

JOINT REGIONAL PLANNING PANEL

Hunter and Central Coast

JRPP No	2014HCC014
DA Number	DA/764/2014
Local Government Area	Lake Macquarie
Proposed Development	Shops & Restaurants
Street Address	10 Stockland Drive, Glendale (Lot 1 DP860494)
Applicant	Stockland Development Pty Ltd
Owner	The Trust Company Limited
Number of Submissions	1
Regional Development Criteria	General development that has a capital investment value of more than \$20 million
List all documents submitted with this report	Attachment A: Draft conditions of consent Attachment B: Plans of development Attachment C: Public Submission Attachment D: Agency Submissions Attachment E: Council Report – Letter of Offer
Recommendation	Approval subject to conditions
Report by	Brian Gibson, Senior Development Planner, Lake Macquarie City Council
Report Date	1 July 2015

Executive Summary

Key Dates:	22 May 2014 –	Lodgement
	30 May 2015	
	to 14 June 2014	Notification
	2 April 2015 –	Amended Plans & Documentation
	29 May 2015 –	Letter of Offer to enter into a Voluntary Planning Agreement
	9 June 2015 –	Council Resolution to accept Letter of Offer
	10 June 2015 –	Amended Plans & Documentation
	1 July 2015 –	Amended Plans & Documentation

Notification Period: 30 May 2015 to 14 June 2014

Zoning: 3(1) Urban Centre

Approval Bodies: Mine Subsidence Board

Referral Agencies: Roads and Maritime Services
NSW Police
Ausgrid
Sydney trains
NSW Ministry of Transport

CIV: \$45 million

Location:

The site is located in north-western Lake Macquarie in the suburb of Glendale, south-east of the intersection of Lake Road and Stockland Drive, as shown in Figure 1.

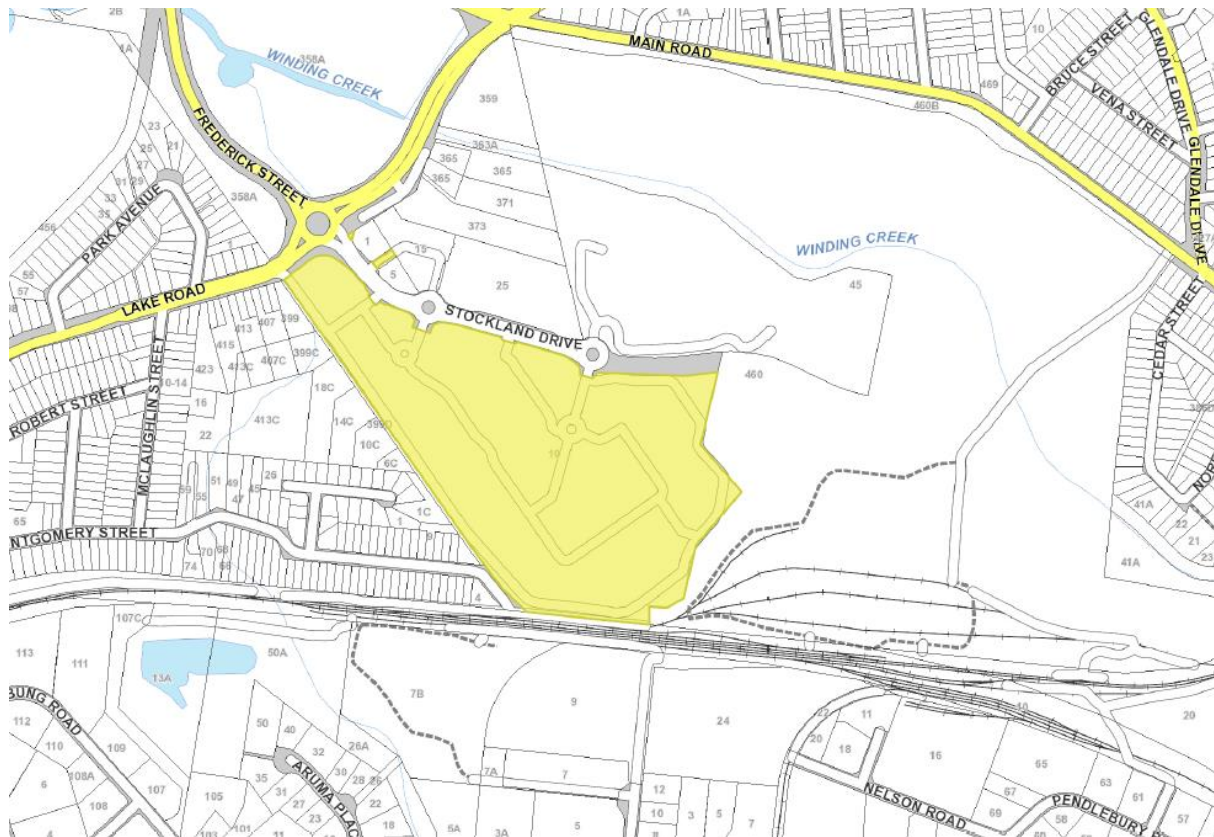


Figure 1: Location map of development site

The development site has an area of 18.16 hectares and adjoins:

- the Main Northern Railway Line to the south, and beyond the Cardiff Industrial Estate,
- Residential zoned land to the west (Argenton and Glendale);
- Railcorp land to the east (commercial);
- commercial/industrial uses to the north; and
- the Hunter Sport Glendale Centre to the north-east.

Refer to the aerial below in Figure 2.

The site consists of a mix of commercial, retail and entertainment premises including food shops. The shopping centre is an open air design having a U shape configuration with an inward focus around the six hectare on grade central car park (refer to Figure 3). The Centre was originally constructed in 1995 and expanded in 2005 and has a retail floor area of 50,803m².

The built form is single storey with a parapet and awning that provides a covered walkway around the perimeter of the car park. Predominantly the Shopping Centre is attached, though buildings at the north-western end, as well as the cinemas, are detached from the main building. A service road is located at the rear of buildings which presents to all boundaries excepting Lake Road and Stockland Drive.

The site also contains a Bus Interchange located in between the cinemas and the shopping centre on the opposite side of the car park.



Figure 2: Aerial photograph of development site and surrounds

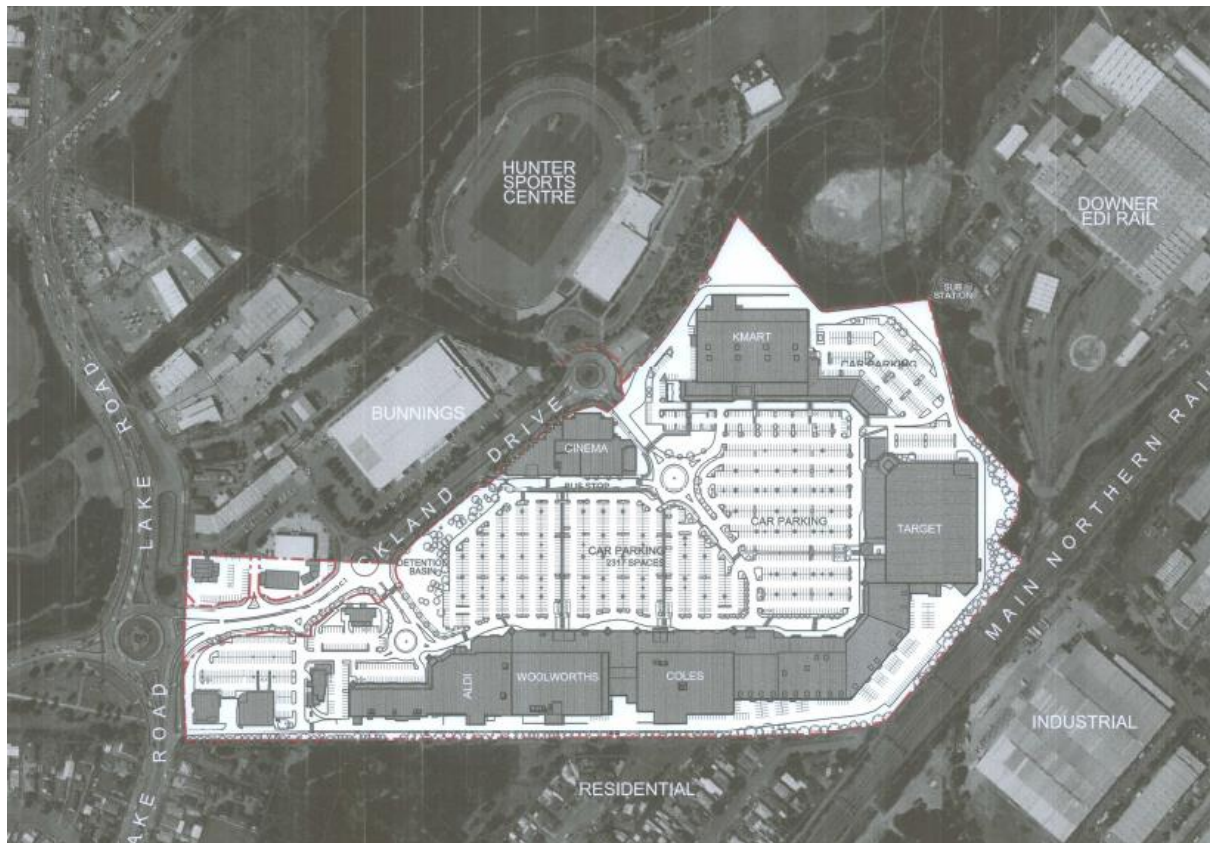


Figure 3: Footprint of existing Shopping Centre

The site is landscaped, with extensive native vegetation along the south-western and southern boundaries. Formal landscaping exists throughout the Centre and its car park, and around the stormwater detention basin.

Vehicular and pedestrian access to the existing Centre is via the intersection of Lake Road and Stockland Drive. Presently this access and Stockland Drive are at capacity during peak periods and without improved access expansion of the Centre is not supported by the Roads & Maritime Service (RMS).

As detailed above, large expanses of 3(1) zoned land exists to the north-east of the Stockland Glendale Shopping Centre. A plan, known as the Glendale Regional Master Plan (GRMP), has sought to address the development of this expanse of 3(1) land as well as facilitate the growth of existing operations such as the Shopping Centre (refer to Figure 4).

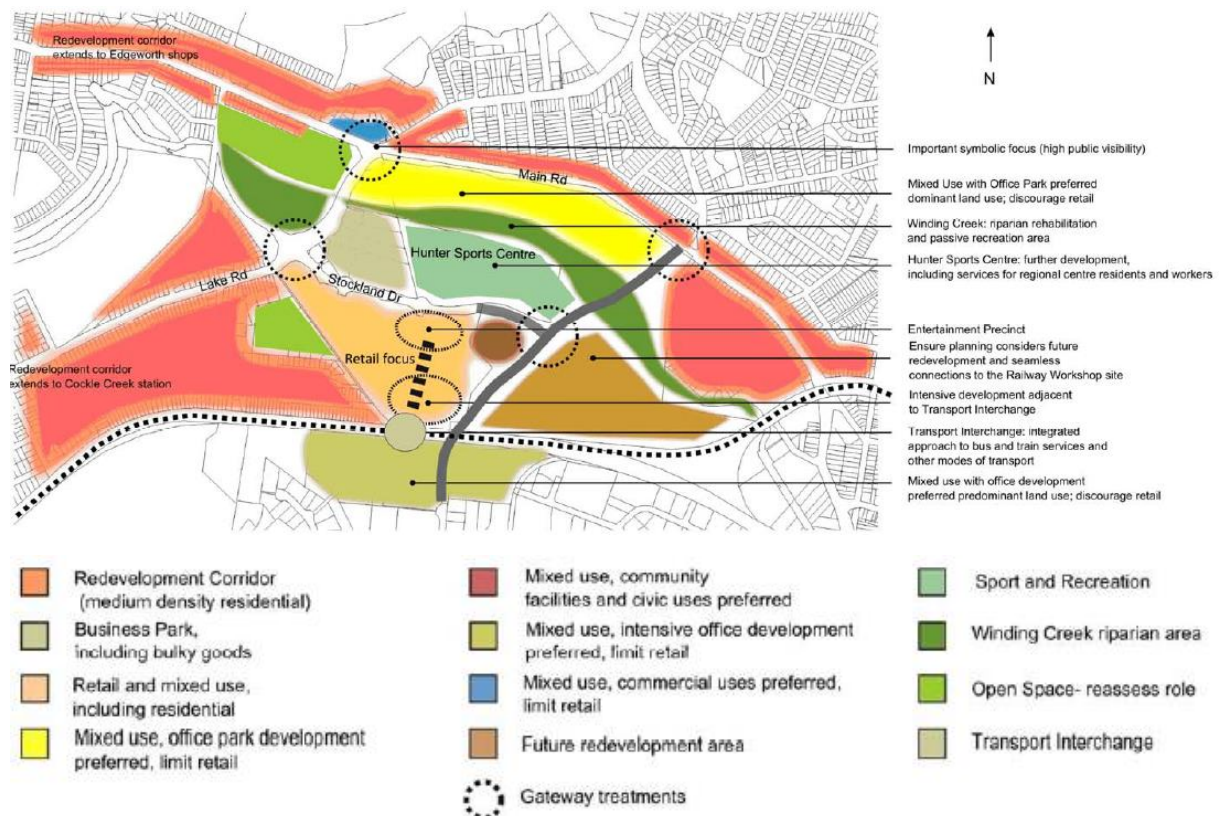


Figure 4: A map of the Regional Centre Core from the Master Plan

Under the GRMP it is identified that Glendale will become one of the three major centres of the Lake Macquarie Local Government Area and has substantial redevelopment opportunities. Its relative advantages are it is equally accessible from the eastern and western sides of the Lake and is the site of a proposed major transport interchange for both rail and road based transport, Lake Macquarie Transport Interchange (LMTI). Glendale is also very accessible to the adjacent Local Government Areas of Wyong, Cessnock, Maitland, Newcastle, and Port Stephens because of its ready access to the Freeway.

The Regional Centre has distinctive precincts for planning purposes with the Stockland Centre foreseen to change dramatically from its existing format. Retail floor space is likely to increase greatly, possibly to around 100,000 square metres. The area will continue to have a retail activity focus but will also develop a more mixed character.

It is proposed to locate the LMTI at the rear of the Stockland Glendale Shopping Centre adjoining the main northern railway line. This major transit interchange will incorporate a train

station to operate in conjunction with a bus interchange and improved access for vehicles, cyclists and pedestrians, to meet the future needs of the Lower Hunter region. Figure 5 below an overview of the proposed links relative the road network and railway line.

The LMTI will also provide a major connection between Glendale and Cardiff, improve linkages to the largest industrial precinct in the Hunter Region and unlock growth potential not only in the immediate vicinity but also in the Lower Hunter.



Figure 5: Map of Lake Macquarie Transport Interchange (Stages 1 & 2)

The LMTI encompasses two Stages, with Stage 1 consisting of extending Stockland Drive in Glendale (Section 1A) to connect to the upgraded intersection of Main Road and Glendale Drive in Cardiff (Section 1B). The extension of Stockland Drive provides a new access to the Hunter Sports Centre and Stockland Glendale. Funding for Sections 1A and 1B has been secured and construction commenced on 6 July 2015 with expected completion in late 2016.

Section 2 of Stage 1 includes works that will enable the extension of Pennant Street in Cardiff over the main northern railway line (known as the Pennant Street Bridge) to the newly provided intersection of Glendale Drive and Stockland Drive in Glendale. These roads will create a direct link between Glendale and Cardiff. Parts of Section 2 are funded and will be completed with the Section 1 works, however the remainder of Section 2 (Pennant Street Bridge) requires additional funding and hence a construction timetable will be determined once funding is secured.

Figure 6 provides a breakdown of the works included in each Section of the LMTI.

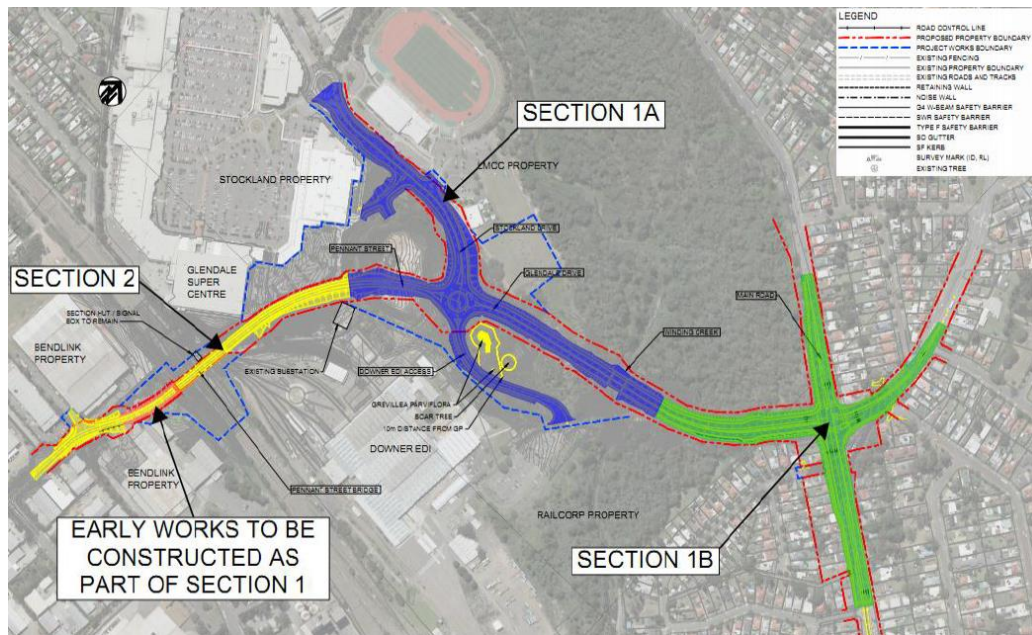


Figure 6: Map of Lake Macquarie Transport Interchange and the Staging/Section works

Stage 2 of the LMTI involves construction of a Railway Station and a transport interchange. No funding or timing commitment exists for Stage 2, with Transport for NSW monitoring patronage and demand in determining the need for a train station at Glendale in the long term.

Overview of Development:

The proposal is for alterations and additions to the existing Stockland Glendale Shopping Centre (refer to Attachment B to view plans of the proposal). The proposal introduces additional speciality retail, a new food court and new 'main street' restaurant strip linking the cinema precinct and the main Chopping Centre through the carpark. A reconfiguration of the car park layout will result in 2275 car parking spaces.

The expansion will increase the existing Gross Leasable Area (GLA) of 50,803m² by 7,680m² to a total of 58,483m² GLA. The principal changes being:

- Expansion of Coles supermarket by 1,226m² GLA using the space currently occupied by First Choice Liquor;
- New specialty retail space of 5255m² GLA;
- New restaurant space of 1860m² GLA;
- New fruit & vegetable market of 550mm² GLA; and
- Reconfiguration of existing specialty retail and kiosk areas that provides a minor net gain in GLA.

The Capital Investment Value of the development is \$45 million.

There are no changes to the loading docks or servicing arrangements of the existing buildings other than the creation of new loading facilities for the restaurant area. The proposal seeks to expand the Centre based on improved access as a consequence of the LMTI project, which will extend Stockland Drive through to the intersection of Main Road and Glendale Drive.

A Letter of Offer, dated 4 June 2015, to enter into a Planning Agreement has been provided by the applicant in support of the development application. The Letter of Offer, which was endorsed by the elected Council of Lake Macquarie at its meeting on 9 June 2015 (Refer to Attachment E for a copy of the report and resolution), seeks to make a financial contribution of \$3,218,430 towards Stage 1 of the LMTI. The contribution consists of:

- Cash contribution of \$1,005,900 to be paid by Stockland;
- Car park reconfiguration works by Stockland at the cost of \$913,500; and
- Land to be transferred from Stockland to Lake Macquarie City Council for the purpose of the LMTI at no cost, having the value of \$1,299,030.

Figure 7 below provides details of the site layout with regard to the additions to the Centre.

THE ASSESSMENT

This report provides an assessment of the justification presented in the application against all relevant State and Local planning legislation and policy.

SECTION 79C: POTENTIAL MATTERS FOR CONSIDERATION

79C(1)(a)(i) the provisions of any Environmental Planning Instrument (EPI)

State Environmental Planning Policy (Infrastructure) 2007

- Clause 45 'Determination of development application – other development' under Division 5 'Electricity transmission or distribution networks' requires before determination that the consent authority must give written notice to the electricity supply authority for the area inviting comments about potential safety risks. This is in relation to works that are immediately adjacent to an electricity substation or other related infrastructure.

The application was referred to Ausgrid for comment on 2 June 2014, however no reply was received.

- Clauses 85 'Development immediately adjacent to rail corridors' requires before determination that the consent authority must give written notice to the rail authority for the rail corridor and take into consideration any comments received.

The application was referred to Sydney Trains for comment on 2 June 2014, with a follow-up email on 9 October 2014, however no reply was received.

Note, in relation to Clause 86 'Excavation in, above or adjacent to rail corridors', the applicant has stated that no excavations greater than 2 metres are proposed within 25m of the rail corridor.

State Environmental Planning Policy 19 – Bushland in Urban Areas

- The SEPP has the general aim to protect and preserve bushland within the urban areas of the City of Lake Macquarie.
- Clause 9 'Land adjoining land zoned or reserved for public open space' requires a public authority to not grant development consent unless it has taken into account:
 - the need to retain any bushland on the land,
 - the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and
 - any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.

The proposed development seeks to remove existing native vegetation, subject to final design and arboreal assessment, along the south-western and southern boundaries as contained within the site. The native vegetation proposed for removal is a mix of endemic and non-endemic species, which were planted as part of the initial site

development in 1995/1996. Therefore the vegetation is neither a remainder of natural vegetation nor is representative of the structure and floristics of the natural vegetation.

With regard to vegetation on the adjoining public land, zoned 6(1) Open Space, the proposed development has no impact due to the existing level change (the development site varying from being at grade to 3-5 metres lower), with excavations being setback from the existing boundary and having no impact on the root zones of existing native vegetation on the adjoining land. Further, appropriate erosion prevention and sediment control measures will be installed to protect the open space.

Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004)

Clause 15 General Controls for Land within Zones

The land is zoned 3(1) Urban Centre (Core) and is depicted in Figure 8.

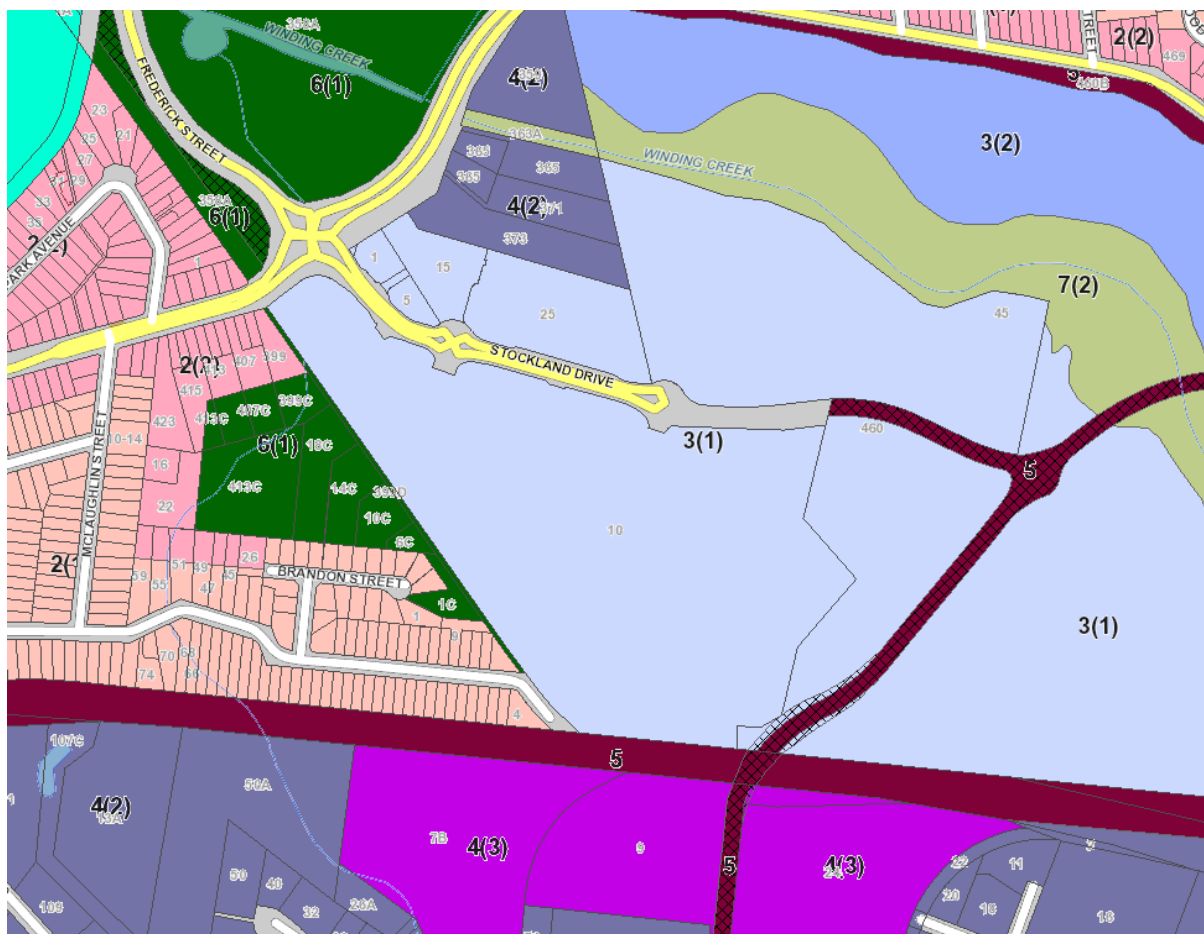


Figure 8: Zoning map of site and surrounds

Development permissible with consent on land zoned 3(1) includes:

Shops

Restaurants

Clause 16 Development Consent – matters for consideration

(a) *Lifestyle 2020 Vision, Values and Aims*

In considering this application, the consent authority must have regard to the following vision, values and aims of the Lifestyle 2020 Strategy as expressed in Part 2 of the LMLEP2004 as follows:

Vision

The vision for land to which this strategy applies is:

- a place where the environment is protected and enhanced.*
- a place where the scenic, ecological, recreational and commercial values and opportunities of the Lake and coastline are promoted and protected.*
- a place with a prosperous economy and a supportive attitude to balanced economic growth, managed in a way to enhance quality of life and satisfy the employment and environmental aims of the community.*
- a place that recognises encourages and develops its diverse cultural life and talents and protects and promotes its heritage.*
- a place that encourages community spirit, promotes a fulfilling lifestyle, enhances health and social wellbeing, encourages lifestyle choices and has opportunities to encourage participation in sport and recreation.*
- a place that promotes equal access to all services and facilities and enables all citizens to contribute to and participate in the City's economic and social development.*

Values

The four core values of the strategy are sustainability, equity, efficiency and liveability.

Aims

The aims of the strategy are to:

- (a) provide the community with realistic expectations about the future development patterns for land in Lake Macquarie City, while retaining flexibility for land use decision making in the longer term, and*
- (b) reinforce and strengthen centres so that a wide range of commercial and community services may be provided in a timely and accessible manner, and*
- (c) provide local employment opportunities for residents and promote economic development consistent with the City's natural, locational and community resources, and*
- (d) guide the development of urban communities that are compact, distinct and diverse and include a range of housing types and activities, and*
- (e) achieve a strong sense of positive community identity, through the development of local communities that are safe and liveable and offer a diversity of uses, economic opportunities and ready access to services, and*
- (f) develop an attractive urban setting for the City which reflects its physical and natural environment, and visual character, and*
- (g) manage the City's natural environment so that its ecological functions and biological diversity are conserved and enhanced, and contribute to the City's overall well-being, and*
- (h) manage the City's heritage and economic resources in a way that protects the value of these resources and enhances the City's character, and*
- (i) integrate land use with the efficient provision of public and private movement systems.*

The proposal has addressed and satisfied the vision, values and aims of the Strategy in this development through the provision of additional commercial and retail space, resulting in improved goods and services, and boosting economic activity and employment. This then

reinforces and strengthens the Centre as a distinct destination and focal point for the community.

The design of the development allows for further redevelopment and enhancement of the Centre through its design, thus not precluding future redevelopment in line with the GRMP and the LMTI.

(b) Objectives of Zone

The land is zoned 3(1) Urban Centre (Core). The objectives of each of the zones are addressed below:

- (a) provide land for commercial, retail, recreational and housing uses in a central location, and*

Planning Comment:

The development provides commercial and retail floor space, in a central location that will reinforce and enhance the economic diversity of the Glendale commercial precinct.

- (b) generate viable employment and economic activity, and*

Planning Comment:

The proposal provides additional commercial and retail floor space that will reinforce and enhance the Glendale commercial precinct. This in turn will generate viable employment and economic activity through improving the attraction of the precinct as a commercial and retail destination within the Lower Hunter, which creates multiplier effects both within the precinct and more broadly economic growth and employment in the City.

- (c) create urban centres for safe and vibrant social, cultural and community activity, and*

Planning Comment:

The expansion and growth of the Centre reinforces it as a commercial and retail destination, which therefore enhances the Glendale commercial precinct through the provision of increased services and choice. These outcomes create improved social, cultural and community activity, and ultimately a safe environment.

- (d) create public spaces that are accessible, welcome all people and are a central focus for the community, and*

Planning Comment:

The proposed development provides accessible commercial and retail spaces that will provide improved access to goods and services. This will also attract accessible transport to service the Centre y.

- (e) provide for sustainable water cycle management.*

Planning Comment:

The development supports sustainable water cycle management as the proposal has provided a compliant stormwater management plan.

Clause 17 - Provision of essential infrastructure

The site has available essential infrastructure to service the development.

Clauses 18 – Temporary development of land

Not applicable.

Clause 29 Building heights

The buildings will exceed eight metres in height from natural ground level.

The development seeks consent for the erection of buildings greater than eight metres in height. In this regard, the consent authority must take into consideration whether the height is compatible with the heights of other buildings in the immediate vicinity or locality and is compatible with:

- (a) the site attributes, and existing or proposed uses of the land to which the application relates; and
- (b) the other requirements of this plan and the provisions of any relevant development control plan.

The land to be developed with building height greater than eight metres is zoned 3(1), which, under Development Control Plan No. 1 – Principles of Development (DCP1), permits a height limit of 12 metres (the height limit as permitted by the Lake Macquarie Local Environmental Plan (LMLP) 2014 is a maximum of 13 metres).

The development is for additions and alterations to an existing shopping centre. The proposed building additions are subservient to the existing Centre which exceeds the 8 metre height limit, and they will be located internally within the site thus having no conflict with the scale of adjoining development. The height is considered compatible with the area and the zone.

The site is not within proximity to an airport and therefore the Obstacle Limitation Surface does not apply.

Clause 30 - Control of pollution

All reasonable and practicable control measures will be implemented to minimise pollution likely to arise from carrying out the development. This matter is addressed in further detail in DCP1 and conditions are recommended for imposition where relevant.

Clause 31 - Erosion and sediment control

The area of soil surface exposure is greater than 2500m², hence the applicant submitted a Soil & Water Management Plan (SWMP).

Council's Erosion and Sediment Control officer reviewed the application and SWMP and considered the plans generally compliant with the construction guidelines adopted by Council.

Conditions are proposed to prevent and minimise the effects of erosion and sediment.

Clause 32 - Flood prone land

The land is not flood prone land.

Clause 33 - Bush fire considerations

The land is partially mapped as 'buffer' on the adopted Bush Fire Prone maps. Due to the separation of the new works from the existing hazard no further assessment is required.

For detailed assessment comment refer to Section 2.1.5 of DCP1 of this assessment.

Clause 34 – Trees and native vegetation

The development site contains a number of native trees along the southern and south-western boundaries, as well as within the car park that the works will impact on. For detailed assessment comment regarding the retention/removal of trees within the development site refer to Section 2.1.4 of DCP1.

Clauses 35 – Acid Sulphate Soils

The development site has been identified as “Class 5” within the Acid Sulphate Soils Map, where although no ASS are expected within the site, proposed works may have an effect on any ASS within the adjacent lots. However, it is considered that the proposed works are NOT likely to lower the water table by 1 metre, as such there will be no impact on adjacent ASS areas.

Clauses 36 to 37

Not applicable

Clause - 38 Advertising Structures and Signs

The application as lodged proposed additional signage in the form of new Pole/Pylon signs at the main entry points and above awning signage for the ‘main street’ strip of restaurants. As part of the additional information submitted the applicant deleted these components of the application, requesting that they be subject to a separate development application. Therefore no further assessment is required and a condition is recommended for imposition to reflect this outcome.

Clauses 39 to 42B

Not applicable.

Clauses 43 to 46

Not applicable.

Clause 47 – Assessment of heritage significance

The site is not mapped as containing any listed Heritage Items under Schedule 4 of the LMLEP2004.

Clauses 48 & 49

Not applicable.

Clause 50 – Development affecting places or sites of known or potential Aboriginal heritage significance

The site is not mapped as being within the Sensitive Cultural Landscape under Schedule 6 of the LMLEP2004, however a search of the AHIMS database identified aboriginal sites as being in the vicinity of the development site.

An assessment under Section 2.4.3 of DCP1 determined that no further consideration of Aboriginal Heritage matters is required.

Clause 51 Development affecting known or potential archaeological sites or relics of European heritage significance

The site is not mapped as containing any listed Potential Archaeological sites under Schedule 4 of the LMLEP2004.

Clause 52 – Development in vicinity of a heritage item

The development site adjoins GD-01 Cardiff Railway Workshops and RT-03 Great Northern Railway, being listed heritage items under Schedule 4 of the LMLEP2004.

An assessment under Section 2.4.1 of DCP1 identifies the proposed development as having no detrimental impact on the listed Heritage Items.

Clause 53 & 54

There are no listed items of heritage significance located on the site and the site is not located within a heritage conservation area.

Clause 55 to 59

Not applicable.

Clause 60 – Development on land adjoining Zones 5, 7(1), 7(4) and 8

The site adjoins land zoned 5 – Infrastructure along the southern boundary and to the north-east and north-west. The land zoned 5 along the southern boundary relates to the Main Northern Railway Line, whilst the land to the north-east and north-west relates to the road links under the LMTI.

An assessment of the proposed development identified it as having no impact on the operation of the adjoining infrastructure. This is evident through the traffic assessment (refer to Section 2.6 of DCP1) whereby the proposed LMTI link extending Stockland Drive through to the intersection of Main Road and Glendale Drive is a necessary transport link to improve access and the operation of the local road network. The proposal has been supported by the RMS subject to the implementation of Section 1 of Stage 1 of the LMTI.

In terms of the adjoining railway line, the building additions to the Centre are internally within the site and therefore separated from the adjoining railway infrastructure by the existing buildings adjoining the southern boundary, hence no interference with the operations of the railway line are foreseen. Required excavation works around the perimeter service road are proposed however they are less than 2 metres (no approval under Clause 86 of the SEPP Infrastructure required from Sydney Trains). The rear service road is presently illuminated, however additional lighting may be required to support the increased parking. It is not considered that these works will impact on the operation of the adjoining railway line, with conditions recommended for inclusion in any consent granted. Note, the application was referred to Sydney Trains however no response was received.

Clause 61 to 156

Not applicable.

79C(1)(a)(ii) the provisions of any draft EPI

The LMLEP 2014 was gazetted on 12 September 2014, and commenced 28 days after it is published on the NSW legislation website, making the commencement date of the Plan 10 October 2014.

Clause 1.8A – Savings provision relating to development applications, enables development applications made before the commencement of the Plan, which have not been finally determined before that commencement, must be determined as if this Plan had not commenced. This application was lodged prior to the commencement of LMLEP 2014 and is therefore to be determined under the LMLEP 2004.

Under the LMLEP 2014 the land is zoned B3 – Commercial Core as depicted in Figure 10. The proposed Shops and Restaurants works are permitted land uses within the zone subject to development consent.

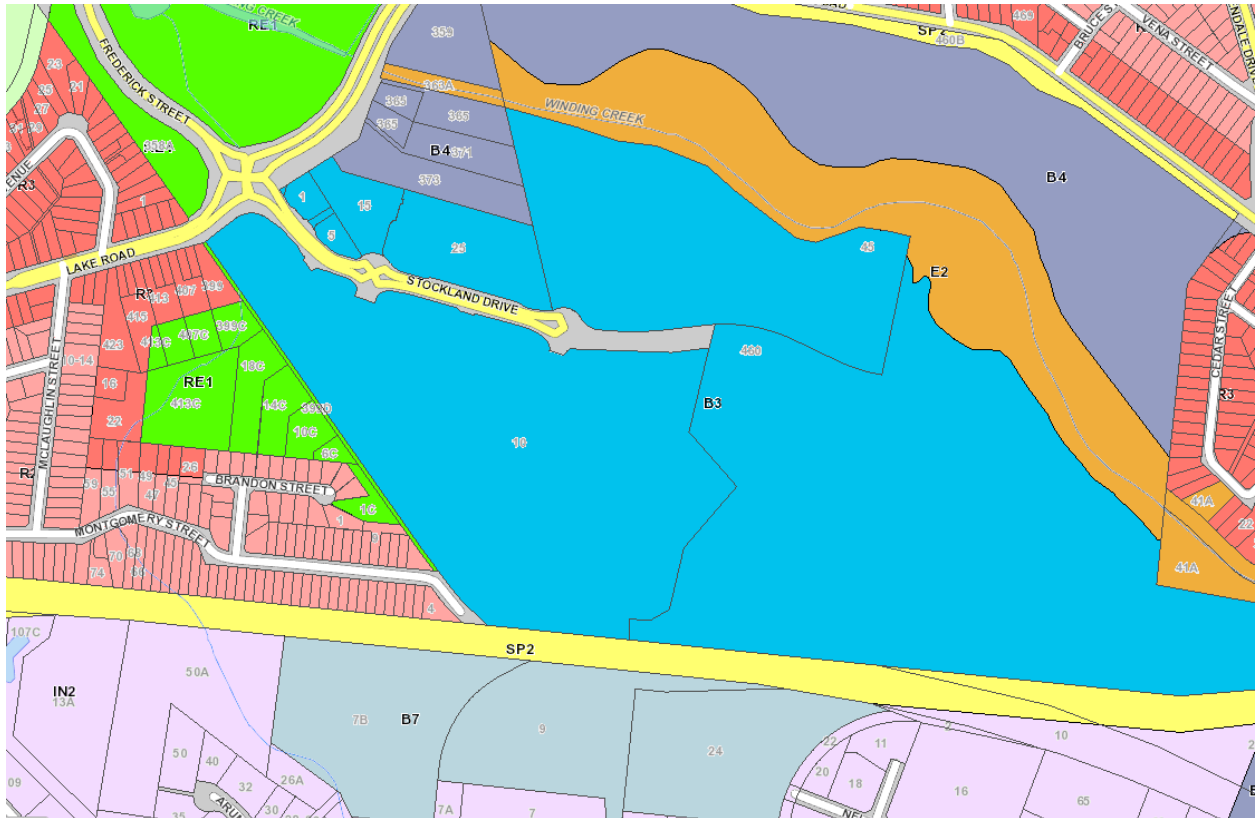


Figure 10: Zoning Map excerpt from the LMLEP 2014

The building height map prescribes a building height of 13m, with the proposed buildings complying with this height limit.

79C(1)(a)(iii) the provisions of any Development Control Plan (DCP)

Development Control Plan No. 1 – Principles of Development

Section 1.8 – Development Notification Requirements

As required by the EPA Regulation 2000, relevant government departments were notified, being:

- Mine Subsidence Board (MSB);
- NSW Police;
- Sydney Trains;
- Ministry of Transport;
- Ausgrid, and
- RMS.

Details of the responses received are outlined in Section 79C(1)(d) of this report.

Notification of the development application occurred in accordance with DCP1, which required notification for a minimum 14 day period (30 May 2015 to 14 June 2014).

One submission was received from the notification period, which is detailed in Section 79C(1)(d) of this report.

Section 2.1 – Environmental Responsibility and Land Capability

2.1.1 – Ecological Values & 2.1.2 – Ecological Corridors

The development site is not mapped as being part of an EEC, native vegetation corridor or that it contains remnant native vegetation, refer to Figure 11 below.



Figure 11: Native Vegetation and Corridors Map

The site contains pockets of native vegetation along the south-western and southern boundaries of the site that were planted as part of the development of the site in 1995/1996. This native vegetation (Tallowwoods, Swamp Mahoganies, Grey Gums, Spotted Gum, Paperbarks and Wattles) supports existing native vegetation on the western side of the property boundary, as contained within the 6(1) zoned Open Space corridor, which acts as a vegetation corridor.

With regard to the adjoining 6(1) zoned land, as commented above under SEPP 19 the proposed development has no impact on the existing native vegetation contained on that land.

Council's Ecologist inspected the site and its native vegetation and advised that no issues are raised in relation to the provisions of DCP1, the Flora and Fauna Guidelines and the Threatened Species Conservation Act. The Ecologist supports the recommendations of

Council's Tree Preservation Officer and the Landscape Architect Officer with regard to the retention and replacement of native vegetation along the south-western and southern boundaries.

Note: All works relating to Section 1 of Stage 1 of the LMTI are separate to this development application and were assessed as part of a Review of Environmental Factors (REF) by SMEC, dated July 2014, relating to Part 5 of the Environmental Planning and Assessment Act, 1979.

The REF therefore addressed ecological issues relating to the construction and operation of the LMTI, including impacts on the native vegetation. The proposal the subject of this application requires no consideration with regard to the LMTI impacts.

2.1.3 – Scenic Values

Under the Scenic Management Guidelines (SMG) the site is located within Scenic Management Zone 13, the setting which applies to Glendale (and Charlestown) being identified as hinterland and an area of high settlement. The existing character of the zone is generally a high level of development, consisting of a mix of uses, including a dominance of commercial and industrial. Areas of development are almost contiguous with some larger areas of intervening vegetation having an important role in providing green breaks.

The intent for these areas is to encourage development appropriate for town centres. This includes compact, higher density development with a mix of retail, commercial and residential uses. These centres should have active street frontages, a pleasant atmosphere for pedestrians and attractive streets. The character of buildings and the surrounding landscape should reflect the location and the popularity of these areas as social and recreational destinations. View corridors within the wider landscape are important and should be preserved and enhanced.

As described elsewhere, the existing development site is presently a large shopping centre arranged in a U configuration around a central open car park. The development is predominantly single storey, on a largely level site (a fall exists from west to east however through design and distance the fall is not very perceptible). The existing development adjoins varied land uses, being low density residential, industrial, roads and railway lines, and undeveloped commercially zoned land (Refer to the aerial photograph in Figure 2 which identifies development within the locality).

The proposed development as a consequence of its size and scale (as opposed to its location) would normally trigger the requirement for a Visual Impact Assessment (VIA) under the SMG however noting that the works are centrally located within the development site and they are of a similar height/bulk/scale to the existing, excepting that they are an addition to the existing Centre, the impacts are considered to be negligible within the context of the Scenic Zone. This is particularly evident when viewing the site from an elevated position on Lake Road to the north, whereby the new works will simply sit comfortably with the existing and generally be indiscernible to views from that aspect.

Further to this consideration, the proposed works will not impact on any existing ridgelines, waterways, significant natural landscapes, land zoned for environmental conservation or heritage conservation areas.

In terms of design considerations, landscape buffers around the southern and south-western perimeter of the site are retained or enhanced, the entry to the development adjacent to K-Mart is to be enhanced, with landscaping throughout the car park either retained or replaced where necessary.

The application included a materials board for the external buildings and hard landscaped areas. A condition is recommended requiring adherence to the materials board.

2.1.4 – Tree Preservation

The development application proposes works that will impact on existing native trees located within the car park areas and around the southern and south-western perimeter of the site. In support of considering the impacts of the works on the existing trees an arborist report was submitted which concluded:

- Car Park

The plantings within the car park were assessed as having a limited life expectancy. Whilst it was identified the trees can be removed, the proposal has been designed as such that where possible the trees will be retained and replaced when necessary. Other areas affected by the proposed works will have tree plantings replaced at that time.

An assessment by Council's Tree Preservation Officer and the Landscape Architect Officer determined:

- That a Tree Replacement Strategy or Management Plan for the site is required, which is to include measures for tree replacement within the main car park areas.
- The tree replacement ratio shall be 1 tree planted for every 8 car park spaces rather than 1 in 10.

- Perimeter

The plantings around the perimeter consist of a mix of Tallowwoods, Swamp Mahoganies, Grey Gums, Spotted Gum, Paperbarks and Wattles. These plantings will be by the additional parking proposed around the perimeter boundary, which includes excavation works and construction of retaining walls.

Concerns were expressed that the native vegetation had not been appropriately assessed in terms of what individual trees are to be removed and those that are to be retained. The supplementary arborist report dated, 20 March 2015, sought to address Council's concerns, however the report was undertaken without having the latest civil engineering drawings. The report therefore made assumptions based on the likely work zones and impacts, and discussed the outcomes in terms of three areas/zones.

Council identified that issues remained with the perimeter interface along the southern and south-western boundaries. A site meeting on 24 June 2015 was held to further discuss and analyse the impacts of the proposed works.

The meeting was highly beneficial as the interface was broken into the following zones for reference: Zone 1, Zone 2A, Zone 2B, Zone 3, Zone 4, Zone 5, Zone 6 and Zone 7. In analysing each zone landscaping requirements were clarified and likely impacts were identified.

A plan was submitted on 1 July 2015 confirming the site discussions, and detailing adjustments to the proposed works that will accommodate the retention of sections of the mature trees.

An assessment by Council's Arborist Officer and Landscape Architect Officer determined the following:

- A revised and more detailed Arborist report reflecting the zones or study areas providing a detailed assessment and recommendation for all trees and which includes a tree retention and removal plan is required.

In normal circumstances such matters would be addressed prior to determination of the development application, however the applicant has indicated timing is critical for its construction program. Therefore, if the application is supported it is required that the report and plans are submitted to Council, for its approval, prior to the issue of the first Construction Certificate.

- The plan titled 'Landscaping Strategy to Service Lane' drawing # DA2004-A requires editing to the text relating for each zone to ensure that the Useful Life Expectancy (ULE) is determined prior to works and NOT 'after' works of subject trees to be retained. This wording defeats the purpose and intent to ensure viable tree retention of trees suitable to be retained as part of a detailed report. The report shall also be required to provide a detailed and to scale tree retention and removal plan which clearly shows all trees to be removed and/or retained and that trees shall be clearly marked and identified prior to commencement of works.
- Additionally the Arborist report shall identify recommendations pursuant to AS1970-2009 Tree Protection on Development Sites and shall include provisions to ensure an AQF Level 5 Project Arborist be on site for any works within zones that require tree retention and removal.

Should it be determined that consent be granted, conditions are recommended for imposition to address the above issues.

2.1.5 - Bushfire Risk

The development site is partially mapped as a buffer zone under the Bushfire Prone Land Map, as identified in Figure 12. The buffer relates to an isolated pocket of vegetation, approximately two hectares in areas located to the north-west.

Noting that the proposed works are internal to the development, are shielded from the hazard, and are at a distance greater than 140 metres from the hazard no further assessment is required.



Figure 12: Bush Fire Hazard Map

2.1.6 - Water Bodies, Waterways & Wetlands

The proposed development is not located within the vicinity of any natural water bodies.

Further, the proposed development has provided appropriate drainage measures (refer to Section 2.5.3/2.5.4 of DCP1), therefore, there will be no direct impacts on any downstream water bodies.

2.1.7 – Flood Management

This section is not applicable to the development.

2.1.8 – Development on Flood Prone Land at Dora Creek

This section is not applicable to the development.

2.1.9 – Sloping Land & Soils

The site has been identified as being within a T6 zone on Council's Geotechnical Maps, as such no further geotechnical investigations are required.

The application proposes cut and fill works along parts of the south-western, southern and south-eastern boundaries to accommodate additional parking. From an engineering perspective, the proposed cut and fill and regrade works are satisfactory.

2.1.10 – Acid Sulfate Soils

The development site has been identified as “Class 5” within the Acid Sulphate Soils Map (see Figure 13), where although no ASS are expected within the site, proposed works may have an effect on any ASS within the adjacent lots. However, it is considered that the proposed works are NOT likely to lower the water table by 1 metre, as such there will be no impact on adjacent ASS areas.

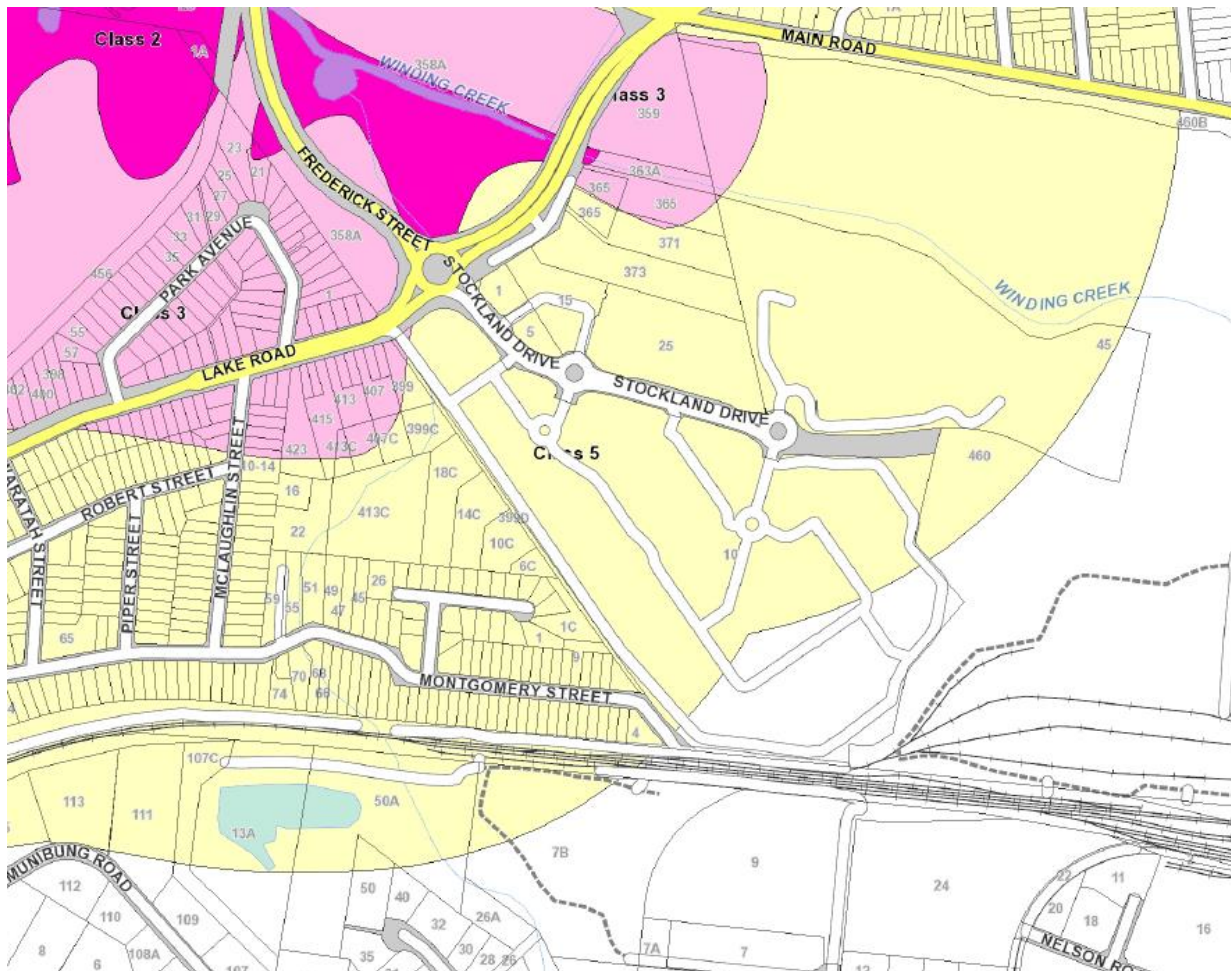


Figure 13: Acid Sulfate Soils

2.1.11 – Erosion Prevention & Sediment Control

As the proposed area of disturbance is greater than 2500m², being a Category 3 proposal, a SWMP is required.

The submitted SWMP prepared by Northrop satisfactorily addresses the Erosion Prevention and Sediment Control requirements of DCP1 for the area of disturbance and site risk associated with the development. Conditions have been recommended to prevent and minimise the effects of erosion and sediment.

2.1.12 – Mine Subsidence

The MSB provided General Terms of Approval (GTAs) for the building works on 6 June 2014, which will be included as a condition in any consent granted.

2.1.13 – Contaminated Land

A Stage 1 Preliminary Site Investigation report by Golder Associates dated 6 May 2014 has been submitted with the application. A desktop assessment and site inspection noted the site history, that the site may contain pockets of fill, as well as the previous removal of a stockpile of contaminated materials the footprint of which is unvalidated, and identified a nearby Woolworths Petrol Station, however the report raised no direct issues with the proposed development.

On this basis the site is considered appropriate for the proposed development.

2.1.14 – Energy Efficiency

A Section J report under the BCA will be required with documentation for a Construction if consent is granted to the development application.

2.1.15 – Noise and Vibration

The development proposes delivery trucks to operate in accordance with the existing hours of operation as approved under previous consents. Similarly the store hours will operate in accordance with the hours of operation as approved under previous development consents for the Centre. A condition is recommended for imposition should consent be granted.

The perimeter road around the south and south-western parts of the site will continue to be used for loading/unloading and removal of wastes. Existing customer and staff parking in this vicinity will be increased to act as an overflow to the central car park.

2.1.16 – Air Quality and Odour

Satisfactory erosion and sediment controls measures have been proposed as part of the Soil and Water Management Plan to control dust emissions during the construction phase, if granted consent. Standard conditions are recommended to further manage emissions from the site.

During the operational phase the aspects of the development (transport and restaurants) have potential to generate air quality issues. Regulatory controls along with standard conditions can apply should any issues arise.

The development is well serviced by public transport, and is accessible (now and into the future) by bicycle/walking links and facilities. The Centre therefore can support reduced emissions by private vehicles.

Provision within the development has been made for covered walkways and internal pedestrian links, bicycle parking and access by community and mini buses.

2.1.17 – Demolition and Construction Waste Management

The application involves the demolition of existing structures and car park improvements, as well as construction works.

A Waste Management Plan was provided with the application. The plan proposes to prepare a Site Waste Minimisation Management Plan (SWMMP) in conjunction with a Construction Management Plan by the appointed Contractor, as at that time management practices will be more clearly understood.

Therefore a condition is recommended that a SWMMP be required to be prepared by the applicant and approved by Council prior to release of the Construction Certificate.

Section 2.2 – Social Impact

Council's Coordinator of Social and Community Planning identified that a Social Impact Assessment (SIA) was not submitted with the development application, however, noted as the proposal is for the expansion of retail space within the current footprint of the site it is considered the most significant social issues relate to ensuring that the site is accessible and safe and that a SIA is not required.

In terms of access:

Transport

A Bus Interchange is presently located at the Centre, thus providing access to the Centre's commercial and retail services. The additions to the Centre will therefore increase its attraction as a commercial and retail destination, which combined with the implementation of Section 1 of Stage 1 of the LMTI will further enhance access to the Centre and increase patronage of public transport and the Bus Interchange.

The implementation of Section 1 of Stage 1 will also provide improved pedestrian and bicycle access to and from the Centre from the north-east. All other linkages will remain the same.

Accessibility

An Access Audit was submitted with the development. 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.

In particular the Centre provides priority parking in the form of 'Disability Parking', 'Senior Parking' and 'Parents with Prams Parking'. 'Drop off' zones are also provided at five different locations around the Centre, with the ability to accommodate mini buses. A Taxi rank is provided at the northern entry with pick up/frop off options throughout the site.

With regard to other Social considerations the following has been identified:

Lifestyle 2030 Strategy

The Aims, Vision and Values of the Lifestyle 2030 Strategy is to create a diverse, dynamic, accessible City with improved transport and employment opportunities. The proposed development supports these outcomes as evident by the above comments and the following:

- **Commercial/Retail Services**
The proposed upgrade of the Centre will provide additional retail and commercial services to the public. The additional floor space will provide opportunities for a diverse range of businesses as well as similar businesses to operate in competition, in the one central location that will improve consumer choice, prices and convenience.
- **Employment**
The application has stated the proposed works will generate 600 jobs during the construction and operation phases and a further 800 jobs through supplier induced multiplier effect. A significant aspect of the employment generated by the development is that many of the operational jobs will be available for young people in a location which is accessible by public transport.
- **Social Interaction**

The additions to the Centre will provide improved attractions, competition and choice. This will result in the Centre becoming more of a 'destination' and attracting diverse range of demographic groups from the community.

- CPTED:

It is considered the additions to the Centre will not result in any significant social issues. For detailed comment regarding the proposed development conforming to crime prevention through environmental design (CPTED) principles refer to Section 2.7.9 of DCP1.

Overall the development is expected to have positive Social benefits.

Section 2.3 –Economic Impact

The Glendale-Cardiff locality is identified as an emerging Regional Centre in Lake Macquarie. The existing Stockland Shopping Centre is a key component for the growth and expansion of the commercial and retail services, employment and a driver for improved transport connections through the LMTI.

The improvements to the Centre are therefore consistent with the economic principles identified within Council's Lifestyle 2030 Strategy.

In terms of the Economic Impact Assessment of the application, the proposed development will directly generate in excess of 600 jobs during construction and the operational phases. Approximately 800 further jobs will be created in the community through supplier induced multiplier effects.

Whilst the development may impact on other existing retail businesses and commercial service operators in the broader locality, it is expected that population growth in the City and Region will minimise such impacts.

Overall the development is expected to have positive Economic benefits.

Section 2.4 – Heritage

2.4.1 – European Heritage Items

The subject site is located adjacent to GD-01 Cardiff Railway Workshops and RT-03 Great Northern Railway, being listed heritage items under the LMLEP 2004. The location of these items relative to the development site is shown in Figure 14.

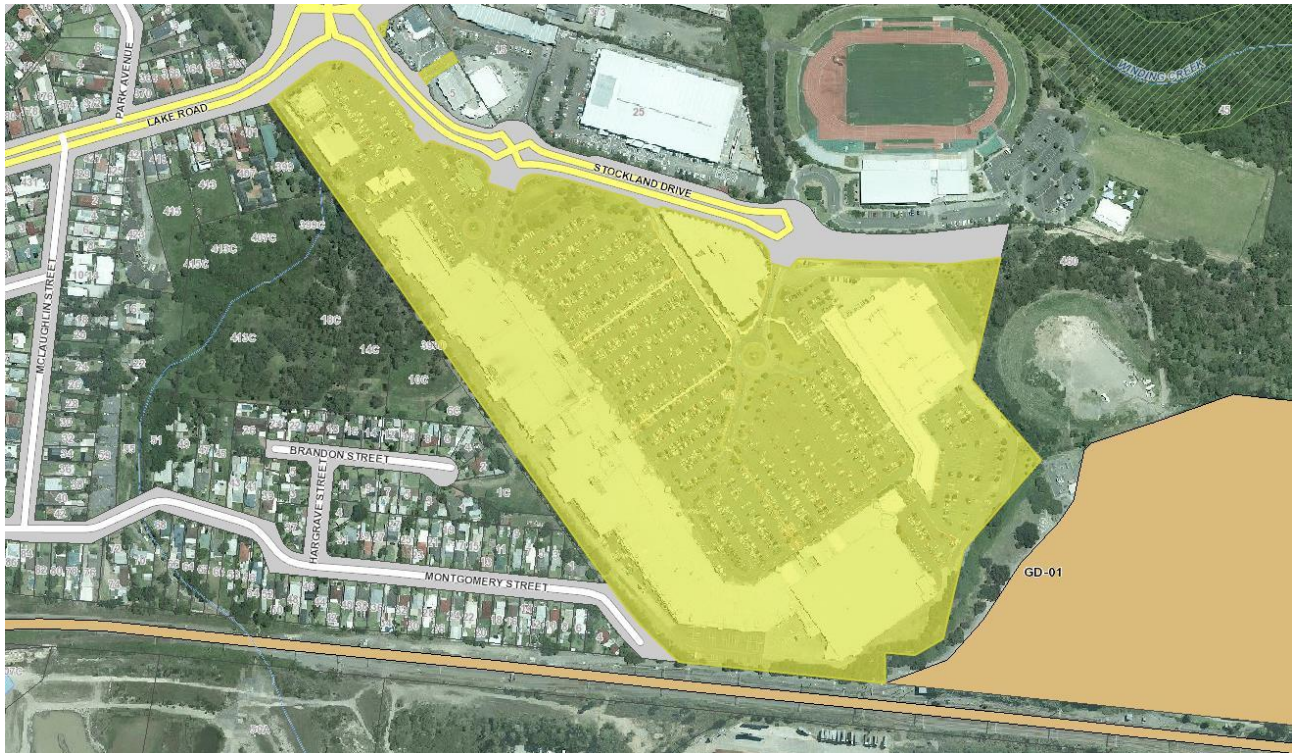


Figure 14: Heritage Items listed in the LMLEP2004 (heritage items identified as brown)

Statement of Significance (1993 City Wide Heritage Study) – Cardiff Railway Workshops

Cardiff Railway Workshops was the direct descendant of the important Honeysuckle Point Loco Workshops in Newcastle.

Late in its life, it also took over the functions of the Honeysuckle Point Per Way Shops.

Most of the machinery at Cardiff Workshops has been removed, but it does retain (in 1992) several important pieces from Honeysuckle Point.

Cardiff Workshops has been in operation since 1928.

For 60 years it carried out major repairs on locos.

A number of steam locomotives were built in the shops.

It was a major employer (over 1000 workers) in Lake Macquarie and Newcastle, and was a vital part of the economy of the region.

LEVEL of SIGNIFICANCE - 1993: *State Significance - low to moderate*

Regional Significance – high

Local Significance - very high

Statement of Significance (1993 City Wide Heritage Study) – Great Northern Railway

At State level, the Main Northern Line changed the relationship of Sydney & the North, by speeding up communications & transport.

It changed profoundly the relationship of Newcastle with its hinterland & the north, & the standing of Newcastle as a great commercial centre.

It confirmed the importance of Newcastle as a great coaling port, comparable with Cardiff in Wales.

Locally, the railway brought changes to the pattern of development of Lake Macquarie.

It was the route by which Lake Macquarie coal was carried to its markets.

It linked the towns & villages of western Lake Macquarie with Newcastle, & was a way for holidaymakers to reach the Lake.

It opened the Lake to residential development &, since electrification, has become a commuting link to both Newcastle & Sydney for residents of Lake Macquarie.

LEVEL of SIGNIFICANCE - 1993: *State Significance - high*

Regional Significance – high

Local Significance - very high

Group Significance - very high

The proposal is unlikely to impact the heritage significance of the heritage items located within physical proximity to the site. The proposal will not affect any views to or from the item or overshadow the heritage items. Nor will the proposed development cause physical harm or any other adverse impact on the heritage significance of the adjoining heritage items.

Consequently there are no objections on heritage grounds to the current proposal, however, consideration should be given to replanting the embankment between the subject site and the Great Northern Railway. A recommended condition will reflect this requirement.

2.4.2 – Catherine Hill Bay Heritage Conservation Area

Not applicable.

2.4.3 – Aboriginal Heritage Items and Sites

The development site is not located within the sensitive landscape mapping layer under the Clause 50 and Schedule 6 of the LMLEP 2004 (see the hatched layer in Figure 15 below).

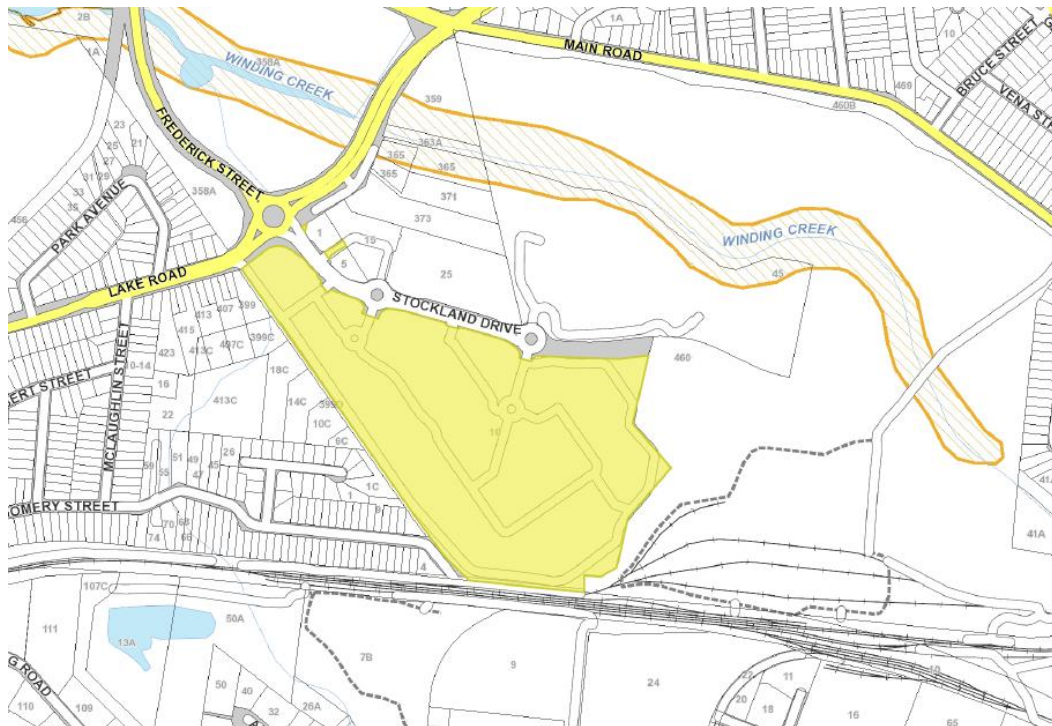


Figure 15: Aboriginal Sensitive Landscape Mapping (hatched)

A search of the AHIMS database identified three sites as being recorded in or on within a 200m buffer, whilst one site was recorded as being within a 50m buffer. The identification of these sites relate directly to the LMTI Review of Environmental Factors dated July 2014, and particularly the Aboriginal Heritage Assessment by RPS in 2014. In Figure 16 below the sites as identified in the AHIMS search within the broader locality are detailed:



Figure 16: AHIMS Results (Figure 2, pg. 14, Appendix K, REF for LMTI)

Figure 17 more clearly identifies the location of AHIMS recorded sites in relation to the LMTI. This demonstrates that none of the AHIMS sites exist within the development site.



Figure 17: Field Survey Units and Results (Figure 3, pg. 23, Appendix K, REF for LMTI)

Consequently, further investigation of the development site is unwarranted on the above basis. It is recommended however that a standard condition be imposed should any artefacts be uncovered during construction works.

2.4.4 – Natural Heritage Items

The site is not known to contain any items of natural heritage significance.

Section 2.5 – Stormwater Management, Infrastructure and On-site Services

2.5.1 – Essential Infrastructure

The site has available to it the required infrastructure necessary to support the development.

Hunter Water Corporation endorsed the plans for lodgement and advised a section 50 application will be required for the development.

2.5.2 – On-Site Wastewater Treatment

The development does not require an on-site wastewater treatment device.

2.5.3 – Stormwater Management (Drainage System Design) and 2.5.4 On-Site Stormwater Harvesting (Source Controls)

A suitable Stormwater Management Plan by Northrop Engineers Ref. NL130382 incorporating detention, water quality facilities and site discharge index requirements in accordance with Lake Macquarie DCP No.1 has been provided. The plan is considered adequate for DA purposes.

2.5.5 – Operational Waste Management

A Waste Management Plan (WMP) was submitted with the development application to address operational waste generated. The WMP:

- detailed its existing waste management operations;
- outlined its Waste Storage Areas, estimated the additional Waste Quantities, Waste Handling measures, Waste from Common Mall areas, Recycling Initiatives, and on-going Waste Management.

It also noted that the Major Retailers are responsible for their own waste management.

A review of the WMP by Council's Waste & Recycling Officer identified a number of queries concerning operational matters. The applicant provided additional information addressing the queries, and advising that on-going monitoring will occur to ensure efficient measures are adopted to minimise and manage waste. A number of conditions are recommended for imposition to ensure this is the case.

Section 2.6 – Transport, Parking, Access and Servicing

2.6.1 – Movement System

The proposal generally meets the intent of achieving an efficient design that provides for vehicle access to and from Stockland Drive, connecting and facilitating pedestrian and cycle movements in a safe manner.

2.6.2 – Traffic Generating Development

The application qualifies as traffic generating development defined under Clause 104 and Schedule 3 of the SEPP (Infrastructure) 2007. The application was referred to the RMS who raised no objection to the proposed development subject to the implementation of the Section 1 of Stage 1 of the LMTI with Stockland Drive. The RMS identified that the existing access off Lake Road was at capacity during peak times and additions to the Centre could not be supported without improved access.

Subject to the agreement between Council and the applicant with regard to the Letter of Offer for the LMTI (Refer to Attachment E), the proposed development will link in with the improved access via the extension of Stockland Drive through to Main Road, Cardiff.

The applicant has sought to commence construction of the additions to the Centre prior to the completion of Section 1 of Stage 1 of the LMTI, however opening of the new retail and commercial space will only be permitted with the completion of the Section 1 of Stage 1 works. Therefore a recommended condition will permit the release of the Construction Certificate prior to the completion of Section 1 of Stage 1 of the LMTI, however no Interim or Final Occupation Certificate can be issued prior to the completion of Section 1 of Stage 1 of the LMTI.

2.6.3 – Road Design

As described above, the development is reliant on the works proposed as part of Section 1 Stage 1 of the LMTI however it does not propose any works within the existing road network.

All works relating to Section 1 of Stage 1 of the LMTI are separate to this development application and were assessed as part of a Review of Environmental Factors (REF) by SMEC, dated July 2014, relating to Part 5 of the Environmental Planning and Assessment Act, 1979. The REF therefore addressed issues relating to the construction and operational impacts of the LMTI, and included community consultation.

2.6.4 – Pedestrian and Cycle Paths

The development proposes no works external of the site in relation to Pedestrian and Cycle Paths. All works relating to Section 1 of Stage 1 of the LMTI are separate to this development application.

With regard to internal movements, the removal of the pedestrian crossing across four lanes adjacent to the Hungry Jacks restaurant is noted and supported. This matter will however need to be approved by the Lake Macquarie Traffic Facilities and Road Safety Committee. A condition is recommended in this regard to facilitate this outcome.

All other pathways and movements are supported, noting that the changes are an adjustment to the existing pathways to accommodate the proposed built changes.

2.6.5 - Public Transport

There are no proposed changes to the existing Bus Interchange however minor changes are proposed to the access from Stockland Drive to the Bus Interchange. The proposed access has been considered by Council's Traffic Engineer with no objections, only recommending a condition regarding the pavement treatment of the 'Bus Only Access'.

Note, the application was referred to the Ministry of Transport on 2 June 2014, however no reply was received.

2.6.6 – Vehicle Parking Provision

Currently the Centre has 2,317 parking spaces, with it being proposed to provide 2,275 parking spaces, resulting in a decrease in available parking by 42 spaces.

The proposal will increase by 7,680sqm to 58,483 GLFA.

Shopping Centre GFA: A parking rate of 1 space per 40sqm GFA is required under DCP1.

The RMS Guide to Traffic Generating Developments Section 5.7 indicates that as a guide, approximately 75% of the GFA is deemed to be GLFA. The proposed site GLFA is 58,483sqm, therefore the resultant GFA is 77,977sqm.

Consequently the parking required for this GFA is 1,950 parking spaces.

Cinema: DCP1 and the RMS Guide do not specify a parking rate for Cinemas. The Traffic Report states a parking rate of 1 space per 25 seats has been calculated for Cinemas within shopping centres.

This rate therefore requires 76 parking spaces. Whilst this rate may be a bit low for Glendale, noting that the total parking required for the improved site is 1,950 parking spaces a surplus of 327 parking spaces exists. The surplus is likely to exceed any shortfall for the parking for the Cinema, noting also that the peak operations of the Cinemas are offset by the peak commercial and retail operations of the Centre.

Note: the Centre does not allocate nor define car parking areas for specific commercial/retail operations.

Therefore, the proposed number of parking spaces at 2,275 is considered acceptable.

Motorbike parking rates: A rate of one motorbike parking space for each 20 car parking spaces is required in Table 4: Parking Rates.

This will be calculated only on the additional car parking required as a result of the additional floor area, which results in 10 motorbike parking spaces. These parking spaces have been provided within the car park between K-Mart and the Cinema, and an additional 33 motorbike parking spaces being provided near Aldi.

2.6.7 – Car Parking Areas and Structures

Council's Principal Development Engineer and Traffic & Transport Engineer have advised that the car parking areas (including turning movements) are adequate and comply with DCP 1 requirements and AS 2890.1 and AS 2890.6.

2.6.8 Vehicle Access

Council's Principal Development Engineer and the Traffic & Transport Engineer advised that vehicle access to the Centre is satisfactory, noting the external access points remain unchanged. The internal access arrangements have been adjusted following feedback from Council to ensure vehicle movements to and from the road network are efficient and unhindered.

2.6.9 – Access to Bushfire Risk Areas

The proposed additions and alterations to the Centre will not impact on access to the Centre in the event of a bushfire incident. In particular, the perimeter road along the south-western boundary is maintained and remains sufficient for the purpose of fighting bushfires .

2.6.10 – Servicing Areas

The development will be required to facilitate delivery vehicles, waste collection vehicles and other servicing vehicles as required.

Council's Principal Subdivision Engineer and Traffic & Transport Engineer advised that the development has included adequate facilities for service vehicles. This advice notes the 'Car Park Management and Operational Plan – Proposed Redevelopment' submitted by the applicant, which in part addresses the movement of delivery vehicles through the internal parking aisles of the Centre where crossing over into the oncoming lane is required to enable manoeuvring through the Centre.

2.6.11 – On-Site Bicycle Facilities

A bike parking rate of one bike parking space for each 20 car parking spaces is required in addition to the number of staff. Noting that additional bike facilities are only required for the increase in GLFA and staff, it is noted additional bike parking spaces are proposed near Aldi and Target. It is difficult to discern the exact number of parking spaces proposed however the parking appears adequate.

A condition is recommended to ensure the provision of an adequate number of bike parking spaces.

2.6.12 – Non-Discriminatory Access and Use

An Access Audit was submitted with the development. 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.

In discussions with the applicant it was recommended that accessible parking spaces be relocated away from the main circuitous routes within the Centre to ensure safety for the users of the spaces when loading/unloading wheel chairs at the rear and to maintain efficient vehicular movements around the Centre. It was also suggested that 'Parents with Prams' be relocated as well away from the main traffic aisles for similar reasons. Therefore a condition is recommended, as agreed by the applicant, that a revised parking plan be provided to Council for its approval prior to the release of the Construction Certificate.

Section 2.7 – Streetscape and the Public Realm

2.7.1 – Streetscape and Local Character

The site has an existing road frontage to Lake Road at the north-western end, and Stockland Drive along the northern boundary. These frontages are to remain unchanged.

The extension of Stockland Drive to be constructed as part of Section 1 of Stage1 of the LMTI on the northern side of K-Mart will be landscaped as part of those works. The development does propose new landscaping as part of the changes to the parking layout where adjoining the north-western façade of K-Mart. These changes are consistent with the treatment along the existing frontage of Stockland Drive.

In terms of the built form, the building additions will be viewable from Stockland Drive though are setback some distance behind the existing Cinemas, Bus Interchange and car park. The building additions will sit below the main parapets of the existing Centre, and therefore appear subservient.

Activity within the Centre will be evident through the comings and goings of buses, vehicles and pedestrian movements. The new main street strip of restaurants includes alfresco dining areas and a playground, both providing activation. Some streetscape activation will be lost with part of the development being converted into a covered Mall area, with the external walls having limited glazed openings, similarly the rear of the restaurant strip.

Treatment of these blank external walls involves landscape beds and pedestrian paths, external architectural elements and climbers/creepers, definition of entry points, elements of glazing and articulated roof elements.

2.7.2 – Landscape

The existing landscaping of the Centre is well established and amenable. The proposed alterations and additions to the Centre will enhance and embellish the existing landscaping and improve the outlook of the Centre.

Areas of particular note are:

- Detention Basin – changes proposed to increase the capacity of the existing basin will result in a harder engineering edge through a concrete wall. The applicant has responded that a 'rock gravity retaining wall' will be used to treat the appearance of the basin.
- North-Eastern Entry off Stockland Drive – the existing site entry is improved through the proposed landscape treatment.

- Mall Entries – the mall entries at the north-western and south-western ends have been designed to create a forecourt area, with the central entries having improved definition.
- New External Walls of Mall and Restaurant Strip – the new external walls are treated through architectural treatment and landscaping. The new playground and restaurant strip provide activation, hard and soft landscaping, which will provide an attractive outlook.

The landscape plan and landscape design report, as amended, have been provided as part of the development application. Council's Landscape Architect has provided comment on the landscaping and is generally satisfied that the development will be adequately landscaped to assist in mitigating potential impacts. Overall, the landscape outcomes are considered to be acceptable and would achieve a Category 3 design outcome in accordance with DCP1.

Conditions of consent will be imposed to ensure compliance with the Category 3 design report.

Note, an exception to the above exists with the removal/retention of trees within the car park and along the south-western and southern perimeter of the site. Refer to comment under Section 2.1.4 of DCP1.

2.7.3 – Public Open Space

The development site does not contain any public open space nor does it propose to dedicate land towards public open space. The development site however adjoins public open space to the west.

In considering the proposed works, including building and landscape works, there will be no direct impacts on the adjoining land in the form of shadowing, access, drainage, excavation/fill, or other foreseen impacts.

2.7.4 – Pedestrian Networks and Places

The development proposes to maintain existing pedestrian links to and from the Centre.

2.7.5 – Light, Glare and Reflection

Council has no record of the existing operations impacting on the safety and/or amenity of adjoining residential areas and roads. The proposed alterations and additions are generally internal of the development site and hence any additional lighting is not likely to generate impacts, whilst lighting of the rear service road and parking area is existing and therefore unlikely to generate additional impacts.

A standard condition can be imposed requiring compliance with Australian Standard AS4282-1997 to ensure light from the development will not result in obtrusive light spill and/or glare.

2.7.7 – Signs

The development application as lodged included details of Pole/Pylon signs, as well as above awning signs for the new restaurants. Following discussions with the applicant the proposed signage component was withdrawn, to be the subject of a separate development application.

A recommended condition will reference that any signage is to require separate development consent.

2.7.8 – Fences

All existing perimeter fencing is to be retained unless warranting replacement through the landscape works.

2.7.9 – Safety and Security

A Crime Prevention Through Environmental Design (CPTED) report has been prepared for the development that addresses the main crime risks. The report also identifies a number of strategies to mitigate further risks and to ensure that the proposal is designed and constructed in accordance with CPTED principles.

The application was referred to the NSW Police, on 2 June 2014 with a further referral of additional information on 7 April 2015, however a response was not received. In preparing the CPTED report the applicant stated consultation with the NSW Police, Lake Macquarie LAC Crime Prevention Officer was conducted.

Council's Crime and Safety officer reviewed the application and CPTED report and advised that it adequately addresses the main crime risks. The officer noted that concerns remain about the adequacy of crime prevention measures relating to perimeter parking, the onus for the proper management of these issues as raised remains the responsibility of the applicant.

In this regard the applicant submitted a 'Car Park and Operational Management Plan' to further address the CPTED officer's concerns regarding safe use of the perimeter car parking areas. Council's Crime and Safety Officer endorsed the provisions and recommended a condition be imposed requiring the adoption of the Plan.

Section 3.1 – Lake, Waterway and Coastline Development

This section is not applicable to the development.

Section 3.2 – Subdivision

This section is not applicable to the development.

Note, a subdivision is proposed to facilitate aspects of the LMTI, however this is subject to separate development consent.

Section 3.3 – Urban Centre Development

3.3.1 – Centre – Design of Buildings and Places

The land is located within the Glendale Sub-Regional (there is no specific Area Plan for the Glendale area). The development controls provide for a maximum height of 12 metres, three metre setbacks from the boundary and zero side and rear boundary setbacks for the first storey. The development complies with these controls.

The building design is complimentary to the existing built form and layout. The proposed design features a subservient mall and main street strip that are dominated by the existing 'big box' developments, ie. supermarkets, discount department stores and cinemas. The layout and placement of the additions works in with the existing Centre and facilitates improved linkages and access for pedestrians.

The development proposes an awning along the frontage of the new main street restaurant strip, whilst a large section of the existing awning will be incorporated into an enclosed mall. The external facades of the development have been improved to ensure definition of the entry points, public space in the form of forecourts at the northern, central and southern ends of the mall, treatment of the blank walls, and use of glazing to create emphasis and activation.

Hard landscaping is incorporated at entry points to the Mall, as well as, in support of pedestrian pathways.

Note:

- *Further design development and details of awnings and roof forms, materials and colour scheme, and how the proposed expansion ties in with the existing architecture of the Centre is required.*
- *The existing car park is quite stark visually, provides limited shade through landscaping or structures and is not pedestrian friendly. The applicant is encouraged to include measures to improve the amenity of the carpark with the proposal.*

The Panel's advice was discussed with the applicant and design measures were adopted in the plans as lodged with the development application and further refined throughout the assessment.

3.3.2 – Centre – Amenity and Performance

The development has been designed to incorporate operational issues including waste management, servicing, CPTED, and hours of operation.

Impacts relating to services and infrastructure are considered minimal, noting the existing electrical substations are located along the south-western interface. Amplification to service the development is not foreseen as being of a scale that will impact on adjoining land uses.

With regard to plant, the placement of a/c units is as shown on the plans. A condition is recommended that any rooftop plant be screened.

The existing interface between the development site and the adjoining land uses largely remains the same, noting:

- Landscaping and car parking changes to Stockland Drive where adjoining the north-eastern façade of K-Mart;
- Landscaping and car parking changes adjoining the southern boundary with the railway line.
- Landscaping and car parking changes to the south-western boundary where adjoining the 6(1) Open Space and 2(1) Residential zoned land.

In this regard, issues relating to the removal and retention of trees are still to be resolved through conditions should consent be granted. The application provides an appropriate replacement strategy/ratio for each tree to be removed where required.

Signage will be subject to separate determination.

3.3.3 – Centre – Home Business Development

This section is not applicable to the development.

Section 3.4 – Housing – Building Siting, Form and Design

This section is not applicable to the development.

Section 3.5 – Housing – Specific Housing Types

This section is not applicable to the development.

Section 3.6 – Industrial, Bulky Goods, and Utility Installation Development

This section is not applicable to the development.

Section 3.7 – Specific Land Uses

This section is not applicable to the development.

Part 4 Area Plans

There are no area plans relevant to this site.

79C(1)(a)(iiia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

In accordance with the Planning Agreement provisions under the Environmental Planning and Assessment Act (Act), 1979, the applicant submitted a Letter of Offer in relation to the development application. As per the provisions of section 93I(3) of the Act, the applicant has sought the imposition of a condition with regard to the preparation of a Planning Agreement should consent be granted.

In terms of the Letter of Offer dated 4 June 2015, the applicant proposes the Planning Agreement to require Stockland Development Pty Ltd to make the following contributions to Lake Macquarie City Council:

- (a) the payment of a monetary contribution to the Council towards road works associated with Section 1 of Stage 1 of the LMTI comprising:
 - (i) Part 1A-extension to Stockland Drive;
 - (ii) Part 1B-extension to Stockland access road; and
 - (iii) Part 1C Stockland Drive, Pennant Street and Glendale Drive roundabout (Road Works).

The contribution by Stockland for the Road Works is \$1,919,400, less the agreed cost to Stockland of reconfiguring its car park to allow for the transfer of the LMTI Land being an amount of \$913,500.

The amount of total monetary contribution to be paid by Stockland under the VPA, excluding indexation, is \$1,005,900; and

- (b) the transfer of the LMTI Land to the Council for the purpose of road widening associated with Section 2 of Stage 1 of the LMTI.

Note:

- (i) part of the monetary contribution is in lieu of an access road as required by Conditions 8 & 9 of Development Consent No. 4413/2004 dated 13 September 2005 (a provision to this effect is to be included in the Planning Agreement AND that Stockland will make separate application to Council for the deletion of Conditions 8 & 9 in relation to Development Consent No. 4413/2004).

A Section 96(1A) application will need to be lodged against the consent for DA/4413/2004 by the owner or its representative to request the deletion of Conditions 8 & 9. Lodgement and assessment of the Section 96(1A) application can occur should consent be granted to this application and the Planning Agreement has been executed.

- (ii) The transfer of the LMTI Land to Council will require Stockland to effect the subdivision of the Site with costs as agreed in the Planning Agreement.

The applicant has stated the Planning Agreement will be entered into by Stockland and Council after any consent has been granted to the Development Application. The Planning Agreement is to take effect on execution by Stockland and Council, likely to be in the terms of:

- Stockland to pay a partial monetary contribution on execution of the Planning Agreement.
- Stockland to pay the balance of the monetary contribution on completion of all road works comprising Stage 1 Section 1 of the LMTI.
- Stockland will transfer the LMTI Land to Council within 12 months of the date of the execution of the Planning Agreement. Included is the provision that Stockland will be required to reconfigure its car park to align with the subdivision.

A draft condition requiring a Planning Agreement to be prepared in accordance with the Letter of Offer has been reviewed and endorsed by the Solicitor acting on behalf of Council in this matter. This condition is included in the recommended conditions in Attachment A.

For additional information regarding the basis/purpose of the Letter of Offer by Stockland Development Pty Ltd refer to Section 2.6.2 under DCP1 of this report.

79C(1)(a)(iv) any matters prescribed by the regulations

The Regulation 2000 provides:

- (1) *For the purposes of section 79C (1)(a)(iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*
- (a) *in the case of a development application for the carrying out of development:*
- (i) *in a local government area referred to in the Table to this clause, and*
 - (ii) *on land to which the Government Coastal Policy applies,*
- the provisions of that Policy,*

Planning Comment:

The Government Coastal Policy does not apply.

- (b) *in the case of a development application for the demolition of a building, the provisions of AS 2601.*

Planning Comment:

As the development includes demolition, it is recommended that a standard condition requiring compliance with AS 2601 be imposed on any consent granted.

79C(1)(b) the likely impacts of the development

The following matters were considered and, where applicable, have been addressed within this report.

Context & Setting	Waste
Access, transport & traffic	Energy
Public domain	Noise & vibration
Utilities	Natural hazards
Heritage	Technological hazards
Other land resources	Safety, security & crime prevention
Water	Social impact on the locality
Soils	Economic impact on the locality
Air & microclimate	Site design & internal design
Flora & fauna	Construction

79C(1)(c) the suitability of the site for development

Does the proposal fit the locality?

The outcomes proposed will achieve a highly functional development compatible with the surrounding activities.

Are the site attributes conducive to development?

The site attributes are conducive to development of this nature subject to conditions of consent.

79C(1)(d) any submissions made in accordance with this Act or the Regulations?

Public submissions:

One (1) submission was received from the notification period, with the main issue raised in the submission being noted below (refer to Attachment C).

- Impact on existing Commercial Operations

As a tenant of Stockland, the proposed changes will impact directly on the submitter's store as will the proposed Food Court operations. Only limited communication received from Stockland.

Planning Comment

The issues raised are from an existing commercial tenant of the Stockland Shopping Centre and therefore are effectively third party issues that are not relevant to the consideration of this development application.

Note: the amended plans and additional information were not re-notified based on low public interest in the matter and that the proposal remained substantially the same with changes as submitted being internal to the development.

Submissions from public authorities:

Submissions were received from RMS and the MSB, details of which are provided earlier in this report (refer to Attachment D).

No other submissions were received from public authorities to which the development application was referred.

79C(1)(e) the public interest

It is considered the public interest issues have been adequately considered. The proposed development is in the greater public interest as the development meets the objects of the Act, primarily being:

- the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
- the promotion and co-ordination of the orderly and economic use and development of land;
- the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats;
- ecologically sustainable development; and
- the provision and maintenance of affordable housing.

INTEGRATED DEVELOPMENT

The application is integrated development in accordance with clause 91 of the Act, for the purpose of:

- Section 15 of the Mine Subsidence Compensation Act 1961.

The GTAs from Mine Subsidence Board are included in the proposed conditions of consent for the development.

CONCLUSION

Based on the above assessment, it is concluded that the construction and operation of the proposed alterations and additions to the existing Shopping Centre will result in an appropriate development, with no unreasonable environmental impacts.

Approval of the development, subject to conditions of consent, is considered to be in the broader public interest, meets the objectives of the Act, and promotes the orderly and economic development of the land.

RECOMMENDATION

It is recommended that the application be approved, subject to the conditions contained in Attachment A to this report.

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.

The staff responsible authorised to assess and review 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
Lake Macquarie City Council

I have reviewed this report and concur with the recommendation.

John Andrews
Chief Development Planner
Development Assessment and Compliance

Attachment A: Draft Conditions of Consent

Attachment B: Plans of Development

Attachment C: Public Submission

Attachment D: Agency Submissions

Attachment E: Council Report – Letter of Offer