

WYONG SHIRE COUNCIL

Construction of Three Proposed Industrial Units at Berkeley Vale

SUMMARY

The applicant proposes the erection of three industrial buildings for the warehousing, assembly and distribution of renewable energy products and the maintenance of heat exchange products. The proposal includes office facilities in each building, on-site car parking, stormwater management facilities and site landscaping. The key issues identified in the assessment include the provision of on-site stormwater management facilities, potential impact on an identified threatened species on an adjoining property, adequacy of on-site car parking, bush fire hazard, and compliance with the title restrictions of the subject lot. The assessment has concluded that these issues have been appropriately addressed.

Applicant	Power Projects International Pty Ltd
Owner	Mr K J Kim (Power Projects International Pty Ltd)
JRPP No.	2011HCC028
Application No	DA/526/2011
Description of Land	10 Corella Close, Berkeley Vale (Lot 2 DP 1129808)
Proposed Development	Construction of three industrial units at Berkeley Vale
Site Area	2.512 hectares
Zoning	4(a) (General Industrial Zone)
Existing Use	Vacant
Employment Generation	60 (approx.)
Estimated Value	\$10,500,000
Report By	Peter Meloy – Development Assessment Planner
Checked By	Peter Fryar – Manager Development Assessment

Referral to Joint Regional Panel

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to Clause 13(B) and 13(C) of State Environmental Planning Policy (Major Development) 2005, given the three proposed industrial buildings have a combined value of over \$10 million and are within a coastal zone and each building has a height in excess of 13 metres.

Permissibility

The site is zoned 4(a) (General Industrial Zone) pursuant to Wyong Local Environmental Plan 1991 (WLEP). The proposal is defined as "industry" under WLEP and is permissible within the 4(a) zone subject to development consent. All required owners' consent have been provided. The proposal is local development.

Consultation

The application was not required to be advertised under the requirements of Wyong Development Control Plan 2005 Chapter 70 – Notification of Development Proposals. The application was not required to be referred to any public authority.

RECOMMENDATION

- 1** *That the Joint Regional Planning Panel grant consent to DA/526/2011 subject to the conditions contained in Attachment 4.*

INTRODUCTION

The Site

The site is known as Lot 2 DP 1129808 and is located on the eastern side of Corella Close, immediately north of the intersection with Enterprise Drive. The lot is an irregular-shaped allotment with an area of 2.512 hectares and has a very slight fall from west to east. The lot has a 92.915 metre wide frontage to Corella Close and an average depth of approximately 261.5 metres.

The site is vacant and predominantly clear of significant vegetation, having been cleared for development as part of a previous development consent (DA/435/1999). However, a 10 metre wide vegetation buffer was required to be retained along the Corella Close frontage together with 10 metre wide vegetated buffers along the site's eastern and southern boundaries (see Figure 1 below).

The site is located within the Berkeley Vale Industrial Western Precinct and is adjoined on three sides (eastern, northern and western) by land zoned 4(a) General Industrial. Land on the western side of Corella Close and on the north side of Apprentice Drive has been developed for a range of large-scale industrial purposes consistent with the 4(a) zoning. The properties located between the subject site and the intersection of Corella Close and Apprentice Drive remain undeveloped. The lot adjoining the western boundary of the site, although zoned 4(a) General Industrial, is owned by Council and is the identified habitat of several threatened species including the Green Thighed Frog.

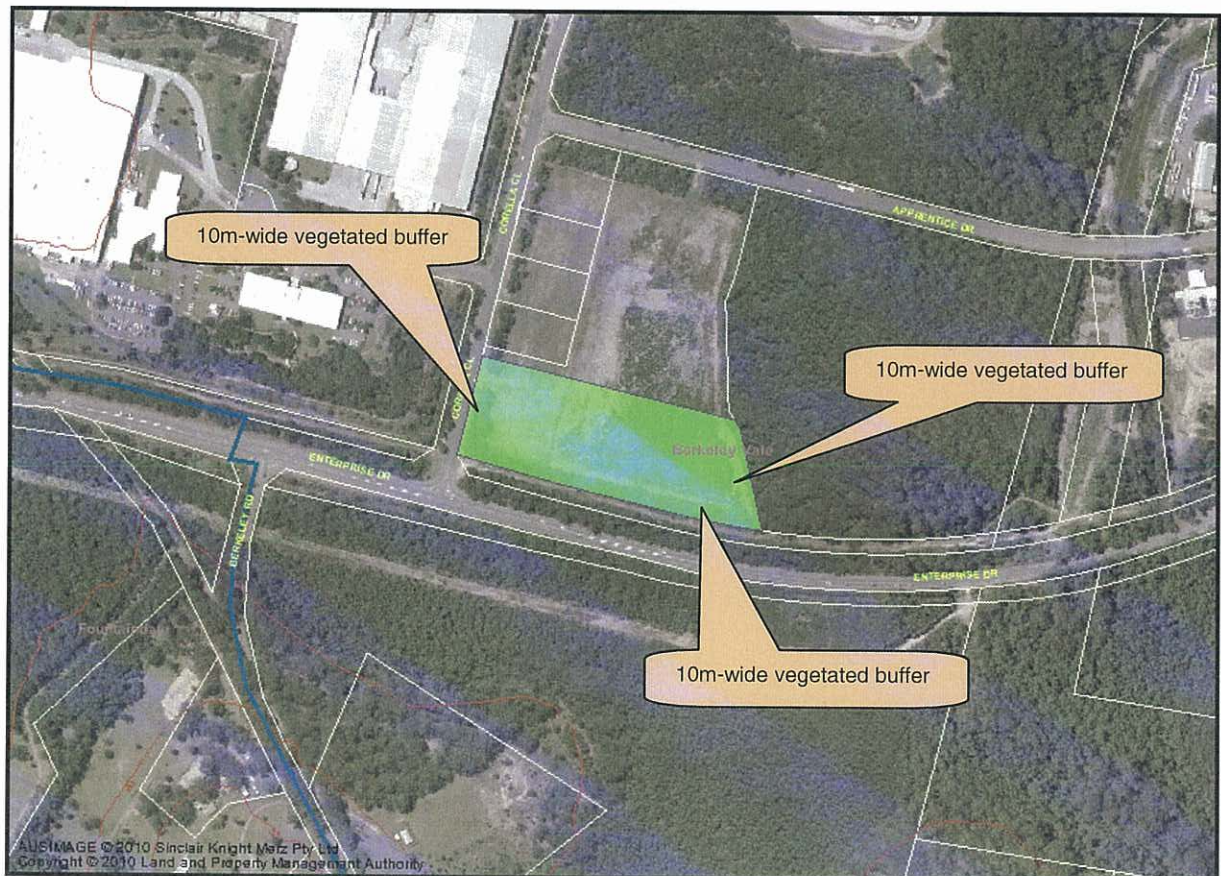


FIGURE 1: Aerial photograph with cadastral overlay of 10 Corella Close (highlighted) and surrounds.

The Proposed Development

The applicant, Power Projects International (PPI), is proposing to establish its new business park within the Berkeley Vale Industrial Western Precinct. The proposed business park is comprised of three separate buildings which will house PPI's Solar Panel (Building "A"), Wind Turbine (Building "B") and Heat Exchange (Building "C") Technology Divisions. As the headquarters for PPI's Sustainable Energy Division, Building's "A" and "B" will include warehousing, assembly, distribution and office functions and Building "C" will be mainly involved in the repair and maintenance of heat exchange equipment brought from power stations. Table 1 below provides a numerical overview of the proposed development:

Site Area	<ul style="list-style-type: none"> 25,120m²
Building Heights: <ul style="list-style-type: none"> Building "A" – Solar Division Building "B" – Wind Division Building "C" – Heat Exchange Division 	<ul style="list-style-type: none"> 16.5 metres 16.5 metres 14.35 metres
Gross Floor Area <ul style="list-style-type: none"> Building "A" – Solar Division Building "B" – Wind Division Building "C" – Heat Exchange Division 	<ul style="list-style-type: none"> 3,156m² 3,078m² 1,985m²
On-site Car Parking	<ul style="list-style-type: none"> 76 spaces

TABLE 1: Numerical overview of proposed development.

The buildings are to be constructed of precast concrete and infill panels, metal roofing and glazing. Each building has a ground floor predominantly devoted to loading/unloading areas, assembly and storage areas. Each building also has a two-storey office area located in its north-eastern corner. The ground floor of each building can be accessed via a common seven metre wide and variable driveway running adjacent to the northern boundary. In addition to the three main buildings, the proposal includes a staff barbecue area located in the south-eastern corner of the site adjacent to a proposed stormwater detention pond. The proposal also includes 76 on-site car parking spaces, 15 bicycle racks and site landscaping (see Figures 2, 3 and 4 below).

The development is proposed to be in operation from 7.00am to 5.30pm, six days a week (excluding Sundays). The development is expected to employ approximately 60 persons (approximately 20 people in each of the three buildings) and employment opportunities will exist for ancillary functions such as cleaning, landscaping, security, waste collection, and materials recycling.

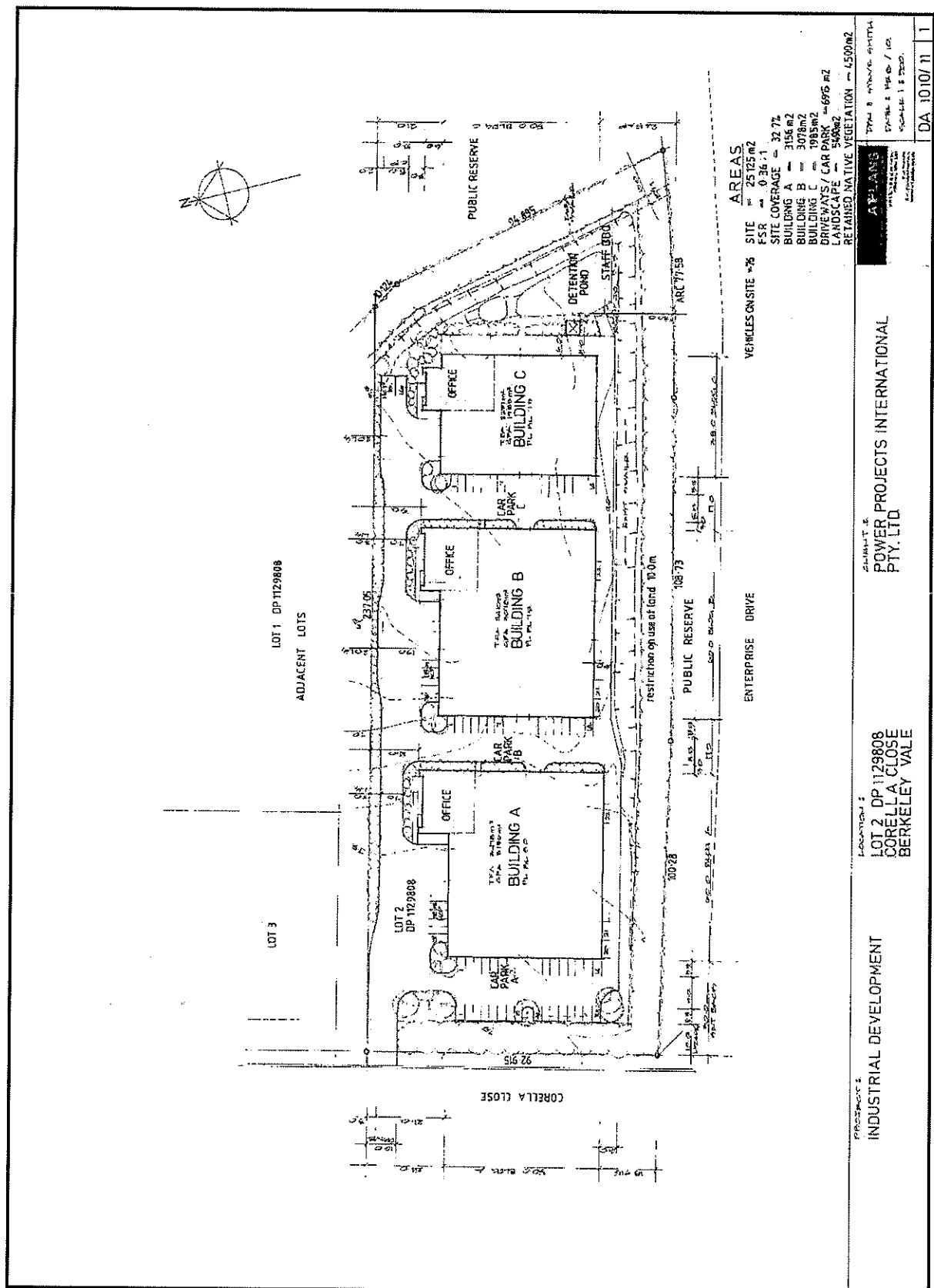


FIGURE 2: Original site plan (since amended to provide continuous perimeter access road as shown in Attachment 1.)



FIGURE 3: Artist's impression of proposed development from imaginary elevated point north-east of the site.



FIGURE 4: Artist's impression of proposed development when looking from north-western corner of site.

Internal Referrals

The application has been referred within Council to the:

- Development Engineer;
- Senior Health and Building Surveyor – Fire Safety;
- Development Planner (Ecologist);
- Landscape Design Assessment Officer; and
- Trade Waste Supervisor

The issues raised in the referral process are discussed in the report and where appropriate, reflected in the recommended conditions of consent.

External Referrals

Nil.

Summary (Key Issues)

Stormwater Management

The subject site adjoins a reserve upon which a population of a threatened species, the Green Thighed Frog, and an endangered ecological community, Swamp Sclerophyll Floodplain Forest, have been previously identified. The subject site drains into this reserve and to ensure that the adjoining reserve is not detrimentally affected by development on the subject lot, stormwater must be managed to ensure that the quality and quantity of the stormwater discharge post development is the same as pre-development flows.

The applicant has submitted a stormwater drainage strategy which has been reviewed by Council's Development Engineer. The Development Engineer has concluded that the proposed system does not fully satisfy the required water quality and quantity criteria required but that a suitable system will be able to be designed to meet Council's required outcomes. The Development Engineer has recommended that appropriate conditions be applied to any consent to ensure that the final stormwater management design achieves the required water quality and quantity criteria.

Threatened Species

Council's Ecologist has advised that the vegetation on the Corella Close frontage of the site has been identified as "Alluvial Robusta-Paperbark Sedge-Palm Forest" that qualifies as "Swamp Sclerophyll Floodplain Forest" (SSF) EEC. The vegetation along the eastern boundary buffer was identified as Narrabeen Coastal Blackbutt Shrubby Forest. In addition, previous surveys have recorded on or immediately adjacent to the site the following threatened species: *Melaleuca biconvexa*, the Green Thighed Frog, Wallum Froglet, Greater Broad-nosed Bat, Eastern False Pipistrelle, Eastern Freetail Bat, Bentwing Bat and Little Bentwing Bat. *M. biconvexa* no longer occurs on the subject site following clearing.

Based on the field surveys, habitat assessments and mitigation measures and provided that the recommended conditions are complied with, Council's Ecologist has concluded that there is not likely to be a significant impact on any threatened species, populations or ecological communities as a result of the development and has advised that a Species Impact Statement (SIS) is therefore not necessary. The conditions proposed by Council's Ecologist are recommended for inclusion in any consent that is granted.

Compliance with Restrictions-As-To-User

The site is burdened by a number of title restrictions that concern maintaining vegetation preservation buffers, providing and maintaining a sewage pumping-station, maintaining a swale drain and, or, ensuring subsequent development does not concentrate flows onto the adjoining reserve, and limiting vehicular access from Corella Close to one 10 metre wide access across a vegetation preservation buffer. The application complies with the various restrictions including the restriction concerning the location of the access from Corella Close.

Bush Fire prone Land

The site is identified as being "bush fire prone land" on Council's certified Bush Fire Prone Lands map. Section 79BA of the Environmental Planning and Assessment Act 1979 (EP & A Act) requires the development to comply with any expressed requirements of the current *Planning for Bushfire Protection* document. The current document is *Planning for Bushfire Protection 2006* (PBP2006) and this document classifies the proposed development (industry) as "other development" for which the PBP2006 has no specific requirements apart from Section 1.3(b) which requires satisfying the aim and several objectives contained in Section 1. In recognition of the potential hazard, the applicant has supplied a bushfire hazard assessment that assesses the proposed development against the aim and objectives of PBP2006. The assessment concludes that, subject to the recommendations in the assessment, the proposed development will satisfy the aim and objectives of PBP2006.

It should be noted, however, that Council required the site plan (shown in Figure 1) to be amended in the location of the north-eastern corner of Building "C" to provide a continuous access perimeter road for bushfire-fighting vehicles. This amendment is shown in the current site plan in Attachment 1.

On-site Car Parking

Wyong Development Control Plan 2005 Chapter 61 – Carparking requires the development to provide 104 on-site car parking spaces. This figure is calculated on the type of uses proposed within each building and the gross floor area (GFA) of each building (see details in Table 1 above). The applicant proposes to provide 76 vehicle parking spaces representing a shortfall of 28 spaces or a variation of 26.9% to the controls. A traffic assessment was submitted in support of the number of parking spaces proposed to be provided. The report found that the proposed on-site car parking would be satisfactory, based on the planned operation of the businesses and the expected number of employees.

Given the nature of the development, particularly in relation to Buildings "B" and "C" which will handle large pieces of equipment, the variation sought is considered to be acceptable. The 76 proposed spaces will likely satisfy peak demand at most times. However, to ensure, as far as possible, that the 76 spaces do satisfy demand, it is recommended that a limit on permanent staff numbers to 60, as stated in the Statement of Environmental Effects (SEE), be applied. Any future expansion will require a further application to be submitted and at that time the issue of the current car parking provision being able to satisfy the demand generated by the use can be reviewed. The applicant is in agreement with this approach.

VARIATIONS TO STANDARDS

Clause	3.0 Requirements
Standard (DCP Control)	<ul style="list-style-type: none"> - 1 space per 75m² of GFA (factory) - 1 space per 30m² of GFA (offices) - 1 space per 300m² of GFA (warehouse)
LEP/DCP	Chapter 61 – Carparking, Wyong Development Control Plan 2005
Departure basis	Application of the current DCP controls results in a requirement for 104 car spaces but only 76 are proposed. This represents a variation of 26.9% to the development controls. The applicant has submitted a traffic assessment that has assessed the likely on-site car parking demand and has found that the proposed 76 spaces should satisfy the expected demand.

TABLE 2: Details of proposed variation to number of on-site parking spaces required by Wyong DCP 2005 Chapter 61 – Carparking.

HISTORY

- 10.10.2000: DA/435/1999 approved and clearing of the land. Naturally vegetated buffers were retained along the Corella Close frontage and along the parent lot's eastern, northern and southern boundaries.
- 30.11.2006: DA/500/2006 granted deferred commencement consent for an 18-lot industrial subdivision.
- 18.10.2007: DA/500/2006/A approved making minor modifications to some consent conditions.
- 08.02.2008: DA/1574/2007 approved for a seven-lot industrial subdivision.
- 22.07.2008: DA/1574/2007/A amends consent to a six-lot subdivision that includes creating the subject lot (Lot 2 DP 1129808).
- 24.02.2011: DA/1541/2011 for turbine generator maintenance facility and head office approved by Joint Regional Planning Panel on adjoining lot, 9 Corella Close (Lot 1 DP 1129808).

PERMISSIBILITY

The subject site is zoned 4(a) (General Industrial Zone), under the provisions of WLEP (see Figure 5 below). The proposed development, three industrial buildings, falls within the definition of "industry" which is defined by the WLEP as being:

“ the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or any articles, and excludes any other use elsewhere specifically defined in this clause.”

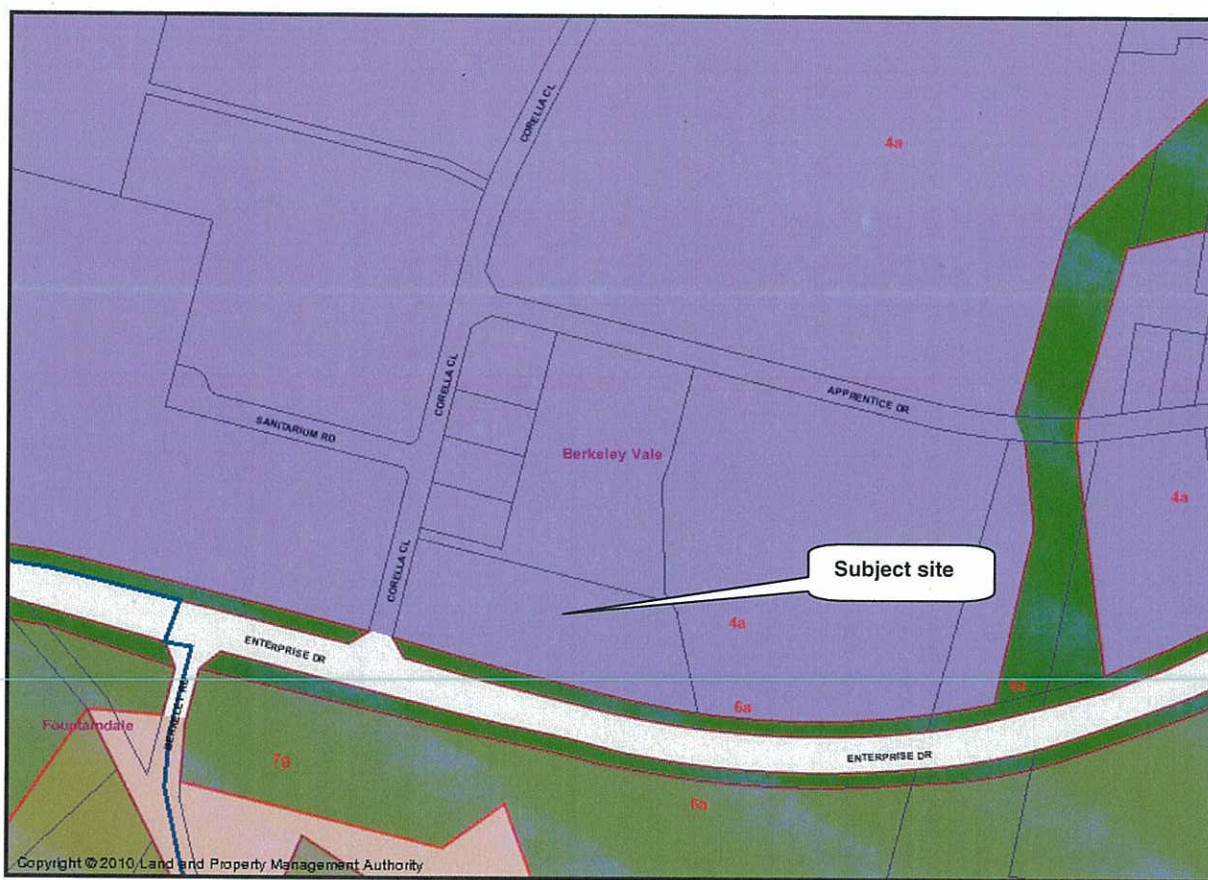


FIGURE 5: Extract of Wyong LEP 1991 zoning map (source: E-view).

The proposed use is permissible with consent and is considered to comply with the following objectives of the zone:

- “(a) to provide opportunities for the development of large scale industrial, service and storage activities which by nature of their operations should be isolated from residential areas, and*
- (b) to restrict commercial, retail or other development except where it is ancillary to the use of land within this zone for industrial, service and storage purposes, and*
- (c) to enable the Council to provide more detailed guidelines about industrial development in a development control plan.”*

It should be noted that in respect of Objective (a) the proposal is for three large-scale industrial buildings that will be appropriately isolated from residential areas by being located on a site located within an existing industrial precinct.

In respect of Objective (b) the applicant proposes to establish three industrial buildings on the site and the buildings will include warehousing, assembly, distribution, maintenance and associated administration functions. No commercial, retail or other development is proposed.

In respect of Objective (c), Council has adopted Chapter 29 – Berkeley Vale Industrial Western Precinct and Chapter 75 – Industrial Development of Wyong Development Control Plan 2005 which provide more detailed guidelines about industrial subdivisions and industrial development and by which the proposed development will, in part, be assessed.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

The Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy No 71 – Coastal Policy
- State Environmental Planning Policy No 64 – Advertising and Signage
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 44 – Koala Habitat Protection
- Wyong Local Environmental Plan 1991
- Wyong Development Control Plan 2005
 - Chapter 14 – Tree Management
 - Chapter 29 – Berkeley Vale Industrial Western Precinct
 - Chapter 50 – Advertising Signs
 - Chapter 61 – Carparking
 - Chapter 67 – Engineering Requirements for Developments
 - Chapter 69 – Controls for Site Waste Management
 - Chapter 70 – Notification of Development Proposals
 - Chapter 75 – Industrial Development
- Landscape Policy and Guidelines
- Southern Lakes District Contributions Plan
- Building Code of Australia

ECOLOGICALLY SUSTAINABLE DEVELOPMENT PRINCIPLES

The proposal has been assessed having regard to Ecologically Sustainable Development principles and is considered to be consistent with the principles.

The proposed industrial development is considered to incorporate satisfactory stormwater, drainage and erosion controls and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats owing to the proposed on-site stormwater management system which will be designed to ensure that post-development flows are the same as pre-development flows in terms of quality and quantity. The proposal is unlikely to significantly affect fluvial environments for the same reason.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979, other statutory requirements and Council's policies, the assessment has identified the following key issues, which are elaborated upon for the Panel's information. Any tables relating to plans or policies are provided within the body of the report or, where indicated, provided as attachments to the report.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv)):

State Environmental Planning Policy (Major Development) 2005

Aim (f) of State Environmental Planning Policy (Major Development) 2005 (SEPP MD 2005) identifies development for which Regional Panels are to exercise specified consent authority functions.

Division 13B "General development to which Part applies" of Part 3 "Regional development" of SEPP MD 2005 provides a list of development criteria where the provisions of Part 3 apply including 13B(1)(a) which states:

"development that has a capital investment value of more than \$10 million,"

In addition, Division 13C of Part 3 "Regional development" of SEPP MD 2005 provides a list of further development criteria for land lying within the coastal zone including Division 13C(b) which states:

"buildings or structures (other than minor alterations or minor additions to existing buildings or structures) that are greater than 13 metres in height, excluding any building that complies with all development standards relating to the height of such a building set by a local environmental plan that applies to the land on which the building is located,"

The proposed development has an estimated capital investment value of \$10.5 million. In addition, the proposed development is to be sited on land within the coastal zone and, as can be seen in Table 1 above, the three buildings each have a maximum height in excess of 13 metres and there is no applicable height development standard contained in WLEP. Accordingly, the development application is to be determined by the Regional Panel in accordance with the provisions 13F(1)(a) of Part 3 of SEPP MD 2005.

State Environmental Planning Policy No 71 – Coastal Policy

The site is located within the coastal zone as defined by State Environmental Planning Policy No 71 – Coastal Policy (SEPP 71) and as such, requires the proposal to be considered against the several matters listed in clause 8 of the SEPP. A table of those considerations can be seen below.

MATTER TO BE CONSIDERED	COMMENT
To satisfy the aims of the Policy	Assessed as satisfying the aims of the Policy
Will not impact upon public access to and along the coastal foreshore	Proposal does not impact on public access to foreshore
Will not reduce opportunities to provide new public access to and along the coastal foreshore	Proposal does not reduce opportunities to provide new public access to foreshore
Is suitable given its type, location and design and its relationship to surrounding area	Is assessed as being suitable to surrounding industrial area

Will have no detrimental impact on foreshore, will not overshadow foreshore and will not result in significant loss of views from any public place to the foreshore	Will not cause any detrimental impact, overshadowing or loss of views to foreshore
Consider the scenic qualities of the NSW coast and means to protect and improve those qualities	Will not affect scenic qualities of the NSW coast
Measures to conserve threatened species and plants and their habitat	Vegetated buffers retained and stormwater nutrient-removal system and water harvesting system included in design to protect habitat of Green Thighed Frog
Measures to conserve fish and marine vegetation and their habitats	Stormwater harvesting and cleansing measures included in design to ensure water entering Ourimbah Creek is of same quantity and quality as pre-development flows
Impact of development on existing wildlife corridors	Vegetated buffers retained and to be augmented with additional plantings
Likely impacts of coastal processes and coastal hazards on development and vice versa	No impacts identified in assessment - location of site two kilometres from edge of Tuggerah Lake
Measures to reduce potential conflict between land-based and water-based coastal activities	No specific measures required in this instance
Measures to protect cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	No measures required as site has not been previously identified as place of Aboriginal significance
Likely impacts of development on water quality of coastal water bodies	Stormwater harvesting and cleansing measures included in design to ensure water entering Ourimbah Creek and Tuggerah Lake is of same quantity and quality as pre-development flows. Sewage pumped to public treatment facility before discharge
Conservation and preservation of items of heritage, archaeological or historic significance	Site not identified as a heritage item or in vicinity of heritage item
Measures to encourage compact towns in preparation of a local environmental plan	Not relevant
Cumulative impacts of development	No significant cumulative impacts identified in the assessment
Measures to ensure energy and water efficiency	Energy-efficient appliances and lighting to be used and water-efficient fixtures and facilities to be used. Proposal includes the establishment of roof-mounted solar panels to generate 20kW of "green" electricity

TABLE 3: Comparison of proposed development to considerations contained in Clause 8 of SEPP 71.

Given the type and location of the proposed development – three industrial buildings located in an established industrial park – it is considered that when assessed against the above “matters for consideration” the proposed development is consistent with the relevant objectives of SEPP 71.

In addition, clause 15, “Effluent Disposal” and clause 16, “Stormwater” in SEPP 71 prevent Council from consenting to any development that will dispose of untreated effluent or stormwater into Ourimbah Creek. The proposed development will connect to the existing approved public reticulated sewerage system via an on-site collection and pump station.

Stormwater is to be harvested on site for use within the buildings for toilet flushing and outside for watering the vegetation planted as part of the site landscaping and for washing pathways. In addition, any stormwater leaving the site must first pass through a nutrient-removal pond and swale drain to ensure that a satisfactory quality and quantity of stormwater discharge is achieved. Recommended conditions of consent require the on-site stormwater management system to be appropriately maintained for the life of the development.

State Environmental Planning Policy No 64 – Advertising and Signage

The applicant proposes the erection of four signs, one on the north elevation of each of the three buildings and one on the entry gate on Corella Close. The signs are proposed to be illuminated and will display the corporate branding of Power Projects International in the following signature blue, black and red lettering:

1. “*PPi* Power Projects International Business Park” on the Corella Close entry gate, measuring 1.5 metres high by 4.5 metres long (see example below in Figure 6).
2. “*PPi* Power Projects International SOLAR DIVISION” on the northern elevation of the solar panel building, measuring 1.5 metres high by 5.0 metres long (see example below in Figure 7).
3. “*PPi* Power Projects International WIND DIVISION” on the northern elevation of the wind turbine building, measuring 1.5 metres high by 5.0 metres long (see example below in Figure 7).
4. “*PPi* Power Projects International HEAT DIVISION” on the northern elevation of the heat exchange building, measuring 1.5 metres high by 5.0 metres long (see example below in Figure 7).



FIGURE 6: Example of proposed gate signage



FIGURE 7: Example of building signage

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) applies to all signage but excludes business identification signs from most of the requirements. Clause 8 of Part 2 does, however, require Council to be satisfied that any proposed business identification signs are consistent with the objectives of SEPP 64 and satisfy the assessment criteria in Schedule 1 of SEPP 64.

Objective (a) of SEPP 64 states:

“(a) 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, and”*

Given that the design and finish of the signs will be durable and of a very high quality and the proposed locations are suitable for identifying each business, it is considered that the proposed signs are consistent with the above objective of SEPP 64.

In terms of satisfying the assessment criteria in Schedule 1 of SEPP 64, the following table compares the proposed signs to those criteria.

ASSESSMENT CRITERIA	COMMENT
1 Character of the area <ul style="list-style-type: none"> Is it compatible with existing or desired future character of the locality? Is the proposal consistent with a particular theme in the area? 	<p>The signs are proposed to be located in a general industrial park.</p> <p>No particular themes in the area but signs comply with DCP Chapter 50.</p>
2 Special areas <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The site's eastern boundary adjoins a site that is habitat for a threatened species, the Green Thighed Frog. The signs do not detract from the visual quality of this land as the signs are sited along the western and northern frontages of the site.</p>
3 Views and vistas <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<p>The signs do not obscure important views.</p> <p>The signs do not dominate the skyline or reduce the quality of vistas.</p> <p>The signs do not interfere with any other advertiser or potential advertiser.</p>

<p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> • Are the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape? • Does the proposal reduce clutter by rationalising existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area? • Does the proposal require ongoing vegetation management? 	<p>The signs are part of a large industrial building development in an area characterised by such buildings.</p> <p>Signs are of high quality and contribute to visual interest of the streetscape.</p> <p>Greenfield site so matter is not relevant to proposed signs.</p> <p>No unsightly features to screen.</p> <p>No, one sign is to be attached to the northern façade of each of the three buildings and the fourth is to be attached to an entry gate.</p> <p>No, none of the signs requires any significant ongoing vegetation management.</p>
<p>5 Site and building</p> <ul style="list-style-type: none"> • Is the proposal compatible with the scale of the site or the building or both? • Do the signs respect important features of the site or building or both? • Do the signs show innovation and imagination in its relationship to the site or building or both? 	<p>The signs are compatible with the scale of the buildings and the site.</p> <p>The signs are well positioned on the buildings and the gate.</p> <p>The signs are considered to be satisfactory from these two considerations.</p>
<p>6 Associated devices and logos</p> <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>The signs are planned to be illuminated but no details of lighting have been provided as part of the development application. Council will recommend that condition be applied requiring no light spill into vegetated buffers. No other devices proposed.</p>

<p>7 Illumination</p> <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	<p>No, the location of the signs should not result in unacceptable glare.</p> <p>No, illumination of the signs will not create safety issues.</p> <p>No, there are no residences or other forms of accommodation that would be affected by the illumination.</p> <p>Unknown but given nature of the proposal this is not necessary.</p> <p>No curfew applies to site or to proposal.</p>
<p>8 Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>No, the signs will have no effect on the safety for any public roads.</p> <p>No, the proposal will not reduce safety for pedestrians or cyclists.</p> <p>No, the proposal will not obscure sightlines from any public area so there will be no reduction in safety.</p>

TABLE 4: Comparison of proposed signs to assessment criteria in Schedule 1 of SEPP 64.

From the assessment shown in the above table it is concluded that the proposed signs satisfy the assessment criteria listed in Schedule 1 of SEPP 64.

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 “Contamination and remediation to be considered in determining development application” of SEPP 55 is the clause of the SEPP that has relevance the proposed development. Clause 7(1) prohibits Council from consenting to the carrying out of development of any land unless it has, in part, considered whether the land is contaminated.

Clause 7(2) requires the Council, before determining an application for a change of use described in Clause 7(4), to consider a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Clause 7(4) lists the following lands:

- Land within an investigation area;
- Land on which development listed in Table 1 of the contaminated land planning guidelines is being or known to have been used for; and

- Land on which residential, educational, recreational child care purposes or a hospital are proposed.

In carrying out an assessment of the proposed development it was known that:

- 10 Corella Close is not within an investigation area.
- The site has not been used for any of the purposes listed in Table 1 of the contaminated land planning guidelines.
- The use proposed for the land for industrial buildings is not a use listed in Clause 7(4)(c).

This means that Council, under Clause 7(2) is not prohibited from determining the application without first having considered a preliminary investigation report.

Finally, in respect of Clause 7(1) the assessment of the application considered the following:

- The land was undisturbed native bushland prior to the industrial subdivision occurring in 2008 that created the lot and it has not been used for any purpose in the intervening two-and-a half years.
- Council's records show no evidence that fill was imported on to the site during construction of the subdivision and that fill on the lot was gained from cutting on other lots within the same subdivision which were also undisturbed native bushland.

From the consideration of the above as to whether or not the land is contaminated Council has determined that the land is not contaminated.

State Environmental Planning Policy No 44 – Koala Habitat Protection

Council's Ecologist has advised that because the site is larger than one hectare and contains potential koala feed trees (Swamp Mahogany) listed in Schedule 2 of SEPP 44, the SEPP applies. Swamp Mahogany constitute more than 15% of the canopy cover across the subject site therefore the site can be considered "Potential Koala Habitat". No scats, claw marks or individuals were observed during the fauna surveys (see details under the heading "Any effect on the flora and fauna" in a later section of this report) therefore the site cannot be considered to be "Core Koala Habitat".

Wyong Local Environmental Plan 1991

Clause 10 – Zoning

The land is zoned 4(a) (General Industrial Zone) under WLEP. The three proposed industrial buildings are permissible within the zone. In this case, however, owing to the provisions of SEPP (Major Development) 2005, the Joint Regional Planning Panel (JRPP), rather than the Council, has the authority to determine the application.

The proposed development is also consistent with the stated objectives of the zone as discussed under the heading of "Permissibility" in a previous section of this report.

Clause 12 – Development not requiring Council consent

The clause specifies certain types of advertisements that do not require the consent of Council. The list of advertisements excluded from requiring consent includes "approved

signs” as specified in any development control plan which has been adopted by Council for that purpose. The relevant DCP is Chapter 50 of Wyong Development Control Plan 2005 and the four proposed signs are discussed in the section headed “Chapter 50 – Advertising Signs” in a later section of this report.

Clause 15 – Development on land containing acid sulphate soils

The site is identified as a Class 4 on Council’s Acid Sulphate Soils Planning Map. Under Clause 15(4) of WLEP, a preliminary acid sulphate soils assessment report is required to be undertaken in accordance with the *Acid Sulphate Soils Assessment Guidelines* for any works beyond two metres below the natural ground surface in Class 4 or for works by which the water table is likely to be lowered to any point beyond two metres below the natural ground level in Class 4.

In recognition of the requirements of Clause 15(4) the applicant has submitted a geotechnical assessment of the site, prepared by Barker Harle Consulting Engineers, that includes a preliminary acid sulphate soils assessment prepared between September and November 2010 (BH Ref: 00682).

The acid sulphate soils assessment found that laboratory results of testing of soil samples taken from the site exceeded guideline levels and could be defined as both actual and potential acid sulphate soils. The report recommended that:

“It is recommended, following the completion of architectural drawings for the proposed development, an Acid Sulfate Soil Management Plan be prepared to detail the anticipated volume of acid sulfate soil that will be disturbed during construction, whether dewatering will be undertaken to allow construction to occur and suitable onsite and offsite treatment and disposal options for acid sulfate soils disturbed during the construction process.”

A condition of consent is recommended requiring the submission and approval by the Principal Certifying Authority (PCA) of an acid sulphate soils management plan prepared by a qualified person prior to the issue of any Construction Certificate.

In regards to the reference in the report to “dewatering”, the geotechnical investigation identified that groundwater would be encountered at a depth of approximately 4.5 metres below existing surface level. The report concluded that, based on the assumption that only high level construction will occur on site, site dewatering is not expected.

Clause 28 – Tree Management

The proposed clearing of 0.014 ha of native vegetation is considered to be ancillary to the proposed development. The proposed clearing will not significantly impact soil stability, water quality, amenity, vegetation systems or fauna habitats, and recommendations have been made to further mitigate the impact of the proposed clearing. These recommendations as they relate to the requirements of Clause 28 are discussed in detail under the heading “Any effect on the flora and fauna” in a later section of this report.

Clause 29 – Services

Clause 29 of WLEP prohibits Council from granting consent to development unless satisfactory water, sewer and drainage services are available to the development. Council’s Development Engineer reviewed the application with regards to these matters and has advised that the development may be serviced by the water and sewer mains provided with the subdivision although a private sewage pumping-station is needed to be installed as

proposed. Water and sewer connection requirements, including a trade waste agreement and any contributions that are required to be paid, will form part of the Section 306 approval.

In respect of stormwater management and drainage, the subject site adjoins a reserve upon which a population of a threatened species, the Green Thighed Frog, and an endangered ecological community, Swamp Sclerophyll Forest, have been previously identified. The subject site drains into this reserve and to ensure that the adjoining reserve is not detrimentally affected by development on the subject lot, stormwater must be managed to ensure that the quality and quantity of the stormwater discharge post development is the same as pre-development flows.

The applicant has submitted a stormwater drainage plan (Appendix 4 of the SEE) which Council's Development Engineer has reviewed. The Development Engineer has advised that the stormwater management plan does not appear to fully meet Council's requirements for water quality, quantity and duration of stormwater flows to the Council land to the east. However, the Development Engineer is of the opinion that a suitable system will be able to be designed to meet Council's outcomes and therefore the drainage requirements have been satisfied by recommended conditions.

The Development Engineer has further advised that the proposed development is surrounded by "no-go" areas on the south, west and east sides. These areas lead to an area of high habitat potential (EEC). Maintaining existing stormwater flows to the area and wetting / drying cycles is essential. The applicant shall ensure that pre-development flows match post-development flows up to the 5% Annual Exceedance Probability (AEP) storm event for quantity, quality (in accordance with the approved Water Cycle Assessment Report) and duration to replicate the natural wetting drying cycles of Lot 32 DP 1045472. Drainage must meet the requirements as identified in DP1129808 including plans as identified in SCC/65/2008 Nos 0603-C20 amend. 08, 0603-C21 amend. 03, 0603-C22 amend. 05 and 0603-C23 amend. 05. The Water Cycle Assessment Report by Martens Consulting Engineers No. P0701700JR03_V3 November 2007 shall be considered including requirements for groundwater recharge. The effect of earthworks on the original drainage design for the site shall be included in any proposed drainage design for the development.

In addition, the identified drainage swale shall be protected and maintained. Proposed drainage works shall integrate with the existing drainage swale. The design and water quality modelling of proposed drainage system shall be approved by Council. All drainage flows that are to be directed to the EEC area shall be dissipated to replicate natural flows on to the area.

The applicant is proposing 27,000 litres of reuse tanks for the site (9,000 litres per building) to be used on toilet flushing and for external uses. Council's DCP 2005 Chapter 75 Industrial Development indicates reuse shall be provided at a rate of 10ltrs/m² of roof area. A water balance for tank size of 15,000 litres per building indicates a further reduction in potable water of 8% from the 9,000ltrs per building proposed. It is therefore suggested that unless a water balance is provided, the requirement be 15,000ltrs per building for the development. The final amount will depend of the overall drainage design and calculations for the site.

Internal piped drainage must cater for the 5% AEP with overland flow paths to cater for the 1% AEP. The drainage design for all flows must comply with the requirements for the EEC as indicated above.

The submission to and approval by Council of a groundwater risk management plan prior to the issue of the Construction Certificate is recommended. The plan shall generally comply with the requirements as identified in the Water Cycle Assessment Report by Martens

Consulting Engineers No. P0701700JR03_V3 November 2007 and final designs as approved on DP1045472.

Registration of a positive covenant for the maintenance of all drainage facilities in relation to the development to ensure all water quality and quantity facilities operate to design capacity at all times is also recommended and no drainage works shall be permitted within the "No Go" areas.

All of the Development Engineer's recommendations should be included in any consent granted by the JRPP.

In respect of contributions to services, water and sewerage contributions were applied to the parent subdivision at a rate of 5 ET (Equivalent Tenements) per hectare, which results in an (industrial rate) allowance of 12.56 ET for the lot (25,120m² x 0.0005ET/m²). Based on the floor area of the three proposed buildings and on each building's use, the site will generate a demand as calculated below:

- Building "A" (industrial rate): 3,156m² x 0.0005 = 1.578 ET
- Building "B" (industrial rate): 3,078m² x 0.0005 = 1.539 ET
- Building "C" (industrial rate): 1,985m² x 0.0005 = 0.993 ET

The total calculated demand is 4.110 ET which is 8.450 ET less than the allowance of 12.56ET. Therefore, water and sewer contributions will not be applicable for the proposed development due to the lower calculated demand.

Wyong Development Control Plan 2005

Chapter 14 – Tree Management

See discussion of the applicable requirements of Chapter 14 under the heading "Any effect on the flora and fauna" in a later section of this report.

Chapter 29 – Berkeley Vale Industrial Western Precinct

The site is located within the area affected by the provisions of Chapter 29. The objectives of Chapter 29 are to:

"Provide subdivision guidelines to meet current demands and Council's long-term aims to provide suitable land for large industrial tenants;

Provide guidelines as to the number of individual tenants to be accommodated on one allotment within the precinct;

Adopt a methodology for assessment of contributions; and

Provide specific provisions applicable to property fronting Tradesman Drive."

As the proposal is for the subsequent development by a single tenant of a subdivided lot for which S94 contributions have been paid at the time of subdivision, there are no further controls within Chapter 29 relevant to the assessment of the proposal.

Chapter 50 – Advertising Signs

Chapter 50 provides specific development controls and certain considerations to be taken into account when assessing any proposed signage. In this instance, the applicant is proposing four business identification signs and the following table compares the proposed signage to the relevant controls and considerations. The four signs satisfy the relevant requirements of Chapter 50.

REQUIREMENT	PROPOSED	COMPLIES
Signs 1,2 & 3: Flush Wall Identification Signs on Industrial Buildings		
Not to extend laterally from wall	Do not extend laterally from wall	Yes
Not to extend beyond wall edges	Do not extend beyond wall edges	Yes
Must be minimum of 2.6 metres above ground if internally illuminated	To be required by condition of consent	Yes
Total coverage is not to exceed 25% of the wall space for each frontage	Covers less than 1.1% of each building's façade area	Yes
Sign 2: Sign on Western Entry Gate		
No specific controls	N/A	N/A
General Requirements for All Four Signs (Sections 5.9 & 8.1)		
Signs to have a high quality, professional finish	Signs will have high-quality, professional finish	Yes
Signs mounted on vehicles etc are not permitted	Signs not proposed to be mounted on vehicles etc	Yes
Signs are not to be mounted on trees	Not proposed to be mounted on trees	Yes
Banners and inflatable devices are not permitted as permanent form of advertising.	No banners or inflatable devices are proposed.	Yes
Signs should be low maintenance and minimum chance of vandalism	Signs are to be low maintenance and sited such that vandalism minimised	Yes
Signs should not be a traffic hazard or obstruction	Signs will not be traffic hazards or obstructions	Yes
Signs should have adequate clearance from power poles.	Signs clear of any power poles	Yes
Signs erected in transmission easements require approval of responsible authority	Signs not proposed to be erected in easements	Yes
Signs should state a clear message and be simple in design	Signs state clear message and simple in design	Yes
Flashing, rotating and animated text signs are not permitted	Signs not proposed to be flashing, rotating or to have animated text	Yes

Signs should be principally for information, not product display	Signs are for information and not for product display	Yes
Signs for multi-bay factories should be consistent and present a theme	Not relevant in this instance	N/A
Signs should be in keeping with scale of the building and integrated with the development	Signs considered to be in keeping with scale of the development and integrated with the development	Yes

TABLE 4: Comparison of proposed signs to Chapter 50's requirements.

Chapter 61 – Carparking

Section 3.0 of Chapter 61 sets out the on-site car parking requirements for various types of developments. Each of the three buildings has varying “types” of development being undertaken within it – factory, warehousing, maintenance and/or office – which have differing car parking provision rates. The following table compares the requirements of Chapter 61 to the proposed development:

STANDARD	REQUIRED SPACES	PROPOSED SPACES	COMPLIES
Building “A” floor area: <ul style="list-style-type: none"> • 759.67m² (office) • 475.30m² (factory) • 1,921.04m² (w’house) 	38	38	Yes
Building “B” floor space: <ul style="list-style-type: none"> • 681.67m² (office) • 475.30m² (factory) • 1,921.04m² (w’house) 	35	22	No
Building “C” floor space: <ul style="list-style-type: none"> 683.89m² (office) 413.63m² (factory) 887.48m² (w’house) 	31	16	No
Total	104	76	No

TABLE 5: Comparison of proposed number of on-site parking spaces to requirements of Chapter 61.

As can be seen from the table above, the proposed on-site car parking, which will include five disabled car spaces (see applicant’s traffic assessment in Appendix 12 of the SEE), falls short of that required by Council’s DCP Chapter 61.

The issue of on-site car parking was addressed in the Traffic Report that was submitted as part of the development application. The report stated, in respect of how many spaces would likely be needed, that:

"Because the uses of Buildings A and B will operate as a mix of factory and warehousing activities, it is reasonable to use a parking rate which is an average of the parking rates specified in Council's DCP 61.

Council's DCP 61 requires parking for factories at a rate of 1 space per 75 m², and for warehouses at a rate of 1 space per 300 m².

It is therefore assumed that a rate of 1 space per 187.5 m² of gross floor area.

The parking rate for factories would seem more applicable for Building C.

Application of the above parking rates is as follows:

Industrial Buildings A

3,156 m² @ 1 space per 187.5 m² GFA = 16.8 spaces

Industrial Buildings B

3,078 m² @ 1 space per 187.5 m² GFA = 16.4 spaces

Industrial Buildings C

1,985 m² @ 1 space per 75 m² GFA = 26.3 spaces

Total parking based on Council's DCP 61 = 59.5 spaces

Say 60 spaces

The proposed industrial development will provide 38 car spaces near building A, 22 car spaces near building B and 16 car spaces near building C - a total of 76 car spaces.

Two (2) spaces near building A, two (2) spaces near building B and, one (1) space near building C will be designated for disabled use in compliance with AS NZS 2890.6.

The car parking proposed is greater than the theoretical requirement based on Council's DCP 61 and the actual uses of the three buildings.

The proposed on-site car parking of 76 car spaces will be satisfactory based on the planned operation of the businesses."

Comment:

As can be seen from the above, the applicant has calculated the likely required on-site car parking using a different method from that used by Council. The main variation between the two methods is that Council nominates the commercial car parking rate to the office floor area (1 space per 30m²) whereas the consultant nominates either a factory rate (1 space per 75m²) or an averaged factory/warehouse rate (1 space per 187.5m²).

It is acknowledged that Council's method of calculation concludes that the total office component of the three buildings requires the provision of 71 spaces when, in fact, the entire permanent staff expected on the site is estimated to be only 60 people, with only 30 of these being management and administration personnel. It would seem that, in this instance, at least, the consultant's method of calculation produces the more robust figure and conclusions.

In addition to the above, the following considerations are also noted:

- The development proposes to employ 60 full-time staff. The proposed car parking will be able to satisfy the core workforce. There will be ancillary jobs created by the development (landscape maintenance personnel, cleaners, security personnel, trades people, caterers and waste and recycling contractors). These persons will only be on site as required and, in the case of the cleaners for example, be on site after normal office hours.
- Section 4.0 of Council's Chapter 61 does acknowledge that where shared facilities are proposed that it may be reasonable to reduce the amount of required carparking provided such a reduction is supported by a traffic assessment. In this case the three buildings will be able to share the available carparking so that when one building's immediate carparking is fully used any vacant spaces round the remaining buildings may also be used if required.

It is concluded that the proposed on-site car parking will provide sufficient parking for the expected demand that the use is likely to generate. However, to ensure, as far as possible, that the proposed parking does accommodate the demand, the following condition is recommended to be included in any consent granted for the development:

- That the number of permanent employees be limited to 60 and that any subsequent expansion will require a further separate consent.

In addition to the above, Chapter 61 provides a number of other requirements for developments to satisfy. The table shown in Attachment 2 demonstrates that the proposed development satisfies all other relevant requirements of Chapter 61.

Chapter 67 – Engineering Requirements for Developments

Chapter 67 lists specifications which set out minimum standards and guidelines for the engineering works required for developments within Wyong Shire. The detailed design, construction and any engineering requirements contained within any consent will be based on this specification. The chapter also notes that where no reference exists within the specification for particular design and construction details, Council's Development Engineer should determine the requirements in accordance with best industry practice and appropriate standards.

Chapter 69 – Controls for Site Waste Management

A site waste management plan was submitted with the development application (see Appendix 14 of the SEE). A condition of consent is recommended requiring the management of waste during construction to be managed in accordance with that plan.

Chapter 70 – Notification of Development Proposals

In accordance with Clause 2.4 of Chapter 70 – Notification of Development Proposals, this proposed development was not required to be advertised as it does not adjoin land zoned

“residential” or adjoin an environmental zone. The proposed development is also unlikely to have any direct negative impact on the adjoining properties owing to the on-site stormwater management facility proposed to be constructed as part of the development. Accordingly, the application was not advertised for public comment.

Chapter 75 – Industrial Development

Chapter 75 provides details of requirements for development applications and certain controls that apply generally to, inter alia, industrial developments. In this instance, where the development is located in the Berkeley Vale Industrial Western Precinct where the relevant DCP Chapter (Chapter 29) has no applicable controls, the requirements and controls of Chapter 75 are to be used to guide development.

The table in Attachment 3 to this report compares the relevant requirements and controls of Chapter 75 to the proposed development. The proposed development complies with or can comply with, the controls and design considerations under Chapter 75 with the exception of the requirement to comply with the on-site car parking requirements of Chapter 61. The issue of the on-site car parking provision is considered under the heading “Chapter 61 – Car parking” in a previous section of this report. It is concluded that the applicant's proposal to provide 76 on-site parking spaces is satisfactory notwithstanding that this is below the number of spaces nominally required by Chapter 61.

Landscape Policy and Guidelines

Council's Landscape Policy and Guidelines requires the landscape design for the development to be prepared as a Category 3 development because it is highly visible and has a value in excess of \$2,000,000. A Category 3 development requires its landscape design to be prepared by an approved Category 3 landscape designer/consultant.

A landscape plan was submitted with the application. The landscape plan was prepared by Urban Sanctum, landscape designers, and checked and certified by Gary Edwards of Urban Exotic.

The submitted design has been reviewed by Council's Landscape Design Officer (LDAO) who has advised that the plan is satisfactory subject to the following recommended conditions:

- Tree protection fencing is to be erected a minimum three metres from existing perimeter trees located along the south, east and western boundaries of the site. The protection of trees retained on site by fencing is to be in accordance with Australian Standard 4970 2009. The fencing is to consist of 1.8 metre chain-wire interlocking fencing. Such protection measures must be installed prior to commencement of any works and maintained in good order for the duration of the works. No cement wastings, materials or vehicles are to be stored within the protective fence area.
- All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained trees. Methods for the installation of services within the tree's canopy perimeter are contained within Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and include under boring and excavation by hand. It is recommended that all proposed services be installed a minimum three metres from all retained perimeter edge trees on site within the subject property.
- The proposed driveway along the south-western edge is in close proximity to the existing trees on site. It is recommended that the proposed concrete driveway be a

minimum three metres from the trunks of retained trees. If this cannot be achieved than methods of construction are to be shown how the works will not adversely impact on the trees. This can be achieved by an arborist report undertaken by an AQF 5 arborist.

- The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
- All trees including eucalyptus robusta and Livistonia australis are to be a minimum 50-litre pot size. All other trees to be a minimum 5-litre pot size and the remaining grasses/macrophytes can be sourced as tube stock. All stock, when available, is to be sourced from provenance stock. A maintenance program including, but not limited to, mulching and weeding within garden beds is to be undertaken by a qualified landscape contractor and provided to Council or Principal Certifying Authority prior to the issue of an Occupation Certificate for approval.
- All weeds within the restricted land use along the western corridor (Corella Close) are to be managed initially by a bush regenerator. This is to include the removal and control of weeds on site and to follow up within a six-month period after planting within the vegetation corridor.
- All trees are to be sourced and comply with NATSPEC regulations.

The requirements of the LDAO (including suggested additions by Council's Ecologist) are recommended to be included as conditions should consent be granted for the development.

Southern Lakes District Contributions Plan.

The site falls within the operation of Council's Southern Lakes District Contributions Plan. While contributions may be levied on "industrial development" based on the net developable area (NDA) it is noted that in creating the current industrial lot the then developer of the subdivision paid Section 94 contributions for roads and drainage and contributions for water and sewer, totalling \$140,171.00. No additional Section 94 contributions are applicable to this development.

Building Code of Australia

Council's Senior Health and Building Surveyor – Fire Safety has reviewed the plans and has concluded that the buildings comply or are able to comply with the requirements of the Building Code of Australia.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):

The relationship to the regional and local context and setting.

As noted in Section 1.3 of the SEE, the proposed operation requires ready access to the State and Regional road and rail network which this site can provide. The subject site can also supply a local employment base, is in proximity to the recently approved PPI Head Office, and has access to ancillary support industries and services within the region.

The proposed buildings are to be set in a modern, purpose-designed and purpose-built industrial park. The buildings will be set amongst other properties that have been developed

for similarly large buildings. In regards to the height and size of the three buildings it should be noted that other buildings of similar bulk and scale exist in this industrial park. Given the type of existing development within the industrial park, it is considered that the proposed buildings are, in terms of bulk, scale and quality of design, appropriate for the local context and setting.

The access, transport and traffic management measures.

1. External

The proposed development is for three industrial buildings and associated works including carparking and drainage. Council's Development Engineer has advised that the external road system around the site area in Corella Close and Apprentice Drive is considered suitable for the expected increase in traffic volumes. Council's Principal Transport Engineer has indicated that the intersection of Corella Close and Enterprise Drive is operating efficiently and is capable of catering for the expected traffic increase. Access to the proposed development site is via Corella Close. The proposed access shall comply with AS/NZS2890.1/2 in regard to formation and to DCP 2005 Chapter 67 for design. This access will be the entry point for heavy vehicles to the development site. These will be restricted to articulated vehicles. Requirements for setbacks of landscaping and access formation widths will be conditioned as will the access road width. The accesses will require appropriate setbacks for gates to allow for vehicles to stand clear of the through travelling lanes when gates are closed.

In addition to the above Council requested confirmation from the applicant as to the size of the wind turbine blades to be transported to the site to ensure that the intersection of Corella Close and Enterprise Drive would be capable of accommodating any vehicle transporting the blades. The applicant has responded by providing the following advice:

"Further to your request for clarifications regarding the proposed wind turbine business in Building B. The solar/wind generating industry is in a state of flux at the moment and the client has decided to market the business at the wind turbines for industrial developments. The turbines will be up to 20kw capacity which given the right location can provide the majority of power for the office component of medium to large scale industrial developments. The blade lengths for the 20kw system is 5.0m which will have no impact upon traffic flows or create any access issues on site."

2. Internal

Council's Development Engineer has advised that the internal access road maintains a minimum width for two-way traffic: 6.0m to 7.0m is proposed. The access shall be 10m wide at the boundary line and 13m at the kerb line.

Assuming a 2.5m parking lane and 4.5m footpath area, any gates will need to be setback or indented 13m inside the property boundary to ensure vehicles stop clear of the through-travelling lanes. This allows for a 19m vehicle and 1m clearance allowance for manoeuvring, etc. Pavement shall be designed and constructed suitable for proposed traffic loads and pavement life. All pavements shall be a minimum of an asphalt concrete surface.

It is noted that the vehicle movements for articulated vehicles are extremely tight and may require adjustment of the internal construction. The applicant shall be required to provide a detailed traffic management plan for the site encompassing heavy vehicle, passenger vehicle, pedestrian and cycle movements. As part of this plan the applicant shall provide

turning templates for the largest design vehicle expected to access the site. Traffic movements within the site shall be addressed for all vehicles.

3. Carparking

Carparking spaces are to be in accordance with AS/NZS2890.1. Wheel stops will be required on all carparking spaces. Minimum width of the circulating roadways shall be required to be in accordance with AS/NZS2890.2 Table 3.1. The carparking access lanes shall be required to be designed for an 85th and 99th percentile vehicle to pass at bends and curves. Disabled car spaces shall be required to be in accordance with AS/NZS2890.6. The development is recommended to be conditioned accordingly.

The impact on the public domain (recreation, public open space, pedestrian links).

The Development Engineer has considered whether a pedestrian footpath should be provided along the site's Corella Close frontage and has concluded, on the basis of the likely number of pedestrians, that a condition requiring the construction of a pathway could not be reasonably imposed.

The impact on utilities supply.

This issue was discussed under the heading "Clause 29 – Services" in a previous section of this report and found to be satisfactory. In addition, development consents for proposals similar to this development are routinely conditioned whereby the developer is required to contact and comply with a range of relevant service authorities for services such as electricity, telephone and gas. Such a condition is recommended to be applied in this instance in any consent that is granted.

The effect on heritage significance.

The site is not identified as a heritage item and is not identified as being within the vicinity of a heritage item.

Any effect on other land resources.

The potential impact on the adjoining Council-owned reserve to the east is discussed below under the heading "Any effect on the flora and fauna".

Any impact on the conservation of water.

The Development Engineer has advised that a recommended condition of any consent should require the developer to provide rainwater tanks for the development. The applicant has proposed to install three 9,000-litre tanks (one in each building) but the Development Engineer has concluded that the development needs to provide 15,000 litres of storage for each building although the final capacity will be determined with the overall drainage design and calculations for the site. An appropriate condition reflecting this minimum storage requirement is recommended to be included in any consent that is granted.

Any effect on the conservation of soils or acid sulphate soils.

The issue of acid sulphate soils has been considered in a previous section of this report under the heading "Clause 15 – Development on land containing acid sulphate soils". In respect of conservation of soils, appropriate conditions are recommended should consent be granted requiring appropriate site management measures be put in place prior to construction occurring to ensure that soil erosion does not occur. These measures are also

recommended to be required to be maintained throughout the duration of the construction via a condition of consent in any consent that is granted.

Any effect on quality of air and microclimate conditions.

No effect on air quality or microclimate conditions has been identified in the assessment of this application.

Any effect on the flora and fauna.

Site History

The subject site was cleared in January 2007 under DA/435/1999. During the assessment of DA/435/1999, it was negotiated that the adjoining land, now Lot 32 DP 1045472, would be transferred into public ownership and managed for conservation in order to protect the breeding habitat of the endangered Green Thighed Frog. The eastern boundary of the former Lot 31 (which included the current Lot 2) was modified to protect a 50-metre-wide buffer around the breeding habitat. In addition, DA/435/1999 requires that undisturbed natural vegetative buffers be retained along the western, southern and eastern boundaries (10 metres in width) of the now Lot 2. Lot 32 was also later identified by Duncan (2001) as a priority for conservation for *Melaleuca biconvexa*.

Methodology

Extensive flora and fauna surveys were undertaken on the subject site under DA/435/1999. The site is now predominantly cleared land or regenerating native vegetation with buffer strips of remnant native vegetation. Surveys for the current proposal were limited to vegetation mapping, hollow-bearing tree survey, targeted threatened flora searches, SEPP 44 assessment and terrestrial fauna habitat assessment. Due to disturbed nature of the site, the survey methodology was generally consistent with Wyong Shire Council's (1999) *Flora and Fauna Survey Guidelines for Development*.

Survey Results (Vegetation Communities and Endangered Ecological Communities (EEC))

In respect of vegetation communities and Endangered Ecological Communities (EEC), Bell (2008) mapped the vegetation on Lot 2 as 'Alluvial Riparian Blackbutt Forest', which is likely to qualify as the River-flat Eucalypt Forest Endangered Ecological Communities (EEC). The 'Flora, Fauna and Threatened Species Assessment' (Ecobiological April 2011) identified that the vegetation buffer along the Corella Close buffer as a 'Alluvial Robusta-Paperbark Sedge-Palm Forest' that qualifies as the Swamp Sclerophyll Floodplain Forest (SSF) EEC. The vegetation along the Enterprise Drive and eastern boundary buffers were identified as 'Narrabeen Coastal Blackbutt Shrubby Forest'.

Survey Results (Threatened Species)

In respect to threatened species, previous surveys have recorded the following threatened species in the locality: *Melaleuca biconvexa*, the Green-thighed Frog, Wallum Froglet, Greater Broad-nosed Bat, Eastern False Pipistrelle, Eastern Freetail Bat, Eastern Bentwing Bat and Little Bentwing Bat. *M. biconvexa* no longer occurs on the subject site following clearing. The site forms part of a local wildlife corridor linking the floodplain of Ourimbah Creek to the valley slopes and ridges to the south (WSC undated). Ecobiological stated that the vegetated buffers provide low to moderate quality fauna habitat, such as small tree hollows, regrowth native vegetation, some aquatic vegetation and constructed swale drains.

Impact Assessment (WLEP Clause 28 and WDCP Chapter 14)

As previously mentioned in an earlier section of this report in regards to Clause 28(4) of the WLEP, the proposed clearing of 0.014 ha of native vegetation to construct the proposed access driveway is ancillary to the development. The proposed development includes the retention and enhancement of the 10-metre-wide native vegetation preservation zones around the western, southern and eastern boundaries as well as additional landscaping. The proposed clearing will not significantly impact soil stability, water quality, amenity, vegetation systems or fauna habitats, and proposed conditions are provided to further mitigate the impact of the proposed clearing.

Chapter 14 of Wyong Development Control Plan 2005 requires a vegetation management plan be lodged with development applications for clearing. However, it is noted that Council recently approved development on Lot 1 DP1129808 (DA/1541/2010) and one condition of consent was that a Habitat Restoration Plan (HRP) be prepared for the buffer zones. As Lots 1 and 2 are currently in common ownership and the developments are complementary, there is merit in integrating the HRPs to maximise effectiveness and efficiencies. It is recommended that a condition of consent be that a HRP be prepared prior to the issue of a Construction Certificate.

EECs and Threatened Species Assessment

The proposal will require the removal of a small area of SSF EEC (approx. 0.014 ha), including three habitat trees containing a total of seven hollows, to construct the access driveway across the western vegetation buffer zone along Corella Close. The Addendum (Ecobiological, 17 August 2011) provided an assessment of significance that concluded that the proposal is unlikely to have a significant effect on the EEC or hollow-dependent fauna. Council's Ecologist has recommended that a condition of any consent granted be that an ecologist install nest boxes and supervise the removal of any hollow-bearing trees. To compensate for the loss of habitat and manage edge effects, it is further recommended that a HRP be prepared and implemented for the buffer zones and that tree protection fencing is installed. Council's Ecologist also recommends that the inner boundary of the buffer zones be fenced to prevent unauthorised access, dumping or clearing. It is noted that an area has previously been cleared as an access way from Corella Close but it is not in the correct location. It is therefore recommended that the HRP provide detail for the restoration of this area to its original vegetation community.

A high abundance of microbats was previously recorded foraging along the Apprentice Drive corridor to the north of the site. At the time, it was suggested that their behaviour indicated a preference for a foraging area shielded from artificial light and other human disturbances. In order to retain this habitat, it is recommended that external lighting for the development be minimised and designed to reduce overspill. Significant landscaping of the site, as per the submitted plans, will also assist to reduce light pollution.

Winning and King (1999) identified a large depression suitable for breeding habitat for the Green-thighed Frog on the adjoining Lot 32. In order to protect the breeding and foraging habitat for the species, it is essential that if consent were granted for the proposed development that it be conditioned so that a stormwater system is designed and constructed that ensures post-development flows match pre-development flows (quality, quantity and rate), water quality is monitored and adjusted as required and landscaping is suitable to provide frog habitat. Council's Development Engineer has confirmed that a stormwater system will be able to be designed and maintained for the site to ensure post-development flows match pre-development up to the 5% AEP storm event for quantity, quality and duration to replicate the natural wetting and drying cycles of the adjacent native vegetation,

as is consistent with the standard set for the subdivision of the site. Requirements to achieve this outcome have been conditioned by Council's Development Engineer.

Assessments of significance were conducted for two threatened fauna species and one endangered ecological community. It was concluded that the proposal is unlikely to have a significant effect on the threatened species, ecological communities, or their habitats. A Species Impact Statement is therefore not required for the proposal. Based on the habitat assessments and the recommended mitigation measures, this conclusion is concurred with.

SEPP 44 – Koala Habitat Protection

As the lot is larger than 1 hectare and contains potential koala feed trees (Swamp Mahogany) listed in Schedule 2, SEPP 44 applies. Swamp Mahogany constitute more than 15% of the canopy cover across the subject site therefore the site can be considered Potential Koala Habitat. No scats or claw marks or individuals were observed therefore the site can not be considered Core Koala Habitat.

Wyong Shire Squirrel Glider Conservation Management Plan (Smith 2002)

The plan identified that the site was part of a small fragment of native bushland, however, as the site is now predominantly cleared it would no longer be considered a fragment. There are no records of Squirrel Gliders near the site, the closest record was 16 years ago, over one kilometre north-east of the site on the northern side of Ourimbah Creek.

Conclusion

Based on the field surveys, habitat assessments and mitigation measures and provided that the proposed environmental management conditions are complied with, it is concluded that there is not likely to be a significant impact on any threatened species, populations or ecological communities as a result of the development. A Species Impact Statement is therefore not necessary.

The Ecologist's proposed conditions are recommended to be included in any consent that is granted.

The provision of waste facilities.

Waste collection and storage facilities have been provided within each building in a location accessible by commercial waste collection vehicles. Once in operation, office waste generated by the development will consist mainly of general office waste, paper and cardboard packaging. Industrial waste associated with each building will be stored in each building's designated storage area and will be collected by a commercial contractor for disposal or recycling.

Council's Trade Waste Supervisor has reviewed the proposal and has no objection subject to appropriate conditions being applied in any consent requiring the applicant to apply for and receive an approval to discharge liquid trade waste into the sewerage system (if proposed) and to apply for and receive approval of a Private Pump Station Application prior to issue of any Construction Certificate.

In regards to discharging trade waste into the sewerage system the applicant has confirmed that no trade waste is to be discharged into Council's sewerage system. The conditions required by the Trade Waste Supervisor in respect of the private pump station are recommended to be included in any consent granted for the development.

Whether the development will be energy efficient.

An Energy Report has been prepared by Building Sustainability Assessments to assess the energy performance of the proposed development in relation to Section J of the Building Code of Australia 2010. This report concluded that the energy efficiency of the development has been adequately taken into consideration during the design process and that the development will be able to meet or exceed the energy provisions of Section J of the BCA 2010.

The report made a number of compliance recommendations, particularly in respect of the type of glazing that should be used, and any consent should include a condition that the recommendations of the report be complied with in the final design and construction of the buildings.

Whether the development will cause noise and vibration.

The SEE states that proposed use will not result in significant increases in noise emitted from the site. Operational noise of any plant and equipment will be negligible because all operations are to be located within each building. The applicant has concluded that no specific noise reduction measures are considered necessary and Council concurs with this conclusion.

Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).

Bush Fire

The site is identified as "bush fire prone land" on Council's certified Bush Fire Prone Lands Map. Section 79BA of the Environmental Planning Assessment Act, 1979 prohibits the granting of development consent unless the consent authority is satisfied that the development conforms to the specifications and requirements of *Planning for Bushfire Protection* (PBP).

The current document, *Planning for Bushfire Protection* December 2006 (PBP2006), defines this proposed development "industry" as "other development" and Section 1.3(b) requires the development to satisfy the Aims and Objectives of PBP2006 (Section 1.2.1). The overall objective of the PBP2006 is:

"...to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bush fire, while having due regard to development potential, on-site amenity and protection of the environment."

The six stated objectives listed in section 1.2.1 of PBP2006 are:

- i. Afford occupants of any building adequate protection from exposure to a bush fire;
- ii. Provide for a defensible space to be located around buildings;
- iii. Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;
- iv. Ensure that safe operational access and egress for emergency service personnel and residents is available;
- v. Provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ); and
- vi. Ensure that utility services are adequate to meet the needs of firefighters (and others assisting in bush fire fighting).

In recognition of the hazard the applicant has supplied a bush fire hazard assessment prepared in accordance with Clause 79BA (see Appendix 11 of the SEE). The consultant found that:

"No specific Asset Protection Zones are required for industrial developments; however, a minimum 10m defendable space is provided adjacent to a parcel of open forest to the south and forested wetland to the east. The surrounding land use has been determined as providing adequate setbacks for bushfire protection to the north and west. The buildings can meet the Building Code of Australia (BCA) acceptable solutions.

In general, the BCA fire safety construction provisions for class 5-8 buildings are taken as acceptable solutions, however, the site would potentially be exposed to ember attack and as such recommendations for ember protection have been made. Proposed access and water provisions conform to PBP 2006."

The ember protection recommendations include installation of leafless guttering and enclosing openings or covering openings with non-corrosive metal mesh screens with a minimum aperture size of 2mm to prevent ingress of embers. Where applicable, this is to include any operable windows, vents, roof ventilation fixtures, weep holes, gutters and eaves. External doors are to be sealed with draft excluders or weather strips to prevent entry of embers.

The assessment concludes that the site can provide for safe development and the proposed industrial development can meet the aim and objectives of PBP2006 in respect of bush fire protection if the recommendations contained within the report are duly considered and incorporated. Those recommendations, apart from ember protection, also cover defendable spaces and APZs, management of threat abatement, APZ and defendable space maintenance plan, and construction requirements.

It is recommended that the matters considered and recommended by the report should be required to be complied with via a condition of any consent granted for the development.

It should be further be noted, however, that notwithstanding the bushfire hazard assessment, Council required the site plan (shown in Figure 1) to be amended in the location of the north-eastern corner of Building "C" to provide a continuous access perimeter road for bushfire-fighting vehicles. The applicant agreed to this amendment and the amendment is shown in the current site plan in Attachment 1.

Any risks from technological hazards.

No risks from technological hazards have been identified in the assessment of this proposed development

Whether the development provides safety, security and crime prevention.

Chain-wire security fencing is proposed to be located on the perimeter of the site. Section 3.11 of Chapter 75 – Industrial Development requires security fencing to be located to the rear of the landscape works provided in the front building setback. The objective of this requirement is to allow security fencing to be installed but to also ensure that such fencing does not detract from the appearance of the development.

In any consent that is granted, a condition should be imposed that requires the location of any security fencing along the Corella Close frontage and along the eastern and southern boundaries to be sited within the site behind the existing 10-metre-wide vegetation buffers.

In addition, the applicant is proposing lockable access gates, security cameras, maintenance of landscaping and lighting. Lighting will be designed to enhance surveillance, safety and security.

Any social impact in the locality.

The establishment of these three industrial buildings will provide employment for significant numbers of local residents which must be considered to be a positive social impact on the locality.

Any economic impact in the locality.

The economic impact of the construction of these three industrial buildings will be a boost for the local construction industry and must be considered a positive economic benefit for the locality. The permanent employment of over 60 people and continuing employment for ancillary service support businesses is also considered to be a significant positive impact on the local economy.

Any impact of site design and internal design.

Compliance with restrictions-as-to-user

The site is burdened by a number of title restrictions that concern maintaining vegetation buffers, providing and maintaining a sewage pumping-station, maintaining a swale drain and, or, ensuring subsequent development does not concentrate flows onto the adjoining reserve, and limiting vehicular access from Corella Close to one 10-metre-wide access across the 10-metre-deep vegetation buffer. The application complies with all relevant restrictions (see discussion on stormwater management under the heading "Services" in a previous section of this report).

Any impacts of construction activities (construction site management, protection measures).

In respect of construction activities, appropriate conditions are recommended to be applied to any consent that is granted, requiring appropriate site management measures be put in place prior to construction occurring to ensure that soil erosion and sedimentation do not occur. These site management measures should be required to be maintained throughout the duration of the construction via a condition of consent.

Any cumulative impacts.

No cumulative impacts have been identified as a result of this assessment of the development proposal.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

Whether the proposal fits in the locality.

The three proposed industrial buildings are to be located within a modern general industrial park. The buildings are to be set among other, similar, modern industrial buildings where access and services have been developed to provide for such uses. It is considered that the buildings themselves would fit comfortably within the existing streetscape and would be a

good addition to the character of the area. The types of employment likely to be offered by this development are of types that can likely be satisfied from within the local community. It is considered that the development will be a good “fit” within the locality.

Whether the site attributes are conducive to development.

The site’s attributes – the size of the site, its lack of slope, lack of significant vegetation, good public road access, availability of utility services, and lack of unmanageable hazards - make the site suitable for this type of development.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):

Any submission from the public.

The application was not required to be advertised under the requirements of “Chapter 70 – Notification of Development Proposals”.

Any submission from public authorities.

The application was not required to be referred to any public authority.

THE PUBLIC INTEREST (s79C(1)(e)):

Any Federal, State and Local Government interests and community interests.

It is in the local community’s interest for developments to be located within the Shire that provide significant local employment opportunities for the community and that provide custom for small support services and businesses within the Shire. In addition, it is also in the community interest to facilitate the establishment of buildings within the Berkeley Vale Industrial Park to ensure the Park’s continuing development and viability as well as the broadening of the range of significant services it provides.

OTHER MATTERS FOR CONSIDERATION

Contributions

As previously noted under the heading “Southern Lakes District Contributions Plan” there are no Section 94 contributions applicable for the erection of the three proposed industrial buildings. However, water and sewer charges are applicable as has been discussed under the heading “Clause 29 – Services” in an earlier section of this report.

Deeds of agreement etc.

There are no deeds of agreement involved in this application.

CONCLUSION


The applicant proposes to establish three industrial buildings on the subject site. Issues identified in the assessment of this application included the need to provide on-site stormwater management facilities, potential impact on an identified threatened species on an adjoining property, provision of adequate on-site car parking, compliance with the subject lot's title restrictions and bush fire hazard. All issues have been assessed as being appropriately addressed through the design and details of the proposed development, additional information including an amended site plan being provided by the applicant, and by recommended consent conditions. Accordingly, there is no objection to the proposal and development consent is recommended subject to the recommended conditions that form an attachment to this report.

RECOMMENDATION

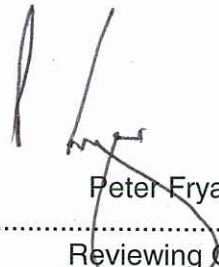
That the Joint Regional Planning Panel grant consent to DA/526/2011 subject to the conditions contained in Attachment 4.

Attachment 1	<i>Plans of proposed development</i>
Attachment 2	<i>Comparison of Proposal to DCP Chapter 61 Requirements</i>
Attachment 3	<i>Comparison of Proposal to DCP Chapter 75 Requirements</i>
Attachment 4	<i>Draft Conditions of Consent</i>

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.

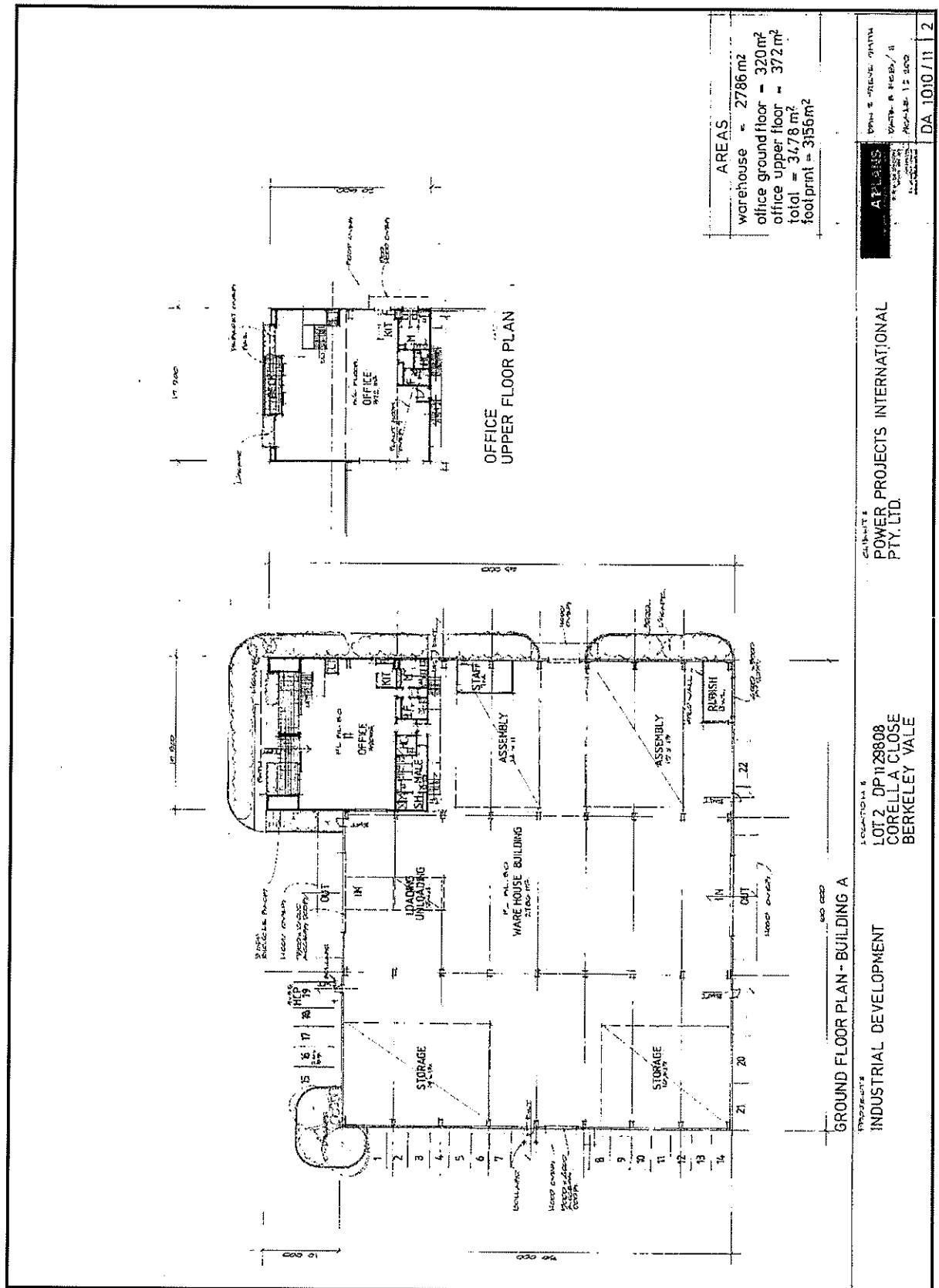
 05/09/2011
Peter Meloy

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Reporting Officer

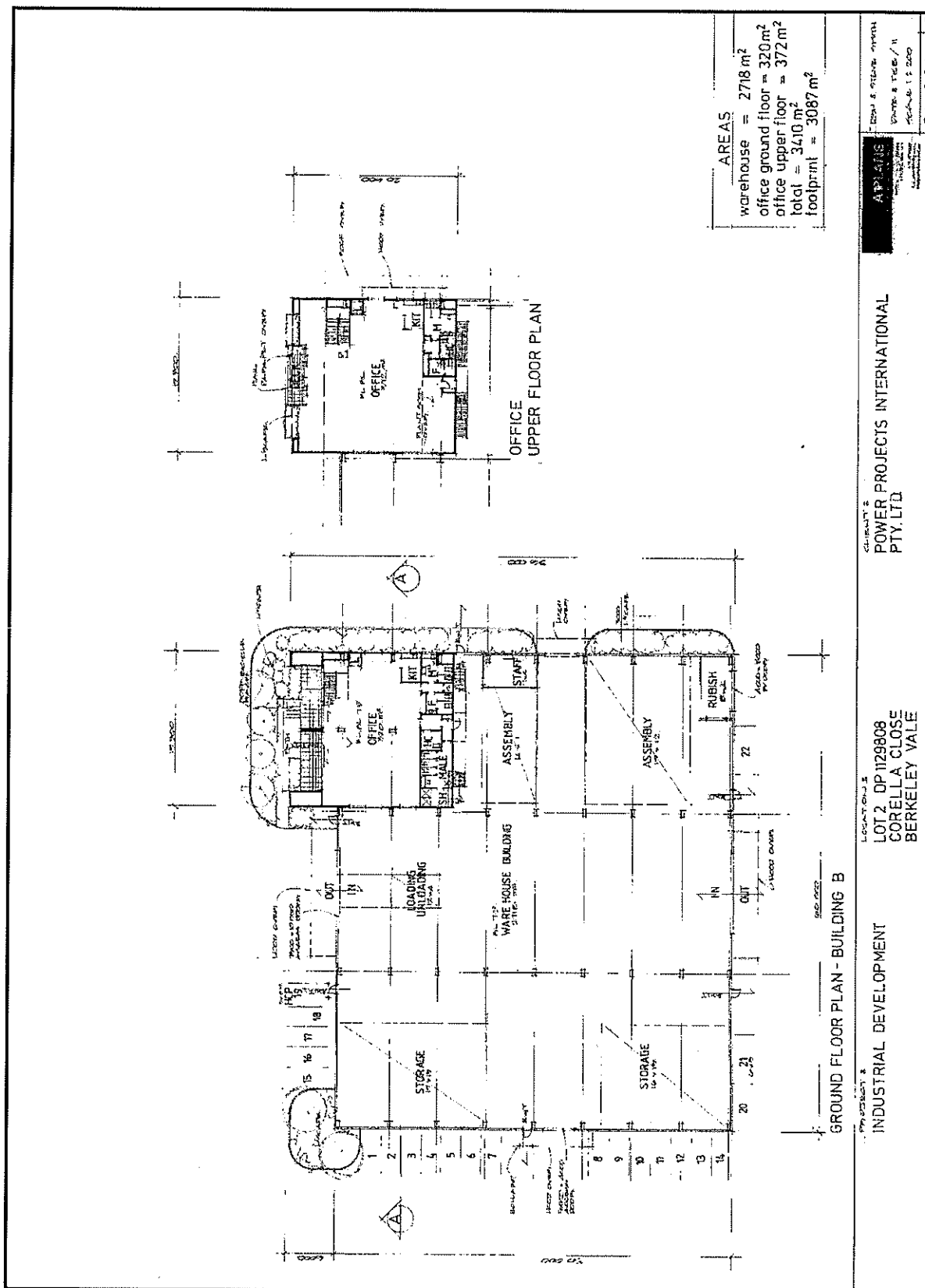
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Peter Fryar

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Reviewing Officer

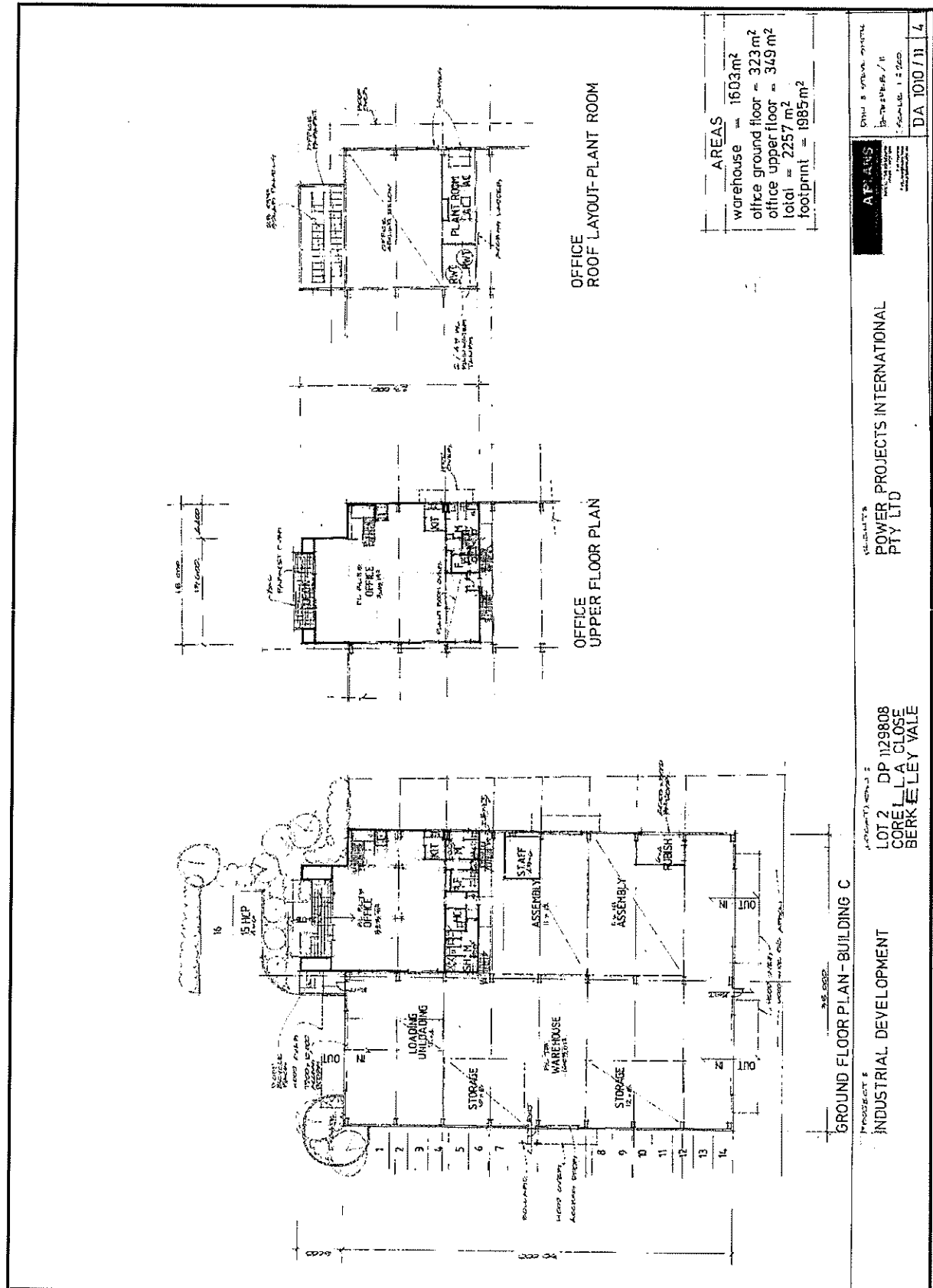




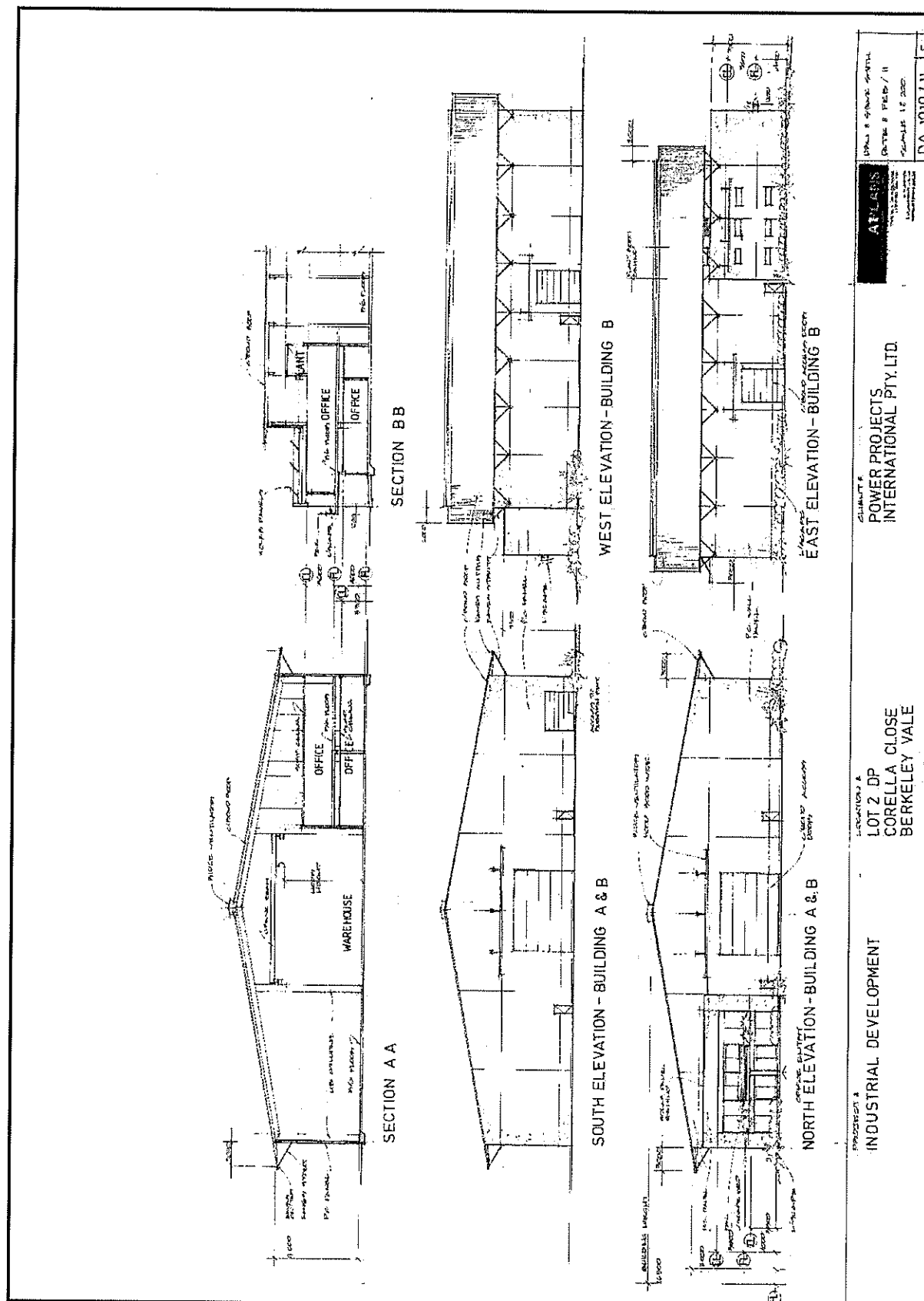
SHEET 2: Floor plan of Building "A".

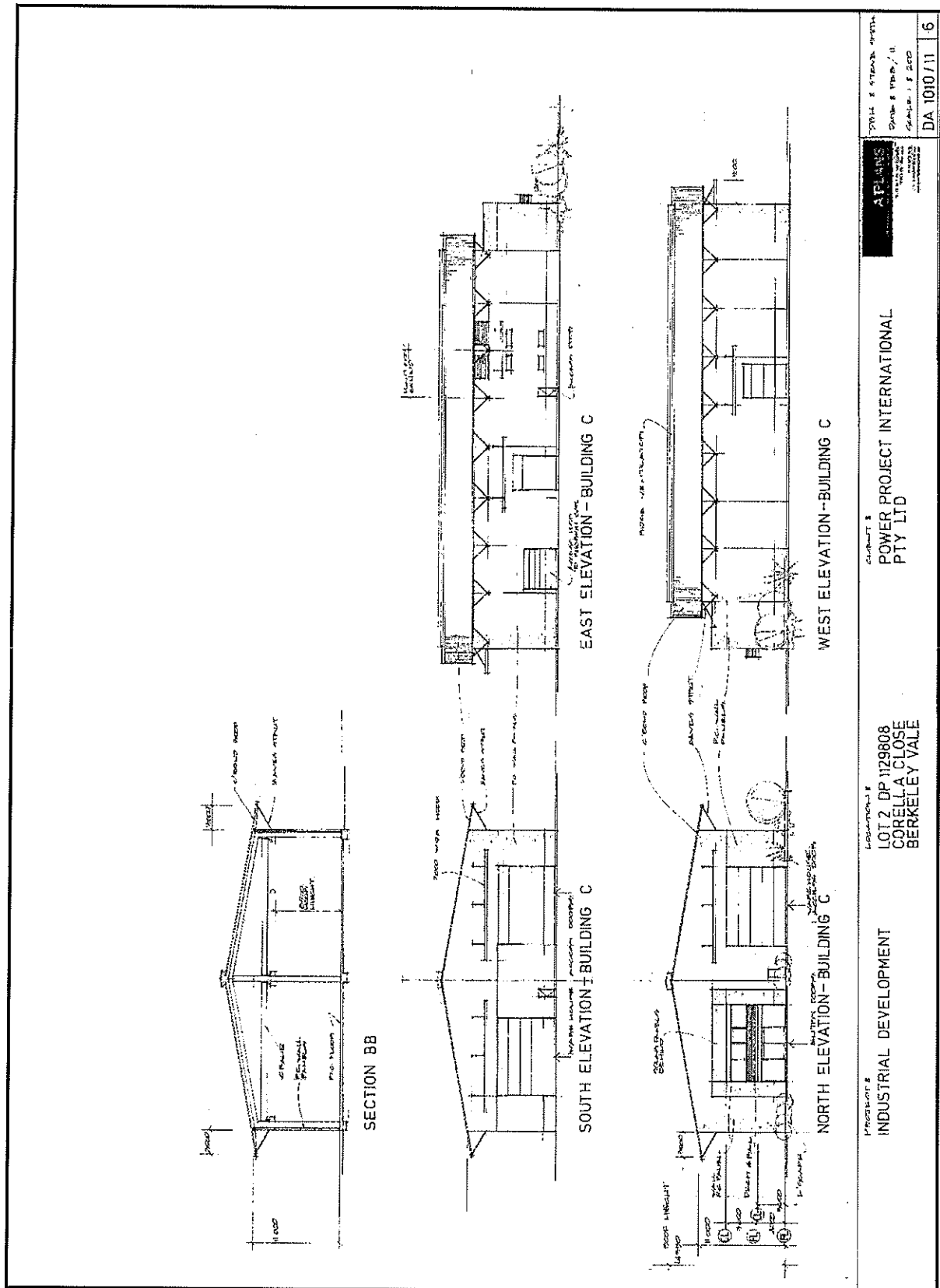


SHEET 3: Floor plan of Building "B".

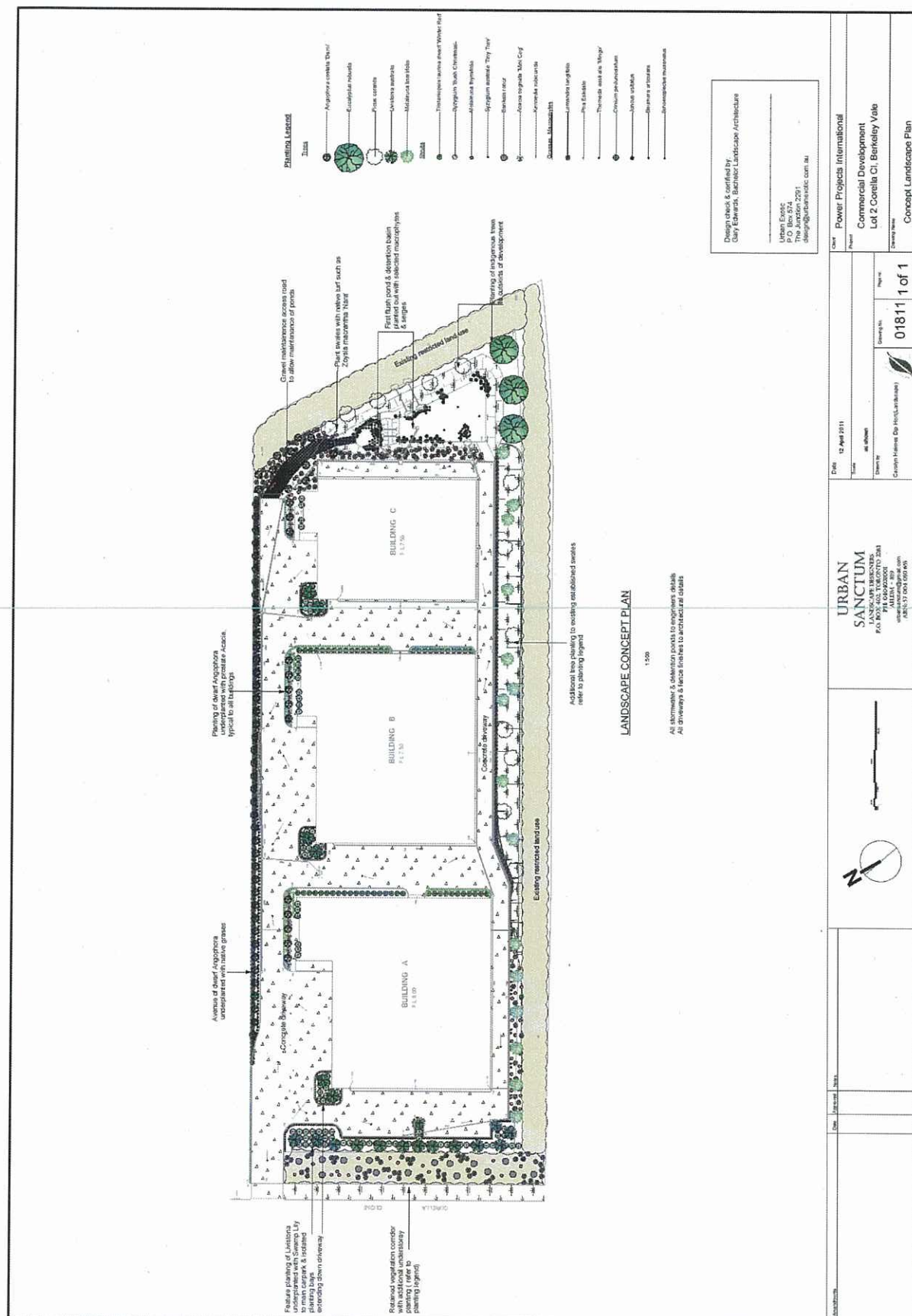


SHEET 4: Floor plan of Building "C".





SHEET 6: Elevations and sections of Building "C".



SHEET 7: Landscape plan.

ATTACHMENT 2
Comparison of Proposal to DCP Chapter 61 Requirements

REQUIREMENT	PROPOSAL	COMPLIES
4.0 Shared Usage of Facilities Where shared facilities are proposed car parking rates may be reduced	Shared facilities proposed and reduced carparking supported by traffic assessment	Yes
5.0 Access for Disabled Disabled parking is to be provided adjacent to nearest access to building and comply with relevant Australian Standard	Five disabled persons car spaces will be required by consent condition to comply with current Australian Standard	Yes
6.0 Materials of Construction Materials and standard of construction shall be in accordance with Chapter 67 – Engineering Requirements for Developments	Will be required to comply by consent condition	Yes
7.0 Landscaping Parking areas are to be appropriately landscaped	Parking area proposed to be appropriately landscaped	Yes
8.0 Manoeuvring Development to be designed to allow entry and exit from the parking in a forward direction	Development designed to allow all vehicles to enter and exit site in a forward direction	Yes
9.0 Parking in Building Setbacks Various requirements	No parking within setbacks is proposed	N/A
10.0 Change of Use or Additions to Existing Development Various requirements	No change of use or additions to existing development proposed	N/A

11.0 Dimensions of Parking Spaces <ul style="list-style-type: none"> • Open car parking spaces shall comply with Attachment 1 – “Minimum Dimensions” • Width of driveways for 90° open space may be reduced if the entry of the car parking space is increased • Enclosed spaces with turning areas of up to 6.7 metres width require a minimum opening of 3 metres. • Residential dwelling garages to have clear dimensions of 3 metres by 5.5 metres • Design standards can be relaxed for long-term parking 	<ul style="list-style-type: none"> • Proposed open car parking complies • Not relevant to the proposal • No basement car parking proposed. • Not applicable • Not applicable 	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
12.0 Loading Facilities <ul style="list-style-type: none"> • DAs for industrial developments shall identify loading/unloading facilities preferably inside buildings • Loading facilities shall comply with AS 2890.2 - 1989 	<ul style="list-style-type: none"> • Loading and unloading area identified within each building • Will require by condition but should be able to satisfy standard 	<p>Yes</p> <p>Yes</p>
13.0 Access Driveway Widths <ul style="list-style-type: none"> • Design shall comply with Australian Standard 2890.1 - 1993 	<ul style="list-style-type: none"> • Will require by condition but should be able to satisfy standard 	<p>Yes</p>
14.0 Signposting <ul style="list-style-type: none"> • Parking areas shall be signposted with standard signs and have “entry” and 	<ul style="list-style-type: none"> • Will require by condition be should be able to satisfy requirement 	<p>Yes</p>

"exit" signs erected where appropriate.		
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Attachment 3
Comparison of Proposal to DCP Chapter 75 Requirements

DEVELOPMENT CONTROL	PROPOSED	COMPLIES
Floor Space		
• Floor space ratio: <0.8:1	• 0.33:1 (8,219m ² /25,120m ²)	Yes
Site Coverage		
• Site coverage: 50%	• 28.13% (7,067m ² /25,120m ²)	Yes
Setbacks		
• Front (Corella Close): 10m	• Front (Corella Close): 30.5m	Yes
• Front landscape area: 5m	• Front landscape area: 10m (min.)	Yes
• Side boundary: 5m	• Side boundary: 10m (min.)	Yes
• Rear boundary: 5m	• Rear boundary: 26m (min.)	Yes
Design and Appearance		
Building designs are to present innovative and attractive architectural solutions	Design of all three buildings is innovative and a very attractive architectural solution (see Figures 3 & 4 in this report)	Yes
Office component of industrial buildings is to be of masonry and glass	Office component of each building pre-dominantly finished in rendered masonry and glass.	Yes
Corrugated iron shall not be used as predominant wall cladding	Corrugated iron not proposed to be used	Yes
All other metal cladding to be suitably painted.	Colorbond sheet metal to be used on roof.	Yes

Long blank walls on street frontages to be avoided or screened by landscaping	Corella Close façades of all three buildings are well designed and articulated. Western wall of Building "A" is set back over 30m from Corella Close and well screened by existing native vegetation in retained vegetation corridor	Yes
Important parts of building such as corners, entrances, building base and roof should be emphasised	Entrances and office sections are emphasised and each roof articulated (see Figures 3 and 4 in this report)	Yes
No service plumbing or pipes shall be external to the building and be visible from a public place.	Only downpipes will be external to the building and be visible from a public place	Yes
Applicants must provide details of the colours that proposed. Colours should draw on indigenous colour palette	Provided and complies. See proposed colours shown in Figures 3 and 4 in this report.	Yes
Articulated parapets and cornice lines should emphasise the top of building combining to create a cohesive design and appropriate scale for overall facade	See Figures 3 and 4 in this report. The buildings are considered to be of high architectural quality.	Yes
Air conditioning, roof-top pergolas, lift over-runs, telecommunications and other roof-mounted equipment which protrude above the roof line are not permitted.	Applicant proposes plant, equipment and solar panels on roof. Plant and equipment screened by parapet and louvers. Equipment does not appear above roof line when viewed from public place or from within property.	Yes
Building Over and Adjacent to Sewer Mains		
Where a building is proposed to be located over a sewer main the main must be encased in reinforced concrete	Proposed buildings will not be built over or adjacent to any sewer mains	Yes
Thematic Links		
Where site is part of an industrial estate development, the design of the buildings, external fixtures (such as lighting), signs and landscaping matches or complements adjacent buildings and overall theme of estate.	Site is a "stand-alone" development within an industrial park. The buildings are compatible with nearby industrial developments and set a high standard for future developments on land within this precinct.	Yes
Car Parking and Turning Movements		

Car parking is met on site and adequate manoeuvring areas are available on site to permit the forward entry and exit of vehicles	See discussion on on-site car parking under the heading "Chapter 61 – Carparking". All vehicles able to manoeuvre on-site and enter and exit the site in a forward direction.	Yes
Carparking areas are to be screened and softened by mounding and landscaping to soften impact.	Car parking areas are proposed to be landscaped and screened.	Yes
Design provides for safe movement of all vehicles by providing adequate sight distances	Heavy vehicle access/exit has been separated from staff and visitor parking areas. Adequate sight lines have been provided.	Yes
Movement of pedestrians throughout the car park is clearly defined and minimises conflict with vehicles	Pedestrian access from ground-level car parking areas is via pathways which lead to the foyer of each building.	Yes
Disabled persons parking spaces are to be located near entrances to buildings, lifts and access ramps	Disabled persons car spaces (5 required in total) located at or near entrances to each building.	Yes
Major industrial developments shall make adequate provision for bicycle parking	15 bicycle parking places provided throughout site	Yes
Off Street Loading / Unloading		
Developments are to comply with Chapter 61 requirements	Complies. See Section 12.0 in Attachment 2 of this report	Yes
All loading and unloading areas to be screened from the street	Loading areas not visible from street – within each building	Yes
Loading/unloading areas and parking areas to be separated	Complies, the two areas are separated for each building	Yes
Appropriate bunding to be provided for loading or unloading of dangerous goods.	Dangerous goods not proposed to be loaded or unloaded	Yes
Storage Areas		
Storage areas to be sited so they are not visible from outside the site	Storage areas proposed to be located within the three buildings	Yes
Storage areas not to be located within front setback areas	Storage areas proposed to be located within the three buildings	Yes
Site Landscape Works		
Site landscaping plan and report to be provided by Category 3 designer	See discussion under heading "Landscape Policy and Guideline"	Yes
Species selection should complement estate landscaping theme.	No theme but selection appropriate to enhancing existing native vegetation corridors	Yes

Trees should of appropriate size and maturity to mitigate size of industrial buildings	Existing native vegetation corridors on Corella Close and side boundaries appropriately screen the proposed industrial buildings	Yes
The provision of buffer areas to protect adjacent wetlands	Not relevant because there is no wetland adjoining the development but a 10m-wide vegetation buffer protects adjoining habitat for Green Thighed Frog. Buffer to be extended through additional landscaping	Yes
Security Fencing		
Details of security fencing to be included in development application	Details provided: black nylon-coated chain wire security fencing 2.4 metres high will be placed on all boundaries and to be integrated with landscaping.	Yes
Security fencing is to located to rear of landscape works provided within the building setback	Conditions will require all fencing to be at rear of vegetation corridors including Corella Close frontage	Yes
Lighting		
Lighting details to be provided in the development application	Details provided in SEE	Yes
Lighting to be designed so as not to cause light spill onto adjoining properties	Applicant advises that lighting to be designed by electrical engineer to ensure no spill onto adjoining properties. Will require as a consent condition	Yes
Lighting powered by solar batteries is encouraged	Not proposed but solar power to be generated from solar panels	N/A
Site Signs		
Signs to comply with Chapter 50 – Advertising Signs in Wyong DCP 2005	Signs comply – see discussion under heading “Chapter 50 – Advertising Signs” in this report	Yes
Where factory units are proposed a directory board should be provided	Not relevant – no factory units proposed	N/A
No signage shall present to a freeway or State road	Proposed signs do not present to a freeway or to a State road	Yes
Flooding and Stormwater Management		
Soil and Stormwater Management Plans shall be submitted with the development application	Soil and Stormwater Management Plans submitted.	Yes
Compliance with requirements of Chapter 67 – Engineering Requirements for Developments of Wyong DCP 2005	Will comply through consent conditions	Yes

Inclusion of relevant requirements of Council's Policy F4 Flood Prone Land Development	Land not identified as flood prone land	N/A
The provision of a proprietary Gross Pollutant Trap to protect receiving waters	GPTs proposed to be installed as part of overall stormwater management which includes nutrient removal system to protect downstream habitat of Green Thighed Frog	Yes
Water Efficient Construction and Development		
Stormwater to be reused as much as possible	Three 9,000-litre rainwater tanks to be provided to each building and collected rainwater to be used for toilet flushing and landscape watering	Yes
Natural watercourses and vegetation to be retained and stormwater to be used for irrigation purposes	Existing vegetation buffers to be maintained and stormwater management system designed to have no impact on existing hydrology	Yes
Rainwater storage is to be provided and shall be incorporated into design – not to be located in front setback area or be visible from any public place	Proposed rainwater tanks are to be sited in utilities room in office component of each building so that they are not visible from the street or any other property	Yes
Rainwater tanks be fitted with "first flush" devices	Proposed to be fitted	Yes
Tanks to be installed in accordance with relevant Australian Standard	Will be required by consent condition	Yes
"AAA"-rated dual-flush toilet cisterns to be installed	Proposed to be installed	Yes
"AAA"-rated urinals to be installed	Required by consent condition if installed	Yes
"AAA"-rated showerheads to be installed-	Proposed to be installed	Yes
"AAA"-rated aerators shall be installed on all bathroom and kitchen hand basin fixtures	Proposed to be installed	Yes
Compliance with DCP Chapter 67 – Engineering Requirements	Will comply	Yes
Energy Efficient Construction and Development		
Developments to be designed and constructed having regard to energy-efficient materials, lighting, heating and cooling	Energy report prepared concluding that development will meet or exceed the energy provisions of Section J of the BCA 2010.	Yes

New buildings to be oriented to make best use of passive solar heating	The main glazing for each building is positioned on the northern elevation and glazing to be appropriately shaded.	Yes
Glazing on north to be maximised while glazing on western façade to be minimised	Design achieves this design feature	Yes
Building materials and insulation to be used in thermal performance	Insulation proposed in construction	Yes
Hot water systems to be greenhouse gas-friendly systems (3.5 SEDA Hot Water Greenhouse Score)	Will require by consent condition	Yes
Energy efficient appliances and lighting to be used	Will require by condition of consent	Yes
Larger sites should use renewable energy resources for lighting	Proposal includes the establishment of photovoltaic solar panels which will generate 20kW of renewable energy per day to partly offset the development's energy use	Yes
Air Quality and Odour Control		
Industrial development likely to cause air pollution and odours are to be located away from residential areas	Development not likely to cause air pollution but is not sited near any residential area	Yes
Best practice techniques to be used to reduce any impact	Not relevant to proposal	N/A
Where odours proposed to be released an odour impact assessment shall be undertaken	Not relevant to proposal	N/A
No point of air pollution discharge is to be within 300m of nearest dwelling	Not relevant to proposal	N/A
Where facility will exceed EPA odour performance criteria then mitigation strategies are to be investigated by proponent	Not relevant to proposal	N/A
Development shall comply with draft policy "Assessment and Management of Odour from Stationary Sources in NSW"	Not relevant to proposal	N/A
Noise Generation		
Industrial noise will not impact on amenity of nearest residential dwelling	Operational noise will be negligible as all works conducted within the buildings	Yes
Acoustic design principles to be incorporated into design	Design reasonably reflects these principles	Yes
Industrial development to comply with "NSW Industrial Noise" Policy	Given the nature of the development it should be able to easily comply	Yes

produced by the EPA in January 2000	with any noise emission standards or policies	
An acoustic report shall be submitted with the DA for an industrial development located within 50m of a residential dwelling	Proposed development located more than 50m from any residential dwelling	N/A
Fire Mitigation and Control		
All buildings adjoining bushland are to be designed and located to minimise bushfire hazard	Bush fire threat assessment prepared and found that design of buildings to be satisfactory subject to recommendations	Yes
Fuel management and bushfire hazard reduction to be implemented on site	Bush fire hazard assessment identifies defensible spaces and separation distances as adequate	Yes
Access for emergency vehicles provided and easily identified	Perimeter access round maintenance building provided and easily identified	Yes
Water hydrants are clearly marked and accessible	Will be required by consent condition	Yes
Flammable materials to be stored in a manner to minimise risk of contact with fire	Will be required by consent condition	Yes
Flammable materials shall be stored in accordance with relevant guidelines of Department of Infrastructure, Planning and Natural resources and Workcover requirements	Will be required by consent condition	Yes
Waste Minimisation and Disposal		
A waste management plan (WMP) shall be submitted with the DA	WMP submitted with DA	Yes
Requirements for a WMP are identified in DCP Chapter 69	Management of waste will be required by consent condition to be in accordance with WMP and DCP 69	Yes
Reference should be made to "Specification for Supply of Recycled Material for Pavements, Earthworks and Drainage" produced by Resource NSW	Will require consideration as consent condition	Yes
Any industrial development application shall comply with SEPP No 55 and Wyong Shire Council Policy P1 – Potentially Contaminated Land	Site not identified as contaminated land	Yes
Benching (Cut and Fill)		
Development design should minimise site disturbance, effect on groundwater, disruption to natural drainage systems, impacts on services and structures, impacts on	The proposed development's design is considered to appropriately reflect these considerations	Yes

site access and removal of significant vegetation		
Details of cut and fill to be provided together with materials, height and drainage of any retaining walls	Details provided in application	Yes
Retaining walls to be of brick or masonry construction	Retaining walls to be of masonry construction if required	Yes
Retaining walls over 900mmm or subject to significant loads to be designed by a suitably qualified engineer	To be required as consent condition	Yes
Retaining walls located on boundaries shall not undermine or adversely affect integrity of existing retaining walls on adjacent sites	No retaining walls proposed on boundaries	N/A
Communications Infrastructure		
Details of proposed communication infrastructure to be provided in DA	Details provided in DA	Yes
Communications equipment such as radio towers, satellite dishes and roof-mounted equipment which protrude above the general roof line shall not be permitted except where the building is not visible from adjoining residential development or major viewing points or except where it is appropriately integrated into the design	Electricity and IT/communications infrastructure will be underground where possible. Communications infrastructure such as radio towers and satellite dishes are not required for this development. Any required roof-mounted equipment will be integrated into the design of the building and will not be visible from residential areas and major viewing points. Will be required as a consent condition.	Yes
Car Related Issues		
Traffic generated by the use shall not cause a demand greater than can be met by the local road network and on-site parking facilities	Traffic report provided with DA. Report concludes that local road network and on-site parking can adequately serve the proposed use	Yes
Compliance with Council's DCP Chapter 61 - Parking	Proposal does not comply with on-site car parking required by Chapter 61	No, see discussion in report
Brothels		
Compliance with DCP Chapter 71 – Location Criteria for Brothels in Wyong Shire	Not relevant to proposal	N/A
Non-Conforming Existing Uses and Refurbishment of Existing Premises		

Comply with BCA and Wyong DCP 2005	Not relevant to proposal	N/A
Design for safety		
Clear sightlines are maintained over public and private spaces	All areas are visible within property	Yes
There is effective lighting of key points	Adequate exterior lighting proposed to enhance security and safety	Yes
Landscaping does not provide potential hiding places	Landscaping to be appropriately maintained to reduce opportunity for hiding places	Yes
Landscaping channels pedestrians into target areas	Perimeter and pathway landscaping channels people to target areas such as foyer, car park and amenities area	Yes
Clear transition and boundaries between public and private spaces	Boundaries between public and private areas fenced and landscaped	Yes
Spaces designed and managed to enforce cleanliness, rapid removal of graffiti and vandalism, replacement of burned-out or defective lighting and refurbishment of degraded physical elements, finishes and landscaping	Will require by consent conditions	Yes
Appropriate security is provided	Development will have security cameras, external lighting, access gates and perimeter fencing	Yes
Public spaces not to be made into private spaces through gates and enclosures	Not relevant to proposal	N/A
Disabled Access		
To comply with BCA	Can comply and will be required as consent condition	Yes
To comply with AS 1428.1 – Design for access and mobility – General requirements for access	Can comply and will be required as consent condition	Yes
To have regard for Disability Discrimination Act, 1992	Require as condition of consent	Yes
Child Care Centres and Ancillary Uses		
To comply with BCA and DCP Chapter 62 – Home and Centre Based Child Care	Not relevant to proposal	N/A
All child care services to be licensed	Not relevant to proposal	N/A

ATTACHMENT 4 Conditions of Consent

Approved Plans

- 1 The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent:

Title	Drawing No.	Revision	Date	Drawn By
Site Plan	DA1010/11 1	B	Aug 2011	S Smith
Ground Floor Plan – Building “A”	DA1010/11 2	-	Feb 2011	S Smith
Ground Floor Plan – Building “B”	DA1010/11 3	-	Feb 2011	S Smith
Ground Floor Plan – Building “C”	DA1010/11 4	-	Feb 2011	S Smith
Elevations – Buildings “A” & “B”	DA1010/11 5	-	Feb 2011	S Smith
Elevations – Building “C”	DA1010/11 6	-	Feb 2011	S Smith
Concept Landscape Plan	01811 Sheet 1 of 1	-	12 April 2011	C Holmes

Certificates – Application and Approval

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.
- 4 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed “Application for Civil Works and Subdivision Works” form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council’s Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

Acid Sulphate Soils – Investigation and Reporting Requirements

- 5 Prior to the issue of a Construction Certificate, an Acid Sulphate Soils Assessment Report and Management Plan prepared by a suitably qualified person, must to be provided for the approval of the Accredited Certifier.

Bush Fire – Building Design

- 6 The design of all buildings shall comply with the recommendations of “Bushfire Assessment Report” prepared Daniel Smith, Environmental Consultant, and submitted with the development application. In particular, the buildings shall provide adequate ember protection as detailed in Section 4.4 of the report.

Engineering Details

- 7 All proposed load bearing retaining walls and structures are to be designed by a practising Civil/Structural engineer in accordance with AS4678, AS3600, AS1170 and other relevant codes and standards. Details are to be approved by the Principal Certifying Authority prior to issue of a Construction Certificate.

Building Energy Efficiency – Design and Approval

- 8 The design of the buildings shall comply with the recommendations on Pages 1 & 2 of Briefing Report for NCC Section J1, 2 & 3 Compliance, prepared by Building Sustainability Assessments, submitted with the development application.

Dust Control Requirements

- 9 Prior to the issue of a Construction Certificate, suitable details must be provided for the approval of the Accredited Certifier of an appropriate system to control dust emissions from the site during construction works. The approved method of controlling dust emissions from the site is to be implemented and be maintained for the duration of construction works on the site.

Ecology/Tree Requirements

- 10 Prior to the issue of any Construction Certificate or commencement of works (which ever occurs first), the applicant is to engage a suitably qualified and experienced ecologist, arborist and soil erosion professional to supervise the vegetation clearing and construction of each stage of the development and to ensure and certify to Council that the trees and vegetation proposed for retention are adequately protected during works. Evidence of this engagement is to be forwarded to Council prior to the issue of a Construction Certificate or the commencement of works. The ecologist and arborist are to provide reports to Council for review, certifying how the proposal is meeting tree retention and protection requirements following completion of the following stages of the development:
 - Following the marking of vegetation and habitat trees to be removed, installation of nest boxes and erection of required tree protection fencing along the boundaries of the native vegetation buffer zones prior to the commencement of works.
 - Following induction of each civil contractor and subcontractor in relation to the importance of all ecological conditions of consent as part of their site induction program prior to the commencement of works.
 - Following initial clearing, removal of any habitat trees and levelling of the site.

- Following provision of internal roads and services.
 - Following construction of the detention and nutrient pond.
 - Following completion of each construction phase and prior to the issue of an Occupation Certificate.
- 11 Prior to the issue of any Construction Certificate, trees and native vegetation to be retained within the native vegetation buffer zones and those approved for removal are to be clearly identified on all the final engineering plans. All fenced tree protection areas are to be clearly marked as "No Go Area" on all plans.
- 12 Prior to the issue of any Construction Certificate or commencement of works (which ever occurs first) the applicant must prepare and submit to Council and obtain approval for a Habitat Restoration Plan (HRP) for the 10-metre-wide native vegetation buffer zones along the western, southern and eastern boundaries, as identified on the approved plans. The HRP is to be prepared by a suitably qualified and experienced ecologist or bush regenerator. The primary objective of the plan should be weed management, regeneration of native vegetation, and, if necessary, replanting. Implementation of the HRP must commence immediately following issue of the Construction Certificate or the commencement of works, whichever occurs first. In preparing and implementing the HRP the following criteria must be addressed:
- A suitably qualified and experienced professional bush regeneration contractor is to be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the HRP. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate 2 in Conservation and Land Management and three years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Conservation and Land Management and one year's demonstrated experience for other personnel. In addition the site supervisor is to be eligible for full professional membership of the Australian Association of Bush Regenerators (AABR).
 - A site plan must be prepared at an appropriate scale, clearly showing the area to which the HRP applies, existing vegetation, management zones and extent of dominant weed infestations.
 - A description of existing native vegetation and methods of vegetation regeneration must be provided. In particular, rehabilitation methods and a planting schedule must provide for the existing cleared area in the western vegetation buffer zone adjacent to Corella Close. Any plant stock used in revegetation must be supplied from provenance-specific seed/material collected from within the Tuggerah Lakes catchment area. Seed/plant sources should be identified. Non-provenance material or non-endemic species is prohibited.
 - A schedule of works must be prepared detailing the sequence and duration of works necessary for the regeneration, any revegetation and maintenance works for each management zone. All primary weed control must be undertaken in the first year following commencement of the HRP, with follow-up weed control undertaken in the second and third year following commencement of the HRP.
 - The location and type of permanent fencing, bollards or similar to prevent unauthorised access, vegetation removal, rubbish dumping, storage of materials or encroachment into the buffer zones from the development must be specified in

the HRP and installed prior to issue of an Occupation Certificate. No barbed wire is permitted.

- The mulch/tubgrindings generated from the removal and thinning of native vegetation associated with the development is/are to be re-used in restoring the buffer areas as required.
- Any natural hollows removed by the development are to be placed wherever possible as ground hollows within buffer zones under the supervision of the ecologist.
- The use of insecticides and herbicides within the subject site should be avoided where possible, otherwise biodegradable pesticides should be used sparingly.
- Strict hygiene protocols must be implemented to minimise the risk of spread of flora or fauna pathogens during construction, in particular Exotic Rust Fungus, Phytophthora and Chytrid Fungus.
- Restoration areas are to be maintained for a minimum of three years. Monitoring reports are to be prepared by the ecologist or bush regenerator and submitted to Council detailing the progress of the restoration twice per year and any recommended additional actions, with a final report certifying completion of the HRP at the end of the three-year period or once the specific objectives of the plan have been met. Photo monitoring-points and method of performance evaluation must be identified in the HRP for future for monitoring and reporting purposes. Annual monitoring for the Green Thighed Frog and Wallum Froglet must be conducted for a minimum of three years to determine any use of the habitat in the constructed detention basin and swale drains in accordance with Department of Environment and Climate Change (2009) 'Threatened species survey and assessment guidelines: field survey methods for fauna: Amphibians'. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

Erosion and Sediment Control – Design Requirements

- 13 Prior to the issue of a Construction Certificate, design drawings for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways must be provided for the approval of the Accredited Certifier. Required design drawings must include all major stages of construction and sequences of work together with treatments necessary at each of these stages. The design drawings must be prepared in accordance with the Landcom publication '*Soils and Construction – Managing Urban Stormwater*' (*Blue Book*).

Filling and Haulage

- 14 Prior to the issue of a Construction Certificate, the submission to and approval by Council, as the Roads Authority, of details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed routes to and from the site.

Landscaping – Amendments to Design and Approval

- 15 Prior to the issue of a Construction Certificate, the submission to and approval by the Principal Certifying Authority of the approved landscape plan prepared by Urban Sanctum Landscape Designers and certified by Urban Exotic, Sheet 1 of 1 Drawing

No.01811 dated 12/04/2011 that includes the following amendments, practices and notes:

- Tree protection fencing is to be erected a minimum three metres from existing perimeter trees, otherwise along the inner (development side) boundary of the south, east and western vegetation preservation zones. The protection of trees retained on site by fencing as per the engaged arborist's and/or ecologist's direction and in accordance with Australian Standard 4970 2009. The fencing is to consist of 1.8 metre chain wire interlocking fencing. Such protection measures must be installed prior to commencement of any works and maintained in good order for the duration of the works. No cement wastings, materials or vehicles are to be stored within the protective fence area. All fenced tree protection areas are to be clearly marked as "No Go Area" on the fencing itself.
- All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained trees. Methods for the installation of services within the tree's canopy perimeter are contained within Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and include under boring and excavation by hand. All proposed services are to be installed a minimum three metres from all retained perimeter edge trees on site within the subject property.
- The proposed driveway along the south western edge is within close proximity to the existing trees on site. The proposed concrete driveway is to be constructed a minimum three metres from the trunks of retained trees. If this cannot be achieved then methods of construction are to be shown as to how the works will not adversely impact on the trees. This can be achieved by an arborist report undertaken by an AQF 5 arborist and provided prior to the issue of any Construction Certificate.
- The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
- All trees including *Eucalyptus robusta*, *Livistonia australis* are to be a minimum 50-litre pot size. All other trees are to be a minimum 5-litre pot size and the remaining grasses/macrophytes can be sourced as tube stock. All stock when available is to be sourced from local provenance stock. A maintenance program including but not limited to mulching and weeding within garden beds is to be undertaken by a qualified landscape contractor and provided to Council for comment prior to issue of the Occupation Certificate.
- All trees are to be sourced and comply with NATSPEC regulations.
- The landscape concept plan being amended to accord with the approved amended site plan (DA 1010/11 1B) by showing a continuous perimeter road in the north-eastern corner of the site.

Liquid Trade Waste – Requirements

- 16 The proposed sewerage pumping station will require the submission of a Private Pump Station Application which must be approved by Council's Trade Waste Section prior to the issue of a Construction Certificate.

Roadworks - Design Requirements

- 17 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- The provision of vehicular access crossing in Corella Close in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and AS/NZS 2890.1 / 2. The design plans must be approved by the Roads Authority prior to the issue of a Construction Certificate and shall include:
 - The width of the access at the boundary shall be 10m wide
 - The access shall be splayed to 13m wide at the kerb line.

Required design drawings are to be prepared in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

Stormwater Drainage - Design Requirements

- 18 The provision of a stormwater system with water quality control facilities required to treat stormwater runoff from the development in accordance with DP1129808 including plans as identified in SCC/65/2008 Nos 0603-C20 amend. 08, 0603-C21 amend. 03, 0603-C22 amend. 05 and 0603-C23 amend. 05, the Water Cycle Assessment Report by Martens Consulting Engineers NoP0701700JR03_V3 November 2007 and Council's Development Control Plan 2005 Chapter 67 - Engineering Requirements for Development. Design plans must be submitted to and approved by Council under section 68 of the Local Government Act 1993, prior to issue of a Construction Certificate. The design shall include :
- Piped drainage to cater for the 5%AEP stormwater event
 - Overland flow paths to cater for storm events greater than the 5% AEP event.
 - The principles of Water Sensitive Urban Design may be applied in order to achieve water quality requirements.
 - The effect of proposed earthworks on the undeveloped drainage design for the site shall be included in any proposed drainage design for the development.
 - On site detention and retention as necessary to meet the required drainage outcomes as identified in Dp1129808 including associated plans and The Water Cycle Assessment Report by Martens Consulting Engineers NoP0701700JR03_V3 November 2007.
 - Stormwater reuse of at least 15,000 litres per building capacity. The required stormwater reuse is to be considered in all drainage system modelling for quantity, flow duration and quality. Alternative reuse amounts will be considered subject to water balancing calculations and site stormwater modelling calculations.
 - The submission to Council of a groundwater risk management plan for the proposed development. Groundwater recharge shall be in accordance with Dp1129808 including associated plans and The Water Cycle Assessment Report by Martens Consulting Engineers NoP0701700JR03_V3 November 2007.
 - Stormwater quality shall match the outcomes as identified in The Water Cycle Assessment Report by Martens Consulting Engineers NoP0701700JR03_V3 November 2007.
 - All drainage flows to be directed to the EEC area shall be dissipated to replicate natural flows on to the area.

- Water quality modelling and all supporting calculations of proposed drainage system shall be submitted to and approved by Council prior to issue of the construction certificate.
- 19 No works shall be permitted within the “No Go” areas other than those approved by Council prior to issue of the Construction Certificate.

Structural Design Requirements

- 20 All proposed load bearing retaining walls and structures are to be designed by a practising Civil/Structural engineer in accordance with AS4678, AS3600, AS1170 and other relevant codes and standards. Details are to be approved by Council prior to those works being undertaken.

Vehicle Access and Parking - Design Requirements

- 21 The design of the carpark and accesses in accordance with AS/NZS2890.1/2/6. The design, compliant with AS/NZS2890. 1/2/6 is to be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate. The design shall include:
- Designed for an 85%ile vehicle to pass a 99%ile vehicle at all bends and turns.
 - Minimum width of the circulating roadways shall be in accordance with AS/NZS2890.2 Table 3.1.
 - Pavement marking and signage.
 - Disabled car spaces in accordance with AS 2890.6.
 - Wheel stops on all carparking spaces.
 - Pavement design to cater for the largest expected design vehicle
 - Minimum pavement surface of asphaltic concrete.
 - Traffic control road humps shall be provided as per AS/NZS 2890.1
 - Indenting of security gates a minimum of 13m to allow vehicles to stand clear of the through travelling lane
 - Lighting shall be provided as per AS/NZS 2890.1.
- 22 The provision of a detailed traffic management plan prior to issue of the construction certificate encompassing heavy vehicle, passenger vehicle, pedestrian and cycle movements. The plan shall provide:
- Turning templates for the largest design vehicle expected to access the site indicating suitability for access.
 - Traffic movements within the site shall be addressed for all vehicles ensuring adequate manoeuvring of all vehicles including a suitable safety envelope.
 - The safety of pedestrian and cycle movements within the site.

Water and Sewer Services - Design Requirements

- 23 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

PRIOR TO COMMENCEMENT OF WORKS

Ecology/Trees Requirements

- 24 Prior to the commencement of any clearing works occurring on the development site, a suitably qualified and experienced Ecologist must clearly mark any potential habitat trees required to be removed and install nest boxes on a one-for-one basis for any natural hollow required to be removed. Nest boxes are to be constructed of appropriate durable materials (e.g. painted marine ply, native hardwood or similar) and fixed to recipient trees with stainless steel screws, wire or similar. All nest boxes must be installed in suitable locations that will maximise the likelihood of occupation by native fauna. Nest boxes are to be monitored by the Ecologist to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following erection. Monitoring reports are to be prepared by the Ecologist and forwarded to Council after each monitoring event.

Erosion and Sediment Control – Provision and Maintenance

- 25 The provision of soil erosion and silt controls on the site in accordance with Council's Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and/or Construction - Managing Urban Stormwater (Blue book) and the approved development plans prior to any works commencing on the site. Erosion and sediment control works are to remain in place until all disturbed areas are stabilised.
Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.

Filling and Haulage Requirements

- 26 Prior to works associated with the development commencing, details for the disposal of any spoil gained from the site and/or details of the source of fill materials to be imported to the site, are to be provided and approved by the Principal Certifying Authority.

Other Authorities' Requirements

- 27 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Energy Australia for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Roads - Preconstruction Requirements

- 28 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).

- Obtain a copy of Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 29 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 30 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

Site Requirements

- 31 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 32 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 33 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.

- 34 Prior to works associated with the development commencing, a Construction and Environment Management Plan (CEMP) is to be submitted to and approved by the Principal Certifying Authority. The required CEMP must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management.

Waste Management Requirements

- 35 During the construction phase of the development, all building materials must be re-used, recycled or disposed of in accordance with the Waste Management Plan submitted with the subject application.

DURING WORKS

Acid Sulphate Soils – Construction Requirements

- 36 Upon completion of excavation works, documentary evidence is to be provided for the approval of the Principal Certifying Authority demonstrating compliance with the requirements of the Acid Sulphate Soils Management Plan submitted with respect to the development.

Approved Plans

- 37 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

Dust Control Requirements

- 38 Suitable dust suppression measures shall be implemented and maintained by the developer during demolition, excavation and construction works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.

Earthworks and Haulage - Construction Requirements

- 39 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.

Ecology/Trees - Construction Requirements

- 40 No tree (or other vegetation) other than those specifically notated on the approved engineering plan(s) as "trees to be removed" shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed.
- 41 Trees containing trunk or branch hollows provide habitat and shelter to native wildlife. Removal of hollow bearing trees is to be done under the advice and supervision of a qualified and experienced Ecologist who holds an appropriate licence to mitigate against any animal welfare issues. The Ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use. Should a threatened species be positively identified, all clearing works are to cease and the advice of Council or the Office of Environment & Heritage must be sought. When fauna are present, the animals are to be removed and suitably relocated by the Ecologist prior to felling or the

tree shall be slowly lowered or sectionally dismantled under the supervision of the Ecologist before relocating animals. Wildlife must be relocated locally to an area with adequate resources and provided with a nest box or relocated hollow under instruction from the Ecologist. Natural hollows removed are to be placed wherever possible as ground hollows within buffer zones under the supervision of the Ecologist

- 42 Council's Development Ecologist is to be notified as soon as practicable (and not more than 24 hours after) if a breach of these ecological protection conditions occurs.

Erosion and Sediment Control - Construction Requirements

- 43 All sediment and erosion control devices provided with respect to the development are to be periodically cleaned and maintained in an effective state for the duration of works. On the spot fines for non-compliance with this requirement may be issued under the provisions of the *Protection of Environment Operations Act, 2000*.

Services/Utility Requirements

- 44 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.

Site Requirements

- 45 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 46 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.

Plumbing and Drainage - Construction Requirements

- 47 Council as the Water Supply Authority, under the provisions of the Water Management Act, is to be notified to undertake inspections of the internal drainage lines, (prior to the pouring of the concrete slab), and external drainage lines inclusive of sewer junction connection, prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's Customer Contact Centre on (02) 4350 5555 a minimum of twenty-four (24) hours prior to the required time for the inspection. Please note that all drainage inspection fees are to be paid to Council prior to plumbing and drainage works associated with the development commencing.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

Advertising Sign Requirements

- 48 Prior to the issue of an Occupation Certificate each of the proposed business identification signs to be erected on each of the three buildings is to be erected a minimum of 2.6 metres above ground level.

Building Code of Australia – Compliance Requirements

- 49 Prior to the issue of the Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

Bunding

- 50 Prior to the issue of an Occupation Certificate all service entries to workshop areas must be provided with a trafficable bund with a minimum height of 100mm to prevent any spillage exiting the workshop area and entering the stormwater system.
- 51 Prior to the issue of an Occupation Certificate all bulk liquids must be banded. Bunding is to be structurally sound, impervious to materials stored, exclude rainwater and capable of containing 110% of the largest volume stored taking into account the displacement of all vessels within the banded area.

Dilapidation Rectification Requirements

- 52 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.

Disabled Access Requirements

- 53 Prior to the issue of an Occupation Certificate, access to and throughout the buildings shall comply with AS 1428.1-2009 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth).
- 54 Prior to the issue of an Occupation Certificate five disabled car spaces are to be provided on site in accordance with Section 10.0 of the Traffic Assessment Report, dated 8 April 2011 and prepared by BJ Bradley and Associates, submitted with the development application.

Ecology/Trees - Construction Requirements

- 55 The inner boundaries of the western, southern and eastern native vegetation protection zones must be permanently delineated using fencing, bollards or similar to prevent vegetation removal, rubbish dumping, storage of materials or encroachment into protection zones by the development. Evidence of this is to be supplied to Principal Certifying Authority and Council prior to issue of an Occupation Certificate. No barbed wire is permitted.

Energy- and Water-Efficient Fixtures

- 56 All lighting fixtures and appliances are to be energy efficient and water fixtures are to be water efficient.

External Materials

- 57 The construction of the building in appropriately coloured materials as submitted in the development application and are to be of a low reflective quality, or of materials that are painted or similarly treated with appropriately coloured paint or pigment of a low reflective quality.

Security Fencing - Location

- 58 The proposed front security fencing along Corella Close and along the eastern and southern boundaries shall be sited within the property and behind the native vegetation buffers prior to the issue of an Occupation Certificate. Security fencing on the northern boundary is to be sited on that boundary prior to the issue of an Occupation Certificate.

Filling and Haulage- Completion Requirements

- 59 All filled areas are to be compacted in accordance with the requirements of AS 3798-1996. The submission of test results and appropriate documentation attesting to this requirement having been achieved is to be provided for the approval of the Accredited Certifier prior to issue of the Occupation/Subdivision Certificate.

Landscaping – Completion and Certification

- 60 To ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by the conditions of this consent, prior to issue of an Occupation Certificate.
- 61 All disturbed surfaces on land resulting from the works authorised or required by this consent shall be revegetated and stabilised so as to prevent any erosion or siltation either on or adjacent to the land.
- 62 A detailed maintenance schedule is to be provided to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate.

Lighting Requirements

- 63 Prior to the issue of an Occupation Certificate, suitable lighting shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1. Light spread in accordance with AS4282 shall also be considered.
- 64 Prior to the issue of an Occupation Certificate all external lighting is to be installed and to be of a type that prevents overspill into native vegetation buffer zones along the western, eastern and southern boundaries and into Lot 32 DP 1045472, for example, through the use of visors, minimising pole height, use of low-voltage lighting or low-reflective pavements.

Plumbing and Drainage - Compliance Requirements

- 65 Prior to the issue of an Occupation Certificate, the provision of rainwater tanks, of at least 15,000 litres per building capacity, in accordance with the requirements the National Plumbing and Drainage Code AS/NZS 3500. Alternative reuse amounts will be considered subject to water balancing calculations and site stormwater modelling calculations. The rainwater tanks must be located in such a position as to maximise rainwater collection and shall include, but not be limited to, the retention of water on-site incorporating first flow diversion devices fixed to all inflows, provided with a functioning pressure pump, and plumbed to service all toilets and external use. The

tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.

Roads – Compliance Requirements

- 66 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of the Occupation Certificate.
- 67 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.

Stormwater – Compliance Requirements

- 68 The construction of stormwater drainage discharging into a public system or public land in accordance with the approved Stormwater Management Plan and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*. All works must be approved by Council under Section 68 of the Local Government Act 1993 prior to issue of the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.
- 69 Registration of a positive covenant for the maintenance of all drainage facilities in relation to the development to ensure all water quality and quantity facilities operate to design capacity at all times.
- 70 Prior to the issue of the final Occupation Certificate, a 'Restriction on the Use of Land' shall be created on the title of the land restricting any alteration to any on-site stormwater detention system. The terms of the Restriction are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the restriction.
- 71 Prior to the issue of the final Occupation Certificate, a 'Positive Covenant' shall be created on the title of the land requiring the registered proprietor to ensure the continued maintenance and performance of any on-site stormwater detention structure. The terms of the positive covenant are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the restriction.

Vehicle Access and Parking – Compliance Requirements

- 72 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1/2/6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 73 The construction of the carparking areas and accesses with a pavement and minimum asphalt concrete surfacing to cater for expected traffic flow and largest design vehicle prior to issue of the Occupation Certificate.

Waste Management Requirements

- 74 For safety, amenity and maintenance reasons, the waste storage area must be constructed to the following standards prior to the issue of an Occupation Certificate:
- Floors must be constructed of concrete, graded and drained to an approved drainage outlet connected to the sewer and finished to a smooth even trowelled surface;
 - Walls must be constructed with solid impervious material and shall be cement rendered internally to a smooth even steel trowelled surface;
 - All intersections between the walls and floors shall be coved with coving having a minimum radius of 25mm;
 - All entry points into the room must be bunded to prevent the escape of liquid waste. Bunding shall be for 110% of the likely liquid storage waste and constructed in such a manner that does not obstruct the removal of waste receptacles from the room or create a safety risk to users;
 - Adequate ventilation shall be provided;
 - Adequate lighting shall be provided;
 - The ceiling must have a minimum height of 2.1 metres from floor level and be finished with a smooth faced non-absorbent material capable of being easily cleaned;
 - Waste storage areas shall prevent the access of vermin;
 - Waste receptacles used shall be compatible with Wyong Council's waste collection service;
 - The door to the storage area shall be weatherproof and shall be openable from the inside at all times; and
 - Hot and cold water hose cocks shall be located inside or within close proximity to the waste storage areas to facilitate cleaning.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 75 The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Work as Executed Requirements

- 76 Prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements.

- 77 Certification from a qualified structural/civil engineer shall be submitted prior to occupation certificate that all retaining structures as built have been constructed in accordance with the Construction Certificate, accepted practice, and that the structure is stable and capable of catering for all anticipated loads.

ONGOING OPERATION

Advertising Sign Requirements

- 78 No advertising sign/s shall be erected on or in conjunction with the use and/or development without prior development consent unless the advertisement is an 'approved sign' under Development Control Plan 2005, Chapter 50 - *Advertising Signs*.

Bush Fire Compliance Requirements

- 79 The buildings and the site shall be managed for the life of the development in accordance with the recommendations made in Sections 4.1, 4.2, 4.3, 4.4, 5.1, 5.2, 5.3, 5.4 and 5.5 of "Bushfire Assessment Report" prepared Daniel Smith, Environmental Consultant, and submitted with the development application.

Ecology/Trees – Maintenance of Native Vegetation Buffers

- 80 The 10-metre-wide native vegetation protection zones along the western, eastern and southern boundaries, identified on the approved plans, are to be excluded from clearing and development activity (with the exception of bush regeneration, soil rehabilitation, planting and protective fencing and construction of access ways) and are to be maintained in perpetuity.

Site Appearance, Maintenance and Security Requirements

- 81 The owner/operator(s) of the site must maintain the external finishes of the buildings, structures, walls and fences for the life of the development and any graffiti must be removed in a timely manner.
- 82 All perimeter fencing is to be maintained for the life of the development in its approved location.
- 83 All site landscaping is to be maintained for the life of the development in accordance with the approved landscape plan, as amended by the conditions of this consent, and with the approved maintenance schedule.

Spill Clean Up Requirements

- 84 Sufficient supplies of appropriate adsorbent materials and /or other spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only.

Staffing Levels

- 85 The number of permanent full-time employees on site at any one time is not to exceed 60 without prior development consent.

Stormwater – Ongoing Maintenance Requirements

- 86 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained for the life of the development in order to remain effective.

Vehicle Access and Parking – Ongoing Requirements

- 87 Access to and from the site for all commercial vehicles, including waste collection vehicles must be in a forward direction.
- 88 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.

Waste Management – Compliance Requirements

- 89 The premises must operate in compliance with the Waste Management Plan, submitted with the development application and in accordance with Development Control Plan 2005, Chapter 69 - Controls for Site Waste Management.
- 90 All waste generated on the premises shall be stored in a manner so that it does not pollute the environment.
- 91 All waste generated on the premises shall be transported to a facility which is licensed to receive that material.