

**JOINT REGIONAL PLANNING PANEL
HUNTER AND CENTRAL COAST REGION**

JRPP No.	2011HCC031
DA No.	18/2012/DA
Local Government Area	Greater Taree City Council
Proposed Development	Home Improvement Centre, new road, roundabout and signage
Site Location	Lots 1 & 2 DP 862928 (No. 212A & 121) Manning River Drive Taree South
Applicant	Woolworths (Matthew Twohill)
No of Submissions	5 submissions
Recommendation	Approval
Report by	Arinna Fotheringham – Development Planner

Assessment Report and Recommendation

PRECIS

This report considers a development application for a Home Improvement Centre, new road, roundabout and signage on land known as Lots 1 and 2 DP 862928 (121 & 121A) Manning River Drive, Taree South.

The application is being reported to the Joint Regional Planning Panel pursuant to Schedule 6A 15 3(a) of the Environmental Planning and Assessment Act 1979 as a “*development application for development that has a capital investment value of more than \$10 million if the development application was made, but not determined by the panel, before the commencement of Schedule 4A*”. The proposed development has a value of \$14,469,963.

The development is “integrated development” for the purposes of the Department of Primary Industries Office of Water as the proposed development is within 40m of a watercourse.

The subject application was advertised and neighbour notified from 22 July 2011 to 5 August 2011. During this exhibition period a total of 5 submissions were received.

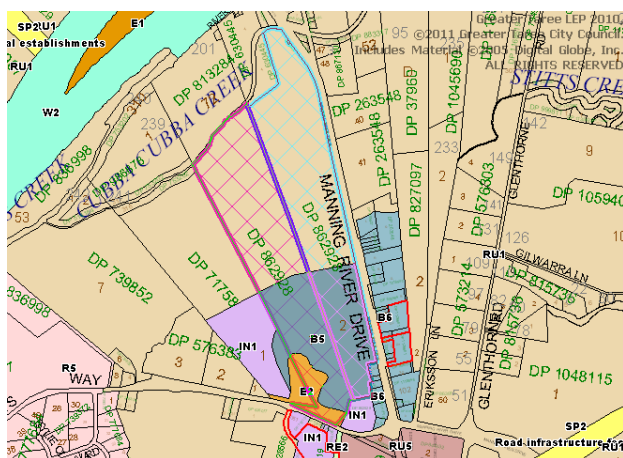
RECOMMENDATION

That 18/2012/DA for a home improvement, new road, roundabout and signage on land known as Lots 1 and 2 DP 862928 (121 & 121A) Manning River Drive, Taree South be approved in accordance with proposed conditions.

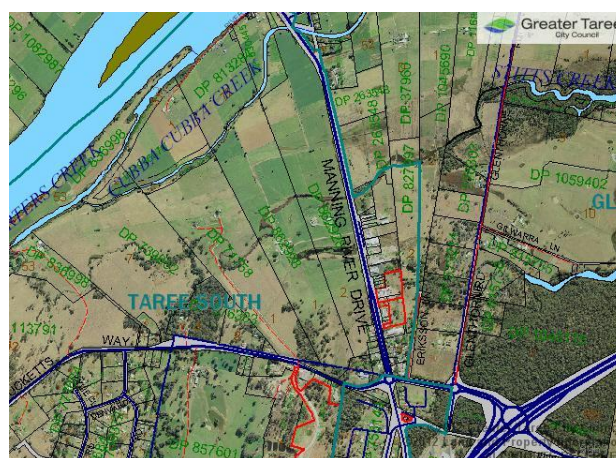
1. BACKGROUND

The development application was lodged with Council on the 19 July 2011 under the Greater Taree Local Environmental Plan 2010.

The land comprises of Lot 1 with an area of 41.25 hectares and Lot 2 an area of 42.84 hectares. The land is zoned B5 Business Development, RU1 Primary Production and E2 Environmental Conservation under the Greater Taree Local Environmental Plan 2010. The proposed development is to be located within the B5 Business Development zoned land. (See Map 1)

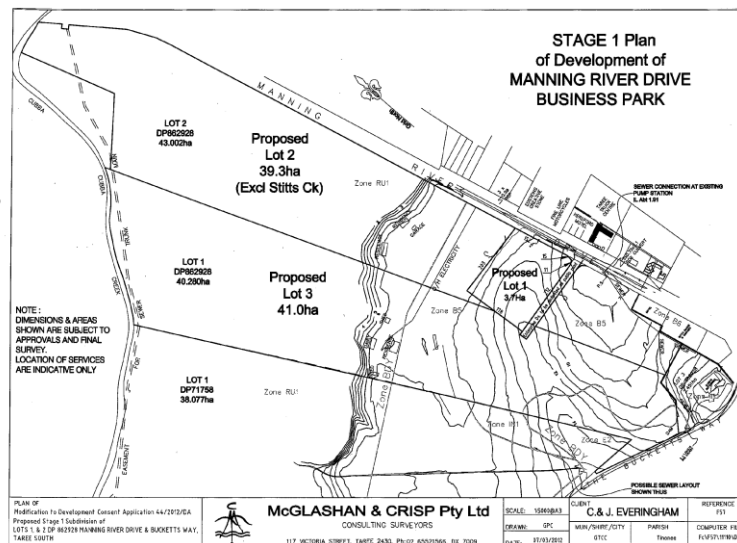


Map 1 LEP 2010 Zoning



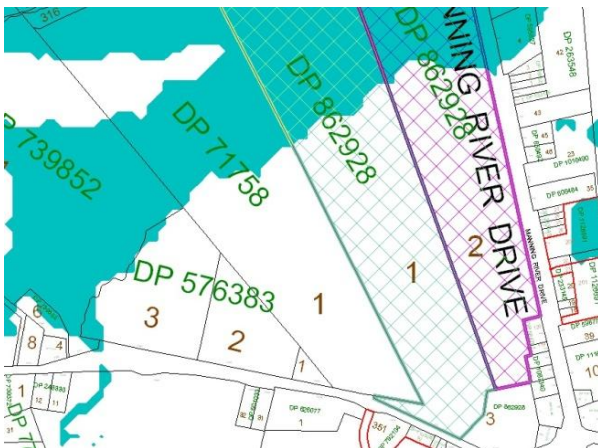
Map 2 Aerial

The subject site is located on the western side of Manning River Drive Taree South. (See Map 2) The proposed development is to be located on part of Lots 1 & 2 with a separate subdivision application currently being assessed to excise the home improvement site from the existing land (the proposed lot is to be 3.7 hectares in area. See Map 3)

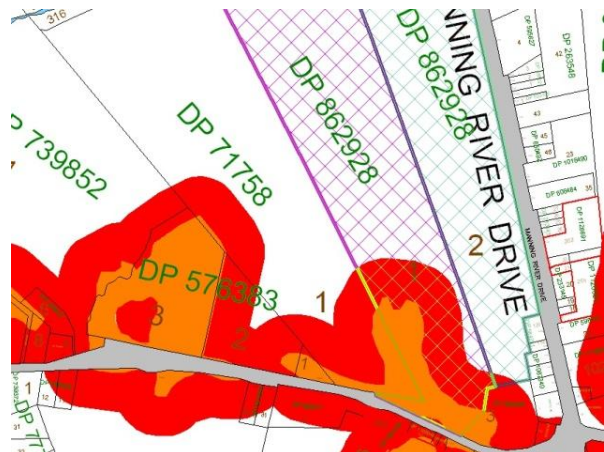


Map 3 Subdivision Plan showing proposed Lot 1

The subject land is identified as flood prone (see Map 4) and bushfire prone (see Map 5), however the proposed development site is outside these identified areas.



Map 4 Flood liable land



Map 5 Bushfire prone land
(100m Buffer surrounding identified vegetation)

2. DESCRIPTION OF DEVELOPMENT

The application seeks consent to erect a home improvement centre with associated vehicle access, loading, car parking, signage and landscaping. It will also comprise a new roundabout on Manning River Drive and road to facilitate access to the proposed development. (See Plan 1 attached). The proposed home improvement centre is approximately 13,901m² which comprises:

- A general sales area of approximately 8,197m² for a range of products, which includes hardware, timber and building materials, décor and home decoration, and kitchen/bathroom fittings.
- A nursery area of approximately 2,194m² for a range of landscaping and gardening products, which includes plants, pots, landscape, trimming and gardening equipment.
- Trade sales area of approximately 2,318m² is for trade for trade sales, which will include a drive-in loading area for all stock for sale in other areas of the building.
- Approximately 851m² 'back of house' are on the side of the site for loading goods and materials.

The remainder of the site will accommodate ancillary services, infrastructure, car parking and landscaping.

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

In determining the application, the Panel is required to take into consideration the following matters as are relevant to the development to which the development application relates:

(a) the provisions of:

(i) any environmental planning instrument (EPI)

The following Environmental Planning Instruments are applicable to the subject land and development proposal.

SEPP (MAJOR DEVELOPMENT) 2005

The application is being reported to the Joint Regional Planning Panel pursuant to Schedule 6A 15 3(a) of the Environmental Planning and Assessment Act 1979 as a "*development application for development that has a capital investment value of more than \$10 million if the development application was made, but not determined by the panel, before the commencement of Schedule 4A*". The proposed development has a value of \$14,469,963.

SEPP 71 NSW COASTAL PROTECTION

It is considered that the proposal complies with the development provisions of this plan and the matters for consideration as outlined in Clause 8. The proposal does not impede nor diminish public access to the coastal foreshore.

SEPP (INFRASTRUCTURE) 2007

The application was referred to the Roads & Maritime Services for comment in accordance with Schedule 3 Traffic Generating Development. Considerable negotiations with the applicant, landowner and affected business premises were undertaken, which resulted in Council's preferred location for the roundabout and associated roadworks. The final plans were referred to and considered to be satisfactory by the RMS Manager, Land Use Development. The following summarised comments were received:

- *"Ensure that turning templates for the design vehicle are provided to Council satisfaction. The service vehicle arrangements seem to be satisfactory.*
- *Car parking should be to Council's requirements.*
- *Street and onsite lighting should be provided to Australian Standards.*
- *On-site pedestrian/cyclist facilities should connect to external networks and a combined foot/cycle path 2.5m wide should be provided on the Enterprise Drive Frontage from at least the central vehicular access on Enterprise Drive to Manning River Drive.*
- *Public transport facilities should be provided where appropriate.*

The geometry of the proposed roundabout is generally unchanged from the layout provided with the development application in July 2011. However, it is noted that the location of the roundabout has been moved to improve the geometry of the eastern leg of the roundabout, which will initially provide access to the Hereford Motel and the Taree Truck Centre and ultimately via a proposed parallel service road to service properties to the east of Manning River Drive.

The developer should provide a minimum of 200 metres of dual lanes plus tapers on the Manning River Drive approaches and departures of the roundabout. The departure distance can be measured from the stop line. It should also be noted that only a single lane exit is required on the side roads. This could require a modification to the central median.

RMS considers the path of heavy vehicles turning left from the right hand lane (as shown on the plan NE110042) from Manning River Drive to access the Taree Truck Centre has the potential to impact on the road safety of the through vehicular traffic in Manning River Drive. This movement could be achieved by using the roundabout to access the service road from the north.

As previously advised in my letter dated 17 August 2011, the Manning River Drive/Enterprise Drive intersection should be modelled for the ten year planning horizon using an appropriate growth rate. This is required to confirm geometric requirements for the intersection."

Council's Development Engineer has reviewed comments from the RMS and has provided appropriate conditions for the proposed development. In addition, Council's Traffic Engineer provided the following comments:

"The Proposed two lane roundabout is the most appropriate traffic control facility at this new intersection as it will allow free flow along Manning River Drive and traffic entering from the side roads will be able to use gaps in the Manning River Drive

traffic. In the longer term, the peak hour traffic issues will be related to the existing Martin Bridge and the queuing of traffic towards the bridge in the mornings, but as the whole development site progresses there will be a link to The Bucketts Way and this will take pressure off the Manning River Drive Entrance."

SEPP 64 ADVERTISING AND SIGNAGE

SEPP 64 is applicable to the proposal. Part 3 of the SEPP does not apply as the signage proposed is considered to be business identification signage and building identification signage.

The proposed signage consists of:

- An illuminated pylon sign 12m in height at the south eastern corner of the site fronting Manning River Drive to provide identification for the home improvement centre.
- Illuminated façade signage on the northern and southern elevations of the building.
 - Main entry façade sign (south elevation) – 31.97m²
 - Rear façade sign (north elevation) – 7.82m²

Part 2 of the SEPP, requires Council to ensure the proposal complies with the aims of the policy and the assessment criteria of Schedule 1.

1. Character of the area

The proposed signage is compatible with the existing signage within the area. Signage within the area identifies the business operating from the premises.

2. Special areas

The proposed home improvement centre is located on the northern part of the business park that borders the existing rural land which extends to the Manning River. It is considered any signage on the northern façade should be considered as a special area.

3. Views and vistas

It is considered that the proposed signage does not dominate the skyline, reduce vistas, or obscure or compromise important views.

4. Streetscape, setting or landscape

The proposed signage will be the first for the proposed business park area. In accordance with the DCP it is required that the Manning River Drive Business Park signage is to be established at the intersections of the primary access road, in this instance Manning River Drive. Therefore it is considered that the proposed pole sign should be reduced in size to comply with the DCP requirements, given that gateway signage is envisaged to be the dominant signage for the Business Park. A condition requiring compliance with the DCP requirements is recommended to be included in any consent granted.

5. Site and building

The signage is considered suitable for the proposed development and is consistent with the scale of the building proposed. The signage is to be located on the northern and southern façade of the building that will provide clear identification of the use of the site.

6. Associated devices and logos with advertisements and advertising structures

The content of the sign is the company brand of “Masters Home Improvement” with associated logo. It is considered to be appropriate in the circumstances.

7. Illumination

It is considered reasonable that the proposed signage be illuminated and is keeping with similar of business premises on Manning River Drive. Illumination will be required to be in accordance with the Australian Standard.

8. Safety

The signage is to be located within the proposed allotment and will not affect or reduce the safety of any public road, pedestrians and bicyclists.

INTEGRATED DEVELOPMENT

Pursuant to Section 91 of the Water Management Act 2000 the application was referred to the NSW Office of Water given that the development is to be located within 40m of a water body and the existing dam is to be used for stormwater quantity/quality control. The General Terms of Approval have been received and will form part of any consent issued.

GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010

The proposed development is to be located on land zoned B5 Business Development under the provisions of the Greater Taree LEP 2010. The objectives of the B5 zone are:

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To enable commercial and retail uses that require a large floor area for handling, display or storage and maintain the economic strength of centres by limiting the retailing of food and clothing.

The proposed development consists of a number of components defined pursuant to LEP 2010 as *hardware and building supplies, bulky goods premises, garden centres, landscaping material supplies, and plant nurseries*, all of which are permissible in the zone. For the purposes of the application it is considered that the principle purpose of the development is *hardware and building supplies*, which is defined as:

“hardware and building supplies” means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

It is considered that the development proposal is consistent with the objectives of the zone and is permissible with consent.

Clause 4.6 Exceptions to Development Standards

The applicant has lodged an objection under the provisions of Clause 4.6 of the Greater Taree Local Environmental Plan 2010 with respect to Clause 4.3 Height of Buildings. In this regard Council has the assumed concurrence of the Director-General.

The land is identified on the Height of Building Map as having a maximum building height of 8.5m. The height of the building is proposed to be generally 9.4m with the entry feature being at 12.2m for a distance of approximately 17.4m.

The objectives of Clause 4.6 are as follows:

- To provide an appropriate degree of flexibility in applying certain development standards to particular development,
- To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Based on the justification as outlined in the Statement of Environmental Effects, support is given to the variation to the development standard which is considered unreasonable or unnecessary in the circumstances. The objectives of Clause 4.3 Height of Buildings are:

- To ensure that the height of a building is appropriate for the site
- To ensure that the height of a building complements the streetscape or rural character of the area in which the building is constructed.

It is considered that the proposed building meets the objectives and is appropriate for the site, given that the business park enables a mix of warehouse and bulky goods premises of which the proposed building is representative. It is also considered that the height of the building does correspond with the varying heights of the surrounding development along Manning River Drive.

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

No draft state, regional or local environmental plans are applicable to this development.

(iii) any development control plan

Council is currently exhibiting draft amendments to Development Control Plan 2010. None of the proposed amendments affect the proposed development.

GREATER TAREE DEVELOPMENT CONTROL PLAN 2010

Part L7 Manning River Drive Business Park

A site specific Local Area Plan has been adopted for the Manning River Business Park as part of Council's Development Control Plan 2010. The principle objective of the plan is to ensure the delivery of land to accommodate key business and industrial development and investment in the Greater Taree Local Government Area. The proposed development is considered generally compliant with the DCP 2010.

(iii)(a) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:

None relevant

(iv) any matters prescribed by the regulations

Refer to comments on SEPP 71.

(v)any coastal zone management plan

No plan applies

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

Context & Setting

The built environment of the area to the east and south is predominately single and two storey light industrial/commercial type premises with a small mix of motel and caravan park accommodation. The proposed development is the first application for the designated business park and adjoins what will be the existing farm land residue. The proposed development is considered compatible with the existing and likely future character of the enterprise corridor.

Access, Transport & Traffic

Access to the development will be provided by a new road on the southern side of the identified site which will connect to Manning River Drive. This intersection will be controlled by a new roundabout. This roundabout and new road will be the first stage in the provision of access to the business park precinct which will link up to a second roundabout on The Bucketts Way in accordance with Council's adopted Development Control Local Area Plan.

The original design and location of the Manning River Drive roundabout has been amended to achieve a fourth leg on Council owned land. This will facilitate a future service road to those businesses on the eastern side Manning River Drive. This amendment will result in access changes to two existing businesses on Manning River Drive (The Hereford Motel and Taree Truck Centre) due to safety concerns in relation to the close proximity of the roundabout. These businesses will be required to use the 4th leg access of the roundabout. Discussions were held with the affected business owners who were generally supportive of the changes.

Utilities

All utility services are available to the proposed development site.

Heritage

An Aboriginal Heritage Assessment was carried out on the land, which includes the proposed Lot 1 for the development site and associated road works. The assessment identified a Potential Archaeological Deposit (PAD) in an area which forms part of an identified Environmental Conservation Zone (E2) under the Greater Taree Local Environment Plan 2010. The area outside that conservation zone has been assessed as not having any archaeological potential as it is disturbed land under the NPW Act. For the purposes of this development application under consideration, the subject development site (proposed lot 1) is located outside this conservation zone and therefore any associated works will not impact on any identified Aboriginal Heritage. It is considered that due diligence has been demonstrated in respect to the proposal and appropriate conditions can be placed on any consent issued.

Other Land Resources

The proposed development is not considered to have an adverse impact on agricultural or mineral resources.

Water

A Stormwater Concept Plan has been considered by Council's Development Engineer for the development and generally is acceptable. It is proposed to use the existing dam to the north of the site for stormwater quantity/quality control. A proposed swale will carry the stormwater to the dam and will be required to incorporate WSUD features such as bioretention systems, raingardens, bioswales for nutrient stripping with a small GPT for gross litter, TN, TP and TSS. Appropriate conditions will be incorporated into any approval granted together with General Terms of Approval granted by the NSW Office of Water as previously discussed.

Soils

The proposed development is considered unlikely to have any adverse impact on soil conservation. The proposal will incorporate appropriate sediment and erosion control devices for the construction phase to eliminate any potential site issues as outlined in the statement of environmental effects.

Air & Microclimate

It is considered that the proposed development is unlikely to have impacts on the air and micro-climate.

Flora & Fauna

The proposed development site is clear of native vegetation and is currently utilised as grazed farming land. It is considered that the development is unlikely to impact on flora and fauna on the site.

Waste

The application was referred to Council's Waste Management Co-ordinator who advises that the proposal is compliant. Any consent will require the appropriate standard conditions to be imposed.

Noise & Vibration

The proposed development is to be located within an area zoned for business development and compatible with future surrounding land uses. Operating hours and all associated deliveries to the site will be between 6 am and 10 pm 7 days per week. The application was referred to Council's Environmental Health Officer who considered the proposal to be satisfactory based on the Statement of Environmental Effects submitted with the application. Appropriate conditions have been provided for any consent issued.

Safety, Security & Crime Prevention

The proposed development was assessed for its design and the resultant impact on crime in the locality. The application was referred to the Crime Prevention Officer at the Manning Great Lakes Crime Management Unit for a Safer by Design Evaluation. The proposed development has been identified a medium crime risk and it has been advised that treatments should be considered for the development in order to reduce opportunities for crime by natural, technical/mechanical and organised surveillance. Recommended conditions will form part of any consent issued.

Social & Economic Impact in the Locality

The proposal will be the first development within the identified business park, which is expected to be the catalyst for further development. It is considered that the development will enhance current activities within the area and allow for diversity of home improvement products to be offered. It is likely to create direct employment opportunities during both construction and operation phases that will provide long term benefits for the area.

Site Design and Internal Design

The bulk and scale of the development is considered appropriate for the site and compatible with the surrounding land uses. The building presents to Enterprise Drive and incorporates a number of architectural elements, colours and materials to eliminate long expanses of blank walls presenting to either of the road frontages. The customer entry dominates the front facade which features glazing that provides visual interest that separates it from the remainder of the building.

Extensive landscaping along both frontages of the site will provide a visual buffering to the development together with screening to services areas. The landscaping proposal will also establish an avenue of Illawarra Flame Trees along both Manning River Drive and Enterprise Drive as required by Council DCP 2010 as a contiguous gateway theme.

(c)the suitability of the site for the development

The land has been rezoned to facilitate business development within the area. The current Local Environmental Plan and Development Control Plan provide for the proposed development and the proposal is considered consistent with the relevant objectives. The proposal is compatible with the existing commercial amenity and there are no site constraints to prohibit development.

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

The subject application was advertised and neighbour notified from 22 July 2011 to 5 August 2011. During this exhibition period a total of 5 submissions were received.

A list of names and addresses of members of the public who have lodged submissions is provided as an attachment to this report.

Issues raised in the submissions received and comments in response to these issues are provided as follows:

Summary of Issue	Comment
Impact on existing traffic volumes	The development will increase traffic generation in the immediate area, however, it is proposed that a link road from Enterprise Drive will continue through to a proposed roundabout on The Bucketts Way. This link will be established as further development of the staged precinct continues.
Upgrades to Martin Bridge & Manning River Drive	The major issue to the traffic impacts relates to the merging of traffic onto the Manning River Bridge into Taree CBD currently being experienced at peak hours. The proposed two lane roundabout and alterations on Manning River Drive is considered the most appropriate traffic control facility for the proposed development. This proposal does not generate sufficient traffic to warrant upgrading the Martin Bridge or further upgrading of Manning River Drive.

Sustainability of another major retail store	Competition is not a relevant planning consideration.
Impact of roundabout and traffic control islands on existing businesses and construction of access road	The position of the proposed roundabout has been located to ensure minimal impact to existing businesses along Manning River Drive. The relocation will affect the Hereford Motel and Taree Truck Centre only and these businesses will gain access to their sites through a fourth leg of the roundabout. This fourth leg will also facilitate a future access road to service those businesses on the eastern side of Manning River Drive. No other business premise will have its existing access altered as a result of this development.
Impacts on flora and fauna	The proposed site is clear of vegetation and is unlikely to have any impact on flora and fauna. As part of the initial rezoning, areas of significant vegetation were identified and appropriately zoned Environmental Protection within the overall precinct area.

(e)the public interest

The proposed development achieves the relevant LEP and DCP objectives for the site and will commence the first stage of the identified business park precinct. It is considered that the development will have a significant impact on employment generation for the area and encourage expansion of the existing commercial area on Manning River Drive. This development is considered to be in the public interest.

4. CONCLUSION

Council has received a development application for the erection of a home improvement centre, new road, roundabout and signage on the subject land. The application has been assessed in accordance Section 79C of the Environmental Planning and Assessment Act 1979. It is considered that the proposal is generally compliant with Council's LEP and DCP requirements and will not have any significant impacts on the surrounding environment. Accordingly the development is recommended for approval subject to the draft development consent conditions below.

5. RECOMMENDATION

It is recommended that the Panel grant consent to Development Application 18/2012/DA for the erection of a home improvement centre, new road, roundabout and signage on Lot 1 & Lot 2 DP 862928 (Proposed Lot 1) 121 & 121A Manning River Drive Taree South subject to the following conditions:

Condition No.1.

The development is to be carried out in accordance with the details submitted with the application and the plans stamped "18/2012/DA approved" (as amended by the following conditions).

Condition No.2.

A Construction Certificate issued by the principal certifying authority is to be deposited with Council at least 48 hours prior to commencement of any building work on the site.

Condition No.3.

Payment of the prescribed Long Service Levy Fee prior to the issue of a Construction Certificate.

Condition No.4.

The design of the proposed building is to fully comply with the provisions of the Building Code of Australia, prior to the issue of a Construction Certificate.

Condition No. 5.

A sign shall be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out showing:

- (a) the name address and telephone number of the principal certifying authority for the work, and
- (b) stating that unauthorised entry to the premises is prohibited, and
- (c) showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours. The sign shall be removed when the erection or demolition of the building has been completed.

Condition No.6.

Parking areas, access lanes and vehicle movement areas are to be constructed, drained and concreted, bitumen sealed or alternatively constructed to a similar standard surface (but not gravel) with the parking spaces permanently and clearly identified. The work is to be completed prior to the issue of an Occupation Certificate.

Condition No.7.

Provision being made within the site for a turning area to accommodate a B-Double in accordance with the design guidelines of AUSTROADS.

Condition No.8.

Prior to the issue of an Occupation Certificate, a full width industrial and commercial reinforced concrete verge crossing with separated entry and exit is to be provided by the applicant at the approved vehicle entry location points at no cost to Council. A Driveway Application is to be submitted to Council for approval, with the appropriate fee, prior to the commencement of construction. Vehicular crossings are to be designed and constructed in accordance with Council's standards (SD74) and the plan prepared by Leffler Simes Architects dated February 2012 Drawing No. DA01/C.

The verge crossings shall be the following widths and located a minimum of 1.0 metre from the side boundaries.

Car Access

Entrance	- 4 metres (minimum)
Exit	- 6 metres (minimum)
Separation	- 600 mm (minimum)

Truck Ingress/Egress

Entrance and Exit: 5 – 12 metres and of sufficient width to demonstrate ability to accommodate a Design B-Double.

Condition No. 9.

Prior to the issue of an Occupation Certificate the applicant is to carry out the following works and services. Plans prepared in accordance with Council's Auspec 1 Design Manual accompanied by the appropriate supervision/assessment fees are to be submitted to and approved by Greater Taree City Council, together with a construction certificate and long service levy prior to the issue of a Construction Certificate. Work is to be completed prior to the issue of an Occupation Certificate.

Manning River Drive

- (a) A dual lane roundabout is to be constructed at the intersection of Manning River Drive and the proposed Primary Access Road, generally as shown on the plan prepared by ACOR Consultants Pty Ltd dated 13/03/2012, Drawing No. DA101 Issue B, and in accordance with Austroads Guide to Road Design Part 4B Roundabouts. A concrete median is to be constructed to extend the existing southern median to the proposed roundabout, and extend northerly from the roundabout to the limit of the departure lanes as specified in Austroads. The pavement of the roundabout is to be constructed of reinforced concrete, with a landscaped central island.
- (b) Widening and construction of the carriageway is to be undertaken to accommodate four lanes of traffic. The four lanes are to extend from the existing four lanes on the south of the proposed roundabout to the limit of the departure lanes on the northern side of the roundabout, generally as shown on the plan prepared by ACOR Consultants Pty Ltd dated 13/03/12, Drawing No. DA101 Issue B.
- (c) Kerb and gutter is to be constructed on the western side of the carriageway, generally as shown on the ACOR Consultants Pty Ltd dated 13/03/12, Drawing No. DA101 Issue B, in accordance with Council requirements.
- (d) The eastern leg of the roundabout is to be constructed to provide new accesses to both the Hereford Motel (Lots 24 to 27 DP 233145) and Taree Truck Centre (Lot 202 DP 1126691), generally as shown on the plan prepared by ACOR Consultants Pty Ltd dated 13/03/2012, Drawing No. DA101 Issue B, in accordance with Council requirements. The accesses are to be constructed of reinforced concrete, be sufficiently wide to cater for the turning movements of a B-Double and connect to the existing driveways within these properties. The existing accesses from both properties onto Manning River Drive are to be removed and replaced with topsoil and turf. All costs for the relocation of these driveways is to be borne by the developer.
- (e) The pavement is to be designed for Design Traffic of 5×10^7 ESA's to Council's 4 Lane Arterial Road Standard as specified in Auspec.
- (f) Provision is to be made in the road and roundabout design for cyclists and pedestrians movements both along Manning River Drive and across Manning River Drive to the development.
- (g) A bus stop and shelter is to be provided on both sides of Manning River Drive approaching the roundabout, with indented bus bays, in accordance with Austroads requirements and Council Standards.
- (h) The verge area of the site frontage to Manning River Drive and the Primary Access Road is to include landscaping which provides for a contiguous 'gateway' theme along both Manning River Drive and the Primary Access Road comprising an avenue of Illawarra Flame Trees. Such trees are to be planted at a minimum trunk spacing of 10m, setback 3m from the kerb or edge of bitumen if no kerb, or as determined by Council. Full details are to be submitted prior to the issue of a Construction Certificate.

In addition to the landscaping requirements of Section G of DCP 2010, all street frontages of new buildings are to be planted with a low contiguous hedge, allowing for driveway access points. A flowering Westringia species is preferred.

The verge is to be turfed with drought and frost resistant species established in an adequate depth of topsoil. Trees are to be maintained until established with species being replaced should dieback occur.

- (i) The carriageway of Manning River Drive at the roundabout, including the approaches, is to be constructed to provide the full integrity of the road structure so as to prevent longitudinal failure of the joints between the new and existing pavement.

Primary Access Road

- (a) The primary access road is to be constructed for the full frontage of the development as an Industrial Road with 13 metre carriageway width, in accordance with Council's Auspec requirements. Kerb and gutter is to be constructed on both sides of the road.
- (b) The road is to be designed so as to provide reasonable access to future lots in the estate, as well as for continuation of the primary access road. Deep cut batters at future lots and road extensions are to be avoided.
- (c) The road is to provide for on-road cycleways, designed in accordance with Austroads Guide to Road Design Part 3.
- (d) White reflectorised guideposts are to be placed at the end of the uncompleted road.

Condition No.10.

Prior to the issue of an Occupation Certificate, concrete foot paving 1.2 metres wide is to be constructed for the full northern boundary frontage of the development in the Primary Access Road and both sides of the proposed roundabout in Manning River Drive, generally as shown on the plan prepared by Leffler Simes Architects dated February 2012 DA01/C.

Condition No. 11.

Where depth of filling exceeds 300mm it is to be constructed in horizontal layers not exceeding 150 mm compacted thickness. Each layer shall be compacted to at least 95% of the maximum dry density, when tested, in accordance with AS 1289 - 1993 Clauses 5.1.1 and 5.3.1. Verification of the compaction is to be provided by a Certificate, incorporating a location plan indicating filled areas in relation to road and lot boundaries, from a registered N.A.T.A. testing laboratory prior to the issue of an Occupation Certificate.

Condition No.12.

A **Geotechnical Report** for pavement design of the proposed roadworks prepared by a duly qualified and experienced Geotechnical Engineer shall be submitted for approval prior to the issue of a Construction Certificate.

Condition No.13.

Prior to commencement of any works, the applicant is to lodge with Council:

- i) a plan, prepared by a registered surveyor, showing all survey marks on public record, which may be disturbed or destroyed during the course of the works;
- ii) a cash bond or bank guarantee to cover the potential cost of replacement of any such marks disturbed or destroyed during the course of the works. The value of such bond shall be determined by the Senior Leader Asset Planning on examination of the plan supplied in (i) above.

Condition No. 14.

Dedicate to Council, at no cost to Council, Primary Access Road as a public road. Council will not proceed with arrangements for dedication until it has received an accurate cadastral plan identifying the section of the road to be dedicated.

Condition No. 15.

After practical completion of works and services to Council's standards the following will be required prior to the issue of an occupation certificate.

- A "Works as Executed" set of drawings prepared in accordance with the requirements of Council's Auspec No. 1 Design Manual. These must be original drawings showing as constructed details of all works and services, suitably endorsed as correct on each sheet by the Superintendent.
- Maintenance Deposit - Deposit with Council (or a Bank Guarantee) for a period of twelve months from completion of engineering work of a sum equal to 5% of the cost of Engineering works prior to the issue of an Occupation Certificate. This security is to be lodged to guarantee the quality of work and to ensure that the contractor carries out all maintenance and repairs required during this period.
- Bonding Policy - Any work to be bonded must be in accordance with Council Policy Auspec No. 1 Design Manual. Generally bonds will only be accepted for final seal or Asphaltic Concrete surfacing. Bonding will be via a cash bond or bank guarantee in the sum of 150% of the current cost of carrying out the work at Council rates. The time limit for such bonds is three (3) months.
- The actual contract values of all assets (roads, stormwater drainage, open space, etc) dedicated to the public are to be submitted with "Works as Executed" drawings on Council's standard form.

Condition No.16.

The bond shall be released to the applicant, at the completion of the work, upon the lodgement with Council of:

- i) a declaration by a registered surveyor, stating that no survey marks as shown on the submitted plan have been disturbed or destroyed; or
- ii) a plan, prepared by a registered surveyor, and acceptable to the Land Titles Office for registration as a public record plan, showing the positions and values of all survey marks placed by the registered surveyor in lieu of the survey marks shown on the submitted plan which have been destroyed or disturbed during the course of the works.

Condition No. 17.

A Traffic Control Plan (TCP) is to be prepared by a qualified person and submitted to Council prior to the commencement of construction. No works are to commence until the TCP has been received by Council.

Condition No.18.

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

Condition No.19.

The applicant is to repair any damage to existing roads caused during the construction works, in accordance with Council requirements, prior to the issue of an Occupation Certificate.

Condition No. 20.

The applicant is to restore, replace or reconstruct any damage caused to road pavements, surfaces or street furniture on existing roads used for the construction of the subdivision. Haulage routes for the construction are to be as agreed with the Senior Leader Asset Planning prior to the issue of a Construction Certificate.

Condition No.21

Retaining walls shall be designed and certified by a qualified structural engineer in accordance with AS 4678 Earth Retaining Structures code of Australia.

Condition No.22.

Erection of a street name sign for the entry road off Manning River Drive, (together with "No Through Road" plate). The applicant is to submit a list of at least three (3) street names for the street including the reasons for each name for Council's approval. The street naming request shall be accompanied by the appropriate fee and the approval is to be obtained prior to the issue of an occupation certificate.

Condition No. 23.

Compliance with the NSW Department of Primary Industries Office of Water's General Terms of Approval ref 20 ERM2012/0054. (attached)

Condition No. 24.

Prior to the issue of a construction certificate, a copy of the Controlled Activity Approval (CAA) must be submitted to Council.

Condition No. 25.

All stormwater is to be disposed of by a drainage system to Council's drainage network. A drainage design indicating all engineering details relevant to collection and disposal of roof water and stormwater from the site is to be submitted to and approved by Council in accordance with Section 68 of the Local Government Act, 1993 prior to the issue of a Construction Certificate. Details are to include existing site levels, finished levels, pipeline sizes and gradings. Stormwater shall be conveyed from the site to the:

- i. nearest piped drainage system,
- ii. kerb, using non-flexible galvanised kerb adaptors,
- iii. stormwater pit fronting or adjacent to the development,
- iv. interlot drainage system

All of the above works are to be carried out prior to the issue of an Occupation Certificate.

Condition No. 26.

On-site detention shall be provided within the development in accordance with Council's on-site detention guidelines. The guidelines require stormwater detention facilities to be provided within the lot, which will limit discharge to pre-development levels.

The design is to be prepared by a registered surveyor or practising engineer. The design is to be submitted to Greater Taree City Council for approval, with the approved fee in accordance with section 68 of the Local Government Act 1993. The design is to be approved prior to the issue of a Construction Certificate.

The development is to incorporate water sensitive stormwater management measures in accordance with Council's Urban Stormwater Management Plan 2001 to ensure that the pre-development discharges are maintained in terms of water quality and quantity.

The following requirements are to be satisfied prior to the issue of an occupation certificate:-

- Work-as-executed details obtained by the person responsible for the design and supervision are to be submitted to verify the storage has been constructed in accordance with the design requirements, and that floor levels are above the minimum required. Any significant variations must be supported by amended calculations.
- Verification that an appropriate 88B restriction as to user or transfer granting easement (in accordance with Council's standard wording) has been placed on the title of the land describing the facility clearly and that it is not to be varied in any way without the consent of Council.

Condition No.27.

A **Stormwater Drainage Report** prepared by an Engineer whose qualifications are acceptable for membership of the Institution of Engineers Australia (or other professional approved by Council) is to be submitted to Council for approval prior to the issue of a Construction Certificate.

The report is to determine the extent of the 1% ARI event affecting the subject land, including the effects of the total development of the catchment, the effects on the downstream properties and the possible need for a water detention facility. Additionally, the report is to analyse the impact of the upstream catchment developed to its full potential as well as the fully developed subject land on the downstream drainage system

Condition No.28.

Water Sensitive Urban Design (WSUD) principles are to be incorporated into the drainage design and are to be prepared by a suitably qualified and experienced person. In this regard, provision is to be made for best practice gross pollutant traps (SQUIDS) at the outlets to collect litter, sand, silts and oils etc. The devices selected are to be submitted to Council for approval with the engineering drawings in accordance with Section 68 of the Local Government Act 1993, and are to be capable of retaining pollutants in accordance with the requirements of Council's Stormwater Management Plan and Australian Runoff Quality (ARQ). A Site specific Operation and Maintenance Manual is to be prepared for the system and submitted to Council for approval prior to the issue of a Construction Certificate.

MUSIC modeling is to be undertaken and submitted to Council for approval prior to the issue of a Construction Certificate. Stormwater is to be directed into appropriate stormwater treatment measures close to the source of that stormwater and include a combination of rain gardens, permeable paving, pit inserts, vegetated filler strips, bio-retention swales and retention/infiltration systems. An electronic as well as a hard copy of the model is to be submitted to Council with the Engineering Drawings.

Condition No.29.

A **Soil & Water Management Plan** in accordance with Council's DCP 2010 Section G3 is to be submitted and approved of by Council. The plans is to be prepared by an Engineer whose qualifications are acceptable for membership of the Institution of Engineers Australia (or other professional approved by Council) detailing temporary and permanent measures proposed to be installed. The plan is to include an analysis of the susceptibility of soil to erosion and is to be submitted with the Engineering plans.

All erosion and sediment control measures undertaken on the site are to conform to the specifications and standards contained in the document 'Managing Urban Stormwater - Soils & Construction', Department of Housing, 2004 Manual.

Condition No.30.

Any works on adjoining properties including discharge of stormwater and disruption of access will require written consent from the affected parties, with a copy submitted to Council, prior to the approval of the engineering plans.

Condition No. 31.

Under the National Parks and Wildlife Act 1974, it is the responsibility of all persons to ensure that harm does not occur to an Aboriginal object. Whilst undertaking works, if an Aboriginal object is found, work must stop and the Department of Environment and Heritage notified. An application of an Aboriginal Heritage Impact Permit also be required. Some works may not be able to resume until an Aboriginal Heritage Impact Permit has been granted. Further investigation may be required depending on the type of Aboriginal object that is found. If human skeletal remains are found during the activity, work must stop immediately, the area secured to prevent unauthorised access and the NSW Police and Department of Environment and Heritage contacted. The National Parks and Wildlife Act requires that, if a person finds an Aboriginal object on land and the object is not already recorded on Aboriginal Heritage Information Management System, they are legally bound under s.89A of the National Parks and Wildlife Act to notify the Department of Environment and Heritage as soon as possible of the object's location. This requirement applies to all people and to all situations.

Condition No. 32.

Surveillance equipment shall be installed to enhance the physical security of your business and assist in the identification of people involved in anti-social or criminal behavior:

- Cameras shall be installed both within the around the business to maximise surveillance opportunities.
- Cameras shall monitor the cashier's area, high cost merchandise areas with poor natural supervision.
- TV monitors shall enable staff to monitor activities on the camera.
- Recording equipment shall be installed away from the counter area to avoid tampering.
- CCTV cameras should also be positioned to cover fire exits, loading docks and the front entrances from the exterior and interior to detect any potential offenders involved in break/enter offences.
- The backup system for the CCTV shall be adequate enough to ensure footage can be retained and reproduced, where necessary, for a minimum period of thirty days prior to deletion.
- Each camera shall be protected by suitable vandal damage resistant camera housings.

Condition No. 33.

Australia and New Zealand Lighting Standard 1158 - Car parks must be used throughout the development. The lighting should also be adequate at customer entrances, staff entrances, loading docks and fire exits.

Condition No. 34.

The proposed pole sign shall be maximum height of 7m in height and shall be limited to a maximum of 6m² advertising area.

Condition No. 35.

Signage shall be provided at entry/exit points and throughout the development to assist users and warn intruders they will be prosecuted.

Condition No. 36.

Signage shall be provided within the car park to provide way finding to users of these areas.

Condition No. 37.

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

Condition No. 38.

A graffiti management plan is to be prepared plan for the development and shall incorporate an effective strategy for reducing graffiti attacks and the quick removal of such material generally.

Condition No. 39.

The main entry/exit points for this development shall be fitted with single cylinder locksets (Australia and New Zealand Standards- Locksets), which comply with the Building Code of Australia.

Condition No. 40.

The windows shall also be fitted with key operated locksets (Australia and New Zealand Standard- Lock Sets) to restrict unauthorised access to the development.

Condition No. 41.

Bollards or barriers shall be installed at any entrance where a motor vehicle is able to force entry to reduce the opportunities for ram raid attacks.

Condition No. 42.

A monitored intruder alarm system is to be installed and shall incorporate a duress facility to enable staff to activate the system manually in the event of an emergency, such as a robbery.

Condition No. 43.

Security doors shall be fitted to the loading dock's main vehicle entry/exit point to restrict unauthorised access.

Condition No. 44.

All security fencing fronting Manning River Drive and Enterprise Drive shall be black coated.

Condition No. 45.

The development is to be conducted in a manner so as not to interfere with the amenity of the area by reason of (noise, nuisance) or otherwise.

Condition No. 46.

No occupation of the building will be permitted until all conditions of development consent are satisfied, a satisfactory final inspection has been carried out and an Occupation Certificate issued.

18/2012/DA

