


LAKE MACQUARIE CITY COUNCIL

APPLICATION REFERENCES	
File No:	DA/251/2013
Assessing Officer:	Brian Gibson – Senior Development Planner
Property Description:	 <p style="text-align: center;">Lots 10, 11, 13 & 14 DP 1013486, 4B South Street, WINDALE</p>
Application Description:	Building Products Warehouse and Showroom, Bulky Goods Premises, Restaurant, Signage, Demolition And Consolidation/Subdivision, as a Staged Development
Owner's Consent?:	Yes – Lake Macquarie City Council
Capital Investment Value:	\$38,435,000.00
Environmental Planning Instrument	Zoned 4(3) Industrial (Urban Services) and 6(1) Open Space under the Lake Macquarie Local Environmental Plan 2004

ASSESSMENT MILESTONES	
Lodgement:	22 February 2013
NSW RFS conditions under 79BA of the EP&A Act, 1979:	19 March 2013
Closing of Advertisement of Threatened Species Development & Integrated Development:	1 April 2013
Office of Water GTAs under Water Management Act, 2000:	19 April 2013
NSW Police CPTED Comments:	27 May 2015
Reissuing of Director Generals Requirements by OEH:	17 June 2013
MSB GTAs for Building Works under Mine Subsidence Act 1961:	20 June 2013
RMS GTAs under Roads Act 1993:	9 July 2014
RMS Concurrence under SEPP 64:	8 September 2014
Confirmation by applicant of title to Roads Land:	23 September 2014
Closing of Exhibition period for Voluntary Planning Agreement:	7 October 2014
Receipt of Irrevocable Offer for Voluntary Planning Agreement:	9 October 2014
OEH Concurrence under 79B of EP&A Act 1979:	10 November 2014
Resolution of Council to Adopt Voluntary Planning Agreement:	24 November 2014
Completion of Assessment Report and Draft Conditions:	4 December 2014
JRPP Meeting:	18 December 2014
Note, various information requests and additional information responses occurred throughout the assessment of the development application.	

DEVELOPMENT APPLICATION STAGING

Staging:	<p>The proposed development consists of the following:</p> <p>Stage 1A - Building Products Warehouse</p> <p>Restaurant</p> <p>Bulky Goods Units 1-8</p> <p>Demolition</p> <p>Signage</p> <p>Landscaping</p> <p>Civil and Stormwater</p> <p>Intersection upgrades at Pacific Highway, South Street and Lake Street*</p> <p>Car parking and access ways associated with the Building Products Warehouse, Bulky Goods Units 1-8 and Restaurant</p> <p>Service Road*</p> <p>Public Domain Works</p> <p>* The revised application as submitted on 7 October 2014 was unclear in terms of these works being included as part of Stage 1A or Stage 1B. For the purposes of assessing this application it is taken that the intersection upgrade at Lake Street and construction of the Service Road at the rear of Bulky Goods Units 9-13 is part of the current application by virtue that the applicant has not asserted the Lake Street intersection upgrade and service road are NOT part of the current application.</p> <p>Note, the Lake Street intersection upgrade was detailed as being part of Stage 1A in the original documentation as lodged.</p> <p>Traffic Reports from the Applicant and assessments by Council and the RMS assessed the Lake Street intersection upgrade as part of the current application. The internal Service Road has also been assessed on the basis it was included in Stage 1A.</p> <p>Stage 1B - Bulky Goods Units 9-13</p> <p>Car parking and access ways associated with Bulky Goods Units 9-13</p>
Comment:	<p>The proposal seeks for the subdivision to occur as the first step, which following creation of title the physical works will commence subject to a Construction Certificate.</p> <p>The Construction Certificate, or multiple Construction Certificates, will support the construction of the works listed under Stage 1A.</p> <p>Works under Stage 1B are pursuant to Section 80(4) of the Environmental Planning & Assessment Act, 1979 as a Stage Development and hence will be subject to a separate Development Application.</p>

Environmental Planning and Assessment Act 1979

CLASSIFICATION OF DEVELOPMENT	Y/N
Is the development proposal <u>Local</u> Development?	Yes
Is notification necessary?	Yes
Have all adjoining and affected owners been notified?	Yes
Is the development proposal <u>State Significant</u> Development? <i>If so, the Minister is the consent authority.</i>	No
Is the development proposal <u>Advertised Development</u> ?	Yes
Have adjoining and affected properties been notified?	Yes
Has an advertisement been placed in local newspaper?	Yes
Is the development proposal <u>Other Advertised Development</u> ?	No
Have adjoining and affected properties been notified?	N/A
Has an advertisement been placed in local newspaper?	N/A

DESIGNATED DEVELOPMENT	Y/N
Is the development proposal <u>Designated</u> Development (as listed below)?	No
Agricultural produce industries	N/A
Aircraft facilities	
Aquaculture	
Artificial waterbodies	
Bitumen pre-mix and hot-mix industries	
Breweries and distilleries	
Cement works	
Ceramic and glass industries	
Chemical industries and works	
Chemical storage facilities	
Coal mines	
Coal works	
Composting facilities or works	
Concrete works	

DESIGNATED DEVELOPMENT	Y/N
Contaminated soil treatment works	
Crushing, grinding or separating works	
Drum or container reconditioning works	
Electricity generating stations	
Extractive industries	
Limestone mines and works	
Livestock intensive industries	
Livestock processing industries	
Marinas or other related land and water shoreline facilities	
Mineral processing or metallurgical works	
Mines	
Paper pulp or pulp products industries	
Petroleum works	
Railway freight terminals	
Sewerage systems or works	
Shipping facilities	
Turf farms	
Waste management facilities or works	
Wood or timber milling or processing works	
Wood preservation works	
Is the proposal for alterations or additions to development (whether existing or approved) that fits the definition of designated development?	No

HERITAGE	Y/N
<p>Will the proposal:</p> <ul style="list-style-type: none"> • Affect a heritage item or within the vicinity of a heritage item; • Affect places/sites of known/potential Aboriginal heritage significance; or • Affect known/potential archaeological sites/relics of European heritage significance? 	No
If yes above, has a Heritage Impact Statement been submitted?	N/A
Is the Heritage Impact Statement adequate?	N/A
Will the proposal:	No

HERITAGE	Y/N
<ul style="list-style-type: none"> Involve the demolition of a heritage item of state significance; or Affect known/potential archaeological sites/relics of European heritage significance? 	
If yes above, has the application been forwarded to the Heritage Council?	N/A
Have comments been received from the Heritage Council?	N/A
If no comments have been received from the Heritage Council, has 28 days passed since the referral was sent?	N/A
Will the proposal: <ul style="list-style-type: none"> Affect places/sites of known/potential Aboriginal heritage significance? 	No
If yes above, has the application been forwarded to the local Aboriginal community and the Director General of the Department of Environment and Heritage?	N/A

INTEGRATED DEVELOPMENT ASSESSMENT			
Integrated development is development (not being complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals -			
ACT		APPROVAL	Y/N
<i>Rural Fires Act 1997</i>	S100B		No
<i>Rural Fires and Environmental Assessment Act 2002</i>			No
<i>Fisheries Management Act 1994</i>	s 144, 201, 205 & 219		No
<i>Heritage Act 1977</i>	s 58		No
<i>Mine Subsidence Compensation Act 1961</i>	s 15	Approval to alter or erect improvements within a mine subsidence district or to subdivide land therein	Yes
<i>National Parks & Wildlife Act 1974</i>	s 90		No
<i>Protection of the Environment Operations Act 1997</i>	Ss 43(a), (b) & (d), 47, 48, 55 & 122		No
<i>Roads Act 1993</i>	s 138	Consent to: <ul style="list-style-type: none"> a. erect a structure or carry out a work in, on or over a public road, or 	Yes

INTEGRATED DEVELOPMENT ASSESSMENT

		<i>b. dig up or disturb the surface of a public road, or</i> <i>c. remove or interfere with a structure, work or tree on a public road, or</i> <i>d. pump water into a public road from any land adjoining the road, or</i> <i>e. connect a road (whether public or private) to a classified road.</i>	
<i>Water Management Act 2000</i>	s 89 & 90		No
	s 91	<i>Controlled Activity – confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land</i>	Yes
Have all integrated referrals been sent?			Yes
Have General Terms of Approval been received?			Yes

INTERNAL REFERRAL ASSESSMENT

DAC – Building		DAC – Tree Assessment	
Required?	Yes	Required?	Yes
Received?	Yes	Received?	Yes
DAC – Erosion & Sediment Control		DAC – Flora & Fauna	
Required?	Yes	Required?	Yes
Received?	Yes	Received?	Yes
DAC – Landscaping		DAC – Subdivision Engineers	
Required?	Yes	Required?	Yes
Received?	Yes	Received?	Yes
Property		WER – Environmental Management	
Required?	Yes	Required?	Yes
Received?	Yes	Received?	Yes
WER – Food		WER – Waste Collection	
Required?	Yes	Required?	Yes
Received?	Yes	Received?	Yes
Integrated Planning		AM – Parks	
Required?	Yes	Required?	Yes
Received?	Yes	Received?	Yes

INTERNAL REFERRAL ASSESSMENT

AM – Roads Maintenance		AM – Drainage	
Required?	Yes	Required?	Yes
Received?	Yes	Received?	Yes
AM - Traffic		CP – CPTED	
Required?	Yes	Required?	Yes
Received?	Yes	Received?	Yes
CP – Senior/Disabled Access		CP – Social Impact	
Required?	Yes	Required?	Yes
Received?	Yes	Received?	Yes
CP – Community Land		CP – Developer Contributions	
Required?	Yes	Required?	Yes
Received?	Yes	Received?	Yes
Sust – Low Lying Land		Sust – Creeks & Watercourses	
Required?	Yes	Required?	Yes
Received?	Yes	Received?	Yes
Sust – Recycling & Waste		Economic Development	
Required?	Yes	Required?	Yes
Received?	Yes	Received?	Yes
Have all issues raised from the internal referrals been resolved?			

- **DAC – Building**
The referral officer advised in a Memo dated 14 October 2014 of no objection to the proposal subject to conditions.
- **DAC – Tree Assessments**
In a Memo dated 18 March 2013, the Referral Officer advised of no objections subject to the replanting of the same or suitable similar native species within the property where future growth can be accommodated.
- **DAC – Erosion/Sediment Control**
In a Memo dated 23 October 2014, the Referral Officer advised the Soil and Water Management Plan submitted is satisfactory in terms of Clause 31(2)(c) of the LM LEP 2004 and Section 2.1.11 of DCP1, and recommended conditions of consent.
- **DAC – Flora & Fauna**
In a Memo dated 27 June 2013, the development was endorsed for referral to the Office of Environment and Heritage requesting the Concurrence Conditions be issued. Additionally the Voluntary Planning Agreement was endorsed for exhibition and adoption.

INTERNAL REFERRAL ASSESSMENT

- **DAC – Landscape**

In a Memo dated 3 December 2014 it was advised the development had been assessed with a number of issues identified. A number of the issues require resolution through amended plans and documentation.

Refer to Section 2.7 in DCP1 of this report regarding details of the identified issues.

- **DAC – Subdivision Engineers**

The development has been assessed and conditions of consent recommended.

- **WER – Environmental Management**

In a Memo dated 19 March 2013, the Referral Officer advised of no objections subject to the imposition of conditions.

- **WER – Food**

In a Memo dated 6 March 2013, the Referral Officer advised of no objections subject to the imposition of conditions.

- **WER – Waste Collection**

In a Memo dated 13 March 2013, the Referral Officer advised of no objections to the proposal as it was noted the operational waste collection service is via a private contractor which will not impact upon Council's general waste collection operations.

- **Property**

In a Memo dated 11 March 2013, the Referral Officer advised of no objections to the proposal.

- **Asset Management – Traffic**

In a Memo dated 4 November 2014, and subsequent e-mails dated 20 and 25 November 2014 the Referral Officer advised of no further issues with the proposal and recommended the imposition of conditions. This recommendation accepted the proposed intersections, internal layout, pedestrian links and provision of bus stops as well as the delivery vehicle routes (including the use of South Street by vehicles leaving the Building Products Warehouse).

Refer to discussion in Section 2.1, 2.2, 2.6 and 3.6 in DCP1 of this assessment report concerning the conflict between traffic outcomes and social impacts.

- **Asset Management – Parks**

In a Memo dated 14 March 2013, the Referral Officer advised of no objections to the proposal.

- **Asset Management – Drainage**

In a Memo dated 11 March 2013, the Referral Officer advised of no objections to the proposal.

- **Asset Management – Roads Maintenance**

In a Memo dated 14 March 2013, the Referral Officer advised of no objections to the proposal subject to:

INTERNAL REFERRAL ASSESSMENT

The expected traffic usage of South Street, Windale will amplify the deterioration of this road. The section of road from Lake Road to Iona Street is in a good condition, however the road from Iona Street to the Pacific Highway requires strengthening by the placement of an asphalt overlay.

The ingress and egress from the development at Lake Road and South Street will require further investigation as the current road geometry is inadequate for the expected traffic volumes utilising the proposed development. Traffic control measures will be required to assist motorists.

The DA should restrict all heavy vehicles access to or from the development via the Pacific Highway and no heavy vehicle should be permitted to use adjoining residential roads.

Refer to Section 2.6 of DCP1 in this assessment report regarding access via South Street.

- Community Planning – CPTED

In a Memo dated 19 March 2013, the Referral Officer advised of no objections to the proposal subject to:

- The report recommendations being imposed as conditions of consent.
- Adoption of the recommendations listed under Appendix Q, Crime Prevention Through Environmental Design Assessment by Barker Ryan Stewart (ref. 20120084), Page 14 as a condition.

- Community Planning – Senior/Disabled Access

In a Memo dated 20 November 2014, the Referral Officer advised the Access Audit was satisfactory, with additional comments made regarding ensuring accessible parking for staff and accessibility through the development.

- Community Planning – Developer Contributions

In a Memo dated 25 November 2014 the Referral Officer advised there were no Developer Contribution Plans applicable to the site/development.

It was further noted that a Voluntary Planning Agreement (VPA) applied to the proposal, which was adopted by the Council at its meeting of 24 November 2014. It was recommended that conditions of consent be imposed relative to the VPA.

This issue is further detailed at Section 79(c)(1)(a)(iia) of the Environmental Planning and Assessment Act, 1979.

- Community Planning – Social Impact

In a Memo dated 9 April 2013, the Referral Officer advised of a number of design issues and other matters to be addressed.

Amended plans and information were assessed and in a Memo dated 24 October 2014 it was acknowledged the applicant accepted a restriction on the delivery of goods and services between 7am and 7pm, and that a pedestrian pathway was provided from South Street through the development to the Pacific Highway. However, concerns remain in relation to:

- the amended plans indicate that service and goods vehicles will be required to

INTERNAL REFERRAL ASSESSMENT

depart via South Street. This will have significant noise, acoustic and traffic impacts for those living in the vicinity, as indicated in the Social Impact Assessment (SIA) prepared by Urbis (dated December 2012) for the development;

- No additional landscaping is proposed along South Street to screen the acoustic wall. The 1.5 metre acoustic wall is located to abut the boundary of the development and South Street, and will therefore provide a significant visual impact along South Street. The visual impacts of this wall are not included in any of the Elevation Plans or perspectives. Refer to Section 2.1.15 of DCP1 of this report;
- There are no additional plantings along the boundary adjacent to the sports fields (nor has this planting area been widened) to reduce the visual impact from the users of these areas. This will result in a significant visual impact, as at present the development site has a considerable amount of bushland cover, providing a pleasant backdrop to the active sport grounds.

This is further discussed in Section 2.1, 2.2, 2.7 and 3.6 of DCP1 of this assessment report; and

- The key frontage to the site is the Pacific Highway, and the bus stop associated with Routes 349 and 350 will be relocated as per the application. The applicant will also be required to address bus stops in South Street/Iona Street that support Route 317 which provides access to Floraville, Tingira Heights, Mount Hutton, Kotara, Kotara South and New Lambton. It is recommended a condition of consent be imposed to address this requirement.

Refer to discussion in Section 2.1, 2.2, 2.6, 2.7 and 3.6 in DCP1 of this assessment report concerning the conflict between traffic outcomes and social impacts.

- Community Planning – Community Land

In a Memo dated 25 November 2014 the Referral Officer advised the reduced landscape buffer between the development and the sporting field raised issues about the interface and treatment at the western edge. It was recognised the revised proposal seeks provide no landscape buffer to the sporting fields (community land), which consequently reduced the width between the delivery road and property boundary and increased the height of retaining walls at the boundary (up to three metres).

- Sustainability – Recycling/Waste

The referral officer advised in Memo dated 21 March 2013 of having no concerns with the proposal.

- Sustainability – Creeks & Watercourses

The referral officer advised in a Memo dated 20 November 2014 that the *Windale Creek Restoration Plan (October 2014)* prepared by Eco Logical Australia Pty Ltd was generally acceptable though more hard engineering solutions are required to address the severity of the stream bed and bank erosion of sections of the watercourse. A condition was recommended requiring additional information to be submitted to Council for approval prior to release of the Construction Certificate.

- Integrated Planning – Strategic Planning

In a Memo received 20 March 2013, it identified no issues in terms of permissibility under

INTERNAL REFERRAL ASSESSMENT

the LM LEP 2004 and only that 'restaurants' are prohibited under the B7 zone of LM LEP 2014 (treated as if a Draft instrument for the purposes of determining this development application).

In principle the development is supported however concerns were raised in relation to:

- the interface with the adjoining residential development to the west,
 - the interface with the recreational area/fields to the north
 - the interface with the bushland to the south,
 - preferred that the Bulky Goods component front the Pacific Highway rather than the car park
 - car parking on the northern side be relocated;
 - the Trade Area be re-located to have frontage to the Pacific Highway;
 - is in part contrary to the Windale Master Plan (landscape buffer to South Street and pedestrian access through the development to the Bus Stop).
- Economic

The referral officer advised in Memo dated 5 April 2013 of support for the proposal.

SECTION 5A CONSIDERATIONS	Y/N
Having regard for Section 5A of the Environmental Planning and Assessment Act, do any of the following issues require further consideration?	Yes
Whether the life cycle of a threatened species will be disrupted.	Yes
Whether the life cycle of an endangered population will be disrupted.	Yes
Whether the habitat of a threatened species or ecological community will be modified.	Yes
Whether habitat will become isolated from other areas of interconnecting or proximate habitat.	Yes
Whether critical habitat will be affected.	Yes
Whether a threatened species, ecological community or habitat are represented in the region's conservation reserves.	Yes
Whether the development is recognised as a threatening process.	Yes
Whether any threatened species or ecological community is at the limit of its known distribution.	Yes
<p>The following comments are applicable as part of the consideration of Section 5A of the Environmental Planning and Assessment Act 1979:</p> <ul style="list-style-type: none"> • Prior to lodgement of the application Council advised that the site has existing vegetation which is required to be removed for the proposed development to occur on the site. Preliminary Flora and Fauna studies indicated that there may be critical habitat, 	

threatened species or protected ecological communities on the site.

- In response the applicant obtained the Director Generals Requirements and subsequently submitted a Species Impact Statement with the development application, along with a Voluntary Planning Agreement (VPA) seeking to provide an offset in perpetuity.

The SIS summarised the impacts as follows:

- The proposal will likely have a significant impact on a viable local population of *G.parviflora susp. parviflora*. The population is noted as being the eastern most recorded. In regard to the wider distribution of the species on a regional scale as highlighted in the SIS, the removal of almost the entire population at the Windale site is unlikely to significantly impact on the conservation status of the species as a whole.
- No significant adverse impact is expected to the current population of *T.junceae* within the development site.
- The proposal will remove known foraging and potential habitat for the powerful owl and Masked Owl, however this is not likely to impact on the long term survival of a local population (though will contribute to a cumulative loss in the locality).
- The proposal will impact on the availability of potential foraging and breeding habitat for Squirrel Glider including removal of 19 hollow bearing trees (no Squirrel Gliders were recorded in the development site). The proposal is unlikely to impact on the life cycle of the Squirrel Glider such that a local population would be at risk.
- The proposal would impact on foraging and roosting habitat for cave roosting microchiropteran bats. Whilst contributing to the loss of habitat the proposal is unlikely to impose a significant impact on the life cycle such that a local population would be at risk.
- The proposal will impact on the availability of foraging habitat for the Grey-headed Flying-fox, though no camps will be disturbed by the proposal. As such the proposal is unlikely to impose a significant impact.
- The proposed mitigation measures and offset strategy are considered to be appropriate to compensate for this impact and will contribute to enhancing the formal reservation status of the species in the region. These mitigation measures include the preparation of a Construction Environmental Management Plan and provision of a biodiversity offset to compensate for the loss of remnant bushland and threatened species habitat.

The development application, being a Threatened Species Development, is Advertised Development and as such was exhibited for the statutory period. No submissions were received from the Advertisement.

The application also required the concurrence of the Director-General of the Office of Environment and Heritage (OEH) under Clause 79B(3) of the Environmental Planning and Assessment Act, 1979. The Concurrence, including conditions, was issued by the OEH 10 November 2014 and was subject to the provision of an environmental offset.

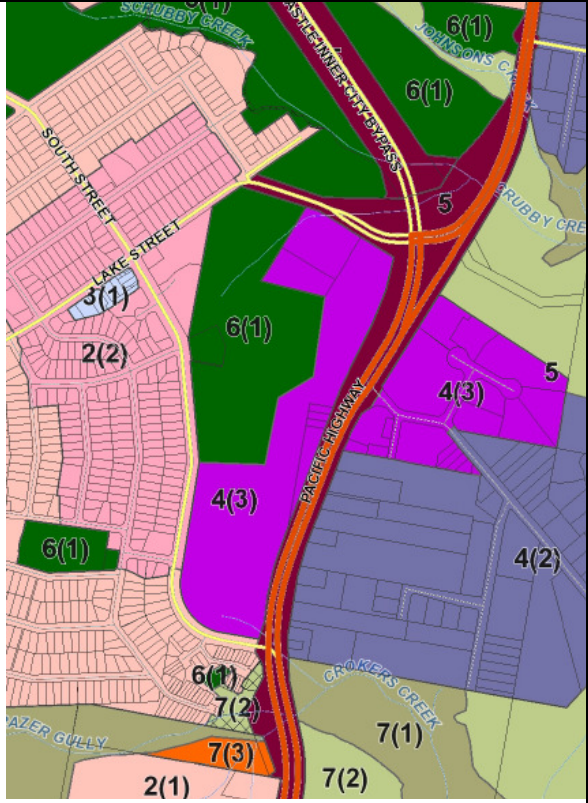
The above environmental offset has been provided to mitigate against the loss of the *G.parviflora susp. parviflora* on the development site. The offset is 16.23 hectares in area, is located at Ryhope which is within the Lake Macquarie City Council Local

SECTION 5A CONSIDERATIONS	Y/N
<p>Government Area. This offset includes stems of the <i>G.parviflora susp. parviflora</i> plant that are to be secured in perpetuity pursuant to a VPA.</p> <p>In addition, a concurrence condition requires the translocation of <i>G.parviflora susp. parviflora</i> within part of the development site.</p> <p>For details regarding the VPA refer to Section 79(c)(1)(iiiA) of this assessment report.</p>	

SECTION 79C(1) EP&A ACT 1979 – POTENTIAL MATTERS FOR CONSIDERATION	
(a)(i) the provisions of any environmental planning instrument (EPI)	
State Environmental Planning Policies	
Do any of the following SEPP's apply?	Y/N
<i>If so, undertake separate assessment in that regard.</i>	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No
State Environmental Planning Policy (Infrastructure) 2007 <u>Division 17 Roads and traffic</u> <ul style="list-style-type: none"> <u>Subdivision 1 Road infrastructure facilities</u> <u>Subdivision 2 Development in or adjacent to road corridors and road reservations</u> <u>Schedule 3 Traffic generating development to be referred to the RTA</u>	Yes
State Environmental Planning Policy (Major Development) 2005	No
State Environmental Planning Policy (State and Regional Development) 2011	Yes
State Environmental Planning Policy (Temporary Structures) 2007	No
State Environmental Planning Policy (Urban Renewal) 2010	No
State Environmental Planning Policy No. 1 – Development Standards	No
State Environmental Planning Policy No. 14 – Coastal Wetlands	No
State Environmental Planning Policy No. 15 – Rural Land Sharing Communities	No
State Environmental Planning Policy No. 19 – Bushland in Urban Areas	No
State Environmental Planning Policy No. 21 – Caravan Parks	No
State Environmental Planning Policy No. 22 – Shops and Commercial Premises	No

State Environmental Planning Policy No. 26 – Littoral Rainforests	No
State Environmental Planning Policy No. 30 – Intensive Agriculture	No
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development	No
State Environmental Planning Policy No. 36 – Manufactured Home Estates	No
State Environmental Planning Policy No. 44 – Koala Habitat Protection	No
State Environmental Planning Policy No. 55 – Remediation of Land	No
State Environmental Planning Policy No. 64 – Advertising and Signage	No
State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development	No
State Environmental Planning Policy No. 71 – Coastal Protection	No

Lake Macquarie Local Environmental Plan 2004

What is the land zoned?	 <ul style="list-style-type: none"> • 4(3) Industrial (Urban Services) and 6(1) Open Space under the LM LEP 2004
What is the proposal for?	<ul style="list-style-type: none"> • The proposal is for a: Building Products Warehouse and Showroom, Bulky Goods Premises, Restaurant, Signage, Demolition And Consolidation/Subdivision, as a Staged

	Development
Is this permissible within the zone?	<ul style="list-style-type: none"> • All land uses as detailed above are permissible with development consent in the 4(3) zone. • The consolidation/subdivision is permissible in the 6(1) zone. Note, works in the 6(1) zone are limited to subdivision.
Does it meet the objectives of the zone?	<ul style="list-style-type: none"> • The zone objectives are to: <ul style="list-style-type: none"> (a) provide land for light industries that can service surrounding community needs and provide local employment opportunities, and Comment: N/A - the proposed development does not incorporate industrial activities. (b) provide land for the wholesale or retail sale of bulky goods, and Comment: The proposal incorporates Bulky Goods and Building Products Warehouse land uses which are consistent with the objective. (b1) provide land for research and development, and for applied technology, that can service surrounding community needs and provide employment opportunities, and Comment: N/A – the proposed development does not incorporate research and technology land uses. (c) support the role of existing and future urban centres while not undermining the retail and commercial functions and general amenity of these centres, and Comment: The proposal will enhance and reinforce the Bulky Goods retail centre established at Bennetts Green. This is to be reinforced through pedestrian and vehicular links.

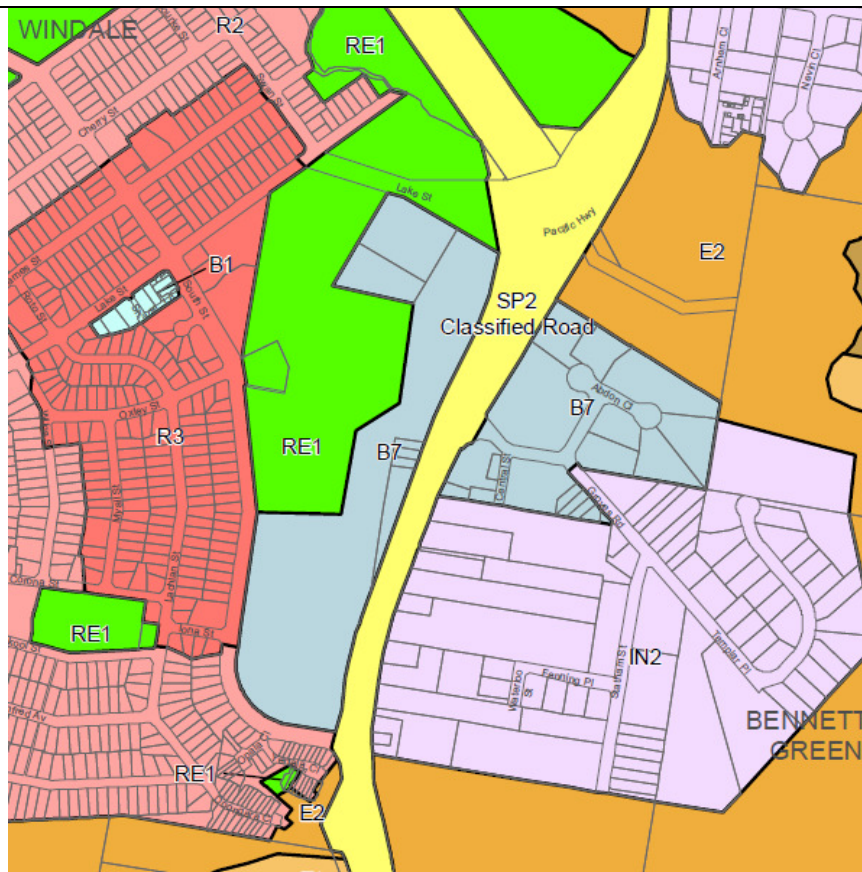
	<p>The proposed land uses will provide employment and services to the local community, but will not impact on the established retail centres.</p> <p>(d) ensure that development is well designed, has minimal adverse impact on the environment and integrates with the urban environment, and</p> <p>Comment: An assessment deemed the proposal is well designed, relating to its setbacks, accessibility and efficiency. The development does have an adverse impact through the removal large numbers of a threatened species however provision of a suitable environmental offset has been achieved through a VPA. Further, the development integrates well into the local environment, providing a transition from the Pacific Highway through to adjoining residential areas.</p> <p>Issues remain with regard to the interface between the development and adjoining land uses to the west.</p> <p>(e) provide for sustainable water cycle management.</p> <p>Comment: A satisfactory Storm Water Management Plan was received that addresses sustainable water cycle management.</p>
<p>Is it in accordance with the vision, values and aims of the Lifestyle 2020 Strategy?</p>	<ul style="list-style-type: none"> • The development meets the vision, values and aims of the Lifestyle 2020 Strategy through: <ul style="list-style-type: none"> ➤ Provides employment generating land uses, ➤ Achieves an efficient economic use of industrial zoned land, ➤ Connects with and enhances public transport,

		<ul style="list-style-type: none"> ➤ Integrates with the road network, ➤ Is an accessible development, and ➤ Protects and enhances the City's ecological resources.
Part 3A: Controls relating to miscellaneous permissible uses		
Cl. 15A	Controls relating to bed and breakfast accommodation	<ul style="list-style-type: none"> • N/A
Cl. 15B	Controls relating to farm stay accommodation	<ul style="list-style-type: none"> • N/A
Part 4: Special provisions applying to all land		
Cl. 16	Development consent – matters for consideration	<ul style="list-style-type: none"> • Refer to comment above in relation to the zone objectives and the vision, values and aims of the lifestyle 2020 Strategy.
Cl. 17	Provision of essential infrastructure	<ul style="list-style-type: none"> • The plans were stamped by Hunter Water on 22 February 2013. • The application details provision of a substation in the south-east corner of the site, at the rear of the Building Products Warehouse and one in the vicinity of the Bulky Goods Units 1-8 and the Restaurant. This likely addresses the requirements of AUSGRID. • All other required infrastructure to service the development is available subject to connections.
Cl. 18	Temporary development of land	<ul style="list-style-type: none"> • N/A
Cl. 19	(Repealed)	
Cl. 20	Suspension of covenants, agreements or instruments	<ul style="list-style-type: none"> • There are no covenants, agreements or instruments that are contrary to or inhibit the proposed development of the site. • Existing easements supporting Hunter Water infrastructure are to be retained as part of the proposed subdivision.
Cl. 21	Development the subject of SEPP 1 application	<ul style="list-style-type: none"> • N/A
Part 5: Special controls for protection of the environment or for public land		
Cl. 22	Foreshore building lines	<ul style="list-style-type: none"> • N/A
Cl. 23	Foreshore development and development below DP high water mark	<ul style="list-style-type: none"> • N/A

Cl. 24	Subdivision	<ul style="list-style-type: none"> A subdivision is proposed as part of the development. <p>For further assessment comment refer to Section 3.3.2 of DCP1 of this assessment report.</p>
Cl. 25	Demolition	<ul style="list-style-type: none"> Demolition of an existing skate facility is proposed as part of the development which is enabled by this development clause. A standard condition of consent be imposed requiring compliance with Council's demolition controls/provisions.
Cl. 26	Dwelling houses and dual occupancies in Zone 1(1), 7(1), 7(2), 7(3) or 10	<ul style="list-style-type: none"> N/A
Cl. 27	Dwelling houses and dual occupancies in Zone 1(2), 2(1), 2(2) or 7(5)	<ul style="list-style-type: none"> N/A
Cl. 28	Dwelling houses on South Wallarah Peninsula in Zone 7(1)	<ul style="list-style-type: none"> N/A
Cl. 28A	RFB's and multiple dwelling housing in Zone 2(2)	<ul style="list-style-type: none"> N/A
Cl. 29	Building heights	<ul style="list-style-type: none"> The Building Products Warehouse and elements of the Bulky Goods Units exceed 8 metres. <p>For comment regarding the compatibility of the development's height with the local context and distant vistas refer to Section 2.1, 2.7, and 3. of DCP1 in this assessment report.</p>
Cl. 30	Control of pollution	<ul style="list-style-type: none"> Refer to Section 2.1.15 of DCP1 within this assessment report for comment regarding noise.
Cl. 31	Erosion and sediment control	<ul style="list-style-type: none"> A Soil and Water Management Plan was submitted with the development application. <p>For further comment refer to Section 2.1.11 of DCP1 of this assessment report.</p>
Cl. 32	Flood prone land	<ul style="list-style-type: none"> The development site is identified as being subject to flooding from Crokers Creek. <p>For further comment refer to Section 2.1.8 of DCP1 of this assessment report.</p>
Cl. 33	Bush fire considerations	<ul style="list-style-type: none"> The development site is mapped as Bushfire Prone Land.

		For further comment refer to Section 2.1.5 of DCP1 of this assessment report.
Cl. 34	Trees and native vegetation	<ul style="list-style-type: none"> An arborist report was submitted with the development application. The proposal, including the arborist report and predicted impacts, are considered satisfactory. <p>For further comment refer to Section 2.1.4 of DCP1 of this assessment report.</p>
Cl. 35	Acid sulfate soils	<ul style="list-style-type: none"> The development site incorporates Class 5 Acid Sulphate Soils. <p>For further comment refer to Section 2.1.10 of DCP1 within this assessment report.</p>
Cl. 36	Mixed use development	<ul style="list-style-type: none"> N/A
Cl. 37	Unzoned land	<ul style="list-style-type: none"> N/A
Cl. 38	Advertising structures and signs	<ul style="list-style-type: none"> A number of Pylon and directional signs are proposed as part of the development. <p>For assessment comment refer to Section 2.7.7 of DCP1 in this assessment report.</p>
Cl. 39	Additional development allowed on certain land	<ul style="list-style-type: none"> N/A
Cl. 40	Development for the purpose of agriculture in Zone 7(2)	<ul style="list-style-type: none"> N/A
Cl. 41	Development for the purpose of retirement villages	<ul style="list-style-type: none"> N/A
Cl. 42	Consent to development subject to special requirements	<ul style="list-style-type: none"> N/A
Cl.42A	Restricted development	<ul style="list-style-type: none"> N/A
Part 6: Heritage provisions		
Cl. 43 54		<ul style="list-style-type: none"> N/A
Part 7: Administrative Provisions		
Cl. 56	Interim development of land required for community purposes	<ul style="list-style-type: none"> N/A
Cl. 58	(Repealed)	
Cl. 59	Acquisition of coastal land	<ul style="list-style-type: none"> N/A
Cl. 60	Development on land adjoining Zones 5, 7(1), 7(4) and 8	<ul style="list-style-type: none"> The development site adjoins land zoned 5 Infrastructure, being the Pacific Highway and Charlestown Inner City Bypass.

		It is considered the development will not impact on the operations and efficiency of the adjoining road network. This is evident through the RMS granting its GTAs to the proposed intersection upgrades on the Pacific Highway.
Cl. 61	Reclassification of community land as operational land	• N/A
Cl. 62	Public infrastructure in urban release areas	• N/A
Part 8: Middle Camp Site		
Cl. 63 - 85		• N/A
Part 9: Nords Wharf Site		
Cl. 86 - 105		• N/A
(a)(ii) the provisions of any draft environmental planning instrument (EPI)		
<ul style="list-style-type: none"> The Lake Macquarie Local Environmental Plan (LMLEP) 2014 was adopted on 12 September 2014. <p>Clause 1.8A of the LMLEP 2014 provides that a development application made but not finally determined before the commencement of the Plan shall be determined as if the Plan had not commenced.</p> <p>The development application was lodged on 22 February 2013, hence the application is to be determined under the LMLEP2004 with the LMLEP 2014 is to be treated as if it were a Draft Environmental Planning Instrument.</p> <ul style="list-style-type: none"> The proposed zonings under the LMLEP 2014 are as follows: 		



The proposed development site is zoned:

- B7 – Business Park
- RE1 – Public recreation

The zone objectives of the B7 zone are:

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To enable bulky goods premises and commercial uses that do not undermine the function of existing and future urban centres.
- To provide opportunities for high technology industries, scientific development and research activities.

For the purposes of the LMLEP2014, the proposed land uses would be defined as “garden centre, hardware and building supplies, plant nurseries, bulky goods premises, and restaurant”. These uses are permitted with development consent in the B7 zone with the exception of ‘restaurants’, which is a prohibited use.

The proposed ‘restaurant’ is permissible with consent under LMLEP 2004, and it is noted ‘take away food and drink premises’ are permitted with consent within the B7 zone. Also, considering the objectives of the B7 Business Park zone the proposed development (including the proposed restaurant) would be consistent.

It is likely the proposed ‘restaurant’ will be a typical fast food outlet providing for sit down and

take away. The development will predominantly service employees and customers of the development and is therefore considered ancillary to the dominant hardware and building supplies.

(a)(iii) any development control plan

Development Control Plan No. 1 – Principles of Development

Section 1.8 – Development Notification Requirements

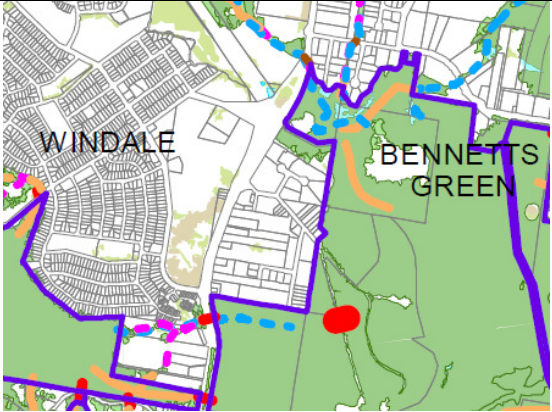
Has the application been appropriately notified?	Yes
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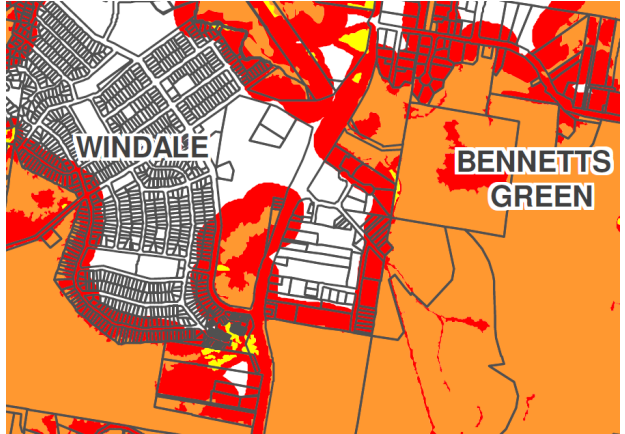
Have all adjoining and affected properties been notified?	Yes
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Section 2.1 – Environmental Responsibility and Land Capability

2.1.1	Ecological Values	<ul style="list-style-type: none"> • The application requires existing vegetation to be removed from part of the site for the proposed development to occur. Preliminary Flora and Fauna studies indicated that there may be critical habitat, threatened species or protected ecological communities contained within the development's footprint. • The applicant obtained the Director Generals Requirements and subsequently submitted a Species Impact Statement with the development application, along with a Voluntary Planning Agreement (VPA) seeking to provide an offset in perpetuity. <p>In summary:</p> <ul style="list-style-type: none"> ➤ The proposal will likely have a significant impact on a viable local population of <i>G.parviflora susp. parviflora</i>. In regard to the wider distribution of the species on a regional scale, the removal of almost the entire population at the Windale site is unlikely to significantly impact on the conservation status of the species as a whole. ➤ No significant adverse impact is expected to the current population of <i>T.junceae</i> within the development site. ➤ The proposal will remove known foraging and potential habitat for the powerful owl and Masked Owl, however this is not likely to impact on the long term survival of a local population (though will contribute to a cumulative loss in the locality). ➤ The proposal will impact on the
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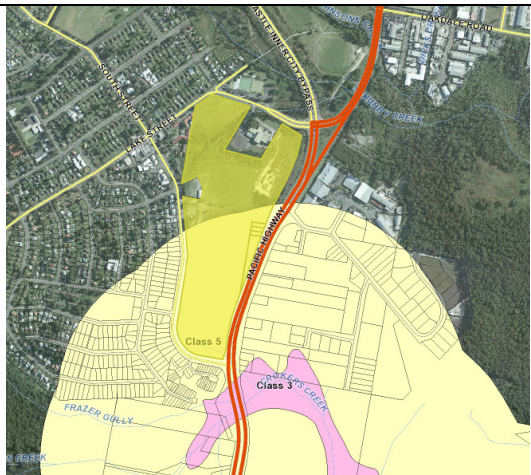
		<p>availability of potential foraging and breeding habitat for Squirrel Glider including removal of 19 hollow bearing trees (no Squirrel Gliders were recorded in the development site). The proposal is unlikely to impact on the life cycle of the Squirrel Glider such that a local population would be at risk.</p> <ul style="list-style-type: none"> ➤ The proposal would impact on foraging and roosting habitat for cave roosting microchiropteran bats. Whilst contributing to the loss of habitat the proposal is unlikely to impose a significant impact on the life cycle such that a local population would be at risk. ➤ The proposal will impact on the availability of foraging habitat for the Grey-headed Flying-fox, though no camps will be disturbed by the proposal. As such the proposal is unlikely to impose a significant impact. <p>Proposed mitigation measures and offset strategies are proposed to compensate for the impact and will contribute to enhancing the formal reservation status of the species in the region. These mitigation measures include provision of a biodiversity offset to compensate for the loss of remnant bushland and threatened species habitat.</p> <ul style="list-style-type: none"> • In terms of the Species Impact Statement, the NSW Office of Environment and Heritage issued its Concurrence subject to conditions to the removal of the threatened species from the development lot. The environmental offset is being secured through a VPA with Lake Macquarie City Council.
2.1.2	Ecological Corridors	<ul style="list-style-type: none"> • Council's Native Vegetation and Corridors Map identifies the land as containing no corridors though possesses Remnant Native Vegetation and Partially Cleared Remnant Native Vegetation.

		 <p>For comment regarding ecological values of the site refer to Section 2.1.1 of DCP1 of this report.</p>
2.1.3	Scenic Values	<ul style="list-style-type: none"> Table 1 identifies the development as requiring a Visual Impact Statement (VIS) to be lodged with the application. This provision came into effect with the adoption of the Scenic Management Guidelines which were adopted by Council on 13 February 2013, prior to the lodgement of the development application. The application was lodged without a VIS. <p>A review/analysis has resolved that a VIS was not warranted based on the circumstance as follows:</p> <ul style="list-style-type: none"> ➤ The development will be located in proximity to existing Bulky Goods and Industrial businesses. The buildings are in context with other existing development in the locality. ➤ The development site is located in a minor valley, which is not highly visible from any vantage points. ➤ Having regularly travelled through and around the area, the development site is not prevalent in any distant vistas.
2.1.4	Tree Preservation & Management	<ul style="list-style-type: none"> The development site contains mature native vegetation and trees, particularly at the southern end surrounding Crokers Creek, reducing in density as you move through to the northern end. An arborist report was submitted with the development application as a consequence of trees: <ul style="list-style-type: none"> ➤ being removed from Lot 1, and

		<ul style="list-style-type: none"> ➤ retention of trees on proposed Lots 2 and 3. • An assessment of the Arborist Report and the proposed development identified trees may be retained in certain areas as identified in the Arborists recommendations where it would appear feasible for tree retention within areas 1, 3 and 4.. Additionally there may be scope to retain large remnant trees within the vicinity of the detention basin and or visual buffer to the sites south eastern corner abutting the Pacific Highway. <p>This will need to be confirmed by a detailed aboriculture impact assessment considering and identifying trees with high ULE's and implementing measures for tree protection in accordance with AS4970-2009. The arborist will be required to assess these areas in detail in light of what is feasible to retain given the proposed layout, infrastructure and cut and fill requirements.</p> <p>These issues can be addressed either through a deferred commencement consent or as conditions of consent.</p>
2.1.5	Bushfire Risk	<ul style="list-style-type: none"> • The land is mapped as Bushfire Prone Land (inclusive of Bush Fire Vegetation Category 1 & 2 and Bush Fire Vegetation Buffer).  <ul style="list-style-type: none"> • The Applicant's Bushfire Report identified a BAL rating of <ul style="list-style-type: none"> North – 12.5 North/East – Low South – Flame Zone

		<p>West – N/A</p> <ul style="list-style-type: none"> The application was referred to the NSW Rural Fire Service (RFS) pursuant to 79BA of the Environmental Act 1979 based on the proposal having BAL ratings of Flame Zone. In correspondence dated 19 March 2013 the RFS recommended the imposition of conditions of consent. <p>Note, a bush fire safety authority is not required as per Section 100B of the Rural Fires Act, 1997, as the subdivision does not result in a residential or rural residential purpose nor is it for a special fire protection purpose.</p>
2.1.6	Water Bodies, Waterways & Wetlands	<ul style="list-style-type: none"> The development is located within 40 metres of a watercourse and hence the application was Integrated in relation to the Water Management Act 2000 as an activity approval. <p>The NSW Office of Water issued its GTAs on 19 April 2013 for a Controlled Activity Approval.</p> <ul style="list-style-type: none"> In addition to the Controlled Activity Approval, Council requires the rehabilitation of the Crokers Creek which is severely eroded in parts. <p>The applicant submitted a <i>Windale Creek Restoration Plan (October 2014)</i>.</p> <p>A review deemed the report as generally acceptable however given the severity of the stream bed and bank erosion in some sections of the watercourse the erosion control works to stabilise the watercourse outlined for each of the three zones are not considered adequate. Hard engineered solutions may be more appropriate, which may include structures such as rock constructed bed controls, to ensure the success of the restoration works and support the weed and revegetation works proposed in the plan.</p> <p>It is recommended that a detailed survey of the creek and a conceptual design of erosion control works. A detailed methodology and schedule of works is also to be included in the Restoration Plan.</p> <p>These requirements can be addressed through a condition of consent to be</p>

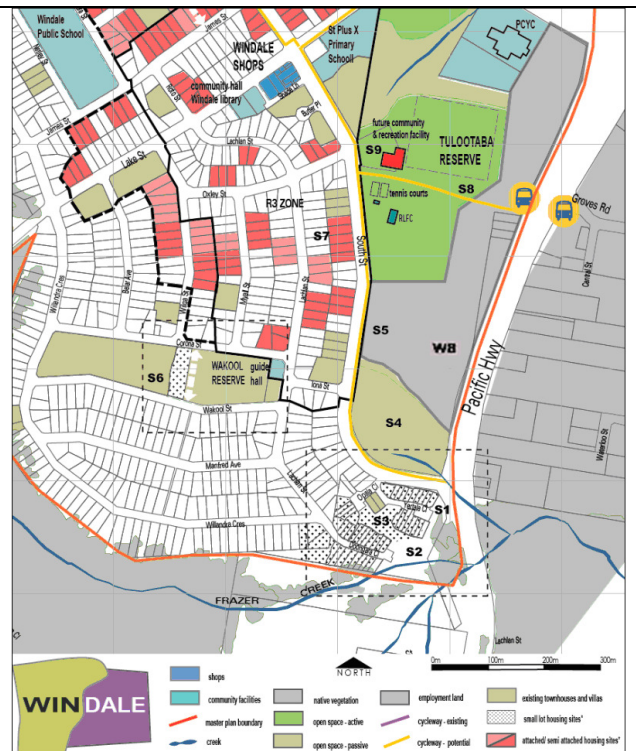
		addressed prior to issuing of the Construction Certificate.
2.1.7	Flood Management	<ul style="list-style-type: none"> The site is subject to flooding from Crokers Creek at the southern end. Crokers Creek has a varying bank level that falls from 25m AHD in the west to 12m AHD in the east, whilst the development is cut in at the western end and slightly filled at the eastern end resulting in a FFL of 23.5m AHD. Consequently the development cannot comply with a set minimum height being relative to the highest point of Crokers Creek, the applicant has however proposed to construct a flood wall/bund. A condition can be imposed requiring detail of the proposed flood protection measure.
2.1.8	Development on Flood Prone Land at Dora Creek	<ul style="list-style-type: none"> N/A
2.1.9	Sloping Land & Soils	<ul style="list-style-type: none"> The development proposes cuts of up to 2 metres at the western end of the Building Products Warehouse, and 2-3 metres along the western boundary with the sporting fields. Fill of up to 3 metres is also proposed on the western boundary in the vicinity of the PCYC, through the northern end of the site (where Bulky Goods Units 9-13 are proposed), and at the eastern end of the Building Products Warehouse. <p>The proposal is for a commercial development which often require larger cut and fill than the DCP controls permit. Having regard to the proposed cut and fill the environmental issues/outcomes require consideration.</p> <p>The retaining walls supporting the cut and/or fill are to be engineered, with particular regard to drainage and structural stability. These outcomes are not likely to have any detrimental impact on the environment.</p> <p>Visual impacts through the height, finish and adequacy of landscaping come are however a significant concern. The proposal incorporates three metre high retaining walls facing both into and out of the development, with negligible landscaping (note, there either is no landscaping of the western boundary or what is shown on the landscape plans</p>

		<p>does not correspond with other design details).</p> <p>For the three metre high retaining wall facing into the service road at the rear of Units 1-8, the wall is right on the boundary, with footings at the base preventing any deep soil outcomes. Works will encroach the adjoining lot.</p> <p>The three metre wall facing out towards the PCYC is placed on the boundary thus no landscaping is provided at the base, with the wall itself having no articulation. Landscaping at the top of the wall is unlikely to be achieved noting the design drawings/sections provide no landscape setback between the road and boundary.</p> <p>Concerns also exist in terms of CPTED through removing casual surveillance and opportunities for graffiti.</p> <p>It is also noted that a fence is to be erected atop the retaining walls.</p> <ul style="list-style-type: none"> The applicant nominated additional landscaping on the adjoining Sporting Fields to address the interface, however this was not been accepted by Council's Community Planning Department. <p>Consequently it is recommended the applicant submit amended plans that provide for a landscape separation between the property boundary and the service road and retaining wall.</p> <p>It is recommended these plans be required as part of a deferred commencement condition.</p>
2.1.10	Acid Sulphate Soils	

		<ul style="list-style-type: none"> The development site is partially affected by Class 5 Acid Sulphate (shown cream/yellow on the above image). <p>Part of the site at the southern end will be excavated (approximately two metres) which may expose Acid Sulphate Soils. It is unlikely that the water table will be intercepted, however to take a precautionary approach a standard condition can be imposed requiring management of any exposed Acid Sulphate Soils.</p>
2.1.11	Erosion Prevention & Sediment Control	<ul style="list-style-type: none"> The development qualifies as a Category 3 Development, requiring a Soil & Water Management Plan. A Soil and Water Management Plan submitted by Mott MacDonald satisfactorily addresses the requirements of Clause 31 of the LM LEP 2004 and DCP1. <p>Conditions of consent are recommended.</p>
2.1.12	Mine Subsidence	<ul style="list-style-type: none"> The Mine Subsidence Board issued its GTAs for the proposed building, access ways, car park and related infrastructure on 20 June 2013. Council is awaiting the approval by the Mine Subsidence Board of the proposed subdivision. It is expected the GTAs will be issued prior to the JRPP meeting, at which time the conditions of consent can be updated.
2.1.13	Contaminated Land	<ul style="list-style-type: none"> A Phase 1 Contamination Report was submitted with the development application. The report states the site is suitable for commercial development subject to removal of surface ACM and limitations with respect to disturbance of fill mounds on the western property boundary. A further review of Council's records and a site inspection identified no additional concerns having regard to contamination. <p>No further assessment under SEPP 55.</p>
2.1.14	Energy Efficiency	<ul style="list-style-type: none"> A Section J report under the BCA will be required with the Construction Certificate documentation.
2.1.15	Noise & Vibration	<ul style="list-style-type: none"> An acoustic report was submitted with the development application.

		<p>A recommendation of the Acoustic Report was the installation of a 1.5 high Acoustic Wall on the western side of the Building Product Warehouse (as relating to noise impacts from the loading dock towards residences at South Street).</p> <p>Limited detail has been provided for the proposed Acoustic Wall and its landscaping. The wall is not desirable however is a requirement of the Acoustic Report.</p> <p>A deferred commencement condition is recommended requiring design detail to be submitted to Council for approval. This is to ensure the visual appearance of the acoustic wall is not intrusive towards the adjoining residential areas.</p> <ul style="list-style-type: none"> • A review of the acoustic report by Council's Environmental Management determined the recommendations as being satisfactory and recommended the imposition of standard conditions including: <ul style="list-style-type: none"> ➤ Acoustic certification of the development in accordance with the Acoustic report. ➤ Noise generated by operation of Machinery plant and Equipment. ➤ Management of construction noise. ➤ Control generally of emissions. • The development proposes delivery trucks associated with the Building Products Warehouse exiting via South Street. The application details the loading dock hours as being 7ma to 7pm. <p>The store hours should be restricted on weekends and public holidays based on proximity of adjoining residential development.</p>
2.1.16	Air Quality	<ul style="list-style-type: none"> • Satisfactory Erosion and Sediment Control measures have been incorporated into the Soil and Water Management Plan to control dust emissions during the construction phase. <p>Standard conditions can manage emissions from the site.</p> <ul style="list-style-type: none"> • During the operational phase the land uses

		<p>will not generate any air quality issues other than relating to transport.</p> <p>A standard condition regarding emissions can apply.</p> <ul style="list-style-type: none"> Emissions from private vehicles can be reduced through connecting to public transport and bicycle/walking links and facilities. <p>The development is serviced by public transport, with the upgrade of three bus stops.</p> <p>Provision has also been made for bicycle parking at the Building Products Warehouse. Additional bicycle racks will be required at the Bulky Goods Premises, to be recommended as a condition of consent.</p>
2.1.17	Building Waste Management – Demolition and Construction	<ul style="list-style-type: none"> A satisfactory Waste Management Plan was submitted which addresses the construction phase.
Section 2.2 – Social Impact		
2.2.1	Social Impact Assessment	<ul style="list-style-type: none"> An Access Audit was submitted for the development. Minor amendments were made to the plans to reflect the report. <p>A review by Council's Community Planner (Ageing and Disability Services) deemed the report to be satisfactory, with conditions recommended in relation to ensuring an accessible development.</p> <ul style="list-style-type: none"> <u>Windale Master Plan</u> <p>A Master Plan prepared by Council, as endorsed by Housing NSW and Land and Housing Corporation, focuses on the physical and social planning opportunities to revitalize and enhance the suburb of Windale. Below is an excerpt from the Plan for Windale South.</p>



As depicted in the above excerpt, the following planning recommendations apply to the development application):

- *W8 – Establish a new employment zone with bulky goods retailing and take-away food outlet.*

The proposal is consistent with this recommendation.

- *S5 - Provide landscape buffer between bulky goods retailing development and residential uses.*

The Landscape Plans do not provide adequate landscaping as an effective buffer between the proposed development and the adjacent residential uses. Increased landscaping will assist with improving residential amenity by reducing potential noise impacts and providing visual screening between both uses.

- *S8 - Provide dual use cycle and pedestrian path through Tulootaba reserve and development site to bus stop at Pacific Highway and Groves Road.*

As represented by thick yellow edging in the above plan, a dual use cycle and pedestrian path is proposed to traverse the subject site, which will link the surrounding

		<p>residential and recreational areas to the development site and bus stops on Groves Road and the Pacific Highway. Two east-west pedestrian pathways traverse the site linking with north-south links, thus providing improved access to public transport, sporting fields, retail and employment.</p> <ul style="list-style-type: none"> • Council's Community Planning Department concurred with the main findings of the SIA in that the proposal will have a number of positive benefits including the creation of local employment opportunities and revitalisation of Windale. The most significant negative impacts are likely to be felt by those in the immediate vicinity of the proposed development (particularly those on South Street), and include traffic, acoustic, visual and permeability impacts. <p>Whilst the Statement of Environmental Effects (SEE) and the SIA proposes a number of mitigation measures to help address the negative impacts, the following is identified:</p> <ul style="list-style-type: none"> ○ South Street – the plans detail delivery vehicles departing via South Street. The SIA states this will have significant noise, acoustic and traffic impacts for those living in the vicinity; ○ Landscaping – whilst some landscaping is proposed along South Street, it appears to be very minimal and insufficient for addressing the visual impacts associated with the scale of the proposal on local residents, and the acoustic wall (the visual impacts of which are not shown in any elevations or perspectives). <p>The planting areas adjacent to the sports fields is insufficient to effectively screen the development and lessen the visual impact from the active sports area;</p> <ul style="list-style-type: none"> ○ Acoustic – The application states that service and goods vehicle delivery times be restricted to between 7am to 7pm; ○ Employment – that the proponent develops a relationship with a local service provider prior to the
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		<p>development being operational, in order to ensure that local residents are targeted and afforded employment opportunities;</p> <ul style="list-style-type: none"> ○ Community Consultation and Engagement – that the proponent regularly keeps members of the community updated of the development during the planning and construction phases, and continues to be actively involved in the local community (eg through participation at Windale Interagency & Community Alliance Meetings) once the development is operational.
Section 2.3 – Economic Impact		
2.3.1	Economic Impact Assessment	<ul style="list-style-type: none"> • An assessment by Council's Economic Development Manager identified the following: <p>Location - the Bennett's Green area provides a substantial bulky goods element with major retailers including Harvey Norman, Bing Lee, Joyce Mayne, BCF, Forty Winks etc. This is located on the opposite side of the Pacific Highway to the proposed facilities.</p> <p>An additional 28,269 sqm. nearly doubles the existing floor space of bulky goods retail within the precinct, and, as such, generate broader consumer interest creating a shopping destination for a wide range of bulky good outlets</p> <p>Access - the proposed outlets are located in the Eastern side of lake Macquarie approximately 5 minutes south of the Hunter regions largest shopping Centre GPT's Charlestown Square which provides in excess of 90,000sqm of retail and entertainment space and the</p> <p>The proposal locates adjacent to the Old Pacific Highway and is at the southern outlet of the Inner Newcastle Bypass. Other sub regional roads provide quick access to surrounding suburbs including Hillsborough, Charlestown Tingara Heights, Valentine, Warners Bay, Mt Hutton Eleebana, Redhead, Dudley and Whitebridge.</p> <p>Turnover - turnover in the hardware, garden and building supplies has grown by</p>

		<p>nearly 45% during the past 10 years, this is the same rate as growth in the furniture, floor goods and home ware category and electrical goods category. Supermarket sales increased by 60% over the same time. (Source ABS Table 8501.12) Figures supplied in the EIS are a little dated.</p> <p>Apart from strong growth in the 2009-11 period home hardware as a group has shown subdued growth over the past 2 years, and would indicate the figures in the EIS are on the optimistic side. For the 12 months ending January 2013 this sector was the only major sector to show a decline.</p> <p>Competition - the Masters Outlet will compete head on with Bunnings who already have operations located 10 minutes south of the proposed site at Belmont North and Glendale 20 minutes to the north west (currently being relocated to the old Pasminco site). The EIS calculates the initial impact on the 2 Bunnings stores will be 26.2 % and 19.1% accordingly. Currently Bunnings have one specialist competitor in Belmont and no immediate competitors at Glendale. It is expected that because of its location the new Master's outlet will generate additional retail sales within this sector. The Master's store will also impact the 3 other major retailers in Bennetts Green that stock white goods.</p> <p>Population - 2006 and 2010 DOPI Population projections were used in the assessment. The 2011 census figures will not impact on this as minimal residential and population growth is forecast in the primary market area. The majority of population growth is forecast to occur in NW of Newcastle and Lake Macquarie</p> <p>Employment - total proposal will generate 193 jobs during construction and floorspace development will generate around 404 positions. Using ABS multiplier Indices the total flow on jobs provided is 1113 at a national level, not a regional level. Much of the merchandise sold will be imported or manufactured elsewhere in Australia.</p> <p>Total Retail Floor space - while population increases will dictate increased demand for retail space (centre based and bulky</p>
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		<p>goods) , the catchment over the past 10 years has seen a considerable increase in supply including:</p> <ol style="list-style-type: none"> 1 Doubling of floor space at GPT Charlestown Square; 2 Increased street level retail in a variety of new commercial buildings within Charlestown; 3 The development of Bunnings at Belmont North and subsequent evolution of additional bulky goods outlets within the Belmont North Precinct; 4 An estimated 42,000 sqm of additional bulky goods space at 4 locations within the Hillsborough Road precinct; 5 Increase of 60% in Westfield Kotara general retail space; 6 Provision of extensive Bulky Goods outlets including Bunnings, Domayne and other major retailers in a bulky goods precinct at Kotara. <p>This additional space comes to the market when retail expenditure has been subdued.</p> <p>Recommendation - competitive market forces are best to determine where and floor space capacity. In this case the major impact will be directed at a major competitor who has dominated within this category of outlet. Competition will be good for the consumer.</p>
Section 2.4 – Heritage		
2.4.1 – 2.4.4	Heritage Items	<ul style="list-style-type: none"> • N/A
Section 2.5 – Stormwater Management, Infrastructure & On-Site Service		
2.5.1	Essential Infrastructure	<ul style="list-style-type: none"> • All essential infrastructure is available to service the development.
2.5.2	On-Site Wastewater Treatment	<ul style="list-style-type: none"> • N/A
2.5.3	Stormwater Management (Drainage System Design)	<ul style="list-style-type: none"> • A satisfactory Stormwater Management Plan has been provided with the development application. <p>Conditions are recommended.</p>
2.5.4	On-Site Stormwater Harvesting (Source Controls)	

2.5.5	Waste Management for Multi- Unit Dwellings	<ul style="list-style-type: none"> N/A
Section 2.6 – Transport, Parking, Access and Servicing		
2.6.1	Movement System	<ul style="list-style-type: none"> The proposal generally meets the intent of achieving an efficient design that provides for vehicle access to and from the local and regional road network, connecting and facilitating pedestrian and cycle movements in a safe and pleasant manner.
2.6.2	Traffic Generating Development	<ul style="list-style-type: none"> The development qualified as Traffic Generating Development in relation to Schedule 3 and Clause 104 of SEPP (Infrastructure) 2007, as the development consists of a floor area of 19,000 m² and is within 90 metres of a classified road. The application was referred as Integrated Development to the RMS, with GTAs being received on 9 July 2014. The GTAs related to a concept design with connections to the Pacific Highway as follows: <ul style="list-style-type: none"> ➤ Left turn for service vehicles to the Building Products Warehouse, north of South Street intersection; ➤ Left in and left out intersection mid way between the service vehicle access to the south and Groves Road to the north; ➤ Multi directional intersection at Groves Road, including pedestrian crossing and nearby Bus Stop.
2.6.3	Road Design	<ul style="list-style-type: none"> The development proposes no new roads however five new connections are proposed: <ul style="list-style-type: none"> ➤ Three at the Pacific Highway; ➤ One at Lake Street; and ➤ One at South Street. The local road intersections have been assessed by Council as suitable, subject to specific engineering detail as required by recommended conditions of consent. The proposed development was referred to the RMS as traffic generating development (Clause 104 SEPP Infrastructure) and as Integrated Development (Roads Act 1993) in relation to connections along the Pacific

		<p>Highway .</p> <p>GTAs were issued by the RMS on 9 July 2014 in relation to these works. Additional design detail is required as part of the GTAs.</p>
2.6.4	Pedestrian & Cycle Paths	<ul style="list-style-type: none"> • Footpaths have been provided such that access is provided: <ul style="list-style-type: none"> ➤ along the full frontage to the Pacific Highway, connecting to the traffic signals at South Street, Groves Road and Lake Street. ➤ along the frontage of Lake Street, providing access to the traffic signals at Lake Street and the PCYC to the west. ➤ along part of the South Street frontage, connecting to a pedestrian refuge island and footpath network on the western side of South Street. ➤ east-west through the site at two separate locations, fronting the Building Products Warehouse and between the sporting fields and Groves Road intersection. <p>All pathways are accessible.</p> <p>Through provision of the pathways the development enhances east-west connections, connects to public transport and enhances safety and accessibility.</p> <p>It is recommended a condition be imposed requiring extension of the pathway on the southern side of Lake Street to the pathway north of the PCYC.</p>
2.6.5	Public Transport	<ul style="list-style-type: none"> • Bus Services operate in the vicinity and it is required that additional facilities be installed to support access via public transport to and from the development. <ul style="list-style-type: none"> ➤ Bus route 317 exists along South Street. There is a bus bay located just south of the site access on South Street which has been decommissioned, with the bus stop relocated into Iona Street. Discussions with Newcastle Buses recommended that this bus stop and the adjacent one opposite be utilised as the closest public transport stops to this site.

		<p>It is recommended that each site be upgraded to comply with disability access requirements, and include a concrete pad, seat and Tactile Ground Surface Indicators.</p> <p>➤ Pacific Highway</p> <p>Bus routes 99, 349 and 350 exist on the Pacific Highway frontage. The proposal is to relocate this bus stop and shelter relative to the Groves Road intersection. The exact location to be determined with the RMS.</p> <p>As the bus stops will be Council assets, they are to comply with Council's standard design requirements and also comply with relevant disability legislation.</p> <p>Conditions are recommended in this regard.</p>
2.6.6	Vehicle Parking Provision	<ul style="list-style-type: none"> The parking requirements are as follows: <p><u>Building Products Warehouse</u> at 2 per tenancy plus 1 per 50m²</p> <p>13,538m² GFA = 273 parking spaces</p> <p><u>Bulky Goods Units 1-8</u> at 2 per tenancy plus 1 per 40m²</p> <p>5630m² GFA = 157 parking spaces</p> <p><u>Restaurant</u> at 1 per 10m²</p> <p>425m² GFA = 43 parking spaces</p> <p><u>Bulky Goods Units 9-13</u></p> <p>268 parking spaces provided which would equate to 10320m² GFA though this is likely to be much greater than what will be constructed as part of Stage 1B.</p> <p>The parking provided by the proposed development is 828 which adequately addresses the minimum required.</p> The number of parking spaces proposed at each stage is: <p><u>Stage 1A</u></p> <ul style="list-style-type: none"> ➤ Building Products Warehouse – 346 parking spaces, 4 trailer parking bays, 19 staff parking spaces, plus 16 accessible parking spaces; ➤ Bulky Goods Units 1-8 – 138

		<p>parking spaces (no accessible parking designated);</p> <ul style="list-style-type: none"> ➤ Restaurant - 35 parking spaces plus to 2 accessible parking spaces. <p><u>Stage 1B</u></p> <ul style="list-style-type: none"> ➤ Bulky Goods Units 9-13 – 268 parking spaces (no accessible parking designated) <p>The parking provided for each stage is considered adequate.</p> <ul style="list-style-type: none"> • Accessible parking spaces are required at the rate of 1 space per 50 parking spaces. Hence: <ul style="list-style-type: none"> ➤ Building Products Warehouse - 8 accessible spaces are required with 16 provided. ➤ Bulky Goods Units 1-8 – 3 accessible parking spaces are required though non are detailed on the plan (to be conditioned). ➤ Restaurant – 1 accessible parking space is required, 2 are provided. ➤ Bulky Goods Units 9-13 – 6 accessible parking spaces will required at Stage 1B.
2.6.7	Car Parking Areas & Structures	<ul style="list-style-type: none"> • An assessment identified that conditions be applied in relation to the following: <ul style="list-style-type: none"> ➤ The pedestrian crossing within the car park adjoining the staff car park is angled, which would not be appropriate for vision impaired. It is recommended that this be straightened which may involve the removal of staff car parking spaces. ➤ Signage to reinforce where passenger vehicles and heavy vehicles are to travel. ➤ Any four-way intersections should have priority defined with give-way line marking. ➤ Pedestrian crossings should be raised to the same level as the footpaths that they connect too. This will improve traffic / pedestrian safety within the site.

2.6.8	Vehicle Access	<ul style="list-style-type: none"> • Intersections with the Pacific Highway have been approved through GTAs by the RMS. • Intersections with South Street and Lake Street are supported/approved subject to: <ul style="list-style-type: none"> ➤ Lake Street being left in and left out for customer vehicles, whilst delivery vehicles are left in only. ➤ South Street is left and right in and left and right out for customer vehicles, though delivery vehicles from the Building Products Warehouse are left out only. • It is envisaged that the layout and design of the car park will not impact on the efficiency of the access/intersections, noting that sufficient queuing space is provided for vehicles entering the site from signalised turn bays. • Issues were raised by Asset Management regarding the condition of South Street should it be used by delivery vehicles. A condition be imposed requiring the upgrade of the road pavement in the vicinity of the South Street access with regard to the turning manoeuvres of delivery vehicles. • The queuing provided for the Restaurant drivethru will not impact on the efficient operations of the car park.
2.6.9	Access to Bushfire Risk Areas	<ul style="list-style-type: none"> • The proposed development incorporates measures to address bushfire hazards, including a perimeter access around the Building Products Warehouse and the Bulky Goods Units. • Advice provided by the NSW RFS under Section 79BA raised no further access requirements for Bushfire protection measures.
2.6.10	Servicing	<ul style="list-style-type: none"> • The development will be serviced as follows: <u>Building Products Warehouse</u> – delivery vehicle access will be a left in only access off the northbound lanes of the Pacific Highway past South Street. Departing vehicles will undertake a left turn only exit onto South Street, heading to the intersection with the Pacific Highway for either a left or right turn.

		<p>Sweep paths have been provided demonstrating compliant access.</p> <p>Conditions are recommended restricting access to South Street as left turn only, with the layback/pavement to provide for a smooth transition.</p> <p><u>Bulky Goods Units</u> – delivery vehicles will access the rear service road from a left turn only access off Lake Street or at the Groves Road intersection. All such vehicles will exit the site via the Groves Road intersection as either a right or left turn.</p> <ul style="list-style-type: none"> • The service road at the rear of Units 9 to 13 will be one way only (south bound) for delivery vehicles, whilst behind Units 1 to 8 it will be two way. Customer vehicles will be able to travel the entire length two way for the purposes of collecting goods from the loading docks. • Delivery vehicles accessing the restaurant are likely to be via Groves Road for both entry and exit which is considered satisfactory. A condition is recommended to address this provision prior to release of the Construction Certificate.
2.6.11	On-Site Bicycle Facilities	<ul style="list-style-type: none"> • Bicycle racks are proposed for the Building Products Warehouse, though none are detailed for the Bulky Goods Units. <p>It is recommended that a condition be imposed requiring bicycle racks for the Bulky Goods Units.</p> <ul style="list-style-type: none"> • Lockers and change rooms are provided for in the Building Products Warehouse though no staff showers are included. <p>It is recommended that a staff shower be provided within the Building Products Warehouse.</p>
2.6.12	Non-Discriminatory Access & Use	<ul style="list-style-type: none"> • An Access Audit was submitted, along with minor changes to the plans to reflect the report. The report was deemed satisfactory, with conditions recommended. • Accessible parking has been provided for the Building Products Warehouse and Restaurant, though none are designated for the Bulky Goods Units 1-8. <p>A condition is recommended requiring provision of accessible parking for the</p>

		Bulky Goods Units.
Section 2.7 – Streetscape and the Public Realm		
2.7.1	Streetscape & Local Character	<ul style="list-style-type: none"> The development site is bounded by the Pacific Highway to the east, Lake Street to the north, South Street to the west and south. Directly adjoining the development will be a PCYC sports hall to the north-west, and sporting fields to the west. At the southern end of the site will be a Council reserve incorporating Crokers Creek and bushland. <p>Located on the eastern side of the Pacific Highway is a collection of Bulky Goods buildings and industrial Sheds. Residential dwellings are located on the western and southern side of South Street. To the north and north-west are community buildings including a school, registered club and sporting club.</p> <ul style="list-style-type: none"> The proposed development will involve four separate buildings generally positioned north-south through the site. The buildings are single storey, tilt up concrete panel, with setbacks of 6 metres or more from the adjoining road network. The development site is well landscaped except for the western boundary adjoining the sporting fields and PCYC and the South Street interface. <p>The Bulky Goods Units are setback from the Pacific Highway behind car parking.</p> <ul style="list-style-type: none"> The development is compatible with the adjoining land uses to the east, north and north-west in form, setback and landscaping. <p>The development contrasts the residential development to the west and south. This is addressed with the Building Products Warehouse and Bulky Goods Units being oriented to the east, facing and focusing away from the residential dwellings. The separation is further enhanced through level changes, landscaping and the Council Reserve and Sporting Fields acting as a buffer.</p> <ul style="list-style-type: none"> Consideration was given to aligning the buildings along the eastern boundary, hence providing a retail edge to the Pacific Highway. The applicant responded that the

		<p>design is appropriate based on:</p> <ul style="list-style-type: none"> ➤ The narrowness of the lot width in the vicinity of the Bulky Goods Units requires an elongated car parking arrangement as a consolidated parking area could not be accommodated. ➤ Bulky Goods Units require a retail frontage and a back of house for unloading and pick up. If the building was to present a retail edge to the Pacific Highway issues would exist with how the service vehicles would be accommodated without creating visual issues and conflicts with customer vehicles and pedestrians. ➤ Preference is for on grade parking which is visible from the road. ➤ The current design effectively screens the back of house and service road from the Pacific Highway. ➤ A 'flipping' of the Bulky Goods Units and car park areas would create CPTED issues, ie casual surveillance and sight lines. ➤ The development contrasts the Bulky Goods developments at Bennetts Green, which are more of a compact estate layout located on separate lots, with direct access to the road network. <p>It is considered the site design is the most efficient layout, and considering the alternatives and range of issues, is supported.</p>
2.7.2	Landscape	<ul style="list-style-type: none"> • A Category 3 Landscape Plan and related documentation was submitted with the development application. • The general concept of the landscape plan is for the removal of existing vegetation on the development lot, largely due to the proposed cut and fill and hard stand areas. Perimeter landscaping is proposed within the development site with the exception of the western boundary. No landscaping is proposed of the public domain, though footpaths are proposed in the adjoining road reserves. <p>Landscaping with canopy trees is proposed</p>

		<p>within the car park.</p> <p>A review of the landscape plan identified the following:</p> <ul style="list-style-type: none"> i. Landscaping of the western boundary adjoining South Street is inadequate particularly considering the erection of a 1.5 metre high acoustic wall. ii. Landscaping of the western boundary adjoining the Sporting Fields is inadequate, noting retaining walls at heights up to 3 metres are proposed with no landscaping, articulation or stepping. iii. No landscaping of proposed substations is provided. Improved locations or screening for substation in vicinity of Restaurant. iv. No landscaping detailed for pedestrian areas fronting Bulky Goods Units 1-8 and 9-13, the Restaurant. v. Landscaping opportunities exist at the South Street entry/exit, and at parking row ends throughout the car park. vi. Wheel stops required to safeguard landscape beds fronting parking spaces on the Pacific Highway frontage and the north-west boundary with the Sporting Fields. vii. Landscape islands to be used in the parking row fronting the Pacific Highway (noting that an excess number of parking is provided). viii. Considered additional landscape bed width along north-west boundary with the Sporting Fields by changing from right angle parking to parallel. ix. No detail provided for the material/finish detail of the acoustic wall adjacent to South Street and retaining wall on the western boundary. x. Public domain landscaping
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		<p>opportunities exist in relation to road reserve areas in which footpaths are proposed, with a particular emphasis on the Pacific Highway and Lake Street intersection (south-west corner of intersection).</p> <p>xi. Tree retention needs to be more clearly detailed on the landscape plans and subject to approval of the tree retention plan and detailed impact recommendations</p> <p>It is recommended that these matters be addressed through a condition of a deferred commencement consent through revised plans and additional information being submitted to Council for approval.</p>
2.7.3	Public Open Space	<ul style="list-style-type: none"> The development site contains existing sporting fields zoned 6(1) under the LMLEP2004. Other than separating the proposed development from the sporting fields, no other works are proposed.
2.7.4	Pedestrian Networks & Places	<ul style="list-style-type: none"> The proposed development will provide footpaths along the eastern and northern frontages, part of the western frontage, and through the development site. <p>All pathways are compliant for accessibility.</p> <p>Refer to Section 2.6.4 of DCP1 of this report for more specifics of the proposed pedestrian path links.</p>
2.7.5	Light, Glare & Reflection	<ul style="list-style-type: none"> Subject to compliance with the relevant Australian Standard, the development is not expected to cause light spill onto the adjoining roadways and residential areas. <p>A standard condition can be imposed requiring compliance with Australian Standards.</p>
2.7.6	Views	<ul style="list-style-type: none"> The development is located on land sitting below the adjoining residential development. Currently no distant views are afforded to the residents other than through the site towards the Pacific Highway. <p>The development therefore will not impact on any existing desirable views.</p>
2.7.7	Signs	<ul style="list-style-type: none"> The proposed development incorporates

		<p>the following signage:</p> <ul style="list-style-type: none"> ○ 2 metre high directional signage at South Street; ○ 2 metre high directional signage at southern most entry point off the Pacific Highway; ○ 2 metre high directional signage at the intersection of Pacific Highway and Lake Street; ○ 12 metre high Pylon sign adjoining the Groves Road intersection/access; ○ 12 metre high Pylon sign adjoining main entry access to Building Products Warehouse; ○ Flush Wall signs are proposed on each of the elevations for the Bulky Goods Premises; ○ Flush Wall signs are proposed for the Restaurant; and ○ Flush Wall signs are proposed for the Bulky Goods Units 1-8. <p>In support of the proposed signage regime a report considering the proposal against the assessment criteria in Schedule 1 of SEPP 64 was included.</p> <ul style="list-style-type: none"> • Pursuant to Clauses 17 and 18 of the SEPP, the application was referred to the RMS as the proposal incorporates signage that exceeds 20m² and is within 250 metres of a classified road. <p>The application was Advertised Development in accordance with Clause 17(3)(b) of SEPP64.</p> <ul style="list-style-type: none"> • An assessment of the proposed signage identified there being no issues in relation to the proposed Flush Wall signs for the Building Products Warehouse, Bulky Goods Units (1-8) and Restaurant. This is based on each sign or collection of signs on each elevation being less than 25% of the total area. <p>In terms of the directional signs, these are deemed suitable. Whilst there are multiple signs, they are accepted due to each sign having a height (2m), width (1m) and area (2m²) and they are placed at intersections</p>
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		<p>that are separated by some distance and are not seen to create a proliferation of signs.</p> <p>The two proposed 12 metre high Pylon Signs are located at the main entries off the Pacific Highway. They have an approximate signage area of 36m² on each side. The signage will refer to the main anchor, being 'Masters – Home Improvements', with tenancy signage associated with the Restaurant and Bulky Goods Units.</p> <p>The 12 metre height exceeds the maximum 6 metre height limit under Section 2.7.7 of DCP1. The applicant's argument in favour of the variation is based on:</p> <ul style="list-style-type: none"> ○ The site has a frontage to the Pacific Highway of 830m and an area of 7.89 ha which is to contain a significant and large Bulky Goods Centre, hence the signs are of an appropriate scale. ○ The signs are located adjoining a main road that allows a speed limit of 70kmh, and the height supports viewing by passing motorists above verge vegetation. ○ Are a combined display 'centre' sign, which is integrated with other signage in terms of colour and theme. ○ Is in scale with other existing signage in the locality to the north. <p>A review of the local context identified most signage along the same stretch of the Pacific Highway is compliant with DCP1 and are subject to the same road conditions. The signs referenced to the north for Mercedes and Toyota are over 500 metres away and are not in the same view lines.</p> <p>It is considered that the 12 metre height of the two pylon signs is excessive and that they be conditioned to have a maximum height of 9 metres. This will still allow prominent signage at the street frontage and are consistent with the proposed signage regime/hierarchy but are more</p>
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		compatible with the local context.
2.7.8	Fences	<ul style="list-style-type: none"> Security fencing is proposed at the rear of the Building Products Warehouse. This fencing is accepted as its length and location will have no visual impacts, particularly on adjoining residential properties. A 1.8 metre high chainmesh fence is proposed along the common boundary with the Sporting fields and PCYC. The fencing will be located atop the retaining walls. An opening exists for pedestrian access between the two land uses. It is recommended that a condition apply requiring final design detail be submitted, either as a condition of a deferred commencement consent or as a consent condition. The design detail will need to include the relationship between the fence, retaining walls, guard rails, and landscaping.
2.7.9	Safety & Security	<ul style="list-style-type: none"> A CPTED report was submitted with the development application. Council's review of the report deemed it to be satisfactory subject to: <ul style="list-style-type: none"> a. The report recommendations being imposed as conditions of consent. b. Adoption of the recommendations listed under Appendix Q, Crime Prevention Through Environmental Design Assessment by Barker Ryan Stewart (ref. 20120084), Page 14 as a condition. The report was also referred to the NSW Police for comment. The advice recommended a number of measures to be adopted in addition to the report recommendations. These measures are recommended as being a condition of consent.
Section 3.1 – Lake, Waterway and Coastline Development		
3.1.1 - 3.1.2		<ul style="list-style-type: none"> N/A
Section 3.2 – Subdivision		
3.2.1	Neighbourhood Design	<ul style="list-style-type: none"> N/A

3.2.2	Lot Size & Layout	<ul style="list-style-type: none"> The proposal incorporates the consolidation and subdivision of part Lot 10 and Lots 11, 12, 13 and 14 in DP 1013486 to create a three lot subdivision. This allows the site to be separated by title from the Council owned reserve land immediately to the south of the site and the playing fields to the west, and creating a single separate lot which supports the proposed development. <p>The proposed lots to be created are:</p> <p>Lot 1 – 7.893 hectares (zoned 4(3) Industrial Urban Services zone to support the proposed development)</p> <p>Lot 2 – 9.887 hectares (zoned 6(1) Open Space zone to support the playing fields)</p> <p>Lot 3 – 2.461 hectares (zoned 4(3) Industrial Urban Services zone for purpose of Council owned reserve)</p> <p>These proposed lots comply with the provision of Clause 24 and Schedule 2 of the LMLEP2004. Note:</p> <ul style="list-style-type: none"> ➤ The minimum lot size for the 4(3) zone is 1500m² and a minimum width of 25m. ➤ No numerical standards exist for the 6(1) zone. <ul style="list-style-type: none"> The sequencing of the development is such that the subdivision will occur first (to allow the finalisation of the agreement between Council and the applicant for the sale of the land), with construction work only to commence once the title is created and in the ownership of the applicant.
3.2.3	Subdivision in the Conservation, Environmental and Rural Zones	<ul style="list-style-type: none"> N/A
3.2.4	Community Title Subdivision	<ul style="list-style-type: none"> N/A
3.2.5	Boundary Realignment	<ul style="list-style-type: none"> N/A
Section 3.3 – Urban Centre Development		
3.3.1 – 3.3.3		<ul style="list-style-type: none"> N/A
Section 3.4 – Housing – Building Siting, Form and Design		

3.4.1 – 3.4.9		<ul style="list-style-type: none"> N/A
Section 3.5 – Housing – Specific Housing Types		
3.5.1 – 3.5.5		<ul style="list-style-type: none"> N/A
Section 3.6 – Industrial, Bulky Goods and Utility Installation Development		
3.6.1	Environmental Performance	<ul style="list-style-type: none"> An Acoustic report was submitted with the development application. The report recommended the erection of an acoustic wall for part of the site adjoining South Street boundary to reduce noise impacts. For further comment refer to Section 2.1.15 of DCP1 of this report. The Building Products Warehouse proposes operational waste collection via a private contractor which will not impact upon Council's general waste collection operations. It is also detailed in the Waste Management Plan – Operation that waste collection vehicles will conform to the loading dock operating hours. Due to the proximity of the adjoining residential areas it is recommended that the hours of operation for the Loading Dock be restricted through a condition of consent to minimise impacts. Details were not provided for the waste collection for the Bulky Goods building (units 1-8). It is recommended that a condition be imposed requiring details to be submitted to Council for approval prior to release of the Construction Certificate. For additional comments regarding the environmental performance of the development refer to Sections 2.1, 2.6 and 2.7 of DCP1 in this assessment report.
3.6.2	Site Layout	<ul style="list-style-type: none"> The main entries to the Building Products Warehouse and Bulky Goods Units present well to the external road network and/or internal car parks. They provide a clear entry point designation. An opportunity exists for improved landscaping of the forecourt of the Bulky

		<p>Goods Units 1-8.</p> <ul style="list-style-type: none"> The philosophy behind the proposed layout seeks to minimise impacts on residential areas to the south and west, present well to the Pacific Highway, and provide a layout that achieves/provides easy sight lines. The development has sought to maximise its development opportunity through minimal setbacks at the north-west and western boundaries. <p>Issues exist with proposed retaining walls on the western boundary at the interface with the adjoining Sports field and PCYC. The development provides no or limited landscaping along an interface presenting retaining walls up to 3 metres high that face both inwards and outwards. Also landscaping of the South Street frontage is poor, as is the north-west interface with the adjoining sporting fields.</p> <p>Discussions with the applicant have not resolved this interface, therefore a deferred commencement condition is recommended that requires a revised design to be submitted for approval that achieves a suitable landscaped setback and 'softer' wall face.</p>
3.6.3	Building Design & Appearance	<ul style="list-style-type: none"> Site coverage is predominantly built/sealed, with landscaping provided around the perimeter. Canopy tree landscaping is proposed throughout the car parks which will soften the hard surface appearance. <p>Opportunities for additional landscaping exist within the car park, fronting the Bulky Goods Units, in the vicinity of the Restaurant and at South Street.</p> <p>As the development has excess parking opportunities also exist for additional landscaped islands along the front car parking row.</p> <ul style="list-style-type: none"> The Streetscape outcome and building appearance is in context with the Pacific Highway streetscape. <p>Additional comment is outlined in Section 2.7.1</p> <ul style="list-style-type: none"> The 5m building setback is compliant, including the secondary frontages.

		<p>Parking and access ways encroach within the setback. The encroachment is accepted on basis of a 3-4 metre landscaped buffer provided along the Pacific Highway. An additional road reserve setback of 6-7 metres also exists.</p> <p>The Lake Street frontage has limited landscaping within the setback, though is supported by the adjoining road reserve which provides a varying setback of 10 to 30 metres.</p> <ul style="list-style-type: none"> • Sensitive receiving developments are located to the west along South Street. The building setback from the boundary is approximately 13 metres, however is setback from the nearest property boundary by at least 35-40 metres. <p>Additional measures are provided to minimise impacts on the adjoining residential dwellings, ie. restricted hours for delivery vehicles, restricted operational hours on weekends and public holidays, an acoustic wall, orientation of operational areas away from the residences, etc.</p> <ul style="list-style-type: none"> • The building height limit is 10 metres. <ul style="list-style-type: none"> ➤ The Building Products Warehouse is compliant with the height limit with the exception of the 'Masters' parapet over the store entry which measures 11 metres high. ➤ The Bulky Goods Units and Restaurant are compliant with the height limit. <p>The height encroachment over the store entry of the Building Products Warehouse is acceptable as it encroaches 1 metre for a length of 36 metres relative to a building length exceeding 150 metres (the horizontal form softens the height over the entry). Further, the encroachment is oriented into the car park and hence has no visual impact on the locality.</p> <ul style="list-style-type: none"> • The appearance of the Building Products Warehouse is acceptable even though it exceeds 15 metres in length without articulation. <p>The basis for accepting the appearance is the proposed setbacks which reduce the</p>
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		<p>apparent bulk, the horizontal form which reduces the perceived height, and the variation in colours (including signage detail), materials, parapets and awnings.</p> <p>For the Bulky Goods Units, adequate articulation, material variation and architectural design combined with setbacks achieves an appropriate outcome.</p> <p>For the Restaurant, limited detail was provided with the application. It is recommended a condition be imposed requiring detail of the materials and finishes of the Restaurant.</p> <ul style="list-style-type: none"> For comments regarding signage, fencing and landscaping, refer to Section 2.7 of DCP1 within this assessment report.
Section 3.7 – Specific Land Uses		
3.7.1 – 3.7.8		<ul style="list-style-type: none"> N/A
Section 4.0 – Area Plans		
4.2 – 4.26		<ul style="list-style-type: none"> N/A
<i>(a)(iia) - 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</i>		
<p>A Voluntary Planning Agreement (VPA) has been offered by the developer under Section 93F of the Act. This Agreement will be entered into as a consequence of its exhibition and a resolution by Council on 24 November 2014 regarding its adoption. Note, no submissions were received from the exhibition period.</p> <p>The VPA incorporates Council owned land at Ryhope to be used as an environmental offset as the proposed development is likely to impact the threatened species of plant known as <i>Grevillea parviflora</i> subsp. <i>parviflora</i> which is located on the subject land. The environmental offset incorporates <i>Grevillea parviflora</i> subsp. <i>parviflora</i> and is to be secured in perpetuity (subject to the provisions of the VPA) as a like for like offset.</p> <p>The Planning Agreement promotes the public interest by securing in perpetuity an environmental offset as follows:</p> <ul style="list-style-type: none"> Requiring the Developer to acquire and transfer to Council some 4.35 hectares (roads land) that is required to establish an area to be maintained as an environmental offset area. The quantum of land required by the Office of Environment and Heritage to serve as the offset is 16.23 hectares, with the balance being in Council's ownership; <p>Note, the applicant has demonstrated possessing title for the land required for acquisition.</p> <ul style="list-style-type: none"> The Developer assist Council to prepare and draft a Vegetation Management Plan and Plan of Management for the environmental offset area; 		

- Council reclassifying the roads land from Operational land to Community land once it has been transferred from the Developer. A portion of the roads land will remain as Operational land to facilitate legal access to privately owned lots;
- Require the Developer to carry out Maintenance works to the environmental offset area in accordance with the Vegetation Management Plan until that area reaches a “Stable State” (as defined in the VPA) which is to be determined by the Planning Authority, or an independent environmental consultant or an independent expert as part of the dispute resolution process;
- The Developer pay Endowment Fund Monies of \$429,000 once the environmental offset lands reach a stable state (as defined in the VPA). The Endowment Fund Monies will be used by the Planning Authority for the management and maintenance of the environmental offset lands in perpetuity; and
- The Developer provide a bank guarantee of \$650,000 to be held by Council as an enforcement provision for the obligations of the planning agreement.

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

<i>Primary Matters</i>	<i>Specific Considerations</i>	<i>Y/N</i>
Clause 92 EP&A Regulation: Government Coastal Policy	<i>Does the policy apply to the coastal zone of the council area as specified in cl.92 of the EP&A Regulation?</i>	No
	<i>Is the proposal consistent with the ‘strategic actions’ and the ‘design and location principles’ for the development control in the Policy?</i>	N/A

(b) – the likely impacts of the development

Context & Setting	<ul style="list-style-type: none"> • Refer to assessment comment under DCP1.
Access, Transport & Traffic	<ul style="list-style-type: none"> • Refer to assessment comment under DCP1.
Public Domain	<ul style="list-style-type: none"> • Refer to assessment comment under DCP1.
Utilities	<ul style="list-style-type: none"> • Refer to assessment comment under DCP1.
Heritage	<ul style="list-style-type: none"> • Refer to assessment comment under DCP1.
Other Land Resources	<ul style="list-style-type: none"> • Refer to assessment comment under DCP1.
Water	<ul style="list-style-type: none"> • Refer to assessment comment under DCP1.
Soils	<ul style="list-style-type: none"> • Refer to assessment comment under DCP1.
Air & Microclimate	<ul style="list-style-type: none"> • Refer to assessment comment under DCP1.
Flora & Fauna	<ul style="list-style-type: none"> • Refer to assessment comment under DCP1.

Waste	<ul style="list-style-type: none"> Refer to assessment comment under DCP1.
Energy	<ul style="list-style-type: none"> Refer to assessment comment under DCP1.
Noise & Vibration	<ul style="list-style-type: none"> Refer to assessment comment under DCP1.
Natural Hazards	<ul style="list-style-type: none"> Refer to assessment comment under DCP1.
Technological Hazards	<ul style="list-style-type: none"> Refer to assessment comment under DCP1.
Safety, Security & Crime Prevention	<ul style="list-style-type: none"> Refer to assessment comment under DCP1.
Social Impact on the Locality	<ul style="list-style-type: none"> Refer to assessment comment under DCP1.
Economic Impact on the Locality	<ul style="list-style-type: none"> Refer to assessment comment under DCP1.
Site Design & Internal Design	<ul style="list-style-type: none"> Refer to assessment comment under DCP1.
Construction	<ul style="list-style-type: none"> Refer to assessment comment under DCP1.
Cumulative Impacts	<ul style="list-style-type: none"> Refer to assessment comment under DCP1.
<i>(c) – the suitability of the site for the development</i>	
Does the proposal fit the locality?	<ul style="list-style-type: none"> The development is considered compatible with the locality, in particular adjoining land uses and infrastructure. An assessment has determined that subject to compliance with deferred commencement conditions and conditions of consent, the proposal is acceptable. <p>Further assessment comment is outlined in Sections 2 and 3 of DCP1.</p>
Are the site attributes conducive to development?	<ul style="list-style-type: none"> Issues with the site attributes were identified and highlighted through the assessment under Sections 2.1, 2.2, 2.7 and 3.6 of DCP1 in this assessment report. <p>The site attributes are generally conducive to the development though design changes are required to ensure an appropriate outcome relative to interfaces on the western and north-western boundaries.</p>

		Consequently deferred commencement conditions are recommended along with conditions of consent.
(d) –any submissions made in accordance with this Act or the regulations		
The application qualified as 'Other Advertised Development' pursuant to Clause 5(2)(b) of the EP&A Act 1979, being a Threatened Species Development, and Clause 17 of SEPP64. Consequently the application was advertised 30 days, closing on 1 April 2013.		
Public submissions	How many submissions received?	nil
Submissions from public authorities	<ul style="list-style-type: none"> • AUSGRID AUSGRID, in correspondence dated 25 March 2013, advised of a number of requirements, particularly the Supply of Electricity with a substation being required. • NSW Rural Fire Service The application was referred to the NSW Rural Fire Service (RFS) pursuant to 79BA of the Environmental Act 1979. In correspondence dated 19 March 2013 the RFS recommended conditions of consent. • Department of Family and Community Services In an e-mail dated 13 March 2013 it was advised the development is supported in principle however a number of concerns were raised in relation to its properties at Windale. <ul style="list-style-type: none"> ▪ <i>No acknowledgement has been made of the recently completed Windale Master Plan and the recommendations contained therein, despite the developer being advised of the Master Plan work at a pre-DA meeting.</i> ▪ <i>The interface at South Street shows no consideration for those residents opposite.</i> ▪ <i>Hours of operation are likely to impact on the residential amenity of the area opposite the site.</i> ▪ <i>Prefer the garden area of the development be located on the South Street frontage, with a substantial area of landscaping between the development and South Street to screen the large commercial development.</i> ▪ <i>The trade area will be likely to attract larger vehicles, all the more important to have this on the Pacific Highway frontage.</i> ▪ <i>It is acknowledged that all deliveries will occur from the Pacific Highway – which is fully supported and it is important to ensure that ALL deliveries will only occur from the Pacific Highway, none to occur from South Street.</i> 	

	<ul style="list-style-type: none"> ▪ <i>All car parking should occur on the Pacific Highway frontage or northern boundary, none on the South Street boundary.</i> ▪ <i>Access to and from the site should be strongly encouraged to be from the Pacific Highway, with limited local vehicular access onto South Street – a residential area with many medium density developments that will be impacted by the additional traffic, noise, hazards, lighting and fumes.</i> ▪ <i>Traffic must be deterred from using South Street with only one entrance in/out.</i> ▪ <i>Landscaping/screening to the north of the site, adjacent to playing fields must occur on the development site and be a substantial buffer to the playing fields.</i> ▪ <i>Preservation of the southern bushland areas is important and it is acknowledged that this proposal will protect most of it, but it does not appear that there is any justification in the application for removing some of it.</i> ▪ <i>The provision of landscape buffers around the site, and in the car parking area are virtually non-existent, creating a 'sea of bitumen and solid buildings', with nothing to soften the impact from any perspective. This must be altered to reflect substantial plantings around and within the site.</i> <p>The above issues are generally addressed in the assessment under Section 2.1, 2.2, 2.6, 2.7 and 3.6 of DCP1 of this report.</p> <ul style="list-style-type: none"> • Hunter Water Corporation (HWC) <p>The HWC submission dated 20 March 2013 raised concerns with the impact of the design on its assets (reticulated water mains). More particularly, issues relating to its aging assets which may fail and require repairs that may impact on aspects of the development, ie. driveways, car parks, footpaths, etc.</p> <ul style="list-style-type: none"> • NSW Police <p>Comment by the NSW Police (25 May 2013) was received in relation to the development and more particularly the CPTED report. Conditions were recommended.</p> <ul style="list-style-type: none"> • RMS <p>The RMS provided its GTAs on 9 July 2014 in relation to an Integrated Referral for a Traffic</p>
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	<p>Generating Development and regarding works on the Pacific Highway.</p> <p>The RMS also issued correspondence on 8 September 2014 in which it provided its concurrence to the proposed signs in relation to Clause 18 of SEPP 64 – Advertising & Signage.</p> <ul style="list-style-type: none"> • Mine Subsidence Board <p>The Mine Subsidence Board issued its GTAs for the building works on 20 June 2013.</p> <ul style="list-style-type: none"> • NSW Office of Environment & Heritage <p>The NSW Office of Environment & Heritage issued its Concurrence, subject to conditions, on 10 November 2014.</p> <ul style="list-style-type: none"> • NSW Office of Water <p>The NSW Office of Water issued its GTAs for a Controlled Activity Approval on 19 April 2014.</p>
(e) –the public interest	
Federal, State And Local Government Interests And Community Interests	<ul style="list-style-type: none"> • The development has been assessed against the following instruments/legislation and deemed appropriate: <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 State Environmental Planning Policy No. 64 – Advertising & Signage State Environmental Planning Policy (Infrastructure) 2007 Lake Macquarie Local Environmental Plan 2004 Roads Act 1993 Mine Subsidence Act 1961 Water Management Act 2000 Development Control Plan No. 1 - Principles of Development • The development exhibited and notified as ‘Advertised’ development in relation to the Threatened Species Act and Clause 17(2) of SEPP64. <p>The Voluntary Planning Agreement was</p>

	<p>also exhibited in accordance with the Environmental Planning and Assessment Act and Regulations.</p> <ul style="list-style-type: none"> The development is to be determined by the Hunter & Central Coast Joint Regional Planning Panel.
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SECTION 80A CONSIDERATIONS	Y/N
Having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act, do any of the following issues require further assessment?	
Whether any consent/right should be modified/amended?	No
Whether any development should be modified or ceased?	No
Whether the period of the development should be limited?	No
Whether any building/works should be removed after period?	No
Whether any works should be carried out regarding S79C?	Yes
Whether any application details should be modified?	No

SECTION 94 – CONTRIBUTIONS	Y/N
Is contributions required for the provision, extension or augmentation of public amenities and public services?	No
<ul style="list-style-type: none"> No. 1 City Wide – Charlestown Catchment 	N/A

SECTION 106 – EXISTING USE RIGHTS	Y/N
Is the proposal prohibited under an environmental planning instrument in force?	No
Was the existing use of the building, work or land granted development consent?	N/A
Is the existing use of the building, work or land in accordance with the original development consent granted?	
Has the use of the building, work or land ceased to be used continuously for a period of 12 months?	
Is the proposal for any alteration or extension to or rebuilding of a building or work?	
Is the proposal for an increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned?	
Is the proposal for the enlargement or expansion or intensification of the use therein mentioned?	

ECOLOGICALLY SUSTAINABLE DEVELOPMENT		Y/N
Having regards for the principles of ecologically sustainable development, do any of the following issues require further consideration?		
Precautionary principle?		No
Intergenerational equity?		Yes
Conservation of biological diversity and ecological equity?		Yes
Improved valuation, pricing and incentive mechanisms?		No
Comment is provided elsewhere in the report demonstrating the development supports Intergenerational Equity, Conservation of Biological Diversity and Ecological Equity.		

RECOMMENDATION:
<p>The development has been assessed and processed in accordance with the Environmental Planning and Assessment Act, 1979, the Regulations 2000, the LM LEP 2004 and various other legislation and policies.</p> <p>Generally the development is a suitable land use for the site and is compatible with the locality, there are however unresolved issues relating to landscaping and interfaces with adjoining development. It is considered that such issues can be resolved through amended plans and documentation, however it is deemed that such matters be addressed through deferred commencement conditions. Therefore it is recommended the development application be determined by way of APPROVAL as a Deferred Commencement Consent subject to conditions as detailed in Appendix A.</p> <p>Following satisfactorily addressing the deferred commencement conditions, the development consent be activated subject to the conditions as outlined in Appendix B*#.</p> <p>* Clarification has been sought from the RMS and OEH in relation to conditions imposed. At the time of completion of the assessment report responses had not been received.</p> <p># Also, GTAs by the Mine Subsidence Board regarding the subdivision had not been received at the time of completion of the assessment report, however it is expected they will be received by the JRPP meeting date.</p>

DETERMINATION	
At what level should the application be determined?	<p>Hunter & Central Coast Joint Regional Planning Panel</p> <p>(as per Clause 4(b) of Schedule 4A of the Environmental Planning & Assessment Act, 1979)</p>

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

ENDORSEMENT

The staff responsible authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is enclosed and the recommendation therein adopted.

Brian Gibson
Senior Development Planner

John Andrews
Chief Development Planner

Appendix A – Deferred Commencement Conditions

Appendix B – Conditions of Consent