's Parking Policy, the development is required to provide for 1 space per 24 m2 of Gross Leasable Floor Area (as defined by the RTA Guide to Traffic Generating Developments). The Gross Leasable Floor Area is given as 2,292m2 and as such, the development requires 95.5 spaces. The development is proposing to provide 129 spaces in total (on site and off street) and as such it is providing more spaces than is required. However, the existing spaces need to be considered. There are existing 19 spaces on street, 58 spaces onsite and 1 space is lost on Lot 1 DP 591283. Under Council's Section 94 Forster District Plan, a financial contribution may be considered by Council for a development to offset the parking shortfall. Using the Plan, the development is:

$129 - 95.5 - 58 - 19 - 1 + 6(\text{credit for existing residential dwellings}) = 39 \text{ spaces for S94 contribution.}$

Council has given an undertaking to accelerate plans to construct an additional car park at Manning Lane between South Street and Lake Street using the contributions for Section 94 parking as calculated above. This should address any concerns relating to parking shortfall in the area.

The issue raised regarding unauthorised parking on private property is a civil matter."

- **Loading**

Comment

"Whilst the issue of the noise impacts of deliveries has been considered as part of the noise report, the Traffic Impact Study has demonstrated that all loading activities to the development can be carried out without impacting adversely on the surrounding road network. It should be noted that Manning Lane, north of South Street, will be one way south bound as a requirement for the development at 92 Manning Street. There is a requirement for minor modifications to the intersection of Manning Lane and South Street, which will be part of the conditions of consent for the development. This issue has been addressed in the memo of Council's Traffic Engineer as contained in APPENDIX 'C', which identifies that turning movement for a semi-trailer can be undertaken without the need for land acquisition.

The following points should be noted:

Lot 1 DP 591283 forms part of the site and as such any modifications required for semi-trailer access can be accommodated.

A Transport Management Plan has been submitted as part of the application (refer to Section 6.7.4 of this report). This addresses issues relating to timing of deliveries to ensure that there is no queuing of vehicles on site or in Manning Lane.

B Double trucks are not able to access the site as any access past Grey Gum Road, Tuncurry is not a gazetted B Double route.

There have also been issues about the location of the loading dock. The current location allows for safe pedestrian access from the car park to the store and to the surrounding pedestrian links by removing any interaction of pedestrians with loading activities. Additionally, relocation of the loading dock to the southern boundary will reduce intersection safety as the delivery access will be in too close proximity to the intersection. As such, it is recommended that the loading dock remains along the boundary of 25 Peel Street".

3. Conflict of Interest and Lack of Due Process

The following concerns are raised with the processing of the application:

- **Great Lakes Council should not be the consent authority as it has a pecuniary interest**

Comment

The Hunter and Central Coast Joint Regional Planning Panel is the consent authority for this application.

- **Lack of transparency, lack of notification of rezoning application, lack of resident consultation and insufficient notification period for the DA, lack of access to DA submission material.**

Comment

Council's *Forster-Tuncurry Employment Land Implementation Strategy* (ELIS) adopted by Council in November 2009 identifies the potential of the site as having the capacity to facilitate 'a full line supermarket and necessary car parking.'

A report was tabled at the 27 July 2010 Council meeting outlining the justification for and approach taken to that date to investigate the establishment of a major anchor supermarket within the Tuncurry town centre.

At that meeting, Council endorsed the submission of a draft planning proposal to the department of Planning indicating Council's intention to amend the *Great Lakes Council Local Environmental Plan 1996* to enable the establishment of a major anchor supermarket within the Tuncurry town centre. The planning proposal was subsequently advertised in October 2010.

The requirements for community consultation were provided by NSW Planning in their 'Gateway Determination' of the planning proposal, received by Council on 20 August which specified, *'the planning proposal is classified as low impact as described in 'A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 days...'*

Although lodged prior to Christmas, the development application was deliberately not notified over the Christmas holiday break, the Development Application was then advertised for a 28 day period (5 January, 2011 - 1 February 2011), as required by Council's Notification Policy. During this time the application was displayed at the Great Lakes Council Forster Office and information was also available at the Tuncurry Newsagency to make it easier for residents and businesses of Tuncurry to access the details. Copies of information to the public were made available on request.

- **Council rates should not fund the supermarket**

Comment

Council considered several models to fund the construction of the supermarket at its meeting in December 2010 and agreed that its preferred option was to fund the project itself. Funding will be sourced from internal reserves and borrowings and will be fully repaid through the rental payable by the retail tenant on the site (Woolworths). A Capital Expenditure Review for the project process is underway, the findings of which are to be submitted to the Department of Local Government for consideration.

- **Conflict of interest**

Comment

Council's General Manager has provided the following comment:

"There are numerous planning studies already completed that will guide future development. If a future proposal is in accordance with the adopted studies Council would have difficulty arguing against such a proposal. In addition, Council may declare a conflict of interest and simply contract out the assessment of the application to a third party. Alternatively, under the current planning regime a development application of any significance would not be determined by council in any event - it would be referred to the HCCJRPP, as is this application."

- **Not in the public interest as the commercial arrangement between Council and Woolworths has not been disclosed.**

This is not a consideration under Section 79C of the EP & A Act. Notwithstanding, the fact that Council is funding the project has been made public. The fact that Council will be receiving rental from Woolworths has also been made public. The amount of the rental is commercial in confidence and can not be disclosed.

- **Lack of planning**

Comment

Council underwent an exhaustive pre planning process with the project consultants prior to the lodgement of the development application.

4. Consolidation

No detail given on the consolidation of properties that form the site

Comment

A condition of consent as contained in APPENDIX 'A' of this report requires the consolidation of properties making up the site.

5. Employment Land Strategy

The following issues were raised in relation to the adopted Forster-Tuncurry Employment Land Strategy (ELIS) and the economic impact of the proposed development:

- The ELIS is a flawed strategic document and not site specific.
- The ELIS states there will be no demand for an additional supermarket until after 2016, as well, the demand for additional floor space in the Great Lakes area should be spread over a number of areas.

Comment

Council's Manager of Economic Development has advised:

The ELIS adopted in 2009 is a strategic document meant to guide Council's future decisions in term of the supply of employment land. The detailed assessment of the development however is contained in the development application, similar to any development.

The Strategy was prepared on behalf of Council by consultants Hill PDA. The project was funded by NSW Planning, Department of State and Regional Development, Landcom and Council. All funding bodies were invited to be a member of the project steering committee.

Hill PDA consulted with Landcom as a stakeholder, along with a large number of other businesses and developers, etc. Landcom was also invited to make comments on the final draft documents during the exhibition period. These comments were assessed by Council's consultants, Hill PDA.

The Tuncurry Town Centre presently provides one 1,780sqm supermarket and approximately 300sqm of grocery store space (ELIS 2009). As a result, to conduct weekly or fortnightly shopping for the full range of grocery and household related goods, residents of Tuncurry must either travel to the Breese Parade Centre or outside of the Great Lakes LGA to Taree.

The ELIS indicates the Manning Street Tuncurry centre should be targeted as the main focus for employment growth. The Strategy states...

'The commercial focus of the ...centre should be supported by its growth as a retail centre providing a range of grocery goods and services required by not only local residents but also a component for tourist. Of particular importance to the strength of the centre will be its ability to attract a second anchor store (such as an anchor supermarket tenant or discount department store) to the centre or the extension of the existing anchor tenant.'

The retail analysis undertaken by the ELIS (2009) predicts that there will be sufficient demand across the Study Area (i.e. the Forster Tuncurry district) for additional supermarket floor space after 2016. Subject to planning approvals and construction timeframes, the proposed development could open mid 2012.

The Net Community Benefit Test prepared as part of the Planning Proposal references to Department of Planning's draft Centres Policy. Principle 4 of the policy states that:

'The planning system should ensure that the supply of available floor space always accommodates the market demand, to help facilitate new entrants into the market and promote competition'.

The location of a supermarket within the Tuncurry central business district is consistent with the recommendations of the FTELIS 2009 and Urban Design and Density Review - Forster Tuncurry and Hawks Nest Tea Gardens 2008.

6. Economic Impact

The following issues were raised in relation to the adopted the economic impact of the proposed development:

- Adverse impact on existing businesses
- Already a large number of vacant shops in Tuncurry
- Smaller shops don't have the buying power and won't be able to compete.
- The proposal will cannibalise sales from Bi-Lo, resulting in its closure.

Comment

As discussed in Section 6.2.1 of this report, competition between individual businesses is not a valid planning consideration. The Draft SEPP Competition seeks to clarify matters consistent with Land and Environment Court case law. It would only be valid to consider competition effects between individual businesses taken in the wider context of say an out of town centre shopping centre setting up in opposition to the existing town centre but not providing all the services and facilities in the out of town location and also having a significant detrimental effect to existing businesses in the town centre. Notwithstanding the above, there have been a large number of submissions in support of the application, predominantly from existing Tuncurry business proprietors. Further discussion is provided in Section 6.2.1 of this report.

7. Landscaping

Issues raised are in relation to tree removal on site, loss of greenery and the lack of landscaping and beautification of the area.

Comment

Landscape plans have been submitted for the car park and for the Peel and Kent Street frontages of the site, which involves extensive tree planting. Council's Tree Management Officer has advised that the on-site tree loss is acceptable, subject to the replacement plantings as shown on the landscape plan. Additionally, trees are to be provided centrally within the car park area as a recommended condition of consent (refer APPENDIX 'A').

8. Waste

Comment

Refer comments in Section 6.7.4 of the report which address issues relating to operational procedures for the use of the loading dock. Hours of collection of waste have been restricted to daytime hours and a condition is contained in APPENDIX 'A' of this report.

9. Geotechnical Report

The submission states that the Geotechnical report incorrectly makes a reference to 'Manning River'. Additionally deeper footings may be required upon further investigation, potentially affecting construction costs.

Comment

While there may be a typographical error in the report, this does not affect the substance of the report. Issues relating to the types of building foundation required are matters for the geotechnical engineer and the structural engineer with the construction certificate application.

10. Drainage, Civil Concept and Water Quality

One submission raises a detailed critique in relation to the proposed stormwater strategy as submitted. Another submission states that the drainage design will have a potential impact to and interaction with ground water, as well as providing insufficient 'Atlantis' cells.

Comment

As a result of the Council's initial assessment of the proposal, an amended stormwater strategy has been submitted that satisfactorily address the issues raised (refer to Manager, Natural Systems comments in APPENDIX 'C' of this report).

11. Height and Setbacks

The submissions raise the issues of height and setbacks of the proposal, with consequent loss of amenity and outlook. One submission compares the proposal to the shopping 'convenience' centre at Leo Street (DA 565/2008) which it is stated was required to maintain a minimum 10m set back from residential properties for landscaping and a two storey height for visual amenity respectively.

Comment

The shopping 'convenience' centre development at Leo Street (DA 565/2008) was located within a residential zone, thus requiring different setback requirements due to its scale and size, while the site in the current proposal is zoned 3(a) (General Business Zone). The issues relating height and setbacks have been addressed in the report under Section 6.9.2.

Notwithstanding, the current proposal is for a part one/part two storey building varying in height between 7.2m and 10.4m. The loading dock is proposed to be fully enclosed to minimise amenity impacts to an acceptable level.

12. Loss of Property Value

Comment

Loss in property value is not a relevant planning consideration under the Environmental Planning and Assessment Act 1979. Notwithstanding, no demonstrable evidence has been provided to support this statement, such as valuations from a quantity surveyor based on a 'before and after'

scenario. Further, it is not considered that there are sufficient direct significant or substantial amenity impacts to surrounding residents to sustain the objection on this ground.

13. Social Impact

Comment

Refer to the Section 6.7.17 for discussion of social impact.

14. Heritage

Comment

The application involves demolition of existing buildings, none of which are listed as heritage items.

15. Increased Shadowing

Comment

This issue has been raised with respect to the residential flat building adjacent to the north of the site and as it is to the north, this objection is not sustainable (refer to Section 6.7.10 of this report for a discussion on solar access).

16. Increased Lighting from Supermarket and Car Park

Comment

Lighting for the supermarket and car park is to be in accordance with the relevant Australian Standard as required by NSW Police (refer Section 6.7.7 of the report). An appropriate condition for signs to cease illumination at close of business is contained in APPENDIX 'A' of this report.

17. Trolleys

Comment

A condition of consent is recommended that the supermarket shopping trolleys be coin operated (refer APPENDIX 'A' of this report).

18. Objection to the Sale of Liquor, Crime, Security and Anti-Social Behaviour

Comment

Recommendations of NSW Police have been taken into consideration in regards to crime, liquor sales, security and anti-social behaviour (refer Section 6.7.7) and appropriate conditions of consent are contained within APPENDIX 'A' of this report.

19. Public toilet facilities within the supermarket

Comment

Public toilet facilities are not a requirement of the Building Code of Australia for this type of development.

20. Location, Layout and Site Suitability

A number of submissions have requested reconsideration of the site layout, in particular the relocation of the loading dock to the Kent Street side of the site or alternatively for greater

distance between northern boundary and the loading dock. Other submissions consider the supermarket located on the outskirts of Tuncurry to be the better option.

Comment

These matters are discussed in Sections 6.8 and 6.2.1 of the report. The layout is considered suitable for the site and is consistent with the adopted planning strategies to revitalise the Tuncurry Town Centre and is thus the preferred option to an out of town location, which as previously assessed in DA 565/2008 would have direct negative economic impacts on the vitality of the Tuncurry Town Centre.

6.10 The Public Interest - [Section (1)(e)]

The following matters are relevant in consideration of the public interest:

Great Lakes Council Parking Policy

The *Great Lakes Council Parking Policy* (the Parking Policy) was adopted at the Council's Strategic Committee meeting held 8 March, 2011. Council's Traffic Engineer has advised by memo (refer APPENDIX 'C' of this report) that the proposed development provides 129 car parking spaces, which is in excess of the 96 spaces required by the Parking Policy. Notwithstanding that the proposal provides 33 parking spaces in excess of the number required, it will be required to replace the existing on-site parking spaces and other spaces lost due to kerb alignment works in accordance with Council's Section 94 plan (refer heading below in the report).

Additionally, the Parking Policy has a requirement for bicycle parking in accordance with the Premier's Council for Active Living Program. As such, bicycle parking at the rate of 1 bicycle space per 500m² of Gross Leaseable Floor Area is required, which rounds up to five (5) bicycle spaces for shoppers. The plans indicate bicycle parking but do not address exact numbers. Accordingly, an appropriate condition of consent is contained within APPENDIX 'A' of this report.

Section 94 Contributions

The contributions payable for the proposed development in accordance with Section 94 of the EP & A Act are set out in Table 3 below and are contained as a recommended condition of consent within APPENDIX 'A' of this report.

Section 94 contributions payable under the Forster District Plan for Major Roads have been calculated at the rate of 0.5 trips per m² of Gross Leaseable Floor Area (GLFA) in accordance with the RTA *Guide to Traffic Generating Developments*. This results in the 1146 trips. Under the Section 94 plan the proposed development receives a credit of 54 trips for existing dwellings on the site. This results in a final trip rate of 1092 trips and a required contribution of \$536,991.00.

A Section 94 contribution is payable under the Forster District Plan for "Tuncurry Parking", which has been calculated at the rate of 1 space per 24m² of GLFA in accordance with Council's Parking Policy. A credit of 6 parking spaces has been given for the existing residential lots, which equates to a short fall of 39 car parking spaces and a contribution payable of \$633,333.87.

A Section 94 contribution is payable under the Great Lakes Wide Plan for the Great Lakes Council Headquarters Building, which is calculated on the estimated cost of \$8 million.

Code	Contributions Plan	Facility	quantity	unit	rate	amount
GLW-07	Great Lakes Wide	Headquarters Building	\$8,000,000	\$1 non res @	\$0.001 =	\$8,000.00
FD04	Forster District	Major Roads Inner Zone	1092	one way trips @	\$491.75 =	\$536,991.00
FD09	Forster District	Tuncurry Parking	39	spaces @	\$16,239.33 =	\$633,333.87
Total						\$1,178,324.87

Table 3: Section 94 contributions

Coastal Design Guidelines for NSW

The *Coastal Design Guidelines for NSW* (the Guidelines) compliments the Coastal Policy and SEPP 71 and is based on the principle of ecologically sustainable development. The Guidelines aim to ensure that future developments and redevelopments are sensitive to the unique natural and urban settings of coastal places in NSW. The Guidelines set out detailed 'Desired Future Character' statements for various categories of settlement ranging from hamlets to cities. Under the Guidelines Tuncurry is categorised as a coastal town. A key challenge identified by the Guidelines for coastal towns is the "*degradation of the town centre by new commercial and retail uses located remote from the town or its commercial centre*". The proposal is considered to be consistent with the 'desired future character' guidelines for coastal towns, as it is accommodating retail growth within the town centre rather than in an out-of-town location. As such, the proposed location will reinforce the vibrancy and identity of Tuncurry. The architectural outcome and built form of the proposal (as discussed previously in this report under Section 6.3.2) will add positively to the streetscape and enhance the town's character.

The Guidelines are supplemented by the *North Coast Urban Design Guidelines* (NCUD Guidelines) to provide a region wide response to the existing urban design character and various settlement types. The proposal is considered consistent with the NCUD Guidelines for commercial development in 'major towns' as it incorporates, as recommended, awnings over public paths, street and other tree plantings, on-street parking for customers and efficient use of the block size.

Mid North Coast Regional Strategy

The stated primary purpose of the *Mid North Coast Regional Strategy 2006-2031* (MNCRS) is to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the Region's population over the period to 2031 and to guide sustainable development. The proposal is considered consistent with the MNCRS, which recognises the importance of existing retail and service functions within town centres, such as Tuncurry, as identified below:

- "...the Strategy recognises the existing retail and service functions of centres in the Region. In order to meet employment capacity projections additional commercial floor space (including car parking and associated services) will need to be provided in a manner that maintains and reflects this hierarchy. Additional floor space will be established through the development and redevelopment of existing centres and business zones".

Draft Centres Policy

The *Draft Centres Policy - Planning for Retail and Commercial Development* (Draft Centres Policy) was exhibited by the NSW Department of Planning (DOP) between 9 April 2009 and 11 May 2009. The Draft Centres Policy was released for exhibition by the DOP to help guide planning for retail and commercial development in NSW. The Draft Centres Policy seeks to

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discourage the uncontrolled sprawl of isolated and car dependant retail facilities and promotes the creation of vibrant centres through:

- High quality urban design that contributes to local character.
- Public access with direct pedestrian and cycling networks, close proximity to public transport and safe and appropriate levels of traffic.
- Sustainability through efficient use and re-use of energy, water and natural light.

The proposal is considered consistent with the Draft Centres Policy for the following reasons:

- The supermarket is located within the existing town centre to ensure the most efficient use of transport, as well as pedestrian and cycling linkages and to improve the amenity and liveability of the town centre. Traffic and parking levels are considered appropriate for the use (refer Section 6.7.1 of this report).
- The proposal is a high quality contemporary design, which incorporates an abundance of natural light and makes efficient re-use of water through the inclusion of a large rainwater tank.
- The proposal ensures a competitive retail market within Tuncurry.

7. Conclusion

Subject to various conditions as contained in APPENDIX 'A', the proposal is considered acceptable against the relevant considerations under Section 79C of the EP& A Act.

8. Recommendation

That the Joint Regional Planning Panel grant consent to DA 312/2011, subject to the conditions contained in Appendix A.

APPENDIX A - Conditions of Consent

A General Conditions

- A1. The development must be implemented substantially in accordance with the plans numbered A-001 to A-006 and A-009, all Revision K, dated 11 January 2011 and A-007 and A-008, both Revision K dated 22 February 2011, all plans prepared by Cox Richardson and landscape plans numbered 1032/1 to 1032/3, dated 17 December 2010, all prepared by Pamela Fletcher, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
- A2. Hours of operation of the supermarket shall be restricted to 6:00am to 12:00 midnight Monday to Sunday.
- A3. The trading hours for the liquor store are restricted to 9am to 9pm.
- A4. Deliveries to the premises shall be restricted to the hours between 7am to 6pm Monday to Friday and 8am to 5pm on Saturday, Sunday and public holidays. The loading dock roller doors shall not be permitted to be opened at any time outside of these hours.
- A5. Garbage collection from the premises shall only be permitted between the hours of 7am to 6pm Monday to Friday and 8am to 5pm on Saturday, Sunday and public holidays.
- A6. The butchery must be licensed as a meat retail premises in accordance with the Food Regulation 2010
- A7. All vertical plumbing, other than rain water heads and downpipes, to be concealed within the building.
- A8. The garbage storage area is to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste.
- A9. Should any Aboriginal site or relic or material considered likely to be an Aboriginal site or relic be disturbed or uncovered during the construction of this development, all work must cease and the relevant government department must be consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974. With regards to Aboriginal sites or relics, all directions of the relevant government department pertaining to such must be duly complied with at all times as part of this consent.

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

- B1. The details of the demolition contractor engaged to remove the existing buildings must be provided to Council prior to any demolition work being undertaken.
- B2. A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, garages, carports, verandahs, fences, retaining walls and driveways, etc.) located upon:
 - (a) all of the premises adjoining the subject site to the north (SP 12913), and
 - (b) any other properties in the opinion of the author of the report that may be impacted upon taking into account the final engineering design and construction methodology of the development.

The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above stated premises, prior to the commencement of any works.

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

- C1. Work on any building shall not commence until a construction certificate, complying in all respects with the provisions of the Environmental Planning and Assessment Act 1979 and the Building Code of Australia, has been issued.
- C2. Prior to the issue of the construction certificate details are to be submitted to Council detailing the proposed method of achieving compliance with the BCA in terms of the protection of openings of the loading dock. Should a deemed to satisfy solution be proposed full details of the wing walls between the loading dock and the northern side boundary are to be submitted for approval.
- C3. Structural drawings prepared by a suitably qualified and experienced Structural Engineer being submitted to and approved by the principal certifying authority prior to the issue of a construction certificate. The plans shall detail:
- (a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas.
 - (b) Footings of the proposed structure.
 - (c) Structural steel beams/columns.

Where it is proposed to use driven timber piles as part of any building footing system, the following certification from a professional engineer shall be provided prior to a footing inspection:

- (i) The durability class (and/or chemical treatment grade) of all piles used within the footing system; and
 - (ii) That the driven piles have achieved the required bearing capacity.
- C4. In accordance with Section 94 of the Environmental Planning and Assessment Act 1979, a monetary contribution shall be paid to Council prior to the issue of a construction certificate. The services and facilities for which the contributions are levied and the respective amounts payable under each of the relevant plans are set out in the following table:

Code	Contributions Plan	Facility	quantity	unit	rate	amount
GLW-07	Great Lakes Wide	Headquarters Building	\$8,000,000	\$1 non res @	\$0.001 =	\$8,000.00
FD04	Forster District	Major Roads Inner Zone	1092	one way trips @	\$491.75 =	\$536,991.00
FD09	Forster District	Tuncurry Parking	39	spaces @	\$16,239.33 =	\$633,333.87
Total						\$1,178,324.87

Contribution rates are subject to indexation. The rates shown above are applicable until 30 June following the date of consent. Payment made after 30 June will be at the indexed rates applicable at that time.

The Contributions Plan and the Standard Schedule for Section 94 Plans may be viewed on Council's web site www.greatlakes.nsw.gov.au or at Council's offices at Breese Parade, Forster.

- C5. To minimise overlooking windows on the northern elevation of the building shall be detailed as opaque on the construction certificate plans for the approval of Council prior to the issue of the construction certificate.
- C6. Prior to the issue of a construction certificate attenuation measures for the refrigeration and mechanical plant (including vent fans) must be reviewed by an appropriately qualified person. A report stating that proposed equipment and attenuation measures comply or otherwise with the recommendations of Hunter Acoustics Acoustic Assessment dated 22 December 2010 (Report Ref 8179-401.2) must be provided to Council for approval. Any recommendations made shall be included as part of the final design.
- C7. Prior to the issue of a construction certificate, design details must be submitted to Council for approval for an additional barrier atop the roof of the mezzanine area or the application of acoustic louvres to the top of the plant to reduce sound levels to top floor residents at SP12913. A report prepared by an appropriately qualified person assessing the additional attenuation measures must be submitted to Council for approval. Any recommendations made shall be included as part of the final design.
- C8. Sanitary facilities for people with disabilities are to be provided in the building including the mezzanine level of the supermarket building. The construction and layout of facilities is to comply with Clause AS1428.1-2001, 'Design for Access and Mobility'. Details and/or amended plans are to be submitted to Council prior to the issue of any Construction Certificate to demonstrate compliance, if necessary, with AS1428.1-2001, 'Design for Access and Mobility'.
- C9. Access and facilities for disabled people being provided in accordance with the Building Code of Australia and AS1428.1: Design for Access and Mobility. Details of the construction of the proposed facilities, including the proposed chair lift, are to be submitted to Council for approval prior to a construction certificate being issued.
- C10. Exterior finishes, materials and colours shall be in accordance with the Exterior Finishes Schedule Revision A dated 8 and 10 February, 2011 and shall be detailed as such on the construction certificate plans to the satisfaction of Council prior to the issue of the construction certificate. Pebbles shall be fixed to the loading dock roof, details of size and colour to be provided for Council's approval prior to the issue of the construction certificate. Note that white coloured pebbles or those with high reflectivity will not be acceptable.
- C11. All glass used externally having a maximum reflectivity index of 20% with certification to Council's satisfaction being supplied prior to the issue of a construction certificate.
- C12. On-site external lighting, including lighting to the car park, in accordance with the relevant Australian Standards shall be detailed on the construction certificate plans to the satisfaction of Council prior to the issue of a construction certificate.
- C13. The food premises shall at all times comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standard 4674 - 2004 *Design, construction and fit-out of food premises*. A detailed floor plan demonstrating compliance with these requirements must be submitted to Council prior to the issue of a Construction Certificate.
- C14. Prior to the issuing of the first Construction Certificate, the Registered Proprietor of the land shall prepare and submit to Great Lakes Council a Final Landscaping Plan. The Final Landscaping Plan shall be based on the detail contained within the plans entitled "Landscape Concept Plan" and "Landscape Details Sheet 1 and 2", all dated 17/12/2010, with Drawing Nos. 1032/1-3, prepared by Pamela Fletcher, but with the inclusion of the following:
 - (a) Six (6) planting diamonds within the internal layout of the approved carpark that are to be established with Tuckeroo (*Cupaniopsis anacardioides*) trees, that are to be supplied in at least 75-litre pots.

- (b) Details of the provision of an irrigation system to the proposed planting area 1 along the site's northern boundary that provides for the automatic watering of landscaping in this planting area.
- C15. A soil survey being undertaken as part of the further geotechnical investigations of the land to verify the presence or absence of actual or potential acid sulphate soils (test procedures can be obtained from the Soil Conservation Division of the Department of Land and Water Conservation). Details of the survey are to be submitted prior to the issue of a construction certificate.
- Where actual or potential acid sulphate soil conditions are identified, a strategy to control and minimise the impacts from disturbance of the soil is to be developed in conjunction with the Department of Land and Water Conservation and Environment Protection Authority and submitted to Council for approval with the application for a construction certificate.
- C16. A Certificate of Compliance being received and a copy submitted to Council, from MidCoast Water prior to the release of this development for construction stating that satisfactory arrangements have been finalised for the provision of water supply and sewerage to the development.
- C17. Prior to the issue of a Construction Certificate a Public Engineering Works Permit Application must be lodged with Council, along with the required documentation, fees and defects liability bond. Evidence of the contractor's public liability insurance (minimum value of \$20,000,000) must be provided with the application.

The contractor is to have all engineering works inspected as per Council's Holding Points and all work must comply with Council's Engineering guidelines, specifications and standards.

Upon completion of the public works, a final inspection is to be arranged by the contractor with Council. Once the works are approved by Council a Certificate of Practical Completion will be issued and is required to be provided to the Certifying Authority prior to the issue of an Occupation Certificate.

Please note that the defects liability bond will be held by Council for a maintenance period as specified in the application form.

Note: The applicable fees, defects liability bond and maintenance period are reviewed periodically by Council and shall be determined from Council's current requirements at the time of lodgement.

The following are to be included in the engineering works:

South Street:

- Reconstruct the existing south-eastern kerb return at the intersection of South Street and Manning Lane in accordance with Austroads turning path templates for a 19m semi-trailer with a turning speed of 5 - 15 km/hr.
- Construction of concrete foot paving 2m wide and top-dress and grass the remainder of the footway on the southern side of South Street between Manning Lane and Peel Street as per Council Standard Drawing No. 165.

Manning Lane:

- Reconstruction of the existing kerb and gutter to a 4m formation width between kerbs from the loading dock entry to Kent Street.

- Reconstruction of the existing carpark on Lot 1 DP 591283 to provide adequate turning path entry for semi trailer deliveries to the loading dock.
- Construction of a raised pavement treatment to define a shared pedestrian zone from the store entry to the southern extremity of the carpark exit, with the required change in speed limit being referred to Council's Traffic Advisory Committee for consideration.
- Construction of trunk drainage pit and pipe extensions to drain the raised pavement/shared pedestrian zone.
- Construct full width concrete footpaving on the western side of the lane between the realigned kerb and the building facade from the loading dock entry to the store entry.
- Construct 1.2m wide concrete footpath in accordance with Council Standard Drawing No. 28 between the store entry and Kent Street on the western side of the lane.

Kent Street:

- Construct 90 degree carparking in accordance with AS2890.1 to the full site frontage of Kent Street in accordance with the Cox Richardson Ground Floor Plan A-003 Revision K dated 11 January 2011.
- Formation of the northern nature strip and construction of concrete foot paving 2m wide and top-dress and grass the remainder of the footway from Manning Street to the full frontage of the development on the northern side of Kent Street as per Council Standard Drawing No 165.

Peel Street:

- Construct 90 degree carparking in accordance with AS2890.1 to the full site frontage of Peel Street in accordance with the Cox Richardson Ground Floor Plan A-003 Revision K dated d 11 January 2011.
- Formation of the eastern nature strip and construction of concrete foot paving 2m wide and top-dress and grass the remainder of the footway between Kent Street and South Street as per Council Standard Drawing No. 165. Note: The section of footpath fronting the proposed supermarket building shall be constructed as full width paving.
- Construct a bus stop and bus shelter complying with the requirements of the Commonwealth Disability Standards for Accessible Public Transport.

Manning Street / Kent Street:

- Construct a raised central concrete median to close the gap on Manning Street to restrict traffic movements left in / left into and out of Kent Street. Part of the median shall be constructed to a lower profile to allow right turn movements for ambulances only.
- Change the line marking and signage on the approaches to and at the intersection to reinforce the above turn restrictions.
- All works shall be designed and constructed in accordance with the Austroads *Guide to Road Design* and the relevant Australian Standards, to the satisfaction of the Roads and Traffic Authority (RTA).
- All works shall be carried out at full cost to the developer and at no cost to the RTA or Council.
- The developer will be required to enter into a Works Authorisation Deed (WAD) with the RTA. In this regard the developer is required to submit concept and detailed design plans and all relevant additional information, as may be required in the RTA's WAD documentation, for each specific change to the classified (State) road network for the RTA's assessment and final decision concerning the work.
- The WAD shall be executed prior to granting a Construction Certificate for the proposed development.

C18. Prior to release of the Construction Certificate or commencement of any works on the site, work site traffic control plans in accordance with the Roads and Traffic Authority (RTA) *Traffic Control at Work Sites Manual* are to be submitted by a suitably accredited person and

approved by the certifying authority. (Note that the accredited person and the certifying authority are to have a suitably accredited person who is authorised by the RTA to design and approve such plans.

The traffic control plans shall include the following items related to the construction works (but not limited by):

- Deliveries (e.g. site sheds, cranes, material deliveries, etc);
- Site pick-ups (e.g. spoil from excavation, removal of site sheds, equipment, materials, etc);
- Pedestrian movements;
- Proposed construction zones;
- Truck traffic routes.

Note: An approved construction zone and traffic route shall not block or adversely affect (e.g. no traffic hindrance is to occur in the street/road system) a major public event and the public during the main tourist seasons.

The major events and holidays (but not limited to) are as follows:

- Easter school holidays.
- Anzac Day.
- Christmas school holidays.

- C19. Lodgement of a separate Driveway Levels Application form for each driveway to be constructed, prior to the issue of a construction certificate.

Driveway levels will not be supplied by Council until the relevant fee/s and all required documentation are provided as outlined within the Driveway Levels Application form.

All driveway construction works must be completed in accordance with the Driveway levels and standards issued by Council and the following requirements:

- (a) Driveways being constructed in concrete over the footpath, at right angles to the kerb and gutter.
- (b) Existing driveways and laybacks, which are not approved as being required for the development, are to be removed and the footpath and kerb reinstated.

All driveway construction works are to be completed at the developer's expense and be undertaken by a qualified/licensed contractor.

- C20. All carparking and vehicular manoeuvring areas shall comply with Australian Standard (AS) 2890.1. All car parking and vehicular manoeuvring areas must be sealed with concrete or equivalent to Council's satisfaction. Details are to be submitted with the application for a construction certificate.

- C21. Submission of a Damage Bond Application Form and payment of a bond in the amount of \$80,000 payable for the purpose of funding repairs to any damage that may be occasioned to Council assets by activities/works associated with the construction of the development approved by this consent and ensuring Council standards and specifications are complied with. The bond shall be paid to Council prior to the issue of any Construction Certificate that may be issued for any component of the development.

The Damage Bond is reviewed periodically and therefore the fee and bond amount payable shall be determined from Council's current fees and charges document at the time of lodgement of the Damage Bond.

- C22. Engineering details of stormwater management systems for the development are to be submitted to Council and approved prior to the issue of the first construction certificate. Stormwater design shall address runoff quantity and quality criteria. The design shall provide the following:

- (a) The water management system shall provide detention and/or infiltration to limit developed site runoff to the equivalent of the 5 year Average Recurrence Interval (ARI) discharge from the undeveloped site. A suitable system of pipes, pits and other measures shall be designed to convey major and minor flows safely to the receiving waters or downstream drainage infrastructure.
- (b) The final water treatment strategy as prepared by consultants BMT WBM shall be installed including:
 - A bio-filtration swale for treating the off-street supermarket car park. The bio-filtration swale will have vertical sides and an overall minimum area of 145 m².
 - A 4000 litre rainwater tank to collect roof water from a minimum 50% of the supermarket roof area. The rainwater tank would supply water for toilet flushing and landscape irrigation with overflow directed to a bio-filtration swale located adjacent to the off-street car parking.
 - Supermarket footpath rain-garden - a small 15 m² bio-retention garden will be located within the footpath on the south-eastern side of the supermarket building. The garden shall collect runoff from 10% of the supermarket roof area and part of the footpath surrounding the building.
 - Peel Street rain-gardens - Four (4) small rain-gardens (2m x 2.5m) or bioretention pods will be provided adjacent to the Peel Street car parking bays.
 - A small rain-garden or bio-retention system of 20m² will be provided within the footpath on the northern side of the Peel Street and Kent Street Intersection.
- (c) Bio-retention systems shall be designed to receive runoff from all impervious areas. The minimum basin surface area shall be as per the final design prepared by BMT WBM and shall be constructed commensurate with *Australian Runoff Quality: A Guide to Water Sensitive Urban Design* (Engineers Australia, 2006) and *Water Sensitive Urban Design Engineering Procedures: Stormwater* (Melbourne Water, 2005).
- (d) Stormwater drainage systems shall cater for excess flows from the stormwater quality measures with capacity for the 5 year ARI peak storm event (minor flows). Safe overflow routes for major flows shall be identified and designed to convey the difference (gap flows) between the 5 year and the 100 year ARI discharge from the catchment.
- (e) Bio-retention filters shall be planted with *Carex appressa* and/or other native plant species that have confirmed performance characteristics in the removal of nitrogen and tolerance of a range of moisture conditions. These are to be planted at a minimum density of 8-10 living plants/m². During the maintenance period any dead plants shall be immediately removed and immediately replaced with living plants of the selected native species. An appropriate timber or other material border shall be provided to demarcate the filter area from the remaining planted/grassed area within the bio-retention measure.
- (f) Bio-retention filter media shall have the following characteristics, consistent with *WSUD Engineering Procedures: Stormwater* (Melbourne Water, 2005). Characteristics may need to be confirmed by National Association of Testing Authorities (NATA) certified testing as required:
 - Filter media shall be of uniform sandy loam texture, placed and lightly compacted to achieve a consistent density throughout.
 - Saturated hydraulic conductivity of no less than 200mm/hr (AS 1574:2000) as placed in bed. NATA certified testing may be required to confirm that filter media have adequate water-holding capacity and are suitable to support initial and continuing growth of the selected vegetation.
 - Bio-retention transition and drainage layers shall be of suitable grading and material to ensure continued hydraulic conductivity and prevent the loss of fines

(clays & silts) from overlying filter media. These layers should also comply with *WSUD Engineering Procedures: Stormwater*.

- (g) Design and construction of water management including associated landscaping, drainage channels and infiltration measures shall ensure that they do not become potential breeding sites for mosquitoes, midges, plague minnows and general vermin.
- (h) Enviropod pit inserts with a mesh opening size of 20µm shall be provided within all road overflow stormwater pits located within the development unless it is shown that during construction sediment will not enter the bio-retention system.
- (i) Engineering drawings shall show details and configurations of water quantity and quality systems:
 - Longitudinal sections showing pit/pipe sizes, ground levels, design levels, grades, hydraulic grade line, flow rates and velocities, as required.
 - Details of specific components such as diversion pits and overflow system arrangements, detention basin outlets, infiltration arrangements, sediment forebays, filter media and dewatering measures, as required.
 - Access arrangements for operation and maintenance.
- (k) An operation and maintenance plan be prepared for components of the combined system and submitted to Council for approval. The plan should detail:
 - Maintenance schedule for each component.
 - A maintenance and reporting template to be completed by the maintenance supervisor and provided to Council annually for a minimum of two years during the maintenance period.

C23. Signs on the northern elevation of the building shall be clearly shown as being non illuminated signs on the construction certificate plans for the approval of Council prior to the issue of the construction certificate.

D Conditions which must be satisfied prior to the commencement of any development work

D1. To minimise soil erosion, the following measures shall be implemented in the sequence outlined:

- (a) Approved run-off and erosion controls shall be installed prior to clearing of site vegetation (other than that associated with the construction of the controls). These shall be as shown on an Erosion and Sediment Control Plan approved by Council.
- (b) Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.
- (c) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural or artificial water body, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned.
- (d) Uncontaminated runoff shall be intercepted upsite and diverted around all disturbed areas and other areas likely to be disturbed. Diversion works shall be adequately stabilised.
- (e) Runoff detention and sediment interception measures shall be applied to the land. These measures will reduce flow velocities and prevent topsoil, sand,

aggregate, road base, spoil or other sediment escaping from the site or entering any downstream drainage easements or natural or artificial water bodies.

- D2. Buildings to be set out by a Registered Surveyor to ensure compliance with this consent, and the approved plan/s, and a copy of plan to be supplied to the principal certifying authority prior to the pouring of any concrete slabs / placement of flooring materials.

E Conditions which must be satisfied during any development work

- E1. The existing northern boundary fence shall be maintained in good repair during construction.
- E2. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS2601-1991: The Demolition of Structures, as in force 1 July 1993.

All utility services are to be disconnected to the requirements of the relevant authorities.

- E3. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times in accordance with Council's Erosion and Sediment Control Policy.
- E4. The building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority subject to the provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000) to verify compliance with this consent and the standards of construction detailed in the Building Code of Australia. Inspections shall be carried out as required by Section 162A of the EP&A Regulation 2000.
- E5. It is a condition of approval that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
- E6. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
- (a) The name, address and telephone number of the principal certifying authority for the work; and
 - (b) The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - (c) The sign must state that unauthorised entry to the work site is prohibited.

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

- E7. Toilet facilities are to be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site:
- (a) Each toilet provided must be a standard flushing toilet and must be connected to MidCoast Water's sewer; and
 - (b) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- E8. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life or property.
- E9. Retaining walls or other approved methods of preventing movement of the soil must be provided if the soil conditions require it and adequate provisions made for drainage. Where retaining walls exceed one (1) metre in height, Engineers details must be submitted to and approved by the Principal Certifying Authority.

E10. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage.
- (b) if necessary, must underpin and support the building in an approved manner.
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public places.

E11. A hoarding or fence is to be erected between the building or site of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from or in connection with the work, falling onto the public place is also to be erected.

The work is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the public place.

A hoarding, fence or awning is to be removed when it is no longer required for the purpose for which it was provided.

E12. Public access to the site and building works, materials and equipment on the site is to be restricted, when building work is not in progress or the site is unoccupied.

The public safety provisions must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

E13. There is to be no encroachment of the structure/s (including roof guttering or footings) onto the adjoining premises or onto Council's footway/road reserve, excluding the awning as detailed on the approved plans.

E14. Building materials, sand or waste materials shall not be placed on the footway or road reserve at any time.

E15. The installation and operation of the loading dock fan/s shall comply with the recommendations of Hunter Acoustics letter dated 4 March 2011.

E16. The demolition and removal of all asbestos material is to be undertaken in accordance with WorkCover requirements.

E17. If asbestos is present in a greater amount than 10m², then the demolition and removal must be undertaken by a WorkCover licensed demolition contractor who holds the appropriate WorkCover licence (e.g. Asbestos Demolition Licence) for the material to be removed.

E18. All asbestos is to be removed from the site and be disposed of at an approved licensed waste facility.

E19. All asbestos waste shall be delivered to an approved licensed waste facility in heavy duty sealed polyethylene bags. The bags are to be marked "Caution Asbestos" with 40mm high lettering. Twenty four (24) hours notice must be given to the waste facility prior to disposal.

- E20. A qualified landscape consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of the occupation certificate shall submit to the Great Lakes Council a Certificate of Practical Completion stating that the landscaping work has been carried out in accordance with the approved Final Landscaping Plans and that a maintenance program has been established.
- E21. All existing Cabbage Tree Palms (*Livistona australis*) on the subject land shall be excavated and relocated alive from the subject land as part of the construction works and established at a site(s) nominated by Great Lakes Council such that there is no loss of Cabbage Tree Palms in the locality as a consequence of this development. The relocation process shall be undertaken by suitably experienced contractors working under the supervision and direction of Council's Tree Management Officer. All necessary nurturing and maintenance shall be undertaken to maximise the success of the required Cabbage Tree Palm relocation procedure.
- E22. Other than the Cabbage Tree Palms, which are to be managed in accordance with the condition specified above, all existing landscaping and vegetation of the subject land shall be removed as part of the construction works. The clearing works for the approved development shall be conducted in the following manner:
- (a) Tree removal shall be conducted by dismantling or selective directional felling only, with all works to be confined within the bounds of the subject land and approved development footprint.
 - (b) Trees and shrubs removed from the study area shall be mulched for use in site and off-site landscaping. Stumps and other material that cannot be processed by mulching shall be disposed at an approved waste management facility.
 - (c) Machinery operators shall inspect the crown, foliage and trunks of trees marked for removal prior to any felling to investigate the presence of arboreal fauna. If such fauna is detected, the tree shall not be cleared until the animal has dispersed from the area of its own free will. No adverse means, such as horns or noise, of dispersing the animals shall be used.
- E23. All adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.

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

- F1. The noise attenuation methods recommended by Hunter Acoustics' Acoustic Assessment dated 22 December 2010 (Report Ref 8179-401.2) are to be implemented prior to the issue of any Occupation Certificate.
- F2. The loading dock roller door tracks must be fitted with polytetrafluoroethylene (PTFE) or high density polyethylene (HDPE) linings prior to the issue of an occupation certificate.
- F3. A certificate from a mechanical ventilation engineer stating that all mechanical exhaust systems comply with Australian/New Zealand Standard AS/NZS 1668.1 and Australian Standard AS 1668.2 must be provided to Council prior to the issuing of an Occupation Certificate.
- F4. A lighting maintenance plan for all on-site external lighting, including lighting of the car park, shall be provided to Council for approval prior to the issue of the occupation certificate
- F5. A hand washing basin that is of an adequate size to allow hands and arms to be easily cleaned must be installed in all parts of the premises where open food is handled. Small

domestic type hand wash basins are not adequate in commercial situations. The hand wash basins must be in addition to any wash-up sinks.

- F6. Hot and cold water to the hand wash basins shall be delivered through a hands free mixer tap. The hand basins shall be provided with liquid soap and single-use towels at all times.
- F7. A minimum of a single bowl sink and a commercial grade dishwasher or double bowl sink shall be provided in each area where food is prepared or handled and shall be connected to a continuous supply of hot and cold water. The pot size of the sinks must be adequate in size to effectively clean and sanitise the largest item of equipment.
- F8. All cupboards, benches and shelving must be constructed of materials that are smooth, impervious to moisture and able to be easily cleaned. Note: Particular attention must be made to the underside of the benches to ensure that they are constructed so they are impervious and can be easily cleaned.
- F9. Ceiling, wall and floor finishes in the food premises shall comply with AS 4674-2004 *Design, construction and fit-out of food premises*.
- F10. Ceiling lights shall be either installed flush with the ceiling surface or designed free from any features (such as ledges) that would harbour dirt, dust or insects or make the fitting difficult to clean.
- F11. Coving shall be installed at the intersection of floors with walls in the food premises in accordance with Australian Standard 4674-2004 *Design, construction and fit out of food premises*. Coving shall be integral to the surface finish of both floor and wall and installed in such a manner as to form a continuous uninterrupted surface.
- F12. Either a floor waste with a solids trap and stand alone tap or a cleaners sink (sluice sink) is to be provided in each food preparation area. Cleaners sinks must be provided with an adequate supply of hot and cold water and be located away from food preparation areas.
- F13. Prior to the issue of an occupation certificate, a food notification must be completed. This can be done either through Council or on the Internet at www.foodnotify.nsw.gov.au
- F14. A final inspection of the premises must be undertaken by Council's Environmental Health Officer prior to the operation of the business and/or the issue of an occupation certificate.
- F15. Receipts of the disposal of all asbestos to a licensed waste facility must be provided to Council prior to the issue of an occupation certificate.
- F16. Prior to the issue of the occupation certificate, a Certificate of Practical Completion stating that the landscaping work has been carried out in accordance with the approved Final Landscaping Plans and that a maintenance program has been established shall be provided to Great Lakes Council from the qualified landscape consultant retained for the duration of the construction of the development as required by Condition E20.
- F17. All overhead low voltage wires located along/adjacent to the site frontages in the Peel Street and Kent Street footpath, to the nearest power pole outside the site frontage shall be relocated to underground. Within the site, cables are to be located underground.

The applicant shall liaise directly with the relevant service utility authority. All cables (other than high voltage) must be relocated underground to the satisfaction of the relevant authority prior to the issue of an occupation certificate.

- F18. A Certificate of Compliance being received and a copy submitted to Council, from MidCoast Water prior to the release of this development for occupation stating that satisfactory arrangements have been finalised for the provision of water supply and sewerage to the development.

F19. Street trees shall be planted within Council's nature strips on the subject site frontages. Tree species shall be determined in accordance with the requirements of Council's Tree Management Officer. Details of the location of the street trees are to be approved and:

- Kept clear of underground public utility services.
- Located not to impede/reduce sight distance of drivers entering/exiting the site.
- Constructed with a root barrier system where the trees are to be located adjacent to any kerb and gutter or any stormwater infiltration/detention system.

F20. A bicycle parking rail capable of accommodating five (5) bicycles shall be provided on-site in accordance with current Australian Standards (AS 2890.3) and shall be located near the store entrance.

F21. The parking and manoeuvring areas must be fully line marked prior to the issue of an occupation certificate. Carparking shall comply with the requirements of AS2890.1. Car parking for people with disabilities shall comply with the requirements of AS2890.6.

F22. The street awnings are to be designed by a professional engineer and in accordance with Council's Policy for *Awnings, Verandahs & Balconies over Footways*. The awnings shall be designed to the following details and requirements:

(a) The minimum underside clearance:

- between the lowest part of the fascia or outer beam of an awning, verandah or balcony and the footpath shall be 2600mm;
- to the underside of the awning and fittings shall be 3.0 metres.

(b) Awnings shall be located a minimum of 600mm from the street kerb face.

(c) The awning, verandah or balcony shall be designed to be supported by beams and/or stays attached to the building. All structural metal fasteners including nuts, bolts should be as a minimum, hot dipped galvanized (preferably stainless steel).

(d) Roof water from awnings is to be drained by an approved method to the internal property drainage system.

(e) A qualified structural engineer is to inspect and certify that the awning is structurally adequate and in good repair, at a minimum of 5 year periods.

F23. The applicant must obtain a Certificate of Compliance from Council stating that the driveway within the public road reserve has been constructed to comply with Council's requirements. This certificate is to be provided to the Certifying Authority prior to the Final occupation certificate being issued and the Damage Bond being refunded.

It is to be noted that any works undertaken without Council's approval or provision of the above documentation will be subject to the relevant penalties applied by way of infringement notice for works undertaken without development consent.

F24 Prior to the issue of an occupation certificate a final inspection of Council's assets must be carried out by Council's responsible officer and the Damage Bond (minus the administration fee) will be considered for refund:

1. Once all works, including landscaping, driveway construction, turfing, etc, have been completed.

Following issue of an occupation certificate by the certifying authority for the development a fee of \$330.00 will be deducted from the bond to cover administration costs.

- F25. The carpark shall be an exit only onto Manning Lane and shall be line-marked and signposted as such prior to the issue of an occupation certificate.
- F26. All road works required under Works Authorisation Deed with the Roads and Traffic Authority shall be completed prior to issuing an occupation certificate (interim or final) for the proposed development.
- F27. Any damage to the northern boundary fence as a result of the development works shall be repaired at the developer's cost prior to the issue of the final occupation certificate.
- F28. Prior to the issue of an occupation certificate, the following details are to be submitted to Council:-
- (a) Copy of the plan of consolidation of the allotments, being Lot 1 DP 305223; Lots 1 and 2 DP 577194; Lot 4 Section 5 DP 759005; Lots 5, 11, 12 and 13 DP 416145; Lot 1 DP 591283, submitted to the Registrar General (Land Titles Office).
 - (b) Copy of the receipt received from the lodgement of the above plan of consolidation with the Registrar General (Land Titles Office).
- F29. All exterior finishes, materials and colours shall be in accordance with the Exterior Finishes Schedule Revision A dated 8 and 10 February, 2011, and as required by Conditions C5, C10 and C11 shall be detailed as such on the construction certificate plans to the satisfaction of Council prior to the issue of the construction certificate. Pebbles shall be fixed to the loading dock roof, details of size and colour to be provided for Council's approval prior to the issue of the construction certificate. Note that white coloured pebbles or those with high reflectivity will not be acceptable.
- F30. Only the approved signs on the eastern (Manning Lane), southern (Kent Street) and northern (Peel Street) elevations shall be illuminated. Prior to the issue of the occupation certificate a dimmer switch must be installed capable of controlling the lighting levels of the illuminated signs so that lighting levels can be reduced if the intensity of illumination results in unacceptable glare that detracts from the amenity of nearby residences.

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

- G1. One month after the use has commenced a report is to be submitted to Council from an appropriately qualified person. The report is to certify the installation of all noise attenuation methods, assess noise emission from the development, the effectiveness of the noise attenuation methods and compliance or otherwise with the Noise Level Criteria described by Hunter Acoustics' Acoustic Assessment dated 22 December 2010 (Report Ref 8179-401.2). If necessary the report must detail additional noise attenuation measures required to achieve compliance.

Should additional attenuation measures be required to achieve compliance, they must be installed within 30 days of Council receiving the report and upon approval from Council. Subsequently, a suitably qualified person must certify that additional measures have achieved compliance.

- G2. Noise levels from the premises must not exceed those specified in Hunter Acoustics Acoustic Assessment dated 22 December 2010 (Report Ref 8179-401.2) at any residential premises: Intrusive noise levels are:

- Day – 46dB(A) LAeq15min
- Evening – 44dB(A) LAeq15min
- Night – 37dB(A) LAeq15min

G3. The installation and operation of the loading dock fan/s shall comply with the recommendations of Hunter Acoustics letter dated 4 March 2011.

G4. Noise associated with the premises including all associated mechanical plant and equipment must not be a source of 'offensive noise' at the nearest affected premises:

"offensive noise" means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulation.

G5. Deliveries to the premises must be restricted to one (1) vehicle at any one point in time.

G6. The loading dock roller door tracks and linings must be maintained in good condition and lubricated with suitable grease at all times.

G7. Loading dock roller doors shall only be permitted to be opened while a delivery vehicle or waste collection vehicle is entering or exiting the dock. Loading dock roller doors shall remain closed at all other times including while deliveries are being unloaded or waste is being collected.

G8. Odour associated with the premises must not be a source of 'offensive odour' at the nearest affected premises:

'offensive odour' means an odour:

- (a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.

G9. The Registered Proprietor, or their agents, shall carry out or ensure that actions specified in accordance with the approved Final Landscaping Plans including maintenance and tree protection are carried out in accordance with that plan at all times.

G10. The food premises shall at all times comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standard 4674 - 2004 *Design, construction and fit-out of food premises*.

- G11. The carparking area being freely available for public use during the trading hours of the development. Notices indicating the location of public carparking are to be displayed at the entrance to and within the carpark.
- G12. All articulated truck deliveries shall be restricted to the following vehicle route: Manning Street > South Street > Manning Lane > Peel Street > South Street > Manning Street
- G13. Water quantity and quality components of the stormwater management systems, including associated drainage pits, inlets and overflow weirs, vegetation and landscaped areas as required by Condition C22 of this consent shall be maintained for a period of 2 years from the date of issue of the occupation certificate.
- G14. All on-site external lighting, including lighting to the car park shall be maintained in accordance with the approved lighting maintenance plan approved by Condition # of this consent.
- G15. No goods/vehicles/materials being shall be stored in the front of the building or in any place visible from a public area.
- G16. Waste storage and collection shall be in accordance with the Waste Management Plan, prepared by Coastplan Group, dated 11 February 2011, approved by Council's Manager, Waste, Health and Regulatory Services and shall include the following requirements:
- (a) All bins are to be located within the loading dock area and not outside near neighbours nor subject to the elements (weather, vermin, etc).
 - (b) There are to be sufficient bins for residual waste, recycling and organic waste.
 - (c) Destinations for all waste products are to be at approved recycling, processing or disposal facilities.
 - (d) Bins are to be emptied before they become odorous or overfull.
 - (e) At the time of collection the loading dock doors are to be closed to minimise noise impacts.
- G17. All deliveries and use of the loading dock must comply with the submitted Woolworths Transport Delivery Management Plan dated February 2011 and the approved hours for the operation of the loading dock as contained in Condition A4 of this consent.
- G18. Only the approved signs on the eastern (Manning Lane), southern (Kent Street) and northern (Peel Street) elevations shall be illuminated. All illuminated signs shall cease illumination upon the close of business each night. The lighting of the illuminated signs must be capable of being controlled by a dimmer switch so the lights can be lowered if the intensity of illumination results in unacceptable glare that detracts from the amenity of nearby residences.
- G19. Signs on the northern elevation of the building shall not be illuminated.
- G20. All supermarket trolleys must be coin operated to minimise the impact to surrounding residential areas. A trolley collection plan from the surrounding residential area must also be implemented by the supermarket as part of the on-going operations of the supermarket.

H Other Agency Conditions

NEW SOUTH WALES POLICE SERVICE

The following conditions have been imposed on the recommendation of the New South Wales Police Service and details must be provided to Council prior to the issue of an occupation certificate from an appropriately qualified person demonstrating compliance with these requirements where appropriate.

- H1. The trading hours for the liquor store are restricted to 9am to 9pm.

- H2. CCTV must be located within the interior of the supermarket and car park area. The quality of the installation should be of a high quality digital system which allows a back up system of a minimum 28 days.
- H3. CCTV must be of a standard that prevents lighting, or natural lighting from interfering with the quality captured on the system.
- H4. Australia and New Zealand Lighting Standard 1158 - must be used throughout the development.
- H5. Landscaping close to the building must be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building.
- H6. A street sign shall be prominently displayed at the front of the development clearly identifying the street name and number.
- H7. A graffiti management plan (GMP) shall be incorporated into the maintenance plan for the development. The GMP shall include strategies for the quick removal of graffiti within a forty-eight hour period following a graffiti attack.
- H8. The number of entry/exit points to unauthorised areas shall be restricted, with clear and concise signs designating 'staff only' located at entrances to areas not to be accessed by the public. i.e. staff, cash and loading bay areas.
- H9. A monitored intruder alarm system designed to the relevant Australian Standard for Domestic & Commercial Alarm Systems shall be installed to enhance the physical security of the business.
- H10. A supplementary alarm system such as Global Satellite Mobile (GSM) or Radio Frequency (RF) systems must be installed in order to transmit alarm signal by either mobile telephone or radio frequency in the event that telephone lines are cut in order to prevent alarms being reported to the security monitoring company.
- H11. A floor or wall safe in accordance with relevant Australian Standards must be installed.
- H12. Fire Exit doors for the development shall be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorised access to the development.
- H13. Staff access control treatments including electronic access control equipment to enhance physical security must be installed.

ROADS AND TRAFFIC AUTHORITY

- H14. The developer shall implement the following works at the Manning Street/Kent Street intersection:
 - (a) A raised central concrete median shall be provided to close the gap on Manning Street to restrict traffic movements left in/left into and out of Kent Street. Part of the median shall be constructed to a lower profile to allow right turn movements for ambulances only.
 - (b) Changes to line marking and signage are required on the approaches to and at the intersection to reinforce the above turn restrictions.
- H15. All works shall be designed and constructed in accordance with the Austroads Guide to Road Design and the relevant Australian Standards, to the satisfaction of the RTA.

- H16. All works shall be carried out at full cost to the developer and at no cost to the RTA or Council.
- H17. The developer will be required to enter into a Works Authorisation Deed (WAD) with the RTA. In this regard the developer is required to submit concept and detailed design plans all relevant additional information, as may be required in the RTA's WAD documentation, for each specific change to the classified (State) road network for the RTA's assessment and final decision concerning the work.

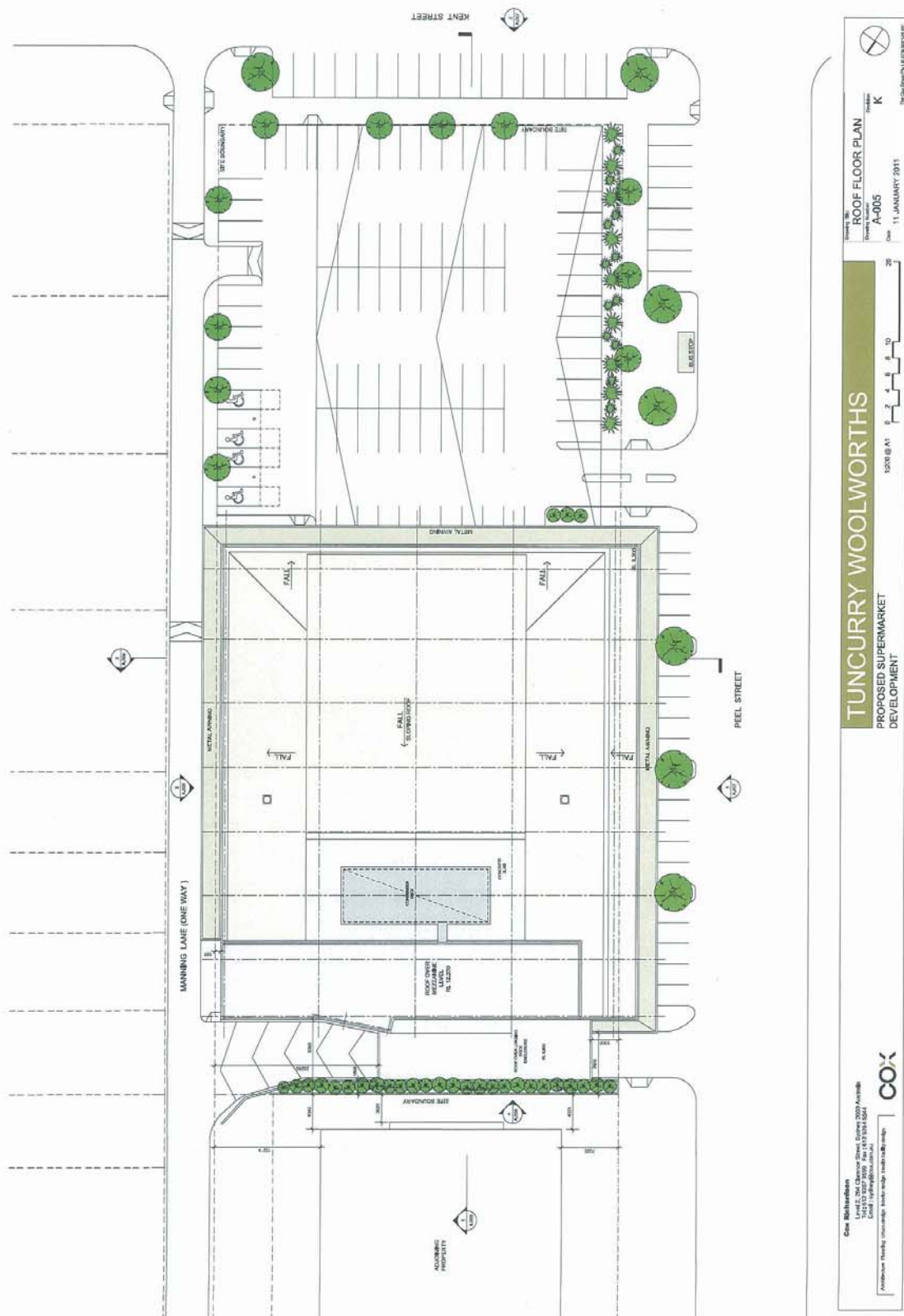
Comment: It is requested that Council advise the developer that the conditions of consent set by Council do not guarantee the RTA's final consent to the specific road works, traffic control facilities and other structural works, for which it is responsible, on the road network. The RTA must provide a final consent for each specific change to the classified (State) road network prior to the commencement of the work.

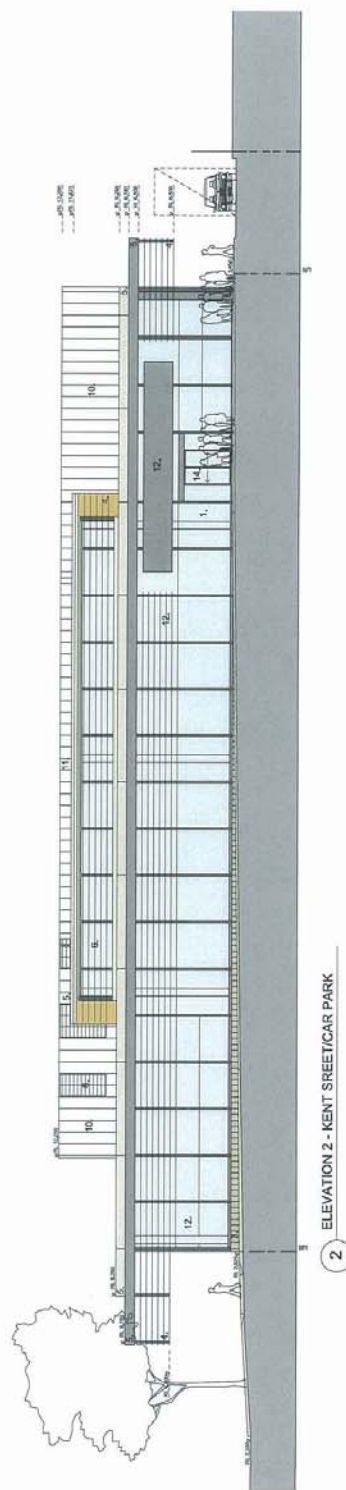
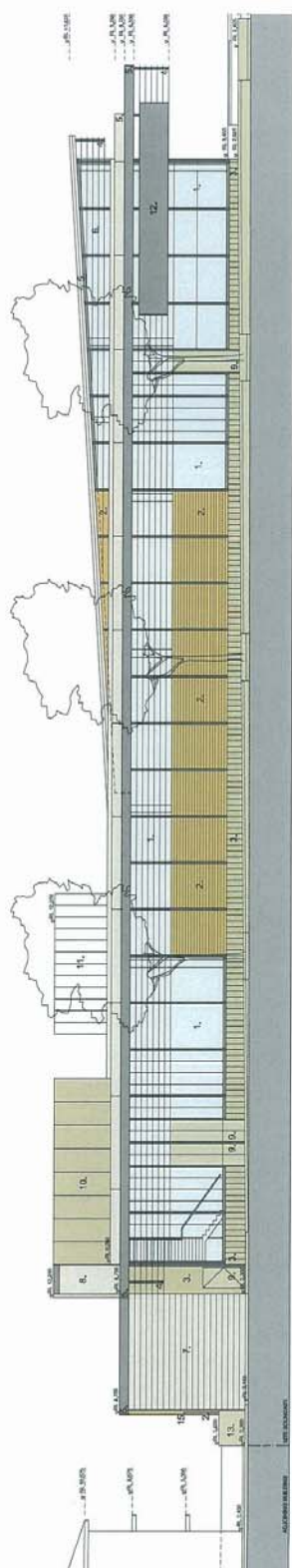
- H18. The WAD shall be executed prior to granting a construction certificate for the proposed development.
- H19. All road works under the WAD shall be completed prior to issuing an Occupation Certificate (interim or final) for the proposed development.

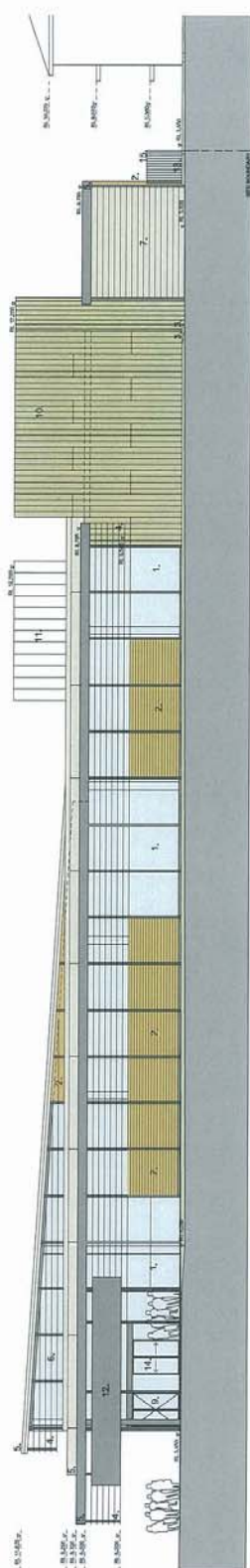
MIDCOAST WATER

- H20. A Certificate of Compliance is to be received from MidCoast Water prior to the release of this development for construction, stating that satisfactory arrangements have been made and have been finalised for the provision of water supply and sewerage to the development.
- H21. A Certificate of Compliance is to be received from MidCoast Water prior to the release of this development for occupation, stating that satisfactory arrangements have been made and have been finalised for the provision of water supply and sewerage to the development.

APPENDIX B – Plans and Elevations





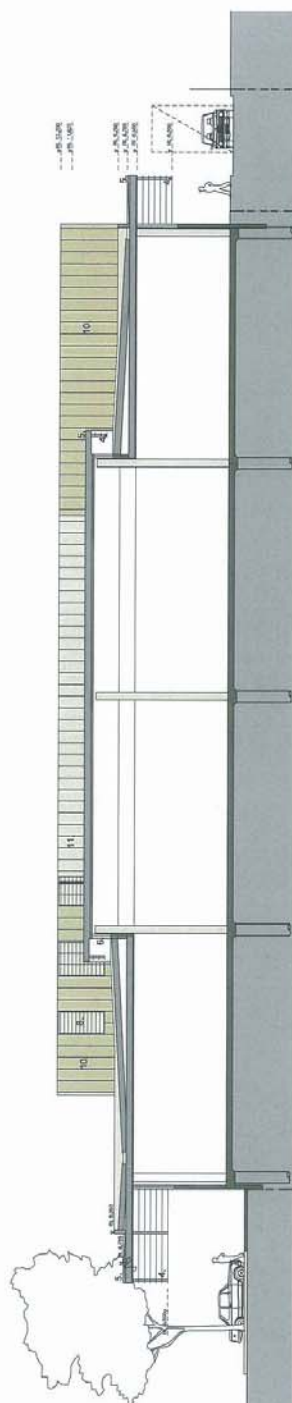
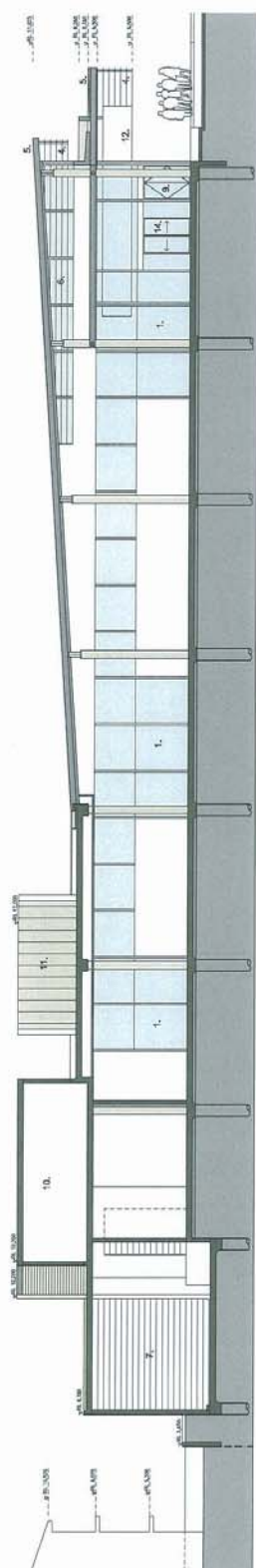


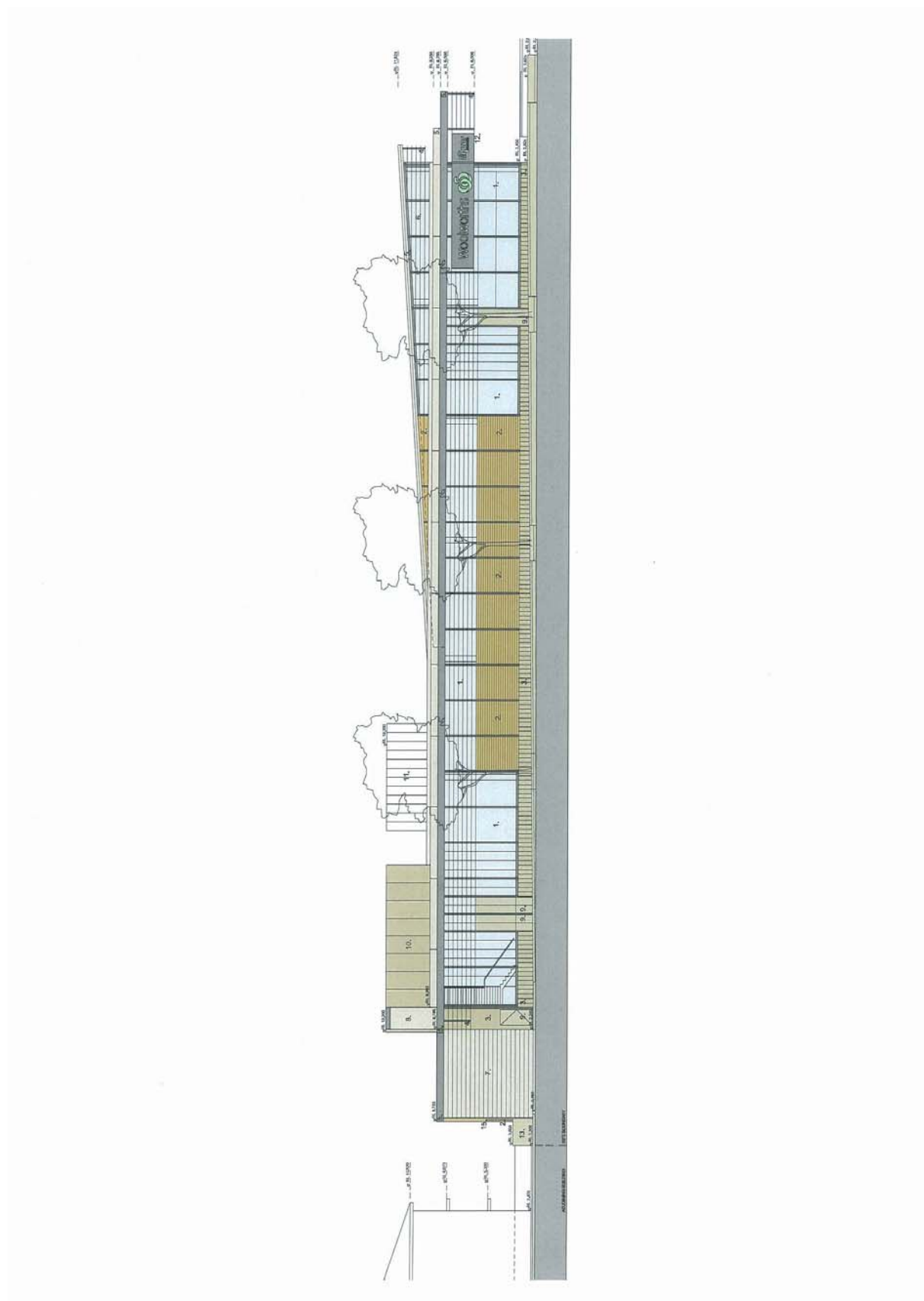
3 ELEVATION 3 - MANNING LANE



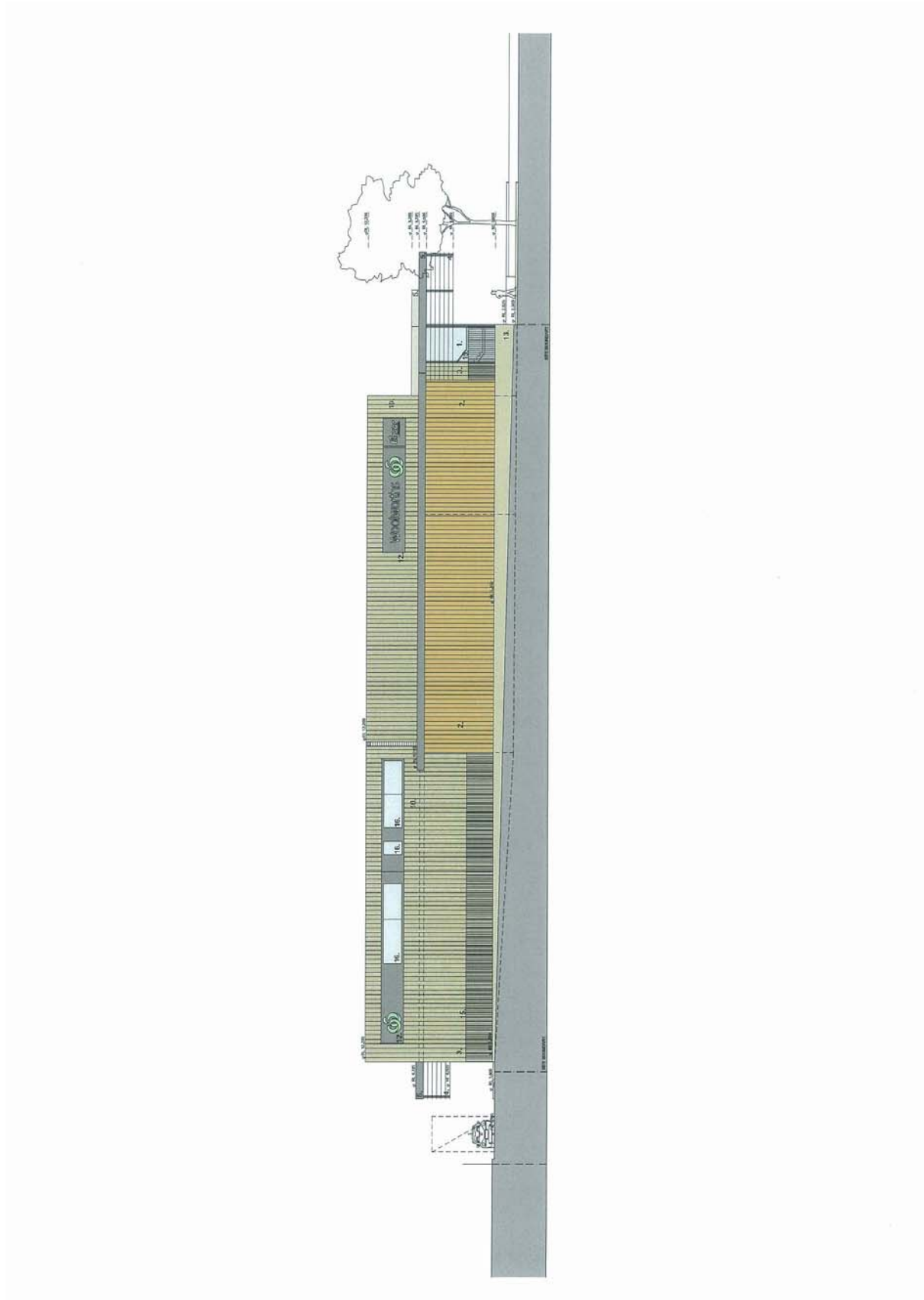
2 ELEVATION 4 - LOADING DOCK

Gens Richardson
 Level 2, 204 Bouverie Road, Sydney 2000, Australia
 Tel: +61 (0)2 9240 1234
 Email: g.richardson@gens.com.au
 Project: Pineside Urban Village, Bayside Village, NSW 1585, Sydney
 COX
 ELEVATIONS (SHEET 2)
 Drawing No: A-008
 Date: 22 FEBRUARY 2011
 Scale: 1:100 @ A1
 0 1 2 3 4 5 10













APPENDIX C – Referral Comments

Comments from External Agencies

Agency	Comments
NSW Roads and Traffic Authority	Refer attached letter dated 3 March 2011 - conditions included in APPENDIX 'A'
MidCoast Water	Refer attached letter dated 24 January 2011 - conditions included in APPENDIX 'A'
New South Wales Police Service	Refer attached letter dated 24 January 2011- appropriate conditions included in APPENDIX 'A'
Country Energy	Refer attached letter received 2 February 2011- appropriate condition included in APPENDIX 'A'

Comments from Internal Departments and Committees of Council

Department	Comments
Environmental Health Officer	Refer attached memo dated 29 March 2011 - recommended conditions included in APPENDIX 'A'
Traffic Engineer	Refer attached memo dated 23 March 2011
Senior Ecologist	Refer attached memo dated 21 March 2011 - recommended conditions included in APPENDIX 'A'
Senior Development Engineer	Refer attached memo dated 25 March 2011 - recommended conditions included in APPENDIX 'A'
Manager, Natural Systems	Refer attached memo dated 18 March 2011
Manager, Building Assessments	Refer attached memo dated 18 March 2011 - recommended conditions included in APPENDIX 'A'
Manager, Waste, Health and Regulatory Services	Refer attached memo dated 23 March 2011 - recommended conditions included in APPENDIX 'A'
Manager, Economic Development	Refer attached memo dated 29 March 2011
Great Lakes Council Access Committee	Refer attached Minutes dated 7 February 2011

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11/231, 11/237
BK



GREAT LAKES COUNCIL
- 4 MAR 2011
RECEIVED RECORDS

General Manager
Great Lakes Council
PO Box 450
FORSTER NSW 2428

Attention: Mr David Pirie

MANNING STREET (MR 692): SUPERMARKET, LOT 1 DP305223, LOTS 1-2 DP577194, LOT 4 SEC 5 DP759005, LOT 5 AND 11-13 DP416145, LOT 1 DP591283, CORNER OF PEEL STREET, KENT STREET AND MANNING LANE, TUNCURRY (DA-312/2011)

Dear Mr Pirie,

I refer to your letter dated 15 February 2011 (Your reference: DA 312/2011), regarding the subject development application forwarded to the Roads and Traffic Authority (RTA) for its requirements under *State Environmental Planning Policy (Infrastructure) 2007* and consideration by the Hunter Regional Development Committee (HRDC).

The RTA's primary interests are in the road network, traffic and broader transport issues, particularly in relation to the efficiency and safety of the classified road system, the security of property assets and the integration of land use and transport.

In accordance with the *Roads Act 1993*, the RTA has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. Manning Street (MR692) is a classified (State) Road. RTA concurrence is required for connections to the road with Council consent, under Section 138 of the Act. RTA consent is required for traffic control signals and facilities under Section 87 of the Act. Council is the roads authority for this road and all other public roads in the area.

As discussed on 25 February 2011, it is considered that there is no need for this development to be referred the HRDC. Council is able to resolve local road traffic issues and the RTA will address State road issues associated with the proposed development, in this instance.

RTA Response and Requirements

The RTA has reviewed the information provided and has no objections to the proposed development, provided the following matters are addressed and included in Council's conditions of development consent:

- The developer shall implement the following works at the Manning Street / Kent Street intersection:
 - A raised central concrete median shall be provided to close the gap on Manning Street to restrict traffic movements left in / left into and out of Kent Street. Part of the median

Roads and Traffic Authority

59 Darby Street Newcastle NSW 2300
Locked Bag 30 Newcastle NSW 2300 DX7813
www.rta.nsw.gov.au

SCANNED RECORDS

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shall be constructed to a lower profile to allow right turn movements for ambulances only.

- Changes to linemarking and signage are required on the approaches to and at the intersection to reinforce the above turn restrictions.
- All works shall be designed and constructed in accordance with the Austroads Guide to Road Design and the relevant Australian Standards, to the satisfaction of the RTA.
- All works shall be carried out at full cost to the developer and at no cost to the RTA or Council.
- The developer will be required to enter into a Works Authorisation Deed (WAD) with the RTA. In this regard the developer is required to submit concept and detailed design plans and all relevant additional information, as may be required in the RTA's WAD documentation, for each specific change to the classified (State) road network for the RTA's assessment and final decision concerning the work.

Comment: It is requested that Council advise the developer that the conditions of consent set by Council do not guarantee the RTA's final consent to the specific road work, traffic control facilities and other structures works, for which it is responsible, on the road network. The RTA must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.

- The WAD shall be executed prior to granting a Construction Certificate for the proposed development.
- All road works under the WAD shall be completed prior to issuing an Occupation Certificate (interim or final) for the proposed development.

On Council's determination of this matter, it would be appreciated if a copy of the Notice of Determination is forwarded to the RTA for record and / or action purposes.

Please contact me on (02) 4924 0240 if you require further advice.

Yours sincerely,



Dave Young
Manager, Land Use Development
Infrastructure Services
Hunter Region

3 March 2011

SCANNED RECORDS



Our Ref: 17914

PO Box 671
Taree NSW 2430
Telephone: 6591 7518
Fax: 6555 8516
24-Jan-2011

Great Lakes Council
C/- Projects and Infrastructure
Level 1, 151 Macquarie Street
Sydney NSW 2000

Dear Sir or Madam:

RE: Proposed Full Line Supermarket - Cnr Peel Street, Kent Street & Manning Lane

MidCoast Water has assessed the above Development Application for water and sewerage requirements and makes the following comments regarding the proposed development:

- The proposed development can be served by MidCoast Water's sewer mains & water mains.
- The existing sewer mains crossing the site will be required to be removed and capped at the manholes in Manning Lane. This will need to be completed by a suitably accredited contractor and inspected by a MidCoast Water Inspector. Please find attached plan showing mains to be capped. Please contact MidCoast Water's Subdivision Inspector Lance Fletcher on 02 6591 7519 at least seven days in advance of the anticipated date of the commencement of removal of the sewer of your proposed contractor and subcontractor to undertake the work to arrange inspections..
- The existing sewer Junction servicing Lot 1 DP305223 site will be required to be capped for possible future use and inspected. Please contact MidCoast Water's Subdivision Inspector Lance Fletcher on 02 6591 7519 to arrange inspection. Please find attached plan showing junction to be capped.
- Hydraulic plans will be required to be submitted and accepted in principle by MidCoast Water prior to any commencement of construction. Upon receipt of acceptable hydraulic plans plumbing inspection fees water service application fees and fire service application fees can be calculated. Upon completion digital dwg work as completed plans for the internal water supply, fire service and drainage lines will be required to be submitted and accepted by MidCoast Water.
- Prepare an Integrated Water Cycle Management Strategy for the overall development which considers water supply, recycling, sewage, stormwater and catchment management interactions of the urban water cycle issues.

SCANNED RECORDS

Numerous water services will be required to be capped and removed. MidCoast Water is responsible for the removal of all services at the cost of the developer. Upon receipt of a list of a list of lots on which the meters are to be removed a quote can be arranged for removal of meters.

MidCoast Water has a Liquid Trade Waste Policy in place that regulates the discharge of liquid wastes to MidCoast Water's sewer. The policy stipulates maximum strengths and quantities of pollutants that may be placed in MidCoast Water's sewers. All liquid waste other than domestic waste is considered liquid trade waste. Please contact MidCoast Waters Trade Waste Officer Linda Brook-Franklin on 02 6592 4826 to arrange a site meeting to discuss your requirements. Please find Form Attached.

• MidCoast Water has a building near sewers policy relating to the construction of buildings and other structures near MidCoast Water's sewer and water mains. The development is affected by a sewer main servicing the lot:

This sewer main runs along Manning lane 2.80 m from the boundary. The line is 1.75m deep at manhole with a zone of influence of 4.4m. The proposal is affected by this line.

Plans from a Certified Structural Engineer detailing the footings in a manner as detailed in MidCoast Water's Building Near Sewers policy are required. These plans must be stamped and accepted by MidCoast Water prior to the construction of any footings.

The existing sewer easement crossing Lot 2 DP577194 will be required to be extinguished prior to the construction commencement at this time all the lots are to be combined into one lot and DP. MidCoast Water will be required to sign the extinguishment of the easement.

The submission of a copy of the linen plans of the subdivision that are suitable for registration at Land & Property Information NSW, including a copy of any Instrument created under Section 88B of the Conveyancing Act 1919 with reference to water supply or sewerage and benefiting MidCoast County Council. All costs associated with the acquisition and/or compensation for the creation and transfer of easements are to be that of the developer.

Water and sewerage development charges & Fees are applicable to each allotment to be served by water supply and sewerage. Any development larger than one equivalent tenement (1 ET) will attract these charges. The development charge fund is used to offset the costs of augmenting MidCoast Water's infrastructure as a result of increased demand to its water supply and sewerage systems.

SCANNED RECORDS

The current amount of water and sewerage development charges & fees applicable to this development is as follows:

Total Lots Created		=	8.024 ET
Allowance for existing Lots Water		=	7.000 ET
Allowance for existing Lots Sewer		=	6.000 ET
<u>Total ET Water</u>		=	1.024 ET
<u>Total ET Sewer</u>		=	2.024 ET
Water Development Charge	1.02 @ \$5,335.00	=	\$5,463.04
Sewer Development Charge	2.02 @ \$8,394.00	=	\$16,989.46
<u>Total</u>		=	\$22,452.50
Sewer Removal and Capping Inspections		=	\$88.00
Water service disconnections		=	TBD
Assessment Fees Quote		=	\$1,057.50
New water Services		=	TBD
New Fire Service		=	TBD
Plumbing Inspections Sewer		=	TBD
Plumbing Inspections Water		=	TBD
Trade Waste		=	TBD

Note that development charge rates and Fess are reviewed each financial year and new rates become applicable each July 1. The charges are to be paid at the rate applicable at the time of payment.

SCANNED RECORDS

Accordingly, MidCoast Water has requested Great Lakes Council to place the following consent conditions on any Development Approval given:

Provision of Certificate of Compliance For Construction

A Certificate of Compliance is to be received from MidCoast Water prior to the release of this development for construction, stating that satisfactory arrangements have been made and have been finalised for the provision of water supply and sewerage to the development.

Provision of Certificate of Compliance For Occupation

A Certificate of Compliance is to be received from MidCoast Water prior to the release of this development for Occupation, stating that satisfactory arrangements have been made and have been finalised for the provision of water supply and sewerage to the development.

Provision of Certificate of Compliance for Subdivision

A Certificate of Compliance is to be received from MidCoast Water prior to the release of this subdivision, stating that satisfactory arrangements have been made and all payments have been finalised for the provision of water supply and sewerage to the development.

MidCoast Water requires that the following conditions be met prior to the issue of a Certificate of Compliance to Great Lakes Council:

1. Water Supply and Sewerage Construction Plans

The submission of water supply and sewerage construction plans in accordance with MidCoast Water's Technical Guidelines. These plans need to be approved by MidCoast Water before construction commences. All costs associated with the provision of water supply and sewerage to the subdivision is to be met by the developer.

SCANNED RECORDS

2. Trade Waste Application

The operator of the development must enter into a Trade Waste Agreement with MidCoast Water prior to the release of the construction certificate.

3. Supervision Fees Sewer

The payment of engineering supervision fees at the rate payable at the time of submission of plans complying with Condition 1.

4. Plans of Subdivision

The submission of a copy of the linen plans of the subdivision that are suitable for registration at Land & Property Information NSW, including a copy of any Instrument created under Section 88B of the Conveyancing Act 1919 with reference to water supply or sewerage and benefiting MidCoast County Council. All costs associated with the acquisition and/or compensation for the creation and transfer of easements are to be that of the developer.

5. Hydraulic Plans

Hydraulic plans will be required to be submitted and accepted in principle by MidCoast Water prior to any commencement of construction. Upon completion digital dwg work as completed plans for the internal water supply, fire service and drainage lines will be required to be submitted and accepted by MidCoast Water.

6. Engineering Plans

Plans being submitted from a Certified Structural Engineer detailing the footings in a manner as detailed in MidCoast Water's Building Near Sewers policy. These plans should be stamped as approved by MidCoast Water prior to the construction of any footings.

7. IWCM

Prepare an Integrated Water Cycle Management Strategy for the overall development which considers water supply, recycling, sewage, stormwater and catchment management interactions of the urban water cycle issues.

CANNED RECORDS

8. **Water & Sewerage Development Charges & Fees**

That all satisfactory arrangements have been made with MidCoast Water for the payment of water and sewerage development charges & Fees. **The amount is to be paid at the rate applicable at the time of payment.** The contribution is based on an additional 2.024 ET

Once the above issues have been clarified a Certificate of Compliance can be issued for the above development.

Should you require further information please contact me on (02) 6591 7518.

Yours faithfully

.....
Mark Parry
Technical Officer

Cc: Great Lakes Council

NED RECORDS

DA 312/2011

DA 312/2011 – New Full-Line Supermarket, Tuncurry

1

Manning Great Lakes Crime Management Unit

Police Station, Taree. 2430
Telephone 02 65520317
Fax 02 65520311



GREAT LAKES COUNCIL

- 2 FEB 2011

RECEIVED RECORDS

Mr David Pirie
Great Lakes Council
Breeze Parade
Forster NSW 2428

RE: Development Application DA 312/2011 for new Full-Line Supermarket at Peel Street, Tuncurry

On 12 January, 2011 a Safer by Design Evaluation was conducted on a new Full-Line Supermarket redevelopment at Peel Street, Tuncurry.

In April 2001 the NSW Minister for Planning introduced Crime Prevention Guidelines to Section 79C of the Environmental Planning and Assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. 'If a development presents a crime risk, the guidelines can be used to justify modification of the development to minimize crime risk, or, refusal of the development on the grounds that crime risk cannot be appropriately minimised'.

The Guidelines contain two parts. 'Part A details the need for a formal crime risk assessment (Safer by Design Evaluation) to be done in conjunction with trained police, and Part B outlines basic Crime Prevention Through Environmental Design (CPTED) principles and strategies that can be used by consent authorities to justify the modification proposals to minimize risk'. (DUAP 2001:2).

Crime Prevention Through Environmental Design (CPTED)

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

Predatory offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension).
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime)
- Minimise the actual and perceived benefits of crime (removing, minimizing or concealing crime attractors and rewards) and

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- Minimise excuse making opportunities (removing conditions that encourage/facilitate rationalization of inappropriate behaviour)

CPTED employs four key strategies. These are surveillance, access control, territorial re-enforcement and space/activity management.

Site Description

The proposed development comprises the construction of a full-line supermarket which consists of a two storey building located on the corner of Kent and Peel Streets, Tuncurry. The proposal consists of a ground floor supermarket and liquor store with staff amenities and associated offices up stairs. The development also incorporates the following:

- i. the demolition of existing buildings at 17, 21 & 23 Peel Street, and 3-5 Kent Street.
- ii. Demolition of existing car park at 19-23 Peel Street;
- iii. Construction of an open air car park and reconstruction of Peel and Kent Streets to accommodate car parking with a capacity for 138 Vehicles.
- iv. Erection of a commercial sign on each elevation of the building (four signs in total);
- v. Construction of an enclosed loading dock on the western side of the supermarket;
- vi. Construction of associated drainage and stormwater treatment infrastructure.

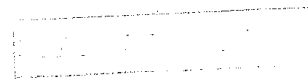
Trading hours for the Supermarket are from 6am to midnight, daily. The trading hours for the Liquor Store are not known at this stage. It is the Police proposal that trading hours for the Liquor Store be restricted to 9am to 9pm. This is requested due to the fact that, in nearby areas, when Liquor Sales outlets open prior to this time, antisocial and intimidatory behaviour is prevalent in the vicinity of the outlets, and similar behaviour occurs around outlets in the later evening, after the proposed police closing time.

As this development is exclusively retail, there may be some concerns during hours of darkness, particularly when the supermarket is closed. The car park of the development is generally to the south of the building. The development is located within an area bounded by a town shopping centre (Tuncurry) to the east, and residential areas to the north, south and west. The incidents of crime at the existing shopping centre have been historically low, however there have been instances of break and enter and malicious damage offences (broken/smashed windows, graffiti) on the shops located in the existing shopping centre. Nearby is a Hotel, Registered Club and two bottle shops. This needs to be borne in mind with this new development.

Site Risk Rating

The NSW Police Safer by Design Evaluation process is based upon Australia and New Zealand Risk Management Standard ANZS4360:1999. It is a contextually flexible, transparent process that identifies and quantifies crime hazards and location risk. Evaluation measures include crime likelihood (statistical probability), consequence (crime outcome), distributions of reported crime (hotspot analysis), socio-economic conditions (relative disadvantage), situational hazards and crime opportunity.

After conducting this process the rating for this development has been identified as, Medium crime risk.



With this in mind the following Crime Prevention Through Environmental Design (CPTED) treatments should be considered for the development in order to reduce opportunities for crime.

- Natural
- Technical/Mechanical (low)
- Organised (low)

Surveillance

Natural surveillance is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting. Natural surveillance is a by-product of well-planned, well-designed and well-used space. Technical/mechanical Surveillance is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels. Technical/mechanical surveillance is commonly used as a 'patch' to supervise isolated, higher risk locations. Formal (or Organised) Surveillance is achieved through the tactical positioning of guardians. An example would be the use of on-site supervisors at higher risk locations.

General Comments:

- Entry points should be designed so as to maximise surveillance opportunities to and from these areas from both inside as well as outside.
- Use of Closed Circuit Television (CCTV) can assist in detecting crime and act as a deterrent to would be offenders.
- The placement and orientation of common entry areas such as foyers, lobbies and lifts should maximise opportunities for natural supervision by caretakers, tenants and other guardians.
- Laminated glass walls and windows facilitate supervision of common entry areas.
- It is anticipated that the major crime issues affecting this development will involve steal from unattended motor vehicles, stolen motor vehicles, malicious damage (graffiti) and stealing from retail store (Shop lifting)

Specific Design Comments:

- There is no information in regard to quality of any proposed CCTV within the building and car park areas. The CPTED assessment does, however, state that CCTV installed for the store should also monitor the back dock entries and exit, as well as the external areas around the entry from Manning Lane and along the Manning lane frontage of the building.

Recommended Conditions of Consent:

- CCTV should be considered within the interior of the supermarket and car park area. The quality of the installation should be of a high quality digital system which allows a back up system of a minimum 28 days.
- Any CCTV be of a standard that prevents lighting, or natural lighting, from interfering with the quality captured on the system.

- Height of internal shelving should be considered to allow staff surveillance opportunities of potential shoplifters.
- Over use of promotional material on supermarket windows should be discouraged. This allows natural surveillance by non patrons being able to see inside the store.
- All car parking directly surrounding the building towards the building should be nose in, increasing external surveillance.

Lighting

There is a proven correlation between poor lighting, fear of crime, the avoidance of public places and crime opportunity (Painter, 1997). Good lighting can assist in increasing the usage of an area. There is no information with the plans, which were reviewed to indicate the lighting proposals for the development.

General Comments:

- Lighting should be designed to the Australian and New Zealand Lighting Standards.
- A lighting maintenance policy needs to be established for the development.
- Australia and New Zealand Lighting Standard 1158 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.

Specific Design Comments:

- The only information in relation to lighting is that a flood light should be put in place which is directed to Dolphin Arcade to highlight its use at night, and,
- The exit alcoves are to be lit to minimise concealment opportunities.
- It is recommended that further information be obtained to ensure all pedestrian pathways, car parks and other related areas are appropriately lit.

Recommended Conditions of Consent:

- Australia and New Zealand Lighting Standard 1158 – must be used throughout the development.

Landscaping

Landscaping can be used to enhance the appearance of the development and assist in reducing opportunities for vandalism. However, landscaping can also provide concealment or entrapment areas for people involved in criminal behaviour.

General Comments:

- Some predatory offenders, particularly rapists, seek pockets and enclosures created by vegetation/landscaping. When selecting and maintaining vegetation, consideration should be given to the possibility of areas becoming entrapment sites in the future.
- A safety convention is to have 3 - 5 metres of cleared space on either side of pathways and bicycle routes. Thereafter, vegetation is stepped back in height to maximise sightlines.
- A safety convention for vegetation is: lower tree limbs should be above average head height, and shrubs should not provide easy concealment.

Specific Design Comments:

- The proposed landscaping should be subject to regular maintenance to ensure that site lines are maintained.

Recommended Conditions of Consent:

- Landscaping close to the building should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building.

Territorial Re-enforcement

Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it. Territorial Re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

General Comments:

- The boundaries of the development are reasonably well defined and re-enforced by fencing or walls.
- There is no information to indicate signage, which might be used in and around the development. Confusion resulting from vague entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. Entries should be legible and inviting.
- Car park design and definitional legibility can help (or hinder) way finding. Knowing how and where to enter, exit and find assistance can impact perceptions of safety, victim vulnerability and crime opportunity. Signage should reinforce (not be an alternative to) effective design.

Specific Design Comments:

- There do not appear to be any adverse design faults which affect the Territorial Re-Enforcement of the redevelopment.

Recommended Conditions of Consent:

- A street sign should be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No.8.
- Signage also needs to be provided at entry/exit points and throughout the development to assist users and warn intruders they will be prosecuted.
- Signage needs to be provided within the car park to provide way finding to users of these areas.

- Signage also needs to be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only.

Environmental Maintenance

All space, even well planned and well-designed areas need to be effectively used and maintained to maximize community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

General Comments:

- It is indicated in the Development Application that a graffiti management program should be adopted, whereby any graffiti on the building or site is removed immediately.

Specific Design Comments:

- As malicious damage (graffiti) is often an offence caused to such developments strong consideration must be given to the use of graffiti resistant materials, particularly on the fences, ground floor and areas which are accessible by other structures to reduce such attacks or assist in the quick removal of such attacks.

Recommended Conditions of Consent:

- A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally with a forty-eight hour period.

Space/Activity Management

Space/Activity management strategies are an important way to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

General Comments:

- As stated previously the area to the east of the development is the Tuncurry shopping centre. In that area are a number of premises that operate after business hours, being restaurants, licensed premises and bottle shops.
- It is also highly likely that the car park areas of the development will be used as a thoroughfare for residents moving from residential premises to the north, south and west to areas on the eastern side of the development.

Specific Design Comments:

- There appears to be no pedestrian access throughout the car park. With disabled spaces nominated, this may cause some vehicular and pedestrian conflict in the area. Designated routes should be considered.

Recommended Conditions of Consent:

- The number of entry/exit points to unauthorized areas should be restricted.
- Clear and concise signage designating staff only at entrances to areas not to be accessed by the public. I.e. staff, cash and loading bay areas.
- Shelving should be a maximum 1.5 metres high.
- The shelving should be positioned to allow the store attendants uninterrupted views of the interior of the store.

Access Control

Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development. Way-finding, desire-lines and formal/informal routes are important crime prevention considerations.

Access control is used to increase the time and effort required to commit crime and to increase the risk to criminals. Natural access control includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens. Technical/Mechanical access control includes the employment of security hardware and Formal (or Organised) access control includes on-site guardians such as employed security officers.

General Comments:

- Traffic and access controls are well addressed on Page 56 of the Statement of Environmental effects in relation to the development.
- Natural ladders are building features, trees or nearby structures that can help a criminal to climb to balconies, rooftops, ledges and windows.

Specific Design Comments:

- Reinforced glazing should be considered on the exterior display windows on the fit out along with reinforced glazing on the main entry sliding doors to discourage break ins through these areas.
- Bollards or appropriate planter boxes should be considered on the front Manning Lane entrance to discourage ram raid type offences.
- Reinforced glazing should be considered on the exterior display windows, especially in the Liquor Store and Coolroom area, along with reinforced glazing on the main entry sliding doors to discourage break ins through these areas.

Recommended Conditions of Consent:

- A monitored intruder alarm system designed to the Australian Standard, Domestic & Commercial Alarm Systems AS: should be installed to enhance the physical security of your business.
- As a number of business premises have had telephone lines cut to prevent alarms being reported to the security monitoring company, a supplementary system such as Global Satellite Mobile (GSM) or Radio Frequency (RF) systems should be used to transmit alarm signal by either mobile telephone or radio frequency.
- A floor or wall safe subject to Australian Standards should be installed.
- Fire Exit doors for the development should also be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- Consideration should also be given to enhancing the staff access control treatments with electronic access control equipment to enhance physical security.

Conclusion

The New South Wales Police have a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this evaluation, any person who does so acknowledges that:

1. It is not possible to make areas evaluated by the NSWP absolutely safe for members of the community or their property
2. It is based upon the information provided to the NSWP at the time the evaluation was made,
3. The evaluation is a confidential document and is for use by the consent authority or organizations referred to on page 1 only,
4. The contents of this evaluation are not to be copied or circulated otherwise that for the purposes of the consent authority or organization referred to on page 1.

The NSW Police hopes that by using the recommendations contained in this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.

We would like to thank you for the opportunity of inspecting the plans for this development and should you require further information on the subjects mentioned within this report feel free to contact Senior Constable Ray Slade, Crime Prevention Officer, Manning Great Lakes LAC, Phone 65520317.

Yours sincerely



Senior Constable Ray Slade
Crime Prevention Officer
Manning Great Lakes L.A.C.
24 January, 2011

DA 312/2011

countryenergy

Ref: PL:GLC

Mr David Pirie
Great Lakes Council
Po Box 450
Forster, NSW 2428

GREAT LAKES COUNCIL
- 2 FEB 2011
RECEIVED RECORDS

Dear David

WOOLWORTHS TUNCURRY PROPOSAL DA 312/2011

Thank you for your letter of 5 January regarding this development.

Country Energy has no specific objections to the project based on the information supplied. There is an existing overhead high voltage (11,000 volt) powerline along Peel St, which would provide a point of connection for the proposed substation. Any alterations to the network in this area to facilitate the development will be at the cost of the applicant.

Further design information will be provided by Country Energy to the successful service provider when requested.

If further information is required please do not hesitate to contact me.

Yours sincerely



Piet Litjens
Planning Protection and Customer Connection MNC

P0 Box 718 Queanbeyan NSW 2620 Telephone: (02) 6539 4303 Facsimile: (02) 6539 4304 www.countryenergy.com.au

2126275.

TO David Pirie (Senior Assessment Planner)

CC

FROM Ryan Fenning, Environmental Health Officer

DATE 29 March 2011

SUBJECT DA 312/2011 - New Full-Line Supermarket

Hi David,

I refer to DA 312/2011 which seeks consent for a 'New Full-Line Supermarket' on the corner of Peel and Kent Street in Tuncurry. An internal referral of the DA and associated information has been sent to Council's Environmental Health Branch for comment.

A review of the DA, associated information and objections has revealed the following Environmental Health issues which require assessment:

- Noise;
- Odour;
- Air pollution;
- Food premises construction and fit-out; and
- Removal of asbestos.

A response in relation to each of the issues identified above has been included in the following section:

Noise

An Acoustic Assessment (AA) dated 22 December 2010 (Report Ref 8179-401.2) was completed by Hunter Acoustics in relation to the proposed supermarket. The AA was undertaken to determine compliance with the requirements of Protection of the Environment Operations Act 1997 and Department of Environment Climate Change and Water's (DECCW) Industrial Noise Policy (INP) (2000).

The AA includes:

- An assessment of existing background noise levels for the area;
- A review of refrigeration and air conditioning plant, delivery and dock operations and car park and traffic noise and their associated sound power levels;
- The determination of project specific noise level criteria at surrounding potentially affected receptor locations; and
- Recommended attenuation measures to achieve the project specific noise level criteria.

Further information/clarification in relation to the AA was requested and response letters dated 1 February 2011 and 4 March 2011 were received from Hunter Acoustics. The letters have been considered in the review of the AA:

The AA notes that:

The supermarket is located on the northern portion of the development site, directly adjacent to a multistorey residential building on SP12913 that contains a number of dwellings which abut the boundary and overlook the proposed supermarket and dock area.

The area is defined as urban in accordance with DECCW's INP and is subject to noise enhancing atmospheric conditions. However, Hunter Acoustics claim that due to the distance between the source and the receptor, meteorological noise enhancement will not occur.

Background noise levels were determined by data logging on site between the 10th and 20th November 2010, which were used to determine intrusive criteria. As the intrusive criteria was found to be stricter than the urban area amenity criteria, intrusive criteria was set as the project specific Noise Level Criteria.

According to Hunter Acoustics sound power levels measurements for activities such as dock operations and the unloading and manoeuvring of delivery vehicles have been previously taken by Hunter Acoustics, with levels used for modelling and assessment taken from their database. Hunter Acoustics also provide that mechanical plant sound emission levels have been sourced from the mechanical designer and, refrigeration and air conditioning condensers sound power levels and spectra have been determined from manufacturer's data.

Hunter Acoustics sound propagation modelling for all sources was conducted in CadnaA. According to Hunter Acoustics, *"CadnaA implements acoustic modelling in accordance with ISO 9613 for industrial noise CadnaA also implements noise modelling for car parks and access roads in accordance with LFuStudy 2007"*. Received sound levels at nearby residences have been included in the AA.

Section 8.1 'Mechanical Plant' and Section 8.2 'Site Noise Control' of Hunter Acoustics' AA provides recommendations for noise attenuation, which includes mechanical plant selection, installation and noise barrier requirements, loading dock construction requirements and site operational requirements. The AA claims that the predicted noise level associated with the development after treatment *"will successfully meet the requirement of the INP and will not become a source of offensive or intrusive noise for nearby residents"*. Conditions of consent require compliance with the AA and restrict delivery and waste collection times to ensure that noise associated with the supermarket is adequately controlled.

In addition to the attenuation measures specified in Section 8.1 'Mechanical Plant' and Section 8.2 'Site Noise Control' of Hunter Acoustics' AA, the following specific noise issues have been identified and considered:

- *Refrigeration and Air Conditioning Sound Spectrum;*

Hunter Acoustics in their AA stated that *'the sound spectrum from refrigeration and air-conditioning equipment has a specific component of its energy in the 125Hz band, which is known to create adverse sound levels within residences'*. Further information provided by Hunter Acoustics on 1 February 2011 reveals that while it is not likely to be considered offensive or intrusive at predicted levels, sound from plant may be audible within a residence on the top floor of SP12913. As roof top plant have the potential to operate at any time during the day, evening or night, conditions of consent requiring assessment of additional attenuation measures have been included to further protect the amenity of top floor residents at SP12913. Further attenuation measures to be assessed prior to the issue of a construction certificate, as suggested by Hunter Acoustics may include an additional barrier atop the roof of the mezzanine area or the application of acoustic louvers to the top of the plant area.

- *Loading Dock Roller Doors;*

The loading dock roller doors have been specifically considered by Hunter Acoustics in a response dated 1 February 2011. Consent conditions have been included that require the roller doors to be fitted with polytetrafluoroethylene (PTFE) or high density polyethylene (HDPE) linings to prevent metal on metal contact, as well as requiring that roller door tracks be maintained in good condition and lubricated with suitable grease at all times.

- **Loading Dock Fan;**

The issue of noise associated with loading dock exhaust fans was raised at the Hunter Central Coast Joint Regional Planning Panel (HCCJRPP) briefing meeting. Loading dock exhaust fans were not addressed in Hunter Acoustics original AA. Hunter Acoustics have subsequently considered noise from loading dock exhaust fans in a letter to Council dated 4 March 2011, and have recommended maximum sound power levels and attenuation measures for the fans which have been addressed through conditions of consent.

- **Loading Dock Truck Manoeuvres;**

It should be noted that one aspect of noise associated with the application that requires discussion is the manoeuvring of articulated vehicles into the loading dock. Since the preparation of the AA, it has been identified that in order for a 19 metre articulated vehicle to dock, it would be required to move through the loading dock to the edge of the kerb in Peel Street, to allow for it to reverse into the unloading position. Hunter Acoustics assessed this issue and provided a response letter dated 4 March 2011. Hunter Acoustics claim that up to 13 metres of the 19 metre vehicle may exit the dock area in this manoeuvre. Hunter Acoustics state that *'the short term noise level from the vehicle at the residences opposite the site on Peel Street are predicted to be over the range 53 – 58 dB(A) and the short term noise level at the worst location on the worst affected façade of SP12913 are predicted to be 56 – 61 dB(A)'*. Manoeuvring pantech type articulated vehicles will to some degree exceed the 55 L_{Aeq1 min} 'Target Noise Goal' outlined by Hunter Acoustics AA at SP12913 and possibly at residences opposite the site on Peel Street.

According to Hunter Acoustics, these levels are expected to occur for approximately 2 minutes per delivery event and are likely to occur up to six times per day and will not affect the L_{Aeq15min} Noise Level Criteria. Hunter Acoustics in their letter dated 4 March 2011 claim that these noise levels are consistent with existing light traffic sound levels on Peel Street and that *'the sound is not likely to be considered intrusive by nearby residents'*. A condition of consent restricting delivery times to within daytime hours has also been imposed.

Odour

Potential sources of odour associated with the development include emissions from the mini bakery, as well as from the cooking of chickens in the delicatessen. The floor plans provided for the development indicate that sufficient separation from potentially affected receptors should be achieved, with the delicatessen area being located adjacent to Manning Lane and the mini bakery being located in front of the loading dock. Conditions of consent requiring that the premises is not a source of offensive odour and that certification be provided from a mechanical engineer stating that the ventilation complies with (AS) 1668 *'The use of mechanical ventilation and air conditioning in buildings'* will be required prior to the issue of a construction certificate.

Air Pollution

Ventilation of the loading dock has been assessed by a mechanical services engineer. The mechanical services engineer confirms that the mechanical ventilation of the loading dock will comply with Australian Standard (AS) 1668 *'The use of mechanical ventilation and air conditioning in buildings'*. AS 1668 requires that *"all exhaust air and spill air shall be discharged to the atmosphere in such a manner as not to cause danger or nuisance to occupants in the building, occupants of neighbouring buildings or members of the public"*. A condition of consent requiring certification to be provided from a mechanical engineer stating that the ventilation complies with the AS will be required prior to the issue of a construction certificate.

It is also considered that exposure levels of gases to surrounding residences associated with the loading dock would be low compared to road traffic exposure, considering frequency and duration of deliveries.

Food Premises Construction and Fit-out

The proposed supermarket involves the construction of a number of food preparation and storage areas including a mini bakery, seafood section, delicatessen, produce area and butchery. Conditions of consent to ensure compliance with the Food Act, Food Standards Code and Australian Standard (AS) 4674-2004 Design, construction and fit-out of food premises have been included.

Removal of Asbestos

The application involves the demolition of five existing dwellings and associated structures located at 17 and 21 Peel Street and 3, 5 and 7 Kent Street. It is considered that all five properties contain asbestos based upon the age of the structures and the materials used for their construction. Conditions of consent requiring the safe removal and appropriate disposal of materials have been provided.

Key Objections

A review of received objections has revealed that the key concerns raised in relation to Environmental Health matters associated with this DA are:

- *Loading dock noise and proposed location;*

Noise associated with the loading dock has been assessed by Hunter Acoustics. Operation of vehicles on the access road and in the dock area, handling of materials (particularly bottles and waste materials) within the loading dock, voices of employees working in the loading dock area, operation of handling equipment (including pallet jacks etc) and the loading dock roller doors have been considered by Hunter Acoustics. Hunter Acoustics have advised in a letter dated 1 February 2011 that *'In order to conservatively assess the noise emissions from the supermarket the noise emissions from activities within the loading dock have been modelled using maximum noise levels emitted from noisy individual activities. The received noise levels from the individually noisy activities have been summed at the receivers even if they are not likely to occur simultaneously'*. Hunter Acoustics also state that *'the 15 minute LAeq will conservatively be not less than 5 dB(A) lower than the short term levels predicted in Figures 1a and 1b'*. Based upon Hunter Acoustics AA and supporting letters, it is considered that the operation of the loading dock in its proposed location will comply with the INP and the Noise Level Criteria set by Hunter Acoustics. However, as mentioned manoeuvring pantech type articulated vehicles will to some degree exceed the 55 L_{A01 1 min} Target Noise Goal.

- *Excessive hours of operation;*

Hunter Acoustics in their AA dated 22 December 2010 (Report Ref 8179-401.2) have considered noise emissions from the proposed supermarket during day, evening and night time periods. 'Noise Level Criteria' for day, evening and night time periods have been established by Hunter Acoustics in accordance with the DECCW's INP, and Hunter Acoustics claim that the *'noise levels from the proposed supermarket can be adequately controlled and will successfully meet the requirements of the INP and will not become a source of offensive or intrusive noise for nearby residents'*. Hunter Acoustics have not raised any issues associated with the proposed hours of operation. However, deliveries and loading dock operations will be restricted through conditions of consent as previously mentioned.

- *Waste collection service times;*

Hours of operation for the loading dock have been restricted through conditions of consent. Restrictions in relation to waste collection services have also been imposed through conditions of consent, ensuring that collection is only permitted in day time hours.

- *Loading dock fumes and garbage odour;*

As previously discussed, the mechanical services engineer confirms that the mechanical ventilation of the loading dock will comply with Australian Standard (AS) 1668 *'The use of mechanical ventilation and air conditioning in buildings'*. AS 1668 requires that *"all exhaust air and spill air shall be discharged to the atmosphere in such a manner as not to cause danger or nuisance to occupants in the building, occupants of neighbouring buildings or members of the public"*.

Officers Recommendation

That the information provided in this report be noted and the following conditions be imposed subject to consent being granted.

Conditions of Consent

Noise

1. Prior to the issue of a construction certificate attenuation measures for the refrigeration and mechanical plant (including vent fans) must be reviewed by an appropriately qualified person. A report stating that proposed equipment and attenuation measures comply or otherwise with the recommendations of Hunter Acoustics Acoustic Assessment dated 22 December 2010 (Report Ref 8179-401.2) must be provided to Council for approval. Any recommendations made shall be included as part of the final design.
2. Prior to the issue of a construction certificate an additional barrier atop the roof of the mezzanine area or the application of acoustic louvers to the top of the plant to reduce sound levels to top floor residents at SP12913 must be assessed by an appropriately qualified person. A report assessing the additional attenuation measures must be submitted to Council for approval. Any recommendations made shall be included as part of the final design.
3. Prior to the issue of a construction certificate, a report detailing the operation of the loading dock doors must be provided to Council for approval. The report must include operational procedures for the opening and closing of loading dock roller doors the arrival and departure of vehicles.
4. The noise attenuation methods recommended by Hunter Acoustics Acoustic Assessment dated 22 December 2010 (Report Ref 8179-401.2) are to be implemented **prior to the issue of any Occupation Certificate**.
5. One month after the use has commenced a report is to be submitted to Council from an appropriately qualified person. The report is to certify the installation of all noise attenuation methods, assess noise emission from the development, the effectiveness of the noise attenuation methods and compliance or otherwise with the Noise Level Criteria described by Hunter Acoustics Acoustic Assessment dated 22 December 2010 (Report Ref 8179-401.2). If necessary the report must detail additional noise attenuation measures required to achieve compliance.

Should additional attenuation measures be required to achieve compliance, they must be installed within 30 days of Council receiving the report and upon approval from Council. Subsequently, a suitably qualified person must certify that additional measures have achieved compliance.

6. Noise levels from the premises must not exceed those specified in Hunter Acoustics Acoustic Assessment dated 22 December 2010 (Report Ref 8179-401.2) at any residential premises: Intrusive noise levels are:
 - Day – 46dB(A) $L_{Aeq15min}$
 - Evening – 44dB(A) $L_{Aeq15min}$
 - Night – 37dB(A) $L_{Aeq15min}$
7. The installation and operation of the loading dock fan/s shall comply with the recommendations of Hunter Acoustics letter dated 4 March 2011.
8. Noise associated with the premises including all associated mechanical plant and equipment must not be a source of 'offensive noise' at the nearest affected premises:

"offensive noise" means noise:

 - (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
 - (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulation.

9. Deliveries to the premises must be restricted to one (1) vehicle at any one point in time.
10. The loading dock roller door tracks must be fitted with polytetrafluoroethylene (PTFE) or high density polyethylene (HDPE) linings prior to the issue of an occupation certificate.
11. The loading dock roller door tracks and linings must be maintained in good condition and lubricated with suitable grease at all times.
12. Loading dock roller doors shall only be permitted to be opened while a delivery vehicle or waste collection vehicle is entering or exiting the dock. Loading dock roller doors shall remain closed at all other times including while deliveries are being unloaded or waste is being collected.
13. Deliveries to the premises shall be restricted to the hours between 7am to 6pm Monday to Friday and 8am to 5pm on Saturday, Sunday and public holidays. (One daily bread van delivery only to the front door is permitted outside of these hours). The loading dock roller doors shall not be permitted to be opened at any time outside of these hours.
14. Garbage collection from the premises shall only be permitted between the hours of 7am to 6pm Monday to Friday and 8am to 5pm on Saturday, Sunday and public holidays.

Hours of Operation

1. Hours of operation shall be restricted to 6:00am to 12:00 midnight Monday to Sunday.

Odour

1. Odour associated with the premises must not be a source of 'offensive odour' at the nearest affected premises:

offensive odour means an odour:

- (a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.

Ventilation

1. A certificate from a mechanical ventilation engineer stating that all mechanical exhaust systems comply with Australian/New Zealand Standard AS/NZS 1668.1 and Australian Standard AS 1668.2 must be provided to Council prior to the issuing of an Occupation Certificate.

Fit-out of Food Premises

1. The food premises shall at all times comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standard 4674 - 2004 Design, construction and fit-out of food premises. A detailed floor plan demonstrating compliance with these requirements must be submitted to Council prior to the issue of a Construction Certificate.
2. A hand washing basin that is of an adequate size to allow hands and arms to be easily cleaned must be installed in all parts of the premises where open food is handled. Small domestic type hand wash basins are not adequate in commercial situations. The hand wash basins must be in addition to any wash-up sinks.
3. Hot and cold water to the hand wash basins shall be delivered through a hands free mixer tap. The hand basins shall be provided with liquid soap and single-use towels at all times.

4. A minimum of a single bowl sink and a commercial grade dishwasher or double bowl sink shall be provided in each area where food is prepared or handled and shall be connected to a continuous supply of hot and cold water. The pot size of the sinks must be adequate in size to effectively clean and sanitise the largest item of equipment.
5. All cupboards, benches and shelving must be constructed of materials that are smooth, impervious to moisture and able to be easily cleaned. Note: Particular attention must be made to the underside of the benches to ensure that they are constructed so they are impervious and can be easily cleaned.
6. Ceiling, wall and floor finishes in the food premises shall comply with AS 4674-2004 Design, construction and fit-out of food premises.
7. Ceiling lights shall be either installed flush with the ceiling surface or designed free from any features (such as ledges) that would harbour dirt, dust or insects or make the fitting difficult to clean.
8. Coving shall be installed at the intersection of floors with walls in the food premises in accordance with Australian Standard 4674-2004 Design, construction and fit out of food premises. Coving shall be integral to the surface finish of both floor and wall and installed in such a manner as to form a continuous uninterrupted surface.
9. Either a floor waste with a solids trap and stand alone tap or a cleaners sink (sluice sink) is to be provided in each food preparation area. Cleaners sinks must be provided with an adequate supply of hot and cold water and be located away from food preparation areas.
10. Prior to the issue of an Occupation Certificate, a food notification must be completed. This can be done either through Council or on the Internet at www.foodnotify.nsw.gov.au
11. A final inspection of the premises must be undertaken by Council's Environmental Health Officer prior to the operation of the business and/or the issue of an Occupation Certificate.
12. The butchery must be licensed as a meat retail premises in accordance with the Food Regulation 2010.

Asbestos

1. The details of the demolition contractor engaged to remove the existing buildings must be provided to Council prior to any demolition work being undertaken.
2. The demolition and removal of all asbestos material is to be undertaken in accordance with WorkCover requirements.
3. If asbestos is present in a greater amount than 10m², then the demolition and removal must be undertaken by a WorkCover licensed demolition contractor who holds the appropriate WorkCover licence (e.g. Asbestos Demolition Licence) for the material to be removed.
4. All asbestos is to be removed from the site and be disposed of at an approved licensed waste facility.
5. All asbestos waste shall be delivered to an approved licensed waste facility in heavy duty sealed polyethylene bags. The bags are to be marked "Caution Asbestos" with 40mm high lettering. Twenty four (24) hours notice must be given to the waste facility prior to disposal.
6. Receipts of the disposal of all asbestos to a licensed waste facility must be provided to Council prior to the issue of an occupation certificate.

TO David Pirie, Senior Development Assessment Planner

CC

FROM Wade Holmes, Traffic Engineer

DATE 23 March 2011

SUBJECT DA 312/2011 - Proposed Supermarket - Summary of Traffic Impact Study and key issues

David:

As part of DA 312/2011 - Proposed full line supermarket at Peel Street, Tuncurry, a Traffic Impact Study has been prepared by Roadnet. A key summary of the issues raised are:

* The development will generate additional traffic onto the road network. This will require an intersection treatment at Kent Street / Manning Street only. All other intersections have sufficient capacity and safety to cater for the increased traffic. In relation to the Kent Street / Manning Street intersection, it was originally proposed to construct a roundabout at this location. Consultation with the Roads and Traffic Authority has indicated that the roundabout is not the preferred treatment and instead a median closure at this location is now proposed;

* In order to facilitate access by articulated trucks, kerb realignment will be required at the intersection of Manning Lane and South Street. The Traffic Impact Study indicates that land acquisition would be required at Lot C DP 368099 to facilitate this movement. Further analysis of the Traffic Impact Study has shown that the assessment was based on an articulated truck at 20-30km/h, which is considered excessive. An investigation of the turning movement has been undertaken by Council Staff at a lower and more realistic speed, which has indicated that the movement can be undertaken without the need for land acquisition (but still with the need for kerb realignment);

* The development proposes a raised shared area along Manning Lane to link the development to pedestrian links on Manning Street. Any proposal for a shared area or speed limit change will require approval from Council's Traffic Advisory Committee and the Roads and Traffic Authority;

* The Traffic Impact Study has assessed the parking requirements of the development on Council's Parking Policy at the time. Since then, Council has adopted a new Parking Policy on 8th March 2011 which has different requirements for a retail development. The Traffic Impact Study indicates that there is sufficient parking provided by the development and it is providing parking in excess of the Parking Policy (129 spaces provided, and 96 spaces required). It is noted that the development will need to replace existing on site car parking and spaces lost due to kerb alignment works (see below) as per Council's S94 plan.

In addition, the Parking Policy has a requirement for bicycle parking of 1 per 500m² of GLFA which is 4.6 say 5 spaces for shoppers. The plans indicate bicycle parking but do not address exact numbers.

A summary of the key objections received as part of the public submission, together with my comments are as follows:

** Issues relating to car parking numbers*

Under Council's Parking Policy, the development is required to provide for 1 space per 24 m² of Gross Leasable Floor Area (as defined by the Roads and Traffic Authority Guide to Traffic Generating Developments). The Gross Leasable Floor Area is given as 2,292m² and as such the development requires 95.5 spaces. The development is proposing to provide 129 spaces in total (on site and off street) and as such it is providing more spaces than is required. However, the existing spaces need to be considered. There are existing 19 spaces on street, 58 spaces onsite and 1 space is lost on Lot 1 DP 591283. Under Council's S94 Forster District Plan, a financial contribution may be considered by Council for a development to offset the parking shortfall. Using the Plan, the development is:

$129 - 95.5 - 58 - 19 - 1 + 6(\text{credit for existing residential dwellings}) = 39 \text{ spaces for S94 contribution.}$

Council has given an undertaking to accelerate plans to construct an additional car park at Manning Lane between South Street and Lake Street using the contributions for S94 Parking as calculated above. This should address any concerns relating to parking shortfall in the area.

** Issues relating to intersection safety in the surrounding area*

The Traffic Impact Study indicates that apart from Kent Street / Manning Street intersection, all adjoining intersections will have spare capacity to cater for the increased traffic and the increased traffic will not adversely impact on intersection safety. Original proposals to address the impact on Kent Street / Manning Street have since been revised in consultation with the Roads and Traffic Authority and a median closure is proposed at this location.

** Access arrangements for loading and deliveries*

Whilst the issue of the noise impacts of deliveries has been considered as part of the noise report, the Traffic Impact Study has demonstrated that all loading activities to the development can be carried out without impacting adversely on the surrounding road network. There is a requirement for minor modifications to the intersection of Manning Lane and South Street, which will be part of the conditions of consent for the development.

There have also been issues about the location of the loading dock. The current location allows for safe pedestrian access from the car park to the store and to the surrounding pedestrian links by removing any interaction of pedestrians with loading activities. As such it is recommended that the loading dock remains along the boundary of 25 Peel Street.

In relation to S94 contributions, the following should be noted:

* Forster District Major Roads - Council's S94 Officer has advised that an appropriate traffic generation rate for a retail development in a cbd area is 0.5 trips per m² of Gross Leasable Floor Area. This development is given as 2,292m² Gross Leasable floor Area which results in $2,292 \times 0.5 = 1,146$ trips. The S94 plan gives an allowance for a credit for existing residential lots in a development of 9 trips per lot. This equates to $6 \text{ lots} \times 9 = 54$ trips credit. The final figure for S94 Major Roads is $1,146 - 54 = 1,092 \text{ Trips}$ (for S94 calculation purposes)

* Tuncurry Parking - 129 spaces are provided as part of this development. Council's Parking Policy has a rate of 1 space per 24m² GLFA = 95.5 spaces. 1 space is lost on Lot 1 DP 591283 to allow for articulated truck movements. There are 19 existing on street spaces (Peel Street / Kent Street). There are 58 existing spaces on site. A credit has been given of one space per residential lot = 6. As such, the amount of spaces for S94 calculation is: $129 - 95.5 - 1 - 19 - 58 + 6 = 38.5$ say **39 spaces** (for S94 calculation purposes).

Thanks
Wade Holmes
TRAFFIC ENGINEER



memo

TO David Pirie (Senior DA Planner)

CC

FROM Mat Bell (Senior Ecologist) with assistance from Mr John Davis (Tree Management Officer)

DATE 21 March 2011

SUBJECT DA312/ 2011

Introduction

A Development Application (DA312/ 2011) has been lodged for the proposed establishment of a full-line supermarket and associated facilities/ utilities on the subject land. I understand that the works involves the following:

- Demolition of existing buildings at 23, 21 and 17 Peel Street and 3 - 5 Kent Street;
- Demolition of existing car park at 19 – 23 Peel Street;
- Construction of an open air car park and reconstruction of Peel and Kent Streets to accommodate car parking with capacity for 138 vehicles;
- Erection of one (1) commercial sign on each elevation of the proposed building (four signs in total);
- Construction of an enclosed loading dock on the western side of the proposed supermarket; and
- Construction of associated drainage and stormwater treatment infrastructure and landscaping.

The DA and the supporting information have been referred to Council's Natural Systems Branch for comment. The intent of this response is to provide advice as to the appropriateness of this development proposal in an environmental context, consider all relevant environmental legislation and provide advice as to the determination of the DA, including conditions of consent, where required.

This memo has also been prepared with the assistance of Mr John Davis (Tree Management Officer) of Great Lakes Council, who has considered issues associated with landscaping and tree management.

The Land and the Development Proposed

A summary of the relevant aspects of the DA and the land to which it applies has been provided:

Land zoning	Part 3(a) and Part 5(a)	
Land area	0.64-ha (approximate)	
Extent and type of environmental disturbance	The subject land currently contains a number of existing dwelling structures as well as a public car-park. Consequently, there are little or no natural ecological values of the land and the area is a developed and artificial landscape. There are landscaping features present, which would be removed for the project. For the most part, these comprise exotic trees and shrubs, with the groundcover being formed of lawns or sealed/ developed areas. It is proposed to demolish the existing structures and car-park and construct a new supermarket, car-park, associated facilities/ services as well as drainage/ stormwater treatments and landscaping.	
Environmental Reporting provided	A Statement of Environmental Effects has been submitted as part of the Development Application and which has included reference to the Environment Protection and Biodiversity Conservation Act 1999, SEPP71 and the Great Lakes LEP.	
Legislation that is potentially relevant	s5A of the EP&A Act	Applies
	s79 of the EP&A Act	Applies
	Threatened Species Conservation Act 1995	Applies
	Fisheries Management Act 1994	Applies
	Environmental Protection and Biodiversity Conservation Act 1999	Applies
	SEPP14	NA
	SEPP26	NA
	SEPP44	NA
	SEPP71	Applies
	Native Vegetation Act 2003	NA
	National Parks and Wildlife Act 1974	NA
Marine Parks Act 2003	NA	

Assessment

The subject land is a developed landscape, with existing dwelling structures, lawns and gardens, specimen landscaping and a current public car-park. As such, the land does not contain special, natural ecological values, although the existing exotic and native trees and shrubs present provide some contribution to local amenity.

A field inspection of the land identified that the major vegetative/ landscape features present comprised mainly exotic plants or cultivar/ hybrids of native species, including: various Palms, Umbrella Tree, Cypress Pine, Jacaranda, Norfolk Pine, Maple, Hibiscus, Narrow-leaved Black Peppermint, Senna, Grevillea and Bottlebrush. Landscaped native species are also present including Coastal Banksia, Sydney Golden Wattle, Brush Box, Lilly Pilly and Coastal Westringia, along with Cabbage Tree Palm. The groundcover includes mainly lawn species and weeds of lawns, in both a maintained and un-maintained state.

As mentioned, there are also several existing dwellings, a public car-park and modified lawn areas also present.

With regards to the legislation, a summary of the pertinent environmental values of the land is provided below:

Known Threatened Species	None known
Potential Threatened Species	Given the developed context and modified nature of the subject lands, potential threatened species are likely to be confined to wide-ranging species tolerant of modified landscapes. This might include the Grey-headed Flying-fox and the Eastern and Little Bentwing-bat, along with the Swift Parrot. Any such use would be highly infrequent and none of these species would rely on the subject lands for any critical lifecycle purposes
Endangered Ecological Communities	None present
Endangered Populations	Not present
High Conservation Value Vegetation	The subject lands are modified and developed in nature. The only vegetative features present are landscaped specimens. The vegetation has no ecological significance, but does possess some aesthetic values for nearby residents
Key Regional Corridor (mapped)	Not mapped

Key Regional Habitat (mapped)	Not mapped
SEPP44 Potential Koala Habitat	Not present
SEPP44 Core Koala Habitat	Not present
SEPP14	The land is not in relevant proximity to any gazetted SEPP14 Coastal Wetland
SEPP26	The land is not in relevant proximity to any gazetted SEPP26 Littoral Rainforest
SEPP71	The subject land is within the SEPP71 coastal zone. Certain provisions of SEPP71 relate to the preservation of native coastal vegetation and wildlife corridors
Environmental protection zone	The land is not currently mapped as an environmental protection zone under the Great Lakes LEP 1996
Marine Park	The land is not in relevant proximity to any gazetted Marine Park

As such, this proposal seeks to transform a modified and developed landscape (dwelling-houses, public car-park and landscaped areas) to a full-line supermarket, with car-park, landscaping, utilities and water quality measures. The site possesses little or no natural ecological values but does possess some local landscape amenity as a consequence of the existing, mostly exotic, landscaping. As such, the proposal does not appear associated with significant or unreasonable ecological impacts. The current/ existing values would be removed for site development, but replaced with a landscaping strategy of the facility and its car-park/ surrounds. Given the developed nature of the current site, the effects of the proposal on landscape and amenity are not considered to be significant and can be adequately controlled/ mitigated by conditions of consent that could be imposed in any positive determination.

The assessment has considered the pertinent statutory questions below:

- I have considered the listed matters of national environmental significance and the EPBC Act 1999, which includes world heritage properties, national heritage places, the commonwealth marine environment, nuclear actions, Ramsar wetlands, nationally threatened species and communities and international migratory species. It is my opinion that this proposal to establish the supermarket and its infrastructure would not impact significantly on any listed matters of national environmental significance. The proposal is not a nuclear action and the land is not on or in the vicinity of any Ramsar wetland, world heritage property, national heritage place or commonwealth marine environment. The proposal would not affect any habitats in a manner that would negatively impact migratory bird species or significantly affect the habitat or lifecycles of nationally-listed threatened species. While the grey-headed flying-fox has some potential to occur on parts of the current site, any such use would be occasional and transient and the species would not rely locally on the resources of the development site. The development would not deplete any such resources for this species or alter the pattern of local habitat usage. Consequently, in my opinion, the proposal does not significantly affect matters of national environmental significance and referral to the Department of Environment, Water, Heritage and the Arts is not required pursuant to the EPBC Act 1999.
- Given the highly modified and developed state of the existing landscape, I am satisfied that there is not likely to be any significance usage of the land by species listed on the *Threatened Species Conservation Act 1995*. Consequently, the proposal can be undertaken without risk of any significant impact on threatened biodiversity. With regards to the legislation, the pertinent question relates to whether the development would cause a catastrophic loss of threatened biodiversity populations in the locality and represent an unreasonable and significant loss of habitat or threat to species lifecycles. I have thus considered the Assessment of Significance and I am of the opinion that the development proposed would not be associated with a

significant impact on threatened biodiversity. Thus, the DA can be determined in the absence of an SIS.

- With regard to s79C of the EP&A Act I am satisfied that environmental risks and threats potentially associated with the proposal can be avoided or be adequately managed. As identified earlier, the subject lands do not provide significant habitat for threatened biodiversity, significant native vegetation or native wildlife. The subject lands do possess some current values for local amenity through the mainly exotic landscaping that is present. The development of the land would remove all of these current values. Such values are not considered to terminally constrain the proposal, given the zoning of the land, the range of possible developments and densities that are permitted on the land (subject to approval), the ability to require mitigating landscape in any positive determination and the relatively simple and exotic nature of the current landscaping of the land. Development consent for this proposal would invoke an ability to upgrade and enhance water quality performance and more preferable species selection in future site landscaping. As such, it is our opinion that with regards to s79C of the EP&A Act 1979, that there would not be a significant and unreasonable environmental impact associated with this development proposal.
- There are no instructive environmental provisions within the aims of objectives of the GLLEP 1996 zones that relate to this site and this DA.
- An assessment of potential Koala habitat is not required under the provisions of SEPP44 as the land is less than 1-hectare in size. In any event, there are no Schedule 2 Koala food trees present on the current landscape and no Koalas would be expected to utilise the land for any reasonable lifecycle purpose.
- With the land zoned partly 3(a) and 5(a) under GLLEP 1996, the provisions of the *Native Vegetation Act 2003* do not apply. The proposal does not conflict with the aims or objectives of this Act.
- The development would not affect any gazetted Marine or National Park and the subject lands are not located in any relevant proximity to any Marine or National Park or otherwise reserved land for environmental purposes.
- The development would not affect any gazetted SEPP14 Coastal Wetlands, either directly or indirectly. The ability to adopt enhanced treatment systems for water quality would mean that the quality of stormwater leaving the subject land would be enhanced post this development proposal, which may have some cumulative benefit for water quality in the wider Wallis Lake system.
- The development would not affect any gazetted SEPP26 Littoral Rainforest, either directly or indirectly.
- The land is within the SEPP71 Coastal Zone and thus the provisions of Part 2, clause 8 apply to the proposed development. In this regard however, the development site is not located on the coastal foreshore and is not sited in a manner that is within relevant proximity of the actual coastal foreshore for access or amenity. Further, the development proposal has been examined and is not likely to affect animals or plants listed as threatened on the TSC Act 1995 and the *Fisheries Management Act 1994*. Finally, with regard to Part 2, 8(i) of SEPP71, there are no mapped regional or local wildlife corridors present on the subject land. Thus, there appear to be no statutory constraints for this development proposal with regards to ecological aspects of SEPP71.

A review of the submissions arising from the notification and exhibition of this development proposal has identified that there have been no submissions with respect to threatened biodiversity or ecological matters. However, a number of submissions have been lodged with Great Lakes Council concerning the matter of

landscaping and the impact of the proposed development on the existing landscape amenity of the current subject lands. In this respect, submissions purportedly raised issues concerning:

- The apparent removal of a very large and old Poinciana tree situated in Manning Lane for the widening of Manning Lane and the construction of the loading dock;
- The lack of documentation relating to the existing tree features of the subject land and the lack of intent to retain existing tree features in landscaping. The landscaping is purportedly of significance;
- The removal of a large number of existing trees in the development site, including mature Palm trees, a large Jacaranda and a large Norfolk Pine; and
- The conversion of a current residential area to a commercial area without adequate landscaping and beautification.

In this regards, Council's Tree Management Officer (Mr John Davis) has inspected the subject lands from the perspective of landscape amenity and the protection and management of trees. In a memo of the 8 February 2011, Mr Davis advised that:

"The proposed site currently contains several species of trees and palms. Except for one Araucaria heterophylla (Norfolk Island Pine) and a couple of small Livistona Australia (Cabbage Tree Palms, which will be relocated to a parks within the same region) none are of a quality or are native to the Great Lake region. In fact the majority of the other plants are of little quality, either due to poor structure, poor vigour or are a species that is known to be weedy by nature.

Currently the most noticeable tree located within this site would be the semi mature Araucaria heterophylla. (Norfolk Island Pine) This tree is growing on the North / Western corner of the proposed Tuncurry Supermarket site. This tree will require removal if this development proposal is to be approved in its current form.

The species of tree known as Araucaria heterophylla can provide significant heritage/ landscape values to seaside harbour communities such as Forster/ Tuncurry. However the heritage consideration is only recognised when the tree is visually prominent and located directly adjacent to either the harbour or seaside frontages.

As this tree is located well behind the foreshore and is not considered to be visually prominent from the harbour or seaside areas, its value can only be measured as an introduced tree species providing greening to a streetscape.

I am of the opinion that the proposed landscape plan, with the proposed replacement trees for the Tuncurry Supermarket and the adjacent streets will provide a better tree/ landscape amenity for the subject site. Therefore I would recommend that the proposed tree removal and replacement plantings be accepted."

Mr Davis has raised the need, within conditions on any consent for this proposal, to require the finalisation and adoption of landscaping plans, which incorporates the use of planting diamonds and specimen trees within the internal carpark layout as well as the relocation of the existing Cabbage Tree Palms from the land to site(s) approved by Great Lakes Council. Through the provision of landscaping, he is content that there would not be a significant or unreasonable impact to local amenity and urban tree landscapes as a consequence of the proposed development.

Recommendation

The Natural Systems Branch and Great Lakes Council's Tree Management Officer recommend that this DA can be **positively determined** in respect to ecological and landscape issues. Effective and valid conditions of consent are important to manage the issues of landscape and amenity.

Ecological Conditions of Consent

The following conditions are required in order to protect the amenity of the local landscape:

1. Prior to the issuing of the first Construction Certificate, the Registered Proprietor of the land shall prepare and submit to Great Lakes Council a Final Landscaping Plan. The Final Landscaping Plan shall be based on the detail contained within the plans entitled "*Landscape Concept Plan*" and "*Landscape Details Sheet 1 and 2*", all dated 17/12/2010, with dwg nos 1032/1-3, prepared by Pamela Fletcher, but with the inclusion of the following:
 - a. Six (6) planting diamonds within the internal layout of the approved carpark that are to be established with Tuckeroo (*Cupaniopsis anacardioides*) trees, that are to be supplied in at least 75-litre pots.
 - b. Details of the provision of an irrigation system to the proposed planting area 1 along the site's northern boundary that provides for the automatic watering of landscaping in this planting area.
2. A qualified landscape consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of the occupation certificate shall submit to the Great Lakes Council a Certificate of Practical Completion stating that the landscaping work has been carried out in accordance with the approved Final Landscaping Plans and that a maintenance program has been established.
3. The Registered Proprietor, or their agents, shall carry out or ensure that actions specified in accordance with the approved Final Landscaping Plans including maintenance and tree protection are carried out in accordance with that plan at all times.
4. All existing Cabbage Tree Palms (*Livistona australis*) on the subject land shall be excavated and relocated alive from the subject land as part of the construction works and established at a site(s) nominated by Great Lakes Council such that there is no loss of Cabbage Tree Palms in the locality as a consequence of this development. The relocation process shall be undertaken by suitably experienced contractors working under the supervision and direction of Council's Tree Management Officer. All necessary nurturing and maintenance shall be undertaken to maximise the success of the required Cabbage Tree Palm relocation procedure.
5. Other than the Cabbage Tree Palms, which are to be managed in accordance with the condition specified above, all existing landscaping and vegetation of the subject land shall be removed as part of the construction works. The clearing works for the approved development shall be conducted in the following manner:
 - a. Tree removal shall be conducted by dismantling or selective directional felling only, with all works to be confined within the bounds of the subject land and approved development footprint.

- b. Trees and shrubs removed from the study area shall be mulched for use in site and off-site landscaping. Stumps and other material that cannot be processed by mulching shall be disposed at an approved waste management facility.
- c. Machinery operators shall inspect the crown, foliage and trunks of trees marked for removal prior to any felling to investigate the presence of arboreal fauna. If such fauna is detected, the tree shall not be cleared until the animal has dispersed from the area of its own free will. No adverse means, such as horns or noise, of dispersing the animals shall be used.

ENGINEERING REPORT FOR DEVELOPMENTS

DEVELOPMENT APPLICATION: DA 312/2011

APPLICANT: GREAT LAKES COUNCIL

PROPERTY: LOT 1 DP 305223, LOTS 1 & 2 DP 577194, LOT 4 SEC. 5 DP 759005,
LOTS 5,11,12 & 13 DP 416145, LOT 1 DP 591283,
23 PEEL ST. TUNCURRY.

PROPOSAL: NEW FULL-LINE SUPERMARKET & CARPARK.

REPORT:

Sect 88B

Instrument(s):

There are no instruments associated with this DA

Access:

Vehicular access to the proposed development is from both Peel Street and Manning Lane which are bitumen seal with kerb and guttering. The site also has frontage to Kent St. which is fully formed with kerb and gutter. The main carpark entry is located within the Peel St. frontage, with service truck deliveries to the drive-through loading dock being taken from Manning Lane and exiting via Peel St. The internal carpark provides 84 spaces, including 4 disabled spaces. External to the site, the existing parallel carparking in Kent and Peel Streets shall be converted to 90 degree parking to provide 45 carspaces. Concrete footpaving shall be required on all street frontages. All carparks shall comply with the requirements of AS2890.1, with disabled spaces complying with AS2890.6. A bus stop and bus shelter are to be provided adjacent to the Peel St. entry / exit.

Manning Lane is 5m. wide between kerbs, with one-way traffic movements to the south. The proposal includes reconstruction of Manning Lane to create a shared zone where pedestrian activity, including access through to Manning St. is encouraged. This entails the construction of raised pavement treatments which define a shared pedestrian zone adjacent to the supermarket and car park entry. The proposed shared area on Manning Lane will need to be referred to Council's Traffic Advisory Committee for consideration prior to implementation, as well as provision of a reduced speed limit zone, which will require the approval of the RTA. Footpath construction is proposed on the building frontage to Manning Lane.

The section of Manning Lane proposed for reconstruction includes an existing entrapped low point. Alterations to the existing lane will entail the provision of trunk drainage extensions in order to drain the lane.

Further alterations to the Manning Lane / South St. eastern kerb return will be required to cater for semi-trailer turning manoeuvres servicing the site loading dock. The alterations can be undertaken within the road reserve provided turning speeds are between 5 - 15 km/hr.

Furthermore, alterations resulting in the loss of 2 existing 90 degree carspaces will be required to undertake the turning manoeuvre from Manning Lane into the loading dock. The spaces are public spaces located on Lot 1 DP 591283 which forms part of the current application.

The application was referred to the RTA for comments / conditions with the following response received:

The RTA has reviewed the information provided and has no objections to the proposed development, provided the following matters are addressed and included in Council's conditions of development consent:

- The developer shall implement the following works at the Manning Street / Kent Street intersection:

- A raised central concrete median shall be provided to close the gap on Manning Street to restrict traffic movements left in / left into and out of Kent Street. Part of the median shall be constructed to a lower profile to allow right turn movements for ambulances only.
 - Changes to linemarking and signage are required on the approaches to and at the intersection to reinforce the above turn restrictions.
- All works shall be designed and constructed in accordance with the Austroads Guide to Road Design and the relevant Australian Standards, to the satisfaction of the RTA.
- All works shall be carried out at full cost to the developer and at no cost to the RTA or Council.
- The developer will be required to enter into a Works Authorisation Deed (WAD) with the RTA. In this regard the developer is required to submit concept and detailed design plans and all relevant additional information, as may be required in the RTA's WAD documentation, for each specific change to the classified (State) road network for the RTA's assessment and final decision concerning the work.
- The WAD shall be executed prior to granting a Construction Certificate for the proposed development.
- All road works under the WAD shall be completed prior to issuing an Occupation Certificate (interim or final) for the proposed development.

Drainage: All roof & hardstand water to on-site storage and treatment in accordance with current Water Sensitive Urban Design (WSUD) strategies, with overflow to Council's drainage network, Details to be submitted.

Flooding / Climate Change: The development site is above the 1% flood height. The development is considered as "infill" in accordance with Council's Draft Climate Change Policy. The modelled sea level rise to the year 2060 is 2.28m AHD. The proposed floor level is 3.5m AHD.

Filling: Filling the site will not affect the drainage of other properties.

Services: Any alteration to services to be at the developer's cost. Provision of appropriate lighting to pedestrian pathways, carparks and related areas shall be conditions of consent. There are existing sewer connection junctions servicing the site. Any unused sewer mains / junctions are to be removed and capped off at the connection points in Manning Lane.

Erosion Control: An erosion and sedimentation control plan is to be submitted for approval.

Traffic: Traffic control plans for all public engineering and site works are to be submitted. Any damage caused to public assets as a result of this development is to be repaired at the developer's cost.

Other: The site is located within the area identified for undergrounding of low voltage electricity mains, however the existing mains located within Peel St. are 11kv overhead lines. There is an existing low voltage street light in Kent St. which shall be serviced via underground connection.

Consolidation of all lots will be required prior to occupation of the development.

Awning construction shall comply with all the requirements of Council's policy for construction of Awnings, Verandahs & Balconies over Footways.

**Section 94
Contributions:**

By Planner.

Date:25/03/11

D HARTMANN

The developer is required to do the following works-

CONDITIONS.....DA

Relocate to underground all overhead low voltage wires located along/adjacent to the site frontages in the Peel St. and Kent St. footpath, to the nearest power pole outside the site frontage. Within the site, cables are to be located underground.

The applicant shall liaise directly with the relevant service utility authority. All cables (other than high voltage) must be relocated underground to the satisfaction of the relevant authority prior to the issue of an occupation certificate.

DC12x

A soil survey being undertaken of the land to verify the presence or absence of actual or potential acid sulphate soils (test procedures can be obtained from the Soil Conservation Division of the Department of Land and Water Conservation). Details of the survey are to be submitted prior to the issue of a construction certificate.

Where actual or potential acid sulphate soil conditions are identified, a strategy to control and minimise the impacts from disturbance of the soil is to be developed in conjunction with the Department of Land and Water Conservation and Environment Protection Authority and submitted to Council with the application for a construction certificate.

DM5x

Prior to the issue of a construction certificate, the following details are to be submitted to Council:-

- Copy of the plan of consolidation of the allotments submitted to the Registrar General (Land Titles Office).
- Copy of the receipt received from the lodgement of the above plan of consolidation with the Registrar General (Land Titles Office).

SA3

A Certificate of Compliance being received and a copy submitted to Council, from MidCoast Water prior to the release of this development for construction stating that satisfactory arrangements have been finalised for the provision of water supply and sewerage to the development.

SA3

A Certificate of Compliance being received and a copy submitted to Council, from MidCoast Water prior to the release of this development for occupation stating that satisfactory arrangements have been finalised for the provision of water supply and sewerage to the development.

DE2

To minimise soil erosion, the following measures shall be implemented in the sequence outlined:

- a) Approved run-off and erosion controls shall be installed prior to clearing of site vegetation (other than that associated with the construction of the controls). These shall be as shown on an Erosion and Sediment Control Plan approved by Council.
- b) Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.
- c) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural or artificial water body, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned.

- d) Uncontaminated runoff shall be intercepted upslope and diverted around all disturbed areas and other areas likely to be disturbed. Diversion works shall be adequately stabilised.
- e) Runoff detention and sediment interception measures shall be applied to the land. These measures will reduce flow velocities and prevent topsoil, sand, aggregate, road base, spoil or other sediment escaping from the site or entering any downstream drainage easements or natural or artificial water bodies.

DE3x

The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times in accordance with Council's Erosion and Sediment Control Policy.

DF16

Lodgement of a Public Engineering Works Permit Application, along with the required documentation, fees and defects liability bond prior to the issue of a Construction Certificate by Council. Evidence of the contractor's public liability insurance (minimum value of \$20,000,000) must be provided with the application.

The contractor is to have all engineering works inspected as per Council's Holding Points and all work must comply with Council's Engineering guidelines, specifications and standards.

Upon completion of the public works, a final inspection is to be arranged by the contractor with Council. Once the works are approved by Council a Certificate of Practical Completion will be issued and is required to be provided to the Certifying Authority prior to the issue of an Occupation Certificate.

Please note that the defects liability bond will be held by Council for a maintenance period as specified in the application form.

Note: The applicable fees, defects liability bond and maintenance period are reviewed periodically by Council and shall be determined from Council's current requirements at the time of lodgement.

The following is to be included in the engineering works:

South St.

- Reconstruct the existing south-eastern kerb return at the intersection of South St. / Manning Lane in accordance with Austroads turning path templates for a 19m semi-trailer with a turning speed of 5 - 15 km/hr.
- Construction of concrete footpaving 2m wide and topdress and grass the remainder of the footway on the southern side of South St. between Manning Lane and Peel St. as per Council standard drawing No. 165.

Manning Lane:

- Reconstruction of the existing kerb and gutter to a 4m formation width between kerbs from the loading dock entry to Kent St.
- Reconstruction of the existing carpark on Lot 1 DP 591283 to provide adequate turning path entry for semi trailer deliveries to the loading dock.
- Construction of a raised pavement treatment to define a shared pedestrian zone from the store entry to the southern extremity of the carpark entry.
- Construction of trunk drainage pit and pipe extensions to drain the raised pavement / shared pedestrian zone.

- Construct full width concrete footpaving on the western side of the lane between the realigned kerb and the building facade from the loading dock entry to the store entry.
- Construct 1.2m wide concrete footpath in accordance with Council standard drawing 28 between the store entry and Kent St on the western side of the lane.

Kent St.

- Construct 90 degree carparking in accordance with AS2890.1 to the full site frontage of Kent Street in accordance with the Cox Richardson Ground Floor Plan A-003K dated 11/01/11.
- Formation of the northern nature strip and construction of concrete footpaving 2m wide and topdress and grass the remainder of the footway from Manning St. to the full frontage of the development on the northern side of Kent St. as per Council standard drawing No 165.

Peel St.

- Construct 90 degree carparking in accordance with AS2890.1 to the full site frontage of Peel Street in accordance with the Cox Richardson Ground Floor Plan A-003K dated 11/01/11.
- Formation of the eastern nature strip and construction of concrete footpaving 2m wide and topdress and grass the remainder of the footway between Kent St. and South St. as per Council standard drawing No 165. Note: The section of footpath fronting the proposed supermarket building shall be constructed as full width paving.
- Construct a bus stop and bus shelter complying with the requirements of the Commonwealth Disability Standards for Accessible Public Transport.

Manning St / Kent St.

- Construct a raised central concrete median to close the gap on Manning Street to restrict traffic movements left in / left into and out of Kent Street. Part of the median shall be constructed to a lower profile to allow right turn movements for ambulances only.
- Change the linemarking and signage on the approaches to and at the intersection to reinforce the above turn restrictions.
- All works shall be designed and constructed in accordance with the Austroads Guide to Road Design and the relevant Australian Standards, to the satisfaction of the RTA.
- All works shall be carried out at full cost to the developer and at no cost to the RTA or Council.
- The developer will be required to enter into a Works Authorisation Deed (WAD) with the RTA. In this regard the developer is required to submit concept and detailed design plans and all relevant additional information, as may be required in the RTA's WAD documentation, for each specific change to the classified (State) road network for the RTA's assessment and final decision concerning the work.

- The WAD shall be executed prior to granting a Construction Certificate for the proposed development.
- All road works under the WAD shall be completed prior to issuing an Occupation Certificate (interim or final) for the proposed development.

General

Street trees shall be planted within Council's nature strips on the subject site frontages. Tree species shall be determined in accordance with the requirements of Council's Tree Management Officer. Details of the location of the street trees are to be approved and:

- Kept clear of underground public utility services.
- Located not to impede/reduce sight distance of drivers entering/exiting the site.

Constructed with a root barrier system where the trees are to be located adjacent to any kerb and gutter or any stormwater infiltration/detention system.

On-site bicycle parking shall be provided in accordance with current Australian Standards (AS 2890 series) and should be located near the store entrance in accordance with clause 2.8 weather protection, clause 3.1 Security and clause 3.2 Access.

On-site lighting including carparking, shall be provided to the relevant Australian Standards.

The carpark shall be an exit only onto Manning Lane.

Df6xx.d

Prior to release of the Construction Certificate or commencement of any works on the site, work site traffic control plans in accordance with the RTA's 'Traffic Control at Work Sites Manual' are to be submitted by a suitably accredited person and approved by the Certifying Authority. (Note that the accredited person and the Certifying Authority are to have a suitably accredited person who is authorised by the RTA to design and approve such plans.

The traffic control plans shall include the following items related to the construction works (but not limited by):

- Deliveries (eg. site sheds, cranes, material deliveries, etc);
- Site pick-ups (eg. spoil from excavation, removal of site sheds, equipment, materials, etc);
- Pedestrian movements;
- Proposed construction zones;
- Truck traffic routes.

Note: An approved construction zone and traffic route shall not block or adversely affect (eg. no traffic hindrance is to occur in the street/road system) a major public event and the public during the main tourist seasons.

The major events and holidays (but not limited to) are as follows:

- Easter school holidays;
- Anzac Day;

- Christmas school holidays.

DF2x

All adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.

DF8x

Lodgement of a separate Driveway Levels Application form for each driveway to be constructed, prior to the issue of a Construction Certificate.

Driveway levels will not be supplied by Council until the relevant fee/s and all required documentation are provided as outlined within the Driveway Levels Application form.

All driveway construction works must be completed in accordance with the Driveway levels and standards issued by Council and the following requirements:

- Driveways being constructed in concrete over the footpath, at right angles to the kerb and gutter.
- Existing driveways and laybacks, which are not approved as being required for the development, are to be removed and the footpath and kerb reinstated.

All driveway construction works are to be completed at the developer's expense and be undertaken by a qualified/licensed contractor.

The applicant must obtain a Certificate of Compliance from Council stating that the driveway within the public road reserve has been constructed to comply with Council's requirements. This certificate is to be provided to the Certifying Authority prior to the Final Occupation Certificate being issued and the Damage Bond being refunded.

It is to be noted that any works undertaken without Council's approval or provision of the above documentation will be subject to the relevant penalties applied by way of infringement notice for works undertaken without development consent.

DH1x

All carparking and vehicular manoeuvring areas being sealed with concrete or equivalent to Council's satisfaction. Details are to be submitted with the application for a construction certificate.

DH4

The carparking area being freely available for public use during the trading hours of the development. Notices indicating the location of public carparking are to be displayed at the entrance to and within the carpark.

DH11x

The parking and manoeuvring areas being fully line marked prior to the issue of an occupation certificate. Carparking shall comply with the requirements of AS2890.1. Disabled carparking shall comply with the requirements of AS2890.6.

Other:

- All articulated truck deliveries shall be restricted to the following vehicle route:
Manning St. > South St. > Manning Lane > Peel St. > South St. > Manning St.

DM6

Submission of a Damage Bond Application Form and payment of a bond in the amount of \$80,000 payable for the purpose of funding repairs to any damage that may be occasioned to Council assets by activities/works associated with the construction of the development approved by this consent and ensuring Council standards and specifications are complied with. The bond shall be paid to Council prior to the issue of any Construction Certificate that may be issued for any component of the development.

A final inspection will be carried out by Council's responsible officer and the bond (minus the administration fee) will be considered for refund:

1. Once all works, including landscaping, driveway construction, turfing, etc, have been completed and

Following issue of an Occupation Certificate by the Certifying Authority for the development A fee of \$330.00 will be deducted from the bond to cover administration costs.

The Damage Bond is reviewed periodically and therefore the fee and bond amount payable shall be determined from Council's current fees and charges document at the time of lodgement of the Damage Bond.

Other:

The street awnings are to be designed by a professional engineer and in accordance with Council's policy for the construction of Awnings, Verandahs & Balconies over Footways. The awnings shall be designed to the following details and requirements:

- a) The minimum underside clearance
 - Between the lowest part of the fascia or outer beam of an awning, verandah or balcony and the footpath shall be 2600mm.
 - to the underside of the awning and fittings shall be 3.0 metres.
- b) Awnings shall be located a minimum of 600mm from the street kerb face.
- c) The awning, verandah or balcony shall be designed to be supported by beams and/or stays attached to the building. All structural metal fasteners including nuts, bolts should be as a minimum, hot dipped galvanized (preferably stainless steel).
- d) Roof water from awnings is to be drained by an approved method to the internal property drainage system.
- e) A qualified structural engineer is to inspect and certify that the awning is structurally adequate and in good repair, at a minimum of 5 year periods.

Other:

Engineering details of stormwater management systems for the development are to be submitted to Council and approved prior to the issue of the first Construction Certificate. Stormwater design shall address runoff quantity and quality criteria. The design shall provide the following:

- (a) The water management system shall provide detention and / or infiltration to limit developed site runoff to the equivalent of the 5 year ARI discharge from the undeveloped site. A suitable system of pipes, pits and other measures shall be designed to convey major and minor flows safely to the receiving waters or downstream drainage infrastructure.
- (b) The final water treatment strategy as prepared by consultants BMT WBM shall be installed including:

- A biofiltration swale for treating the off street supermarket carpark. The biofiltration swale will have vertical sides and an overall minimum area of 145 m².
 - A 4000 L rainwater tank to collect roof water from a minimum 50% of the supermarket roof area. The rainwater tank would supply water for toilet flushing and landscape irrigation with overflow directed to a biofiltration swale located adjacent to the off street carparking.
 - Supermarket footpath raingarden - a small 15 m² bioretention garden will be located within the footpath on the south-eastern side of the supermarket building. The garden would collect runoff from 10% of the supermarket roof area and part of the footpath surrounding the building.
 - Peel Street Raingardens - Four small raingardens (2 x 2.5 m) or bioretention pods will be provided adjacent to the Peel Street carparking bays.
 - A small raingarden or bioretention system of 20 m² will be provided within the footpath on the northern side of the Peel Street/Kent Street Intersection.
- (c) Bio-retention systems shall be designed to receive runoff from all impervious areas. The minimum basin surface area shall be as per the final design prepared by BMT WBM and shall be constructed commensurate with **Australian Runoff Quality: A Guide to Water Sensitive Urban Design (Engineers Australia, 2006) and Water Sensitive Urban Design Engineering Procedures: Stormwater (Melbourne Water, 2005)**.
- (d) Stormwater drainage systems shall cater for excess flows from the stormwater quality measures with capacity for the 5 year ARI peak storm event (minor flows). Safe overflow routes for major flows shall be identified and designed to convey the difference (gap flows) between the 5 year and the 100 year ARI discharge from the catchment.
- (e) Bio-retention filters shall be planted with *Carex appressa* and / or other native plant species that have confirmed performance characteristics in the removal of nitrogen and tolerance of a range of moisture conditions. These are to be planted at a minimum density of 8-10 living plants / m². During the maintenance period any dead plants shall be immediately removed and immediately replaced with living plants of the selected native species. An appropriate timber or other material border shall be provided to demarcate the filter area from the remaining planted / grassed area within the bio-retention measure.
- (f) Bio-retention filter media shall have the following characteristics, consistent with WSUD Engineering Procedures (Melbourne Water, 2005). Characteristics may need to be confirmed by NATA certified testing as required:
- Filter media shall be of uniform sandy loam texture, placed and lightly compacted to achieve a consistent density throughout.
 - Saturated hydraulic conductivity of no less than 200mm/hr (AS 1574:2000) as placed in bed. NATA certified testing may be required to confirm that filter media has adequate water-holding capacity and is suitable to support initial and continuing growth of the selected vegetation.
 - Bio-retention transition and drainage layers shall be of suitable grading and material to ensure continued hydraulic conductivity and prevent the loss of fines (clays & silts) from overlying filter media. These layers should also comply with WSUD Engineering Procedures.
- (g) Design and construction of water management including associated landscaping, drainage channels and infiltration measures shall ensure that

they do not become potential breeding sites for mosquitoes, midges, plague minnows and general vermin.

- (h) Enviropod pit inserts with a mesh opening size of 20µm shall be provided within all road overflow stormwater pits located within the development unless it is shown that during construction sediment will not enter the bio-retention system.
- (i) Engineering drawings shall show details and configurations of water quantity and quality systems:
 - Longitudinal sections showing pit/pipe sizes, ground levels, design levels, grades, hydraulic grade line, flow rates and velocities, as required.
 - Details of specific components such as diversion pits and overflow system arrangements, detention basin outlets, infiltration arrangements, sediment forebays, filter media and dewatering measures, as required.
 - Access arrangements for operation and maintenance.
- (j) Water quantity and quality components including associated drainage pits, inlets and overflow weirs, vegetation and landscaped areas shall be maintained for a period of 2 years from the date of issue of the subdivision certificate.
- (k) An operation and maintenance plan be prepared for components of the combined system and submitted to Council for approval. The plan should detail:
 - Maintenance schedule for each component.
 - A maintenance and reporting template to be completed by the maintenance supervisor and provided to Council annually for a minimum of two years during the maintenance period.

TO David Pirie

CC

FROM Gerard Tuckerman

DATE 18th March 2011

SUBJECT Water Quality Assessment - DA -312/2011 Proposed Full-Line Supermarket 23 Peel Street, Tuncurry - Finals comments.

Background

The proposed development is situated within the catchment of the Wallis Lake and specifically Ohmas Bay and Muddy Creek sub-catchments. The Great Lakes Water Quality Improvement Plan, 2009 (WQIP) establishes a load based pollutant reduction target for redevelopment within urban areas of Wallis Lake. These targets are based on the DECCW load reduction targets, which are: Gross pollutants 90%, Total Suspended Solids 80%, Total Phosphorus 60% and Total Nitrogen 45%. These are also included in the Draft Development Control Plan No. 54 - Water Sensitive Design (Draft WSD DCP).

Compliance with water quality objectives

An amended stormwater strategy has been submitted following initial issues and concerns raised regarding compliance with the Draft WSD DCP. A MUSIC model has been prepared to justify the water quality strategy. The MUSIC model demonstrates that the amended stormwater strategy achieves the required water quality objectives and is consistent with best practice water sensitive design requirements. The amended treatment train includes:

1. A biofiltration swale for treating the off street supermarket carpark. The biofiltration swale will have vertical sides and an overall minimum area of 145 m².
2. A 4000 L rainwater tank to collect roof water from a minimum 50% of the supermarket roof area, the remainder to go to the large bioretention swale adjacent to the off street car park and a rain garden near the car park entry. The rainwater tank would supply water for toilet flushing and landscape irrigation with overflow directed to the biofiltration swale located adjacent to the off street carparking.
3. Supermarket footpath raingarden - a small 15 m² bioretention garden will be located within the footpath on the south-eastern side of the supermarket building. The garden would collect runoff from 10% of the supermarket roof area and part of the footpath surrounding the building.
4. Peel Street Raingardens - Four small raingardens (2 x 2.5 m) or bioretention pods will be provided adjacent to the Peel Street carparking bays.
5. A small raingarden or bioretention system of 20 m² will be provided within the footpath on the northern side of the Peel Street/Kent Street Intersection.

The treatment train is modelled using MUSIC and indicates a pollution reduction for the development of 45% TN, 66% TP, 87% TSS and Gross Pollutants which meets the required water quality objectives. The loading bay area is untreated with runoff directed to the street drainage however it generates a limited 0.4 kg of Nitrogen per year.

Water Quality Concerns raised from Submissions and Council Office Review

The following concerns have been raised and have been satisfactorily addressed in the amended stormwater strategy as explained below.

- Seepage benefit assumption for Roof water (pollution reduction for this area modelled as 50% TN, 30% TP and 40% TSS. The benefit provided by this seepage is significant in terms of the overall required reduction. That is it provides a 24% reduction in TN and 19% for TP for the overall site.

Response

Council has previously not accepted this seepage benefit for other redevelopment. Furthermore, Council has not accepted this treatment benefit as the primary or substantive treatment measure for achieving the water quality objective for other developments and within the Draft Water Sensitive Design DCP. This is because there is some doubt over the volume of treatment provided at each site by seepage and questions over the long term viability of such attenuation. As the strategy acknowledges the attenuation benefit has been utilised for meeting water quality objectives at Chapmans Road however a no net increase objective applies to this site and deep root vegetation (wetland) also exists which is assumed to provide attenuation benefits for uptake of phosphorus. The Peel Street site does not contain these attributes. Furthermore the use of seepage attenuation was only utilised after exhausting all other reasonable treatment options and even then only provided a small percentage of the total treatment requirement. This is not the case for the Peel Street development where contribution to the overall load reduction objective provided by the seepage is approximately 50% for TN and 30% for TP.

This issue was dealt with by ensuring the water quality objective was achieved through water sensitive design treatment measures and excluding any benefit from seepage within the MUSIC model. As such the stormwater treatment strategy is commensurate with the intentions of the Draft WSD DCP and Council's previous position.

- The Northrop report provides "minimal information with regards to
 - a) onsite reuse
 - b) detention".

Response:

a) onsite reuse - The amended stormwater strategy includes a 4000 L rainwater tank used for toilet flushing and landscape irrigation.
b) The stormwater strategy includes the use of Atlantis modules for the detention and slow release of treated water to the groundwater table.

- "Item 2.7 refers to no net increase (which is not consistent with Council requirements)".

Response: The amended Stormwater strategy is based on the correct water quality objectives for the site which is the load reduction targets of 80%, 60%, 45% and 90% for TSS, TP, TN and gross pollutants.

- The "bio filtration swale section:
 - a) Calls up sides with impermeable liner
 - b) Semi permeable geo filter wrapped around drainage cells
 - c) Has 400mm vertical edge drop
 - d) Is within 500mm of groundwater".

Response: a) correct required to avoid exfiltration from the swale
b) Correct - used to avoid sand entering and blocking Atlantis cells
c) Vertical step is protected through plantings and bollard chain barrier.

d) Incorrect - depth to groundwater is 1 m plus and adequate for bioretention functioning.

- "The targets for water quality used in the WBM Report are not consistent with Council WSUD DCP (specifically total phosphorus)" - Section 1.2.

Response: The amended Stormwater strategy is based on the correct water quality objectives for the site from the Great Lakes Water Quality Improvement Plan (2009) and the Draft WSUD DCP which is the load reduction targets of 80%, 60%, 45% and 90% for TSS, TP, TN and gross pollutants.

- The following are issues in Section 1.4.5 of the WBM Report:
 - "There is insufficient information provided to support the outcome summary e.g. catchment information, permeability rate, etc".
 - WBM call up an unlined bio filter (inconsistent with Northrop) and the 1.52 typical section shows lining is provided.
 - Assumes 0.5m of sand below infiltration cells to groundwater (inconsistent with Northrop sizing of bio filter). This is also used as a "buffer" for water quality use.
 - One part of the report states 100% roof water would be directed to Atlantis drainage cells whilst section 1.5.1 states "the majority of roof run off".
 - There is no confirmation of infiltration rate used in the calculations eg Geotech recommends a free draining rate of 5m/day and the lining of the bio filter will effect this rate.

Response:

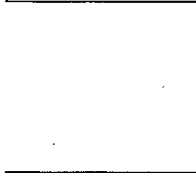
- The assumptions used in the MUSIC model are reasonable.
 - The biofiltration swale sides will be lined. Infiltration from the bottom of the swale and raingardens is to permeable soils or Atlantis cells.
 - The amended stormwater strategy has 10% of the supermarket roof directed to a bioretention, and a further 40% directed to the bioretention swale adjacent to the off street carpark. 50% of the roof area is directed to a 4000 L rainwater tank for toilet flushing reuse and landscape irrigation.
 - The bottom of the bioretention systems will not be lined.
- "This development seemingly requires far less Atlantis drainage cells proportionately than is required for admittedly a larger site area for the proposal at Leo Street."

Response: A different combination and size of water quality treatment measures is required to meet the site pollutant generation and water quality objectives. The number of Atlantis has been determined to meet the water volume required to be infiltrated.

- "The proposal at Leo Street had to not impact on ground water, however, the drainage on this site would appear to impact and interact with ground water due to its reduced height in relation to ground water."

Response: Stormwater is treated to achieve the required water quality objectives before discharge to the street drainage and groundwater systems. The depth to groundwater is sufficient for the effective operation of the bioretention systems under wet and dry conditions (i.e during higher groundwater levels associated with prolonged wet weather)

From: Gary Mead [Gary.Mead@greatlakes.nsw.gov.au]
Sent: Friday, 18 March 2011 4:17:46 PM
To: David Pirie
Subject: woolworthstuncurry.doc



memo

TO David Pirie, Senior Development Assessment Planner
CC
FROM Gary Mead - Manager Building Assessments
DATE 18/3/2011
SUBJECT Woolworths Development Tuncurry

Several plans submitted since lodgement, where the following issues were raised in relation to compliance with the Building Code of Australia (BCA), including:

- Protection of openings
- Egress
- Provision of access for people with disabilities
- Emergency exit lighting

I note that an application for construction certificate has been lodged with Council and as such Council will be the certifying authority for the construction certificate. Accordingly, the following conditions should be applied to any consent that the Joint Regional Planning Panel determine.

Conditions:

1. The building shall comply with the Building Code of Australia (BCA).
2. Prior to the issue of the construction certificate details are to be submitted to council detailing the proposed method of achieving compliance with the BCA in terms of the openings to the loading dock. Should a deemed to satisfy solution be proposed full details of the wing walls between the loading dock and the northern side boundary are to be submitted for approval.

GREAT LAKES COUNCIL
INTERNAL MEMORANDUM

TO: David Pirie **File Ref:**
FROM: Manager Waste Health & Regulatory Services
SUBJECT: DA 312 – 2011 23rd March, 2011

David

As advised we have had a series of discussions with the consultant and made clear the requirements for effectively managing the waste stream from the development.

As a result the following is addressed in the submitted Waste Management Plan which is recommended to be included as a condition of consent and subject to the Manager Waste Health & Regulatory Services approval:

- all bins are to be located within the loading dock area and not outside near neighbours nor subject to the elements (weather, vermin etc)
- there are to be sufficient bins for residual waste, recycling and organic waste.
- destinations for all waste products are to be at approved recycling, processing or disposal facilities.
- bins are to be emptied before they become odorous or overfull.
- at the time of collection the loading dock doors are to be closed to minimise noise impacts.



John Cavanagh

TO David Pirie
CC
FROM Deb Tuckerman, Economic Development Manager
DATE 29 March 2011
SUBJECT Comments in Relation to DA 312/2011

Dear David

Council is facilitating the establishment of a major anchor supermarket within the Tuncurry town centre in order to achieve the following outcomes:

- reinforce future economic viability of Tuncurry from a retail/commercial standpoint;
- promote urban renewal within the subject site and surrounding businesses; and
- maintain a compact Tuncurry town centre that has diverse retail and commercial focus.

This outcome is being achieved by:

- Expanding the existing 3(a) General Business Zone within the Tuncurry CBD to include adjoining land that is relatively unconstrained and well-positioned for a major supermarket development;
- Lodging a corresponding development application for a full line supermarket and corresponding infrastructure.

In regard to the first point, a Planning Proposal was submitted by Council to NSW Planning in July 2010 and rezoning is now completed.

A development application was lodged with Council in December 2010, to which I offer the following comments:

Background:

Comments are provided in relation to the following documents:

- i) Forster Tuncurry Employment Land Implementation Strategy (2009)
- ii) Urban Design & Density Review - Forster/Tuncurry & Tea Gardens/Hawks Nest (2008)
- iii) Mid North Coast Regional Strategy 2006-2031
- iv) Net Community Benefit Test for Tuncurry Supermarket Site (2010)

Forster Tuncurry Employment Land Implementation Strategy (2009)

The above Strategy was adopted by Council in November 2009. The consultants who prepared the Strategy on Council's behalf make the following recommendations in relation to the Tuncurry CBD:

'In order to support the economic performance of Tuncurry and its ability to meet the needs of local residents we believe that the Manning Street Tuncurry centre should be the main focus for employment growth.' This recommendation is supported by a number of factors detailed in the Strategy. Further, the strategy states:

'We believe the centre should have a diverse retail and commercial focus providing opportunities for professional businesses, services, IT, tourist and government agencies to operate. The commercial focus of the Manning Street Tuncurry Centre should be supported by its growth as a retail centre providing a range of grocery goods and services required by not only local residents but also a component for tourists.'

'Of particular importance to the strength of the centre will be its ability to attract a second anchor store (such as a major supermarket tenant or discount department store) to the centre or the extension of the existing anchor tenant.'

The strategy indicates that the potential for large scale development (say for a supermarket or anchor store) is significantly restricted in the centre owing to the high level of site fragmentation. It suggests Council examine the viability for development on the existing Council owned lots designated as 5(a) Special Uses at the junction of Kent Street and Peel Streets.

This site is the subject of the development application. As indicated above, portion of the site has recently been rezoned to 3(a) *General Business Zone* to facilitate the supermarket development.

Urban Design & Density Review (UDDR) - Forster/Tuncurry & Tea Gardens/Hawks Nest (2008)

The above study, which was adopted by Council in July 2008, identifies the following strategies as part of the future vision for Tuncurry CBD:

'Tuncurry CBD

Manning Street is to be reconfigured with public domain improvements including footpath widening at intersections, avenue tree planting and consolidation of its built form. It will remain the primary traffic link from the north. Land uses include commercial at lower levels and residential and commercial at upper levels. Street level businesses will tend to be those who benefit from a high level of exposure to passing traffic and are not compromised by traffic noise.

Building heights in the area will permit upper level water views south and west to Wallis Lake and east to Cape Hawke Harbour and the Pacific Ocean. It is hoped the CBD will include one or two "anchor" retailers such as a supermarket....'

Mid North Coast Regional Strategy:

The proposed rezoning is consistent with the relevant aims and planning principles of the Mid North Coast Regional Strategy as they apply to provision of employment lands:

'The Regional Strategy will guide sustainable development of the Mid North Coast Region over the next 25 years. It aims to:

- Ensure an adequate supply of land exists to support economic growth and the capacity for an additional 48 500 jobs in the Region by **protecting existing commercial and employment areas and securing sufficient land to support new employment opportunities.***
- Encourage the growth and redevelopment of the Region's four major regional centres and six major towns as a means of protecting sensitive coastal and natural environments and **strengthening the economic and administrative functions of these centres** as well as meeting increased housing density targets.'*

"When preparing local growth management strategies councils will be required to identify the growth areas for their centres, towns and villages using the following settlement planning principles:

- The four major regional centres will be promoted as the focus of settlement, employment and regional services.*
- Major towns will provide major local services, as well as outreach centres for the provision of regional services.*
- Potential opportunities for the growth in retail and commercial capacity of these centres are to be identified.'*

'Neighbourhood planning principles

- A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space.*
- Easy access (including public transport where viable) to major centres with a full range of shops, recreational facilities and services along with smaller village centres and neighbourhood shops.*
- Jobs available locally and regionally, reducing travel times and the demand for transport services.'*

Net Community Benefit Test:

A Net Community Benefit Test for the Tuncurry Supermarket Site has been conducted and was attached to the Planning Proposal submitted to NSW Planning in July 2010. In conducting this assessment, the consultant had regard to the *'...costs and benefits that have a net impact on community welfare (ie welfare effects). We have not had regard to impacts that transfer benefits and costs between individuals and businesses in the community as they do not have a net community effect.'*

A summary of the conclusions of this report are provided here as they pertain to the social and economic implications of the Planning Proposal and hence proposed development for which the land was rezoned:

'The draft [NSW Department of Planning] Centres Policy clarifies that "a net community benefit arises where the sum of all benefits of a development or rezoning outweigh the sum of all costs"¹. Bearing this definition in mind, in comparison to the base case and in light of the potential costs, the Planning Proposal is likely to:

- Enhance retail choice and competition to the benefit of consumer pricing and health;*
- Enhance investment within Tuncurry Town Centre with flow on economic benefits for existing and prospective complementary businesses within the centre;*
- Enhance the appeal of the centre to shoppers and encourage urban renewal;*
- Generate between 61 and 73 job years in construction and between 53 and 68 full time equivalent jobs upon operation;*
- Have wider economic multiplier benefits including the generation of between \$29m and \$34m of wider activity and between 230 and 276 construction related job years;*
- Reduce the need to travel by unsustainable means such as private car and enhance opportunities for local residents to walk to a broader range of retail options;*
- Make efficient use of existing centre infrastructure and assist in reducing the need for road and bridge related infrastructure across the Forster – Tuncurry locality; and*
- Support the objectives of the Forester – Tuncurry Employment Land Implementation Strategy 2009 and the Mid North Coast Regional Strategy.*

¹ Page 24, Draft Centres Policy, NSW Department of Planning

On balance the Planning Proposal is considered likely to have a strong benefit for the wider Tuncurry community and is therefore considered favourably within the public interest.'

Summary of comments on objections lodged by the public:

I provide the following comments in regard to the issues raised in the public submissions. I have provided my comments under the following three areas:

1. Impact on small business in the Tuncurry area:

The Tuncurry CBD has a relatively high number of shop front vacancies indicating that the area is experiencing challenges.

The FTELIS 2009 outlines various strategies to accommodate future demand for additional employment related floorspace and the types of development to be prioritised in each centre in accordance with business and community needs as well as planning mechanisms to protect and enhance the value of the environment.

The Strategy indicates that in order to support the economic performance of Tuncurry and its ability to meet the needs of local residents, the Manning Street Tuncurry centre should be the main focus for employment growth and of *'particular importance to the strength of the centre will be its ability to attract a second anchor store (such as a major supermarket tenant of discount department store) to the centre or the extension of the existing anchor tenant.'*

The Net Community Benefit Test prepared as part of the Planning Proposal to NSW Planning references the NSW Planning's draft Centres Policy as follows:

'Competition between businesses is the most effective means of delivering efficient, customer - focused goods and services. Greater competition, with more operators in the market, creates incentives for businesses to seek the most efficient methods of production and produce goods and services that customers want. This should results in greater choice and higher quality and cheaper goods and services for consumers.'

The Net Community Benefit Test states, *'The provision of a full line supermarket within the Tuncurry Town Centre will not only enhance retail choice and competition for local consumers, but retail household, tourist and employee related expenditure within Tuncurry. The retention of expenditure would be to the benefit of the local economy and the viability of the centre.'*

'The development and operation of a full line supermarket within the Tuncurry Town Centre would also have flow on benefits to complementary retail such as newsagents, clothing stores and cafes as shoppers combine their supermarket shopping with shopping for additional goods and services. In this way many existing and prospective businesses within the centre would enjoy spin off economic benefits from the Planning Proposal.'

'It is important that not all businesses will directly benefit from the Planning Proposal and the provision of a new full line supermarket. Some competing businesses (such as the existing Bi-Lo) would have their turnover affected. As outlined in the draft Centres Policy however, unless there is a clear public policy case for ding so, "The merit assessment process should not take into consideration the likely competition impact of a new entrant on any existing retail and commercial premises."'

'The development of a full line supermarket within Tuncurry Town Centre would also be viewed as a strong positive commitment to the local area. It is frequently found that major investments of this nature in turn stimulate and attract further investment to the immediate area and wider regions.'

'In economic terms the value of this stimulus is often difficult to directly quantify and the effects are often not realised for many years after facilities and infrastructure have been built and are operational. Nevertheless, investment in a Town Centre if this scale and quality will help to raise the profile of the Tuncurry Town Centre as a place to not only shop in but invest in.'

'As a minimum the development and operation of a new supermarket within Tuncurry Town Centre is likely to reduce the existing level of shopfront vacancy thereby enhancing the visual appeal of the centre and objectives for urban renewal. It is also likely to increase the number of people visiting the centre hence levels of activity and vitality. These factors will in turn increase the appeal of the centre to a broader market and the potential success of urban renewal objectives.'

It should also be noted that the survey conducted by Forster Tuncurry Business Chamber in January 2011 in regard to the proposed supermarket indicated that 82% of businesses who replied supported the development.

2. Provision of retail floorspace to meet future demand:

The Tuncurry Town Centre presently provides one 1,780sqm supermarket and approximately 300sqm of grocery store space (FTELIS 2009). As a result, to conduct weekly or fortnightly shopping for the full range of grocery and household related goods, residents of Tuncurry must either travel to the Breese Parade Centre or outside of the Great Lakes LGA to Taree.

The FTELIS indicates the Manning Street Tuncurry centre should be targeted as the main focus for employment growth. The Strategy states...

'The commercial focus of the ...centre should be supported by its growth as a retail centre providing a range of grocery goods and services required by not only local residents but also a component for tourist. Of particular importance to the strength of the centre will be its ability to attract a second anchor store (such as a anchor supermarket tenant or discount department store) to the centre or the extension of the existing anchor tenant.'

The retail analysis undertaken by the FTELIS (2009) predicts that there will be sufficient demand across the Study Area (ie the Forster Tuncurry district) for additional supermarket floorspace after 2016. Subject to planning approvals and construction timeframes, the proposed development could open mid 2012.

The Net Community Benefit Test prepared as part of the Planning Proposal references to Department of Planning's draft Centres Policy. Principle 4 of the policy states that:

'The planning system should ensure that the supply of available floorspace always accommodates the market demand, to help facilitate new entrants into the market and promote competition'.

The location of a supermarket within the Tuncurry central business district is consistent with the recommendations of the FTELIS 2009 and Urban Design and Density Review - Forster Tuncurry and Hawks Nest Tea Gardens 2008.

3. Need for physical improvement to the Tuncurry CBD area:

The Forster Tuncurry Employment Land Implementation Strategy (2009) recommends a Business Precinct Plan be developed for Forster Tuncurry's centres including the Tuncurry centre. These plans are to include strategies to address car parking, road access, pedestrian footpath widths and the quality of roads, quality of streetscape and raising capital for physical improvements to the centre. They are also to include strategies to enhance the quality of the private domain.

Council staff are currently working with representatives of the Tuncurry business community and Forster Tuncurry Business Chamber to develop an action plan including physical improvements; business development strategies; and joint marketing strategies.

Council has indicated that an additional \$600,000 will be allocated to Tuncurry CBD redevelopment (in 2011/12 and 2012/13) if a Special Rate Variation is approved by the State Government. Meetings are also taking place with Industry & Investment NSW regarding the possibility of funding strategies contained in the Action Plan.

Concluding Comments:

The provision of a full line supermarket as an anchor retailer within the existing Tuncurry business district is in keeping with the recommendations of Council's strategic planning and is aimed at reinforcing the future economic viability of Tuncurry from a retail/commercial standpoint; promoting urban renewal within the subject site and surrounding businesses; and maintaining a compact Tuncurry town centre that has diverse retail and commercial focus. The application does not include any additional 'speciality stores' as the development is designed to encourage shoppers to utilise the businesses within the centre. It is part of a broader strategy to support the economic viability of the Tuncurry business district which has been under performing for some time and increase the range of services available to local residents and visitors to the area.

Minutes

Ordinary Meeting

GREAT LAKES COUNCIL ACCESS COMMITTEE
ORDER OF BUSINESS

Held in the
Large Committee Room
10.00am to 12.00 noon on Monday 7 February 2011

1. **WELCOME**
10.07am – Heather Webster chairing
2. **IN ATTENDANCE**
Heather Webster (Deputy Chairperson)
Lesley Watkin (Publicity Officer)
Councillor Len Roberts
Alan Brown
Michael Healey
John Keep
Marie Keep
Brian Aviet
Dianne Denton (Minutes Secretary)
3. **VISITORS:**
David Pirie - Re GLC Tuncurry 'Woolworths' Shopping centre development
David Bortfeld & Kerrie Simmons - Re Little Street proposed foreshore cycle way/footpath/viewing platform and landscaping project.
Margaret Beydler - interested community member
4. **APOLOGIES:**
David Watkin
Michael Fox
5. **DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST:**
Nil
6. **MINUTES OF THE PREVIOUS MEETING:**
Accepted
Moved - Mick Healey
Seconded - Brian Aviet
7. **INCOMING CORRESPONDENCE:**
 - Media release informing of a new Community Legal Centre for the mid north coast soon to be established.
 - To be set up in Port Macquarie,
 - With outreach services to Taree and Kempsey,
 - Run by Disability Advocacy NSW
 - To open early 2011.
 - Access E-News – Discussion re training courses.
 - Email from Wade Holmes - advising of completion of an audit of disabled car parking spaces (both on street and in council car parks).
 - Cllr Len Roberts congratulated Council staff on undertaking this audit but expressed his disappointment that the committees suggestion that an Access Committee member attend and assist Council staff in these site visits and audit process was not taken up by council officers.
 - Committee felt that a lot of this audit work had already been completed by its members previously (recent photographic record).
 - Discussion re Committee does not believe it needs to prioritize these spaces,

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- because they are all a priority/important.
- Committee is happy that this audit has been done, but believe that it could have been improved with their input.
- Accord magazine
- PDCN annual report
- PDCN bulletin
- Greg Pevitt – Informed committee that he has issued instructions to his rangers to cease issuing penalty notices for illegal parking in accessible spaces throughout the LGA.
 - This is due to the fact that many of these spaces have their markings worn away/signage defaced and they regularly receive representations from offenders advising that 'the signs are worn or unclear'.
"The rangers are issuing numerous fines for persons / vehicles breaching disabled parking spaces/ signs. Regularly we receive representations from offenders advising " the signs are worn or unclear.
I have inspected some on the parking spaces specifically those to Forster Marina and the rock pool car park, I tend to agree with some offenders that the signs painted on the ground are worn and may not be seen by the drivers parking vehicles.
My rangers tell me they regularly report defaced, worn and missing signs to the engineering department for repair or replacing, sometimes the reports fall on deaf ears especially at holiday periods, or it takes months for the signs to be looked at".
 - Greg has received the Committees full support for this matter and "will make a formal request to the Council Engineering department for a quarterly inspection on all disabled parking spaces in the Great Lakes area and as part of the inspection replace damaged or worn disabled parking signs as necessary during that inspection".
 - Len Roberts also suggested that during this time of non issuing of fines, that rangers could advise/warn motorists of the illegality of their actions.
- Irene Mashford – forwarded a copy of a letter she had sent to Stocklands management re their accessible parking and a number of the spaces closest to the entry near the Post Office having been changed into Pram/Parents parking. Brian Aviet advised that he has also spoken to Stocklands about this matter. Discussion occurred re these pram spaces being provided by Stocklands as a courtesy only and that people with disabled parking certificates override the pram spaces. The Access Committee supports the provision of pram parking spaces, but believe that they should not take the place of previously designated disabled parking spaces and would be more ideally situated slightly further away. Letter to be sent to Stocklands re what their plans were with the provision of these disabled/pram parking etc, also request copy of Stocklands response from Irene Mashford. Moved Len Roberts, Seconded John Keep.
- Annabelle Lewis spoke to Laurie Bowden re the Woolworths Forsters removal of their accessible public toilet during the construction of their new liquor outlet. Mick Healey advised that on the original DA they had to have an accessible toilet in the building. Discussion occurred re it not being a legal requirement for a supermarket to provide an accessible toilet for the general public. Original DA to be investigated re the provision of this toilet. Moved Len Roberts, Seconded John Keep.

8. OUTGOING CORRESPONDENCE:

Nil

9. GENERAL BUSINESS:

- Election of new office bearers – to be deferred until next meeting and finalization of S355 committees governance requirements.
- Forster Tuncurry Memorial Club – Letter sent 11/2/10, no reply has been received to date. Follow up letter to be sent. Moved Mick Healey, Seconded Brian Aviet
- New Premises standards – information provided to Committee members.
- Green Project at Waste Resource Centre – Heather Webster would like committee to invite the Project Managers to the next Access meeting to speak about their project and plans, and how they are addressing various access issues at the centre. Moved John Keep, Seconded Cllr Len Roberts.
- Stocklands Parking – Mick Healey advised that he has been asked a lot about disabled parking at Stocklands. Discussion occurred about whether disabled people are able to use the accessible spaces by staying seated in the car whilst their able

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bodied person gets out of the car and goes and does something. Legally this acceptable and there is no legal standing to prevent this.

- Disabled Parking signage and space marking – general discussion occurred re this issue.
- Special Wheelchair parking – Mick Healey advised that Paraquod has been trying to get the accessible spaces colour coded for a number of years, with the intention of having accessible parking stickers colour coded for easy identification with the spaces etc. To date this has not been implemented.
- David Pirie - GLC Tuncurry Shopping centre development - This development was brought to the Committee for general input on the project.
 - Parking - 83 on site, 46 on the street, 4 accessible - Committee does not believe that this number of accessible car spaces is sufficient.
 - Lesley Watkin - There is a need for a specific community bus parking space/drop off zone at the front of the building (inside the centre car parking area, near the front doors). There is a large number of seniors in the area that utilize this bus service regularly.
 - Mezzanine level definitely needs a lift - Committee believes that a chair lift is dangerous and unacceptable. Lesley Watkin - not having an internal lift to the mezzanine level will leave the Council open to legal action.
 - David Pirie advised that he wrote to the external consultants preparing the DA about this mezzanine access issue and the need for the provision of a lift in the Construction Certificate application. The Committee believes that the option of using a chair lift facility is totally unacceptable.
 - Accessible toilets - there is an accessible toilet provided for staff downstairs, but there are no toilets (accessible or otherwise) provided for the general public. Committee believes that this is unacceptable - particularly taking into regard the distant location of other public toilets in Tuncurry (John Holland Park?).
 - David Pirie advised that there was no legal requirement for a supermarket to provide a public toilet facility. Lesley Watkin - there may be no legal requirement for the provision of a toilet, but there is a *need* for a (accessible) toilet.
 - The Committee believed that, particularly as it is a Council owned development, that this building should be 'leading the way' and setting/providing higher standards of facilities. Setting the standard for other developers to follow.
 - David Pirie advised that this development will be assessed by the Joint Regional Planning Committee, not by Council.
 - Cllr Len Roberts - Council should be setting a high example and at least meeting the new Disability (Access to Premises - Buildings) Standards that will come into effect on 1 May 2011 (even if the DA is approved prior to this date).
 - Discussion occurred re that the committee believe the car parking provided is not sufficient, and that other developers have provided over and above what is legally required (taking demographics into consideration i.e., there is a large seniors population in this area and so more accessible car parking spaces should be provided) - Council should be doing the same.
 - Cllr Len Roberts - The Access Committee has kept pushing to have accessible standards kept high in this area and the future needs of the community need to be taken into consideration with this project.
 - Mick Healey - Bus parking - the bus stop should be positioned before the driveway entry/exit, not after, that way people can walk straight up the side of the building and not need to cross a busy entrance/driveway.
 - There was discussion about the fact that there was only one entry/exit to the store.
- David Bortfeld & Kerrie Simmons – Little Street, Forster foreshore redevelopment – This is one segment of a major foreshore project to improve foreshore access to people between Paradise Marina and Tiki Boatshed, using the last round of federal funding stimulus monies. The focus is to reduce very difficult maintenance issues and bring a more useable pathway system to the shoreline, whilst recognizing the parking issues. There will potentially be some access issues. There is a delivery date of Christmas 2011, starting work in the May period. David Bortfeld advised that he is not sure how these works will be constructed as yet and that he will come back to another meeting once the design process has been finalized. David Bortfeld is looking to incorporate access opportunities close to the roundabout at Paradise Marina and also a new viewing platform is to be constructed on the foreshore opposite the shop on Little Street, Forster. The plan designers will be trying to provide at least a 2.5m + pathway here. It will probably be a designated pedestrian pathway, not a shared pathway. These plans will be developed over the next 8 months. Cllr Len Roberts – good to have accessible parking at both ends. John Keep – There needs to be an

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edge on the paths to guide vision impaired people. Mick Healey – issues re seating, picnic table access etc not being shown on concept plans. If they are shown on the concept plans, they are more likely to be installed and appropriate.

- Mick Healey – Maintenance issue - concrete outside the council building – corner started to lift near table and bench seats. Service Request required on this matter.
- Old outdoor tables and chairs – are not upgraded to accessible picnic tables until they need replacing.
- Colostomy bag urinal to be incorporated into council standards (over and above the legal standards) for accessible toilets. Moved – Alan Brown, Seconded – Lesley Watkin.

10. **NEXT MEETING:**
Monday 7 March 2011
11. **MEETING CLOSED:**
12.05pm