

**JOINT REGIONAL PLANNING PANEL
(Hunter & Central Coast Region)**

JRPP No	2013HCC003
DA Number	16-2012-349-1
Local Government Area	Port Stephens
Proposed Development	Commercial Development (Big W, Specialty Shops and associated parking)
Street Address	155 Salamander Way, Salamander Bay
Applicant/Owner	Applicant: The Planning Group NSW Pty Ltd Owner: Port Stephens Council
Number of Submissions	Eight (8)
Recommendation	Approval with Conditions
Report by	Carlos Ferguson, Senior Development Planner

Development Assessment Report

APPLICATION DETAILS

Application no:	16-2012-349-1
Property:	155 Salamander Way SALAMANDER BAY
Lot & DP:	LOT: 284 DP: 806310
Description of development:	Commercial Premises (Big W, Specialty Shops & Parking)
Estimated cost:	\$15.52 million
Applicant:	The Planning Group NSW
Date lodged:	08/06/2012
Present use:	Development area is vacant land
Zoning:	LEP 2000 / PART 3(a) - BUSINESS GENERAL "A"
Key Issues:	<ul style="list-style-type: none">- Relationship with DA720/12 for 3 lot subdivision over subject land- Impact on nearby residences
Submissions:	Eight (8)
Recommendation:	Approval subject to conditions
Integrated development:	No
JRPP Development:	Yes – Exceeds \$5 million threshold for Council related development. Land is currently owned by Port Stephens Council.
Designated Development:	No – No relevant triggers for commercial
Advertised Development:	No

THE PROPOSAL

This development application seeks consent for construction of commercial premises, including fit outs for a Big W department store (GLFA 5293m²) and two (2) specialty shops (GLFA 407m² and 544m² respectively).

The proposed development also includes works for:

- Site preparation
- Internal connection to existing shopping centre (owners consent for works provided on 18/6/2012 by disclosed agent on behalf of the owner)
- Loading dock facilities
- 289 space car park
- Signage

The proposed signage will consist of two (2) main pylon signs, five (5) building signs and two (2) entry signs, the majority of which will be illuminated.

The pylons signs will be 8m high and 4.5m wide, while the building signs will have areas of 27.44sqm, 10.65sqm, 7.5sqm (x2) and 1.29sqm. The entry signs will be 4.695m x 2m and 2.45m x 2m, respectively.

Proposed trading hours are 8am to 12am midnight, seven days a week.

The plans submitted with the proposed Big W show a perimeter access road connecting to Trade Centre Court, and the need for excavation to achieve the proposed Finished Floor Levels (FFL).

The road and earthworks have not been considered as part of the Big W assessment as they form part Development Consent DA16-2012-720-1, which approved a three (3) lot subdivision of the subject land on 23 April 2013. This approval covers earthworks required to achieve the FFL for Big W and construction of the perimeter road, a new road off Bagnall Beach Rd and associated drainage.

THE SITE AND SURROUNDING AREA

The Site

Area	Lot 284 DP 806310 has an area of 11.5 hectares. The SoEE states the development is intended to be located within proposed Lot 2 (1.97 hectares) of approved subdivision DA720/2012.
Topography	The site contains sand hill rising from ground floor of the existing shopping centre (RL 7.47) to a bike path located along the northern boundary (RL 15.96). Earthworks to level the site will be undertaken as part of approved subdivision DA720/2012.
Existing development	A library and community facility are located in the south west corner of current Lot 284.
DP and 88b instrument	The version of DP 806310 on Council's records does not show any easements or restrictions relevant to the proposed development.
Vegetation	Site is predominantly covered with 2m high shrubby vegetation.
Constraints	<ul style="list-style-type: none">- Bushfire- Acid Sulfate Soils (Class 3)- Preferred Koala Habitat and link- EEC (Swamp Sclerophyll)
Stormwater and drainage	Subdivision approval DA720/2012 requires any development of proposed Lot 2 (which will contain Big W) to provide sufficient stormwater retention, infiltration and water quality measures for the 1% AEP event.

Access	Subdivision approval DA720/2012 will provide a new internal access road connecting to Town Centre Court.
Services	Available to site.

Site Description

The DA has been lodged over current lot 284 DP 806310, which is irregularly shaped, surrounds the existing Salamander Bay shopping centre and has an area of 11.5 hectares.

A public library, child care centre and community facility are currently located in the south west corner of the site. The remainder of the site is vacant and vegetated.

The SoEE states that the development will be located within proposed Lot 2 (1.97 hectares) of approved subdivision DA720/2012. The lot size, shape and layout of the perimeter road providing access to the car park are issues that have been considered and determined as part of the approved subdivision DA.

Surrounding Development

The southern boundary of the site adjoins the existing Salamander Bay shopping centre. The northern boundary of the site backs onto existing residential properties off Plimsoll Close, Endeavour Place, Purser Street, Palm Grove and Sandy Point Road. These properties contain a mix of single dwellings and urban housing development.

HISTORY

Site History

The site is subject to the following development consents:

- 7-1991-60733-1 approved a Child Care Centre on 19/7/1991.
- 7-1993-60325-1 approved a Community Centre on 8/4/1993.
- 16-2012-720-1 approved a 3 lot subdivision on 23/4/2013.

It should also be noted:

DA 16-2009-811-1 for an 8 lot subdivision of the subject site was withdrawn, with noted concerns regarding the assessment of compliance with the Comprehensive Koala Plan of Management and presence/impact on threatened species.

The current DA for Big W will be located within proposed Lot 2 of the approved subdivision DA720/2012, and consideration of the lot layout, internal road, and associated earthworks have been dealt with under that application.

DA History

8/6/12	Lodgement of DA16-2012-349-1.
14/6/12	Internal referrals sent out.
20/6/2012	Start of public notification period.
27/6/2012	External referral sent to RMS.
4/7/2012	End of public notification period.

2/8/2012	Receipt of RMS response.
7/8/2012	Council requests additional information/advice from applicant.
4/10/2012	Applicant response to Council. Requested that Big W DA be progressed following assessment of subdivision DA, and accepted associated time delay.
13/11/2012	Lodgement of DA16-2012-720-1 for 3 lot subdivision of subject land.
22/2/2013	Applicant provides further information to Council, brings Big W DA into line with proposed subdivision DA.
21/3/2013	JRPP Briefing. Approval of subdivision DA16-2012-720-1
7/5/2013	Big W report submitted to JRPP

CONSULTATION – COMMUNITY

The DA has been advertised and notified in accordance with Council's Development Control Plan. The public notification period ended on 4 July 2012. Council received eight (8) submissions, with four (4) objections and four (4) in support of the proposal.

The concerns raised are listed below, along with the relevant assessment comments:

Noise

Potential noise impacts from the development appeared to be the key concern of the majority of submissions. This included noise from construction, air conditioning, traffic (cars and loading dock) and anti social behaviour (speeding along perimeter road).

Comment

The applicant has submitted an acoustic report in support of the application. Following review of the documentation, it is considered that noise impacts from the commercial development will be within criteria recommended by the acoustic report and the Local Government Noise Guidelines. This is subject to recommended measures to treat noise sources, namely acoustic barriers around the loading bay and plant deck, restrictions on plant equipment and limits on hours that trolley tractors can be used.

The perimeter road was approved by subdivision DA16-2012-720-1. Traffic calming measures to prevent cars speeding along the perimeter road are considered to be outside the scope of this assessment given Big W is not likely to directly increase the risk of anti social behaviour.

Health Impacts

A submission raised concern about potential health impacts from traffic exhaust and dust from land clearing.

Comment

The proposed perimeter road and earthworks to level the site were approved as part of subdivision DA16-2012-720-1, and are outside the scope of this assessment.

Traffic volumes from the proposed Big W are considered typical of a commercial development and not likely to unreasonably impact air quality around the site.

Design

A submission raised concern about the design of the proposal, with particular regard to the void between Big W and existing shopping centre.

Comment

As discussed in the Built Environment section of this report, it is noted that Council agrees that the presence of voids within the development is not desirable. Following discussions with the applicant, it is noted that the design is in response to fire safety requirements for the existing Kmart and ALDI. Any impact on these areas would detrimentally impact the fire safety measures and require significant upgrades of the existing shopping centre. It is considered that the proposed design is acceptable given the voids do not result in a significant or adverse visual impact and safety of occupants from fire is paramount.

Planning Principles

A submission raised concern that any determination of Big W should be deferred until the Planning Principles for the site are finalised.

Comment

Although there is no legislative requirement for this as the Planning Principles are non statutory guidelines, the Planning Principles for the site were completed prior to lodgement of DA16-2012-720-1 on 13/11/2012. Further, the development is considered to be consistent with the layout and relevant principles.

Pedestrian/bicycle access

A submission raised concern regarding provisions made for the pedestrian and bicycle access around the site.

Comment

The Big W proposal will provide an internal connection to the existing shopping centre and bicycle parking near the entryway.

Footpath connections will also be provided to Plimsoll Cl, Purser St and Bagnall Beach Rd as part of the subdivision DA16-2012-720-1, which were not shown on the Big W notification plans.

Approval process

Submissions raised concern about ensuring that any determination follows appropriate procedure, and should not occur until after the subdivision of the site has been determined.

Comment

The application has been referred to the JRPP for determination in accordance with the legislation. Further, the issues relating to the perimeter road and earthworks have been resolved outside the scope of this DA through approval of subdivision DA16-2012-720-1.

Earthworks and landscaping

Submissions raised concern regarding the amount of earthworks required and landscaping proposed by the Big W development.

Comment

Earthworks to level the site were approved as part of the subdivision DA16-2012-720-1, and are outside the scope of this assessment.

Appropriate landscaping has been proposed as part of the Big W development along the northern elevation and within the car park. These are the only available areas for landscaping, which is a result of the lot layout and perimeter road.

Road width and location

A submission raised concern with the width and location of the perimeter road.

Comment

The width and location of the perimeter road was determined as part of subdivision DA16-2012-720-1 and is outside the scope of this assessment.

Environmental Impacts

A number of submissions raised concern regarding the potential for environmental impacts from the proposed Big W, particularly with regard to threatened species, endangered ecological communities and SEPP 14 wetlands, west of the site.

Comment

Clearing of the site was approved as part of subdivision DA16-2012-720-1 of which various ecological studies supported. The proposed Big W is unlikely to have any additional impact on flora and fauna around the site.

With regard to SEPP 14, the Big W car park will have a setback of approximately 100m to the SEPP 14 wetlands west of the site. The SEPP 14 boundary as shown on the site and DPI maps is not on the subject site. Conditions have been recommended with require amended stormwater details to be provided to Council prior to the issue of a construction certificate, in accordance with subdivision DA16-2012-720-1.

The subdivision approval requires retention and infiltration of the 1% AEP event within the site, and as such is unlikely to have any significant impact on the SEPP 14 wetlands.

Dilapidation

A number of submissions raised concern regarding potential damage to nearby residences as a result of construction, particularly earthworks.

Comment

The earthworks were approved by subdivision DA16-2012-720-1, and any damage to properties as a result of those works should be managed under that consent.

Standard construction conditions will be imposed, and there is no evidence to suggest that construction of Big W is likely to impact nearby dwellings. It is the responsibility of the beneficiary of the construction certificate to ensure no unreasonable damage or vibration occurs during construction.

Compensation

A few submissions asked whether compensation for increased fence heights would be available for properties backing onto the existing cycle path or proposed footpath connections.

Comment

The proposed footpath connections to the residential area have been approved by subdivision DA16-2012-720-1, and any measures to offset impacts from these works are considered to be outside the scope of this assessment.

INTERNAL REFERRALS

Engineering

Provided final comments on 26/4/2013. No objection to proposed development subject to inclusion of recommended conditions. Conditions require Big W to retain and infiltrate the 1% AEP event on-site, with details to be provided prior to the issue of a Construction Certificate.

Building

Provided comments on 22/6/2012. No objection to proposed development subject to inclusion of standard building conditions.

Community Planning (Accessibility and Safer By Design)

Provided comments on 24/7/2012. No objection to proposed development subject to inclusion of standard accessibility conditions, provision of an access audit prior to issue of Construction Certificate and inclusion of advices regarding lighting, landscaping and security.

Environmental Health (Food Safety)

Provided response on 31/7/2012. No comments or objections to proposed development.

EXTERNAL REFERRALS

Roads and Maritime Authority (RMS)

The DA was referred to RMS as required by Schedule 3 of *State Environmental Planning Policy (Infrastructure) 2007*.

RMS responded on 2/8/2012, and had no objection to the proposal in principle and were of the opinion that "*there are no significant impacts on the classified (State) road network*".

RMS did recommend that consideration should be given to staged implementation of the road works associated with the subdivision approval DA16-2012-720-1 and impact on pedestrian/cyclist movements around the site.

These matters have been considered and addressed as part of DA16-2012-720-1. Conditions recommended for this development require completion of necessary road and civil works approved as part of subdivision DA 16-2012-720-1 prior to the issue of any Construction Certificate for Big W.

STATUTORY PROVISIONS

SEPP (State and Regional Development) 2011

State Significant Development

The proposed commercial development is not considered to be State Significant Development. The type of development is not listed in Schedule 1 or 3 of the SEPP, and the subject site is not listed in Schedule 2 of the SEPP.

Regional Development

The Joint Regional Planning Panel shall be the consent authority for the Big W project, as the development has a capital investment value exceeding \$5 million (\$15.52 million) and is captured under Schedule 4A (*4 Council related development over \$5 million*) of the *Environmental Planning and Assessment Act 1979*.

Part 4 of the SEPP deals with Regional Development and confers functions on Joint Regional Planning Panels to determine development applications of a class or description included in Schedule 4A of the *Environmental Planning and Assessment Act*.

SEPP 14 – Coastal Wetlands

SEPP 14 wetlands are located on land west of the subject site. The site itself is not identified as containing any SEPP 14 wetlands. Works for the proposed car park will be setback approximately 60m from the SEPP 14 boundary.

The development will have a sufficient buffer to the SEPP 14 wetlands, and conditions will require stormwater to be retained and infiltrated on site. As such, the development is not likely to have any impact on the SEPP 14 wetlands.

SEPP 44 - Koala Habitat Protection

Council's Comprehensive Koala Plan of Management (CKPoM) applies to the site. Clearing and earthworks on site have been considered as part of subdivision DA16-2012-720-1.

The Big W project does not involve any additional clearing and will not significantly impact any koala habitat. It is considered that the DA is consistent with the aims and objectives of the CKPoM and SEPP 44.

SEPP 55 – Remediation of Land

The site is not identified on Council's Contaminated Land Register. Additionally, Council is not aware of any previous potentially contaminating activities occurring on the site and geotechnical reports undertaken on site have not identified any site contamination. As such, no remediation works under SEPP 55 are considered necessary in this instance.

SEPP 64 – Advertising

The proposed signage is considered to be fit the definition of "business identification signs". As such Part 3 does not apply, nor does the proposal require referral to the RMS.

The proposal is considered to be consistent with the assessment criteria in Schedule 1 of the SEPP, as it is consistent with the existing streetscape and character of the commercial area and is appropriately scaled in comparison to the proposed building.

SEPP 71 – Coastal Protection

The site is mapped within the Coastal Zone. It is considered that the development is consistent with the matters for consideration in Clause 8, as the development will not impact coastal access or result in any impacts on the quality or amenity of the coastal area.

SEPP (Infrastructure) 2007

Traffic Generating Development

Clause 104 and Schedule 3 of the SEPP identifies traffic generating development to be referred to RMS (previously RTA). The proposal is best described as shops and commercial premises, and exceeds the trigger of 4000m².

The application has been referred to RMS for comment in accordance with the SEPP, who did not raise any objections with the proposed development.

Development impacting Electricity Transmission or Distribution Network

Following assessment of the documentation submitted with the DA and a site inspection, it is considered that the development is not within or immediately adjacent to any electrical easements, substation or overhead lines, and does not require referral to the electrical supply authority under the provisions of Clause 45.

Port Stephens Local Environmental Plan 2000

The site is shown on Council's zoning map as being within the 3(a) Business General zone.

Clause 21 – Business Zonings

The proposed commercial development, which consists of a Big W, three (3) shops and a cafe, is consistent with the definitions of a "shop" and "restaurant" in LEP 2000 and are considered to be on the site.

The proposal is also considered to be consistent with the relevant zone objectives, as follows:

- (a) *to provide for a range of commercial and retail activities, and uses associated with, ancillary to, or supportive of, retail and service facilities, including tourist development and industries compatible with a commercial area,*

Comment

The development will provide the local area with a department store, 2 shops and a café, and will be compatible with the existing Salamander Bay shopping centre.

- (b) *to ensure that neighbourhood shopping and community facilities retain a scale and character consistent with the amenity of the locality,*

Comment

The proposed development will have a similar scale and character to the existing Salamander Bay shopping centre, and will maintain and improve the existing amenity of the commercial area.

- (c) *to maintain and enhance the character and amenity of major commercial centres, to promote good urban design and retain heritage values where appropriate,*

Comment

The design will be compatible with the existing shopping centre, and will maintain the existing character and level of amenity of the area.

Although Council has raised concern with some urban design aspects of the proposal (discussed later in this report under Built Environment impacts), it is considered that the proposed development will not unreasonably reduce the level of amenity around the subject site.

The site or surrounding properties do not contain any identified heritage items and are not considered to have any significant heritage value.

- (d) *to provide commercial areas that are safe and accessible for pedestrians, and which encourage public transport patronage and bicycle use and minimise the reliance on private motor vehicles,*

Comment

The proposed development will be located within close proximity to public transport and public footpaths and bicycle tracks, minimising the reliance on private motor vehicles.

- (e) *to provide for waterfront-associated commercial development whilst protecting and enhancing the visual and service amenity of the foreshores*

Not applicable. The site does not have any waterfront land or associated views.

Clause 44 - Appearance of land and buildings

The development will not have a significant or adverse impact when viewed from any waterway, main road or public land.

Clause 47 – Services

The site is located within the Salamander Bay commercial area, and all necessary services and public utilities are available to the site, including water, sewer and electricity.

Clause 51A - Development on land identified on Acid Sulfate Soils Planning Map

The planning map identifies the site as being located within Class 3 Acid Sulphate Soils. This requires further investigation for development that is likely to require excavation 1m below the natural ground surface.

Excavation for site levelling and road construction has been assessed under DA16-2012-720-1. The Big W project is unlikely to require additional works that would trigger further investigation under LEP 2000. Additionally, the applicant has

submitted an Acid Sulphate Soils Assessment, which states that testing has not identified the presence of acid sulphate soils on the site.

Environmental Planning & Assessment Act - Section 79BA Bushfire prone land

The site is mapped as bushfire prone. Section 79BA requires the consent authority to be satisfied that the development satisfies the requirements of Planning for Bushfire Protection 2006, or alternatively to consult with the NSW Rural Fire Service regarding appropriate protection measures.

The development is considered to be consistent with the aim and objectives of Planning for Bushfire Protection 2006, which is relevant to commercial development. The proposed building is predominantly constructed from non-combustible material and provides sufficient area on both the northern and western elevations for defensible space. Consultation with the NSW RFS is not considered necessary in this instance.

Draft Port Stephens Local Environmental Plan 2013

Under draft LEP 2013, the site will be zoned B3. The proposed development will be permissible under the future plan and is consistent with the zone objectives.

There are no additional requirements under draft LEP 2013 that are relevant to the proposal.

POLICY PROVISIONS

Port Stephens Development Control Plan 2007

The application has been assessed against the relevant provisions of Port Stephens Development Control Plan, 2007, as follows:

Section B2 - Environmental and Construction Management

The proposal is considered to be consistent with the requirements of this section. The applicant has provided Construction, Waste and Erosion and Sediment Management Plans with the DA, which are considered satisfactory. Recommended conditions will require works to be in accordance with these documents.

Section B3 – Parking & Traffic

Parking

The development will provide 6244m² of GLFA for retail purposes. Section B3 requires 1 space per 20m² GLFA.

Under DCP 2007, the development requires 313 parking spaces (rounded up). The development will provide 298 spaces and does not comply with this requirement.

The applicant has submitted a Traffic Report, which states that the development is consistent with the parking requirements in the RTA's Guide to Traffic Generating Developments and that the amount of parking provided is adequate in this particular instance.

The request to vary the parking requirements of 2007 is considered reasonable in this instance, given the minor variation (15 spaces) and the general availability of

parking around the existing Salamander Bay shopping centre. DCPs are able to be varied on merit and subject to appropriate justification as they are "official guidelines" only.

Traffic

The proposal has also been reviewed by RMS, and Council's Traffic and Development Engineers, and it is considered that the parking layout and associated access is consistent with the relevant requirements of Section B3.

Section B4 – Commercial & Mixed Use Development

The following requirements of Section B4 are considered relevant to the proposed development:

Control	Requirement	Proposed	Complies
B4.C5	Development shall provide retail or commercial uses on ground floor along primary and any secondary street frontages	The development will provide commercial, shops and a café on the ground floor.	YES
B4.C7	Retail or commercial units must have frontage to depth ratio between 1:1 and 1:3	The development has an approx frontage to depth ratio of 1:2.4	YES
B4.C8	Must be built to the street boundary	Development is not built to boundary of perimeter road	NO
B4.C9	Provide clearly recognisable entries from the public street and any car parking areas	Big W entry is clearly recognizable from car park and end of perimeter road.	YES
B4.C10	Provide display windows on ground level	Entry will be located within a row of glazed window panels.	YES
B4.C11	Provide service areas, car parks, loading bays at basement level or rear of building	The development will be surrounded by a perimeter road with no clear frontage. The car park and loading areas will be located at either end of the perimeter road.	YES
B4.C13	Development must avoid dead edges at ground level (ie blank walls, car parking and recessed spaces)	The development will have substantial amounts of blank wall facing the car park and perimeter road.	NO

B4.C14	Large scale development must provide active frontage and features that conceal its bulk.	The development will have a clearly defined entry and landscaping where possible to reduce the visual bulk of the building.	YES
B4.C16	Cafes and restaurants on ground floors must face primary street frontage and open onto public footpath.	The proposed café will be located within the development along the public entry foyer.	NO
B4.C17	Max FSR of 1.8:1 in 3(a)	The development will have an FSR of approx 0.04:1, based on the site area of current Lot 284.	YES
B4.C20	Max height of 4 storeys and 15m	Amended plans show a maximum height of 8.6m for the roof over the entry and 10.5m for the roof maintenance hatch.	YES
B4.C25	Commercial ground floor to ceiling height of 3.3m to allow for flexibility of future uses.	The internal ceiling height will be 4.2m	YES
B4.C26	Ground floor FFL must be 100-500mm above adjacent footpaths.	The development will be at the same level of the existing shopping centre (FFL 7.47). A condition can be imposed ensuring this requirement is met.	YES
B4.C33	Street façade design must be compatible with neighboring buildings.	Big W will use precast concrete panels, which will be compatible with the appearance of the existing shopping centre.	YES
B4.C34	Building articulation must be used to provide sun access.	The glazed panels used around the Big W entry will provide sun access to the foyer area.	YES
B4.C35	Colours and materials must be used to address building massing.	Big W will use colours and materials similar to the existing shopping	YES

		centre, which will create the appearance of a single development.	
B4.C36	Blank walls to street frontages must not exceed 5m.	The development will have long blank walls facing the car park and perimeter road.	NO
B4.C38	Window glazing must make up 50% of ground floor front wall.	The glazing around the entry doors will take up 45% of the car park frontage.	NO
B4.C39	Ground floor entrances must be emphasized through use of awnings/porticos etc.	The entry will be covered by the angled roof.	YES
B4.C40	Commercial development must provide lighting to paths, entries and laneways without impacting residential amenity.	A condition will be imposed requiring sufficient lighting of the entry and car park areas.	YES
B4.C45	Minimum 10% of ground floor must be landscaped	The proposed landscaping area is significantly less than 10%	NO
B4.C46	Landscaping must be provided for front setbacks, side/rear setbacks if visible from a public place and car parking areas.	Landscaping will be provided in the car park and along the perimeter road.	YES
B4.C52	Footpath must be provided for entire street frontage.	Footpath will not be provided along the perimeter road.	NO
B4.C55	Development in excess of \$1m must incorporate public artwork in a visually prominent location.	A condition will be imposed requiring details of proposed public artwork, to be located near the car park/entry.	YES
B4.C56	Development must provide bicycle parking where not currently available.	The amended plans show bicycle parking areas near the entry.	YES
B4.C59	Vehicle access to on-site car parking, service and loading areas must not be located off	The car park will have 2 access point (as per DA16-2012-720-1),	YES

	primary street frontages where alternative access is available.	which are located at the end of the perimeter road.	
B4.C60	Vehicle access must not occupy more than 25% of street frontage	The vehicle access will not take up a significant portion of the frontage.	YES
B4.C63	On-site parking areas must be screened from main street frontages.	There will be no screening to the perimeter road.	NO

Discussion

The proposal does not comply with a number of the design controls (C8, C13, C16, C38) for commercial development. The proposal is also non compliant with landscaping and footpath controls (C45, C45, C63).

With regard to the design controls, the proposal does not meet the controls requiring development to be built to the street, avoidance of "dead edges", blank walls and provision of cafes along street frontages.

As discussed in the Built Environment section later in this report, it is considered the proposed design is in response to the lot layout and location of the perimeter road, which make it impractical to provide active design along the full extent of the perimeter road. It is considered that the proposed design is a suitable response to the site constraints and provides features, such as a large entry, foyer and internal connections to the existing shopping centre that are consistent with the design principles for commercial development in DCP 2007, and provide suitable architectural treatment and articulation.

With regard to landscaping, it is considered that appropriate provisions are made for plantings along the northern wall and within the car park. Trees (Lemon Scented Gum and Water Gum) with a mature height similar to that of the approved development are proposed for both areas, and footpath will be provided as part of subdivision DA16-2012-720-1 connecting the site to the residential area to the north and Bagnall Beach Rd to the east.

It is considered that the DCP variations in this instance are reasonable and do not independently warrant refusal of the application. DCPs are able to be varied on merit and subject to appropriate justification as they are "official guidelines" only.

Section B12 - Signage

The proposal includes signage associated with Big W. The signage will consist of 2 main pylon signs, 5 building signs and 2 entry signs.

Pole Signs

The pylons signs will be 8m high and 4.5m wide, with each containing 12.88sqm of advertising.

Control B12.C45 limits pole signs in commercial areas to a maximum height of 8m and a maximum area of 8sqm.

The 2 proposed pylon signs comply with the height limit, but exceed the area control by 4.88sqm. It is considered that a variation to the DCP control is reasonable in this instance, due to the large frontage available to the development which limits the visual impact and potential clustering of signs. It is noted one of the signs will be located along the Salamander Way frontage. The sign will be visually prominent, but is of similar size to an existing petrol station sign 60m east of the proposed location and considered unlikely to have an unreasonable impact given it is located at the entry to a commercial area.

Wall Signs

The largest building sign will have an area of 27.44sqm, with the others having areas of 10.65sqm, 7.5sqm (x2) and 1.29sqm. The entry signs will be 4.695m x 2m and 2.45m x 2m, respectively.

Control B12.C26 limits flush wall signs to 20sqm. Sign 1 will exceed this area by 7.44sqm. The proposed variation is considered acceptable in this instance as the sign will be face the car park and be located on a large expanse of wall. The sign is appropriately scaled for the size of the wall and will not be in a prominent location visible from the street or adjoining properties.

Discussion

Although the signage exceeds the DCP controls, it is considered that the proposal is consistent with the principles of the DCP and the variations do not warrant refusal of the application in this instance. DCPs are able to be varied on merit and subject to appropriate justification as they are "official guidelines" only.

SECTION 94 CONTRIBUTIONS

Council's Section 94 Policy requires the payment of Section 94A contributions for commercial development.

Given the estimated cost of the works, the Section 94A rate is 1% and will require a Quantity Surveyors report. A condition is recommended in this regard.

LIKELY IMPACTS

Built Environment

Adjoining Properties

Following assessment (detailed below) of the most likely impacts from the development, noise and visual impact, it is considered that the development is unlikely to unreasonably impact nearby residences.

Noise

The development will be setback approximately 20-25m from the nearest dwellings (262 Sandy Point Road and 3 Purser Street) north of the subject site. The most likely noise sources from the development will be from traffic movements within the loading dock and air conditioning units located on top of the building.

The applicant has submitted an acoustic report, prepared by Reverb Acoustics, in support of the development application. Following review of the acoustic report, it is considered that the methods, equipment and assumptions used to determine background noise levels, project criteria and worst case projected noise levels are appropriate in this instance and in accordance with the Local Government Noise Guidelines.

The table below provides a summary of the report results:

Criteria	Background Noise Level	Project Criteria	Loading Dock	Car park	Plant	Cumulative
Day	42	47	34	45	33	43
Evening	37	42	34	45	33	43
Night	30	35	34	34	33	37
Sleep Disturbance (Short term noise event)	30	45	45	58	33	-
Most affected residence	-	-	R1-R2	R4-R6	R1-R2	R1-R2 and R4-R6

Note: Dwellings references R1-R6 are as listed below

Reference	Address	Reference	Address
R1	262 Sandy Point Rd	R4	18 Endeavour Pl
R2	3 Purser St	R5	7 Pimsoll Cl
R3	17 Endeavour Pl	R6	8 Pimsoll Cl

The projected results indicate that noise from the car park will exceed evening and sleep disturbance criteria at residences R4-R6. It is also noted that noise from the loading dock will be nearly equivalent to the night and sleep disturbance criteria at residences R1-R2.

The total cumulative impact from the noise sources (loading dock, car park and plant) indicate that the development will exceed evening criteria (by 1dB) for residences R1 and R2, and the night time criteria (by 2dB) for residences R4-R6.

Measures

The Reverb report included a series of recommendations to limit potential for actual noise generated by the development to exceed the specified criteria, which include:

- Provision of acoustic treating to the underside of the roof in loading dock, in addition to proposed 3.6m high acoustic barrier along eastern side of loading dock.
- Provision of an a 1.2m high acoustic barrier around the plant deck

- Specifying a maximum sound power level for plant equipment, being 74dB (Leq) measured at 3m.
- Restricting use of trolley tractors to 7am to 10pm.

Discussion

In addition to the proposed acoustic measures, the Reverb report states that noise predictions for the car park are modeled at the worst case scenario and do not factor in the likelihood of customers parking closer to the entry during the evening as a result of decreased parking demand, nor the noise attenuation provided by existing residential fencing.

The acoustic modeling does not take into account the acoustic barrier proposed as part of the subdivision approval DA16-2012-720-1, which will be located along the southern side of existing bike path that separates the Big W development and existing residences to the north.

The Reverb report suggests that these additional considerations will have a noise reduction in the order of 5-10dB.

Based on the available information, it is considered that the development is capable of operating within the relevant criteria recommended by the Reverb report and Local Government Noise Guidelines.

Further, it is considered that the projected noise levels appear conservative given measures such as reduced parking demand and existing and proposed fencing have not been taken into account. In the event that Council does receive any noise complaints, additional action can be taken to reduce noise generation including:

- Prohibiting loading activities during the night, between 10pm and 7am.
- Additional acoustic screening around loading bay and plant.

As such, it is considered that the likely noise impact does not warrant refusal of the application in this instance.

Visual Amenity

The bulk and scale of the proposed building is compatible with Council's commercial development controls for the site and consistent with the scale of the existing Salamander Bay shopping centre.

Additionally, an acoustic barrier will be erected along the southern side of the existing bike path as part of subdivision approval DA16-2012-720-1, which separates the development from nearby residences.

It is considered that the barrier, associated landscaping and height of the development relative to the existing ground level will minimize any potential visual impact on nearby residences.

Streetscape and Built Form

The proposed development will have the loading dock and a large expanse of blank wall facing the eastern and northern sides of the perimeter road, respectively. In addition, the development will create two (2) void areas between Specialty shop 1 and ALDI, and Specialty shop 2 and Kmart.

These design features are not considered ideal, and are not consistent with the controls and principles of Section B4 Commercial Development.

Council has discussed its concerns regarding to the voids with the applicant, who has advised that these void areas cannot be closed to the resulting impact on the current fire safety measures for ALDI and Kmart. In particular, closing the void would impact the existing egress doors along the northern elevation of these businesses, and have flow on impacts on travel distances, required smoke exhaust quantities and locations of fire hydrants and reels. It is considered that closing the voids would require a significant fire safety upgrade of the existing Salamander Bay shopping centre.

It is considered unreasonable to refuse the proposal on the basis of the proposed voids, due to the circumstances and that they do not result in any significant or detrimental impact on the developments appearance from the Big W entry or perimeter road.

The layout of the perimeter road was determined by subdivision approval DA16-2012-720-1. The streetscape will already be impacted by the loading dock and blank wall along the eastern side of the existing Salamander Bay shopping centre. Further, it is likely that any commercial development of the area east of the proposed Big W (proposed Lot 1 within subdivision DA16-2012-720-1) will result in additional parking and loading areas facing the perimeter road (assuming active frontage will be directed to Bagnall Beach Road).

The proposed Big W makes provision for landscaping along the perimeter road, and a condition will be recommended regarding additional articulation of the northern wall.

It is considered that the current design is an appropriate response to the site constraints, and that the streetscape impact does not warrant refusal of the application in this instance.

Landscaping

The applicant has provided a landscape plan prepared by Arcadia, which makes suitable provision for landscaping along the perimeter road and car park. In particular, plantings along the perimeter road will include Lemon Scented Gums, which have a mature height of approx 8m.

The subdivision DA16-2012-720-1 will result in a single 4.5m high retaining wall along the northern side of the perimeter road. Landscaping has been required along the top of the retaining wall, and further landscaping details for the area will be require prior to construction of the subdivision.

Views

The site does not appear to be located within any significant view corridors, particularly those towards Port Stephens. Given the bulk and scale of the proposal is reasonable for a commercial area, it is considered unlikely that the development will not unreasonably impact any views around the site.

Access and Traffic

The development will include a car park with 289 spaces that will be accessed off the perimeter road approved by subdivision DA16-2012-720-1. It should be noted that

the subdivision approval included an additional access to the Big W car park. This has been discussed with the applicant, who has requested that this be dealt with through a condition of consent, which has been included as proposed condition 21.

The applicant has submitted a Traffic report prepared by Colston, Budd, Hunt & Kafes in support of the proposal. The Traffic report determines that the likely peak parking demand is 232 spaces (based on existing demand for the shopping centre) and that the additional traffic will not significantly impact the capacity of the existing road network. Despite this, the development will provide 289 spaces. It is noted that approximately 4 spaces may be lost as a result of providing the additional car park access required by subdivision DA16-2012-720-1.

This application has been reviewed by Council's Development Engineers, who have not raised any concerns with the proposal.

The development will provide internal pedestrian access through to the existing shopping centre, and an area will be provided near the Big W entry for parking of 30 bicycles. Additional dual use pedestrian and bicycle paths will be provided around the Salamander Bay shopping centre as part of subdivision DA16-2012-720-1, with connections to Bagnall Beach Road, Plimsoll Close and Purser Street.

Natural Environment

Water

Subdivision DA162012-720-1 was approved on the basis that each lot provide retention and infiltration of stormwater up to the 1% AEP event for future development.

This DA has been reviewed by Council's Development Engineers, who have not raised any significant concerns with the proposal. It is considered that the Big W development is capable of meeting the stormwater requirements imposed by the subdivision approval, and that compliance with the retention and infiltration requirements will reduce stormwater flows from the site.

It is considered reasonable in this instance to recommend a condition requiring amended stormwater details in accordance with subdivision approval DA16-2012-720-1 prior to any construction certificate for Big W.

The development is unlikely to adversely impact the quantity or quality of stormwater flows from the site.

Flora and Fauna

Clearing of the site for road and earthworks was approved by subdivision approval DA16-2012-720-1. The proposed Big W is unlikely to have any additional impact on local flora and fauna.

Social and Economic Impacts

The proposed commercial development is unlikely to have any adverse social or economic impacts on the locality and wider community.

The proposal will provide some economic benefit through providing diversity of retail choice and additional employment, including 250-300 jobs including 100 full time positions, 100 part time positions and the remainder being casual positions.

It is noted that the proposed Big W will likely be in competition with a number of existing business within the adjoining Salamander Bay shopping centre, including ALDI, Kmart, Target (Country) and Go-Lo.

Following review of past case law (particularly *Fabcot Pty Ltd v Hawkesbury City Council* (1997) 93 LGERA 378) and the draft State Environmental Planning Policy (Competition) 2010, it is considered that competition between individual businesses is separate from the "economic impact" of a development and is not a matter for consideration under Section 79C.

SUITABILITY OF THE SITE

The site is considered to be suitable for the proposed development.

PUBLIC INTEREST

The approval of the application is considered to be in the wider public interest.

ANY OTHER RELEVANT MATTERS

There are no other matters for discussion.

UNAUTHORISED WORKS

None identified.

CONCLUSION

Having regard to the provisions of section 79C of the *Environmental Planning and Assessment Act 1979*, the proposed development is considered to be satisfactory. Therefore, it is recommended that the application be approved subject to attached conditions.

RECOMMENDATION

THAT the consent authority, grant development consent to Development Application No. 16-2012-3499-1 subject to the recommended conditions attached to this report.

STANDARD CONDITIONS

1. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.

PLANNING

3. Except where modified by the conditions of this consent, the development shall be carried out in accordance with the details and recommendations of the Acoustic Report prepared by Reverb Acoustics dated May 2012.

Certification is to be provided to the Principal Certifying Authority from an Acoustic Engineer certifying that the recommendations from the Reverb report reference have been implemented and that the development achieves the necessary acoustic attenuation **prior to the issue of an Occupation Certificate.**

4. The void areas between the proposed development and the existing Salamander Bay shopping centre are to be screened from public access and restricted to centre staff only.
5. Signage shall be in accordance with the details submitted with the application. No further signage is permitted without further Council approval unless that signage is exempt development.
6. In order to protect the amenity of surrounding residences, illuminated signs must be fitted with an automatic timing device to extinguish the illumination outside the approved business operating hours, described in the Statement of Environment Effects as being 8am till 12am (midnight) seven days a week.
7. In order to protect the amenity of surrounding residences, trolley tractors are not to be used between the hours of 10pm and 7am.
8. Lighting shall meet relevant Australian Standards (AS1158) and should be directed so as not to cause nuisance to nearby residences.

9. The proposed development shall be provided with access and facilities for the disabled in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia.
10. The fit out of food preparation, storage and service areas are to be designed and constructed to comply with standard 3.2.3 of the Australia New Zealand Food Standards Code and Australian Standard AS 4674-2004 for the construction and fitout of food premises.

If Council is nominated as the Principal Certifying Authority, details of compliance are to be included in the plans and specifications for the construction certificate. The Food Surveillance Officer shall be given 48 hours notice to inspect the premises prior to commencement of the business.

Where Council is not nominated as the Principal Certifying Authority a certificate from an appropriately qualified person confirming compliance with the above legislation and guidelines is to be provided before the issue of the occupation certificate.

Prior to occupation the café is to be registered with Council.

ENGINEERING

11. All vehicles must enter and exit the site in a forward direction for the duration of the developments operation.
12. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.
13. The applicant shall restore, replace or reconstruct any sections of footpath, cycleway, kerb and guttering, road pavement, stormwater, or any other public infrastructure located within the Road Reserve that occur as a result of construction activities, as determined by Council's Development Engineers or Civil Assets Engineer. The applicant shall bear all associated costs with restoring the public infrastructure to satisfaction of the Council.

An Occupancy Certificate shall not be issued until all necessary remediation and repair works have been completed to the satisfaction of Council.

BUILDING

14. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
15. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
16. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-

- * Monday to Friday, 7am to 6pm;
- * Saturday, 8am to 1pm;
- * No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L₁₀ level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

17. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
18. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
 - a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.
19. The existing shopping centre building is to be upgraded to conform to the Building Code of Australia where necessary due to the addition of the new building works. Particular reference is made to fire safety, smoke control, egress and external fire fighting access.

CONDITIONS RELATING TO ISSUE OF CONSTRUCTION CERTIFICATE

PLANNING

20. A Construction Management Plan shall be submitted and approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate**. The construction management plan shall specify operational details to minimise any potential impact to adjoining properties. The construction management plan should include but not limited to the following information:- Construction techniques, noise and vibration management, storage of equipment and building materials, hours of work:, primary route for truck movements, etc.
21. Landscaping shall be carried out in accordance **with the approved landscaping plan**. The landscaping must be completed prior to issue of Occupation Certificate. Details demonstrating measures for protecting public

infrastructure from tree root damage is to be submitted to and approved by Council **prior to the issue of a Construction Certificate.**

22. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and the Port Stephens Section 94A Development Contributions Plan, a contribution of the cost of development shall be paid to Council, as determined in accordance with clause 25j of the Environmental Planning and Assessment Regulation 2000 and as outlined in Table 1 below.

Table 1

Development Cost and Levy Rate

Proposed cost of carrying out the development is up to and including \$100,000
Nil

Proposed cost of carrying out the development is more than \$100,000 and up to and including \$200,000
0.5% of that cost

Proposed cost of carrying out the development is more than \$200,000
1% of that cost

A Cost Summary Report Form (**attached**) setting out an estimate of the proposed cost of carrying out the development in accordance with Schedule 1 of the Port Stephens Section 94A Development Contributions Plan, must be approved by Council and the applicable calculated fee paid **prior to issue of the Construction Certificate.** Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a registered Associate member or above, of the Australian Institute of Quantity Surveyors.

23. An amended site plan shall be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate** detailing the accesses to the car park from the perimeter road, particularly the additional access required as part of the subdivision approved by DA16-2012-720-1.
24. The appearance of the blank wall facing the northern elevation is to be broken up with additional design features, such as recessed panels, varying colour schemes or similar. Details are to be submitted to and approved by Council **prior to the issue of a Construction Certificate.**
25. The development is to incorporate public artwork within a visually prominent or culturally significant location within the public domain (recommended near the Big W entry). Details regarding the public artwork are to be provided to and approved by Council **prior to the issue of a Construction Certificate.**

ENGINEERING

26. A 150mm high kerb retain shall be constructed around the outside of car park and loading bay to prevent water from dispersing onto adjacent properties. Details shall be submitted to the Certifying Authority for approval **prior to the issue of the Construction Certificate.**

27. A minimum 300mm wide grated drain shall be installed at the property alignment across the full width of the proposed driveway between the 'Big W' car park and the existing Salamander Bay Shopping Centre car park.

A Construction Certificate cannot be issued until details of the grated drain are provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.

28. A qualified and NATA certified geotechnical engineer shall provide a report and testing on the following:
- Provide an assessment of the soil profile to determine the **steady state infiltration rate for saturated soil conditions**.
 - Test in accordance with "ASTM D3385-09 - Standard Test Method for Infiltration Rate of Soils in Field Using Double-Ring Infiltrometer". Provide charts and/or tables along with the geotechnical assessment to demonstrate that the steady state was achieved. Minimum test duration of 40minutes shall be undertaken for each test site.
 - Provide recommendations on the suitability of the location for infiltration purposes considering road pavements, soil profiles, water table, land slip and other relevant site factors.
 - Provide modelling and report of the highest predicted ground water details so suitability of depth of infiltration system can be determined

Details shall be submitted to the Certifying Authority for approval **prior to the issue of the Construction Certificate**.

29. An on-site infiltration system shall be designed and constructed for **all impervious areas** within the development site in accordance with the approved plans and in accordance with Australian Standards and Port Stephens Council's Design and Construction Infrastructure Specification to infiltrate all stormwater runoff for storm events up to the 1% ("100 year") AEP, and the following:

The design shall incorporate:

- All findings and recommendations of the geotechnical reports and conditions of consent.
- An infiltration System that shall not include any overflow pipe(s) connected to the public drainage system.
- Overland surcharge paths shall be provided for storm events great then the 1% AEP.

- The infiltration system design shall incorporate a factor of safety on the infiltration rate as determined by Bettess 1996 or another best practice industry standard

Factors of Safety Table for Infiltration (Bettess, 1996)

Size of area to be drained	Consequence of failure		
	No damage or inconvenience	Minor inconvenience (e.g. surface water on carpark)	Damage to buildings or structures, flooding of major roads, etc
< 100 m2	1.5	2	10
100 m2 to 1,000 m2	1.5	3	10
> 1,000 m2	1.5	5	10

- Provide detailed engineering plans (including proposed and existing surface levels, invert levels, long sections) for the pipe network and road inlet pits.
- The infiltration system shall not be impacted by the roots of landscaping, (i.e. located outside the mature drip line of existing or proposed species over 1.5m in height).
- The infiltration system invert level shall be installed a minimum of 0.3m above the highest predicted ground water level
- The infiltration system shall use a proprietary infiltration product that is easily and practically maintainable and able to be periodically *flushed* by a jetvac nozzle or silimar product.
- One out of every four infiltration rows shall be directly connected to an inlet stormwater pit, with all inlet rows having an accessible pit at the far end of the row with 300mm deep sediment sump for the collection of silt that will be flushed through during the periodic maintenance flushing. This maintenance pit shall be placed high enough to not invite surface water ingress for minor events.

A Construction Certificate cannot be issued until a stormwater drainage plan has been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority. A stormwater drainage plan must include all engineering details relevant to the collection, management and disposal of stormwater. The plan must include pit sizes, infiltration system details, existing site surface levels, finished site surface levels, pipeline sizes, invert levels, pipe grades and supporting calculations.

30. The stormwater pipe connected to 'pit N12' as shown on Sheet 3 Rev C dated 5/9/12 by Mott McDonald shall be deleted. Details shall be submitted to the Certifying Authority for approval **prior to the issue of the Construction Certificate.**
31. All surface water within the loading dock shall be captured and conveyed through gravity feeding to the infiltration system located in the main car parking area. The infiltration system shall be designed accordingly to infiltrate the additional volume generated by the loading dock for the 1% AEP storm event.

If the pipe cannot be gravity fed within the property boundaries then an infiltration system located within the loading dock area must be designed and constructed to infiltrate the 1% AEP. The infiltration system shall be designed and constructed to the requirements of that approved under the car park area and the other conditions of consent.

A Construction Certificate cannot be issued until a stormwater drainage plan has been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority. A stormwater drainage plan must include all engineering details relevant to the collection, management and disposal of stormwater from the site. The plan must include pit sizes, infiltration system details, existing site surface levels, finished site surface levels, pipeline sizes, invert levels, pipe grades and supporting calculations.

32. Water quality modelling with a computer program (ie. MUSIC..) shall be undertaken for the entire site in accordance with the targets in Section 8.4 of Council's Urban Stormwater & Rural Water Quality Management Plan and the tables below. A report shall be provided detailing the developments pollutant discharge prior to treatment and pollutant discharge after treatment to demonstrate the pollutants discharge relevant to the development type including hydrocarbons, oil and grease are adequately controlled.

Table 8-2: Post Construction Stormwater Contaminants for Varying Land Uses.

Development Style	Litter	Coarse Sediment	Fine particles	Total Phosphorus	Total Nitrogen	Hydrocarbons, motor fuels, oils and grease
Low Density Residential	☑	☑	☑	☑	☑	☒
High Density Residential	☑	☑	☑	☑	☑	?
Commercial, shopping and retail	☑	☑	☑	☒	☒	?
Industrial	☑	☑	☑	?	?	☑
Fast food outlets and restaurants	☑	☒	☒	☒	☒	?
Carparks, service stations and wash bays	☑	☑	☑	☒	?	☑

☑ = Pollutant needs to be addressed

☒ = Not significant

? = Variable, subject to site specific assessment.

Adapted from Upper Parramatta River Stormwater Management Plan, 1999.

Table 8-3: Post Construction Stormwater Management Objectives for New and Redevelopments.

Pollutant/Issue	Retention Criteria
<i>Quantitative Objectives – applicable to subdivisions and all medium to large scale developments</i>	
Coarse Sediment	80% of average annual load for particles ≤ 0.5mm
Fine Particles	50% of average annual load for particles ≤ 0.1mm
Total Phosphorus	45% of average annual pollutant load
Total Nitrogen	45% of average annual pollutant load
Litter	70% of average annual litter load >5mm
Hydrocarbons (motor fuels, oils and grease)	90% of average annual pollutant load

Details shall be submitted to the Principal Certifying Authority for approval **prior to the issue of the Construction Certificate.**

33. All relevant roads and civil works that form part of the subdivision application 16-2012-720-1 shall be completed to satisfaction of Council's Development Engineers or Assets Engineer **prior to the issue of Construction Certificate.**
34. Traffic control devices for the car park are to be in accordance with the approved concept plan and designed and constructed in accordance with AS2890.1.2.3.3. Details shall be submitted to the Certifying Authority for approval **prior to the issue of the Construction Certificate.**
35. A designated pedestrian path shall be provided running in an east-west direction through the centre of the car park from the building entrance that links to the eastern most car spaces. Details shall be submitted to the Certifying Authority for approval **prior to the issue of the Construction Certificate.**
36. The car park layout shall accommodate a secondary access driveway in the location of the approved 'turning head and easement' that forms part of the

Subdivision Application 16-2012-720-1. The access driveway shall be designed and constructed in accordance with AS2890.1. Details shall be submitted to the Certifying Authority for approval **prior to the issue of the Construction Certificate.**

At such times as the access road to the development is extended along the western boundary of the site, the secondary access driveway shall be relocated away from the bend in the road within 3 months of the completion of the road works to a location that is deemed safe in regards to sight distance and braking stopping distance in accordance with Australian Standard 2890.1. The original driveway shall be removed and the verge reinstated with turf within the road reserve and landscaping within the property

37. There shall be no landscaping along the access road to the development other than in accordance with the subdivision development consent 16-2012-720-1. Details shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**
38. Erosion and sediment control measures shall be put in place to prevent the movement of soil by wind, water or vehicles onto any adjoining property, drainage line, easement, natural watercourse, reserve or road surface, in accordance with *Managing Urban Stormwater – Soils and Construction, Volume 1* (Landcom, 2004). Details shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**

GENERAL ADVICES

- a) Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- b) This approval relates to **Development Consent** only and does not infer any approval to commence excavations or building works upon the land. **A Construction Certificate should be obtained prior to works commencing.**
- c) The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- d) Access to the void areas between the proposed development and the existing Salamander Bay shipping centre should be restricted to security and maintenance staff only, with CCTV of the entrances.

SCHEDULE 3 – APPROVED PLANS AND DOCUMENTATION

Statement of Environmental Effects prepared by the Planning Group NSW dated May 2012
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Amended Plans prepared by Morris, Bray, Martin, Ollmann, Project No. 11021		
Drawing No.	Issue	Date
DA-01	B	5/6/2012
DA-02	B	5/6/2012
DA-03	B	5/6/2012
DA-04	B	5/6/2012
Amended Plans prepared by Morris, Bray, Martin, Ollmann, Project No. 11021		
Drawing No.	Issue	Date
DA-05	N	20/2/2013
DA-06	L	20/2/2013
DA-07	J	20/2/2013
DA-08	H	20/2/2013
Signage Plans prepared by Morris, Bray, Martin, Ollmann, Project No. 11021		
Drawing No.	Issue	Date
Sign DA-01	B	5/6/2012
Sign DA-02	D	20/2/2013
Sign DA-03	B	5/6/2012
Landscaping Plans prepared by Arcadia Landscape Architecture, Job No. 12-067, Sheets 1 to 5 dated 22/5/2012		
Amended Civil Plans prepared by Mott McDonald, Sheets 1 to 6 Issue D dated 22/2/2013		
Acoustic Report prepared by Reverb Acoustics, Report No 11-1624-R2 dated May 2012		
Bushfire Report prepared by Travers Bushfire & Ecology dated May 2012		
Traffic Report prepared by Colston, Budd, Hunt & Kafes dated June 2012		