

Assessment Report and Recommendation Cover Sheet

JOINT REGIONAL PLANNING PANEL (Hunter Central Coast)

JRPP No	2015HCC001
DA Number	DA/1179/2014
Local Government Area	Wyong Shire Council
Proposed Development	Concept Plan for retail premises comprising 2 stages with Stage 1 for Masters Homemaker Improvement Centre and associated site works, access and infrastructure.
Street Address	60 Wyong Road, Tuggerah
Applicant/Owner	Scentre Group - Applicant Scentre Group, Orta Pty Ltd - Owner
Number of Submissions	Two (2), 1 Petition containing 44 signatures
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value of over \$26 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy 44 – Koala Habitat Protection</i> • <i>State Environmental Planning Policy 55 – Remediation of Land</i> • <i>State Environmental Planning Policy 64 – Advertising and Signage</i> • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>Wyong Local Environmental Plan 2013</i> • <i>Wyong Shire Development Control Plan 2013</i> <ul style="list-style-type: none"> - <i>Chapter 2.11 – Parking and Access</i> - <i>Chapter 2.15 – Public Art</i> - <i>Chapter 5.1 Retail Centres</i> - <i>Chapter 6.14 – Tuggerah Precinct</i>
List all documents submitted with this report for the panel's consideration	Officer's Assessment Report Recommended conditions Plans
Recommendation	Approval.
Report by	Julie Garratley – Development Planner

Assessment Report and Recommendation**WYONG SHIRE COUNCIL****Hunter and Central Coast Joint Regional Planning Panel**

DA/1179/2014 – Concept Plan for Retail Premises comprising 2 stages with Stage 1 for Masters Homemaker Improvement Centre and associated site works, access and infrastructure at Tuggerah.

SUMMARY

A development application has been received for proposed retail premises at 60 Wyong Road, Tuggerah. The application is lodged under Section 83B of the *Environmental Planning and Assessment Act 1979* as a staged development application. Approval is sought for the Concept Plan and Stage 1 which involves the construction of a Masters Homemaker Improvement Centre and associated access roads, car parking, infrastructure, landscaping and signage. The application has been assessed having regard to the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements and is recommended for approval.

Applicant	Scentre Limited (C/o Chris Campbell)
Owner	Scentre Limited, Orta Pty Limited
Application No	DA/1179/2014
Description of Land	Lot 3 DP 1084221, Lot 2 DP 1056960, 60 Wyong Road, Tuggerah
Proposed Development	Retail Premises
Site Area	420,200m ²
Zoning	B4 Mixed Use, E2 Environmental Conservation, RU6 Transition
Existing Use	Greenfield site currently used for grazing
Employment Generation	Yes (employment for approx. 130 to 150 staff)
Value of Works	\$26,192,115

RECOMMENDATION

- 1** *That the Joint Regional Planning Panel grant consent to DA/1179/2014 at Lot 3 DP 1084221 and Lot 2 DP 1056960 No. 60 Wyong Road, Tuggerah for a Retail Premises (Masters Homemaker Centre) subject to the conditions provided in Attachment 1.*
- 2** *That Council advise those who made written submissions of the Joint Regional Planning Panel's decision.*

The site is subject of a rezoning proposal which at the time of drafting the report was believed to be imminent. Representatives of the DP&E have advised that the rezoning to B4 Mixed Use, RU6 Transition and E2 Environmental Conservation is to be finalised and in effect prior to the JRPP considering the application.

PRECIS

Proposed Development	Retail Premises
Permissibility and Zoning	The proposal is permissible as 'retail premises' under Wyong Local Environmental Plan (WLEP) 2013
Relevant Legislation	Environmental Planning and Assessment Act 1979
Current Use	Vacant land
Integrated Development	Yes –NSW Office of Environment and Water (OEH) under the Water Management Act 2000.
Submissions	Two (2) written submissions and One (1) Petition containing 44 signatures

THE SITE AND SURROUNDING DEVELOPMENT

The subject site is known as the Tuggerah Gateway site and is a 42 hectare parcel of land located to the south east of the M1 Motorway and Wyong Road interchange adjacent to the existing Westfield Shopping Centre. The land is bound by Tonkiss Street to the east, Wyong Road to the north, the M1 Motorway to the west and vacant land to the south. The site is located approximately 5 kilometres south of the Wyong Town Centre and the legal property description is part Lot 2 in DP 1056960 and part of Lot 3 in DP 1084221.

The site is a large vacant parcel of land currently used for grazing. The site is highly accessible via local and regional road networks of Wyong Road and the M1 Motorway. The site mostly vegetated by grass cover with a few small areas of wet sclerophyll forest and other remnant trees around the perimeter of the site. The site has a significant slope from the southwest and the southeast low point gently slopes towards the intersection of Wyong Road and Tonkiss Street with overland flows discharging into existing culverts under Wyong Road.



Figure 1: Aerial photo showing subject site in red and surrounding properties.

The site of the proposed works predominantly occupies a rectangular area in the north east of the Tuggerah Gateway site with a frontage to Wyong Road of approximately 480 metres and a frontage to Tonkiss Street of approximately 350 metres. The subject area is zoned B4 Mixed Use. The remainder of the B4 zone is not proposed for development under this development application. The majority of the built works relating to both stages of the concept plan falls predominantly within the eastern half of the proposed B4 Mixed Use zoned land as shown in figure 2. The western half of the proposed B4 Mixed Use land is identified as future development and not a part of this staged development application.

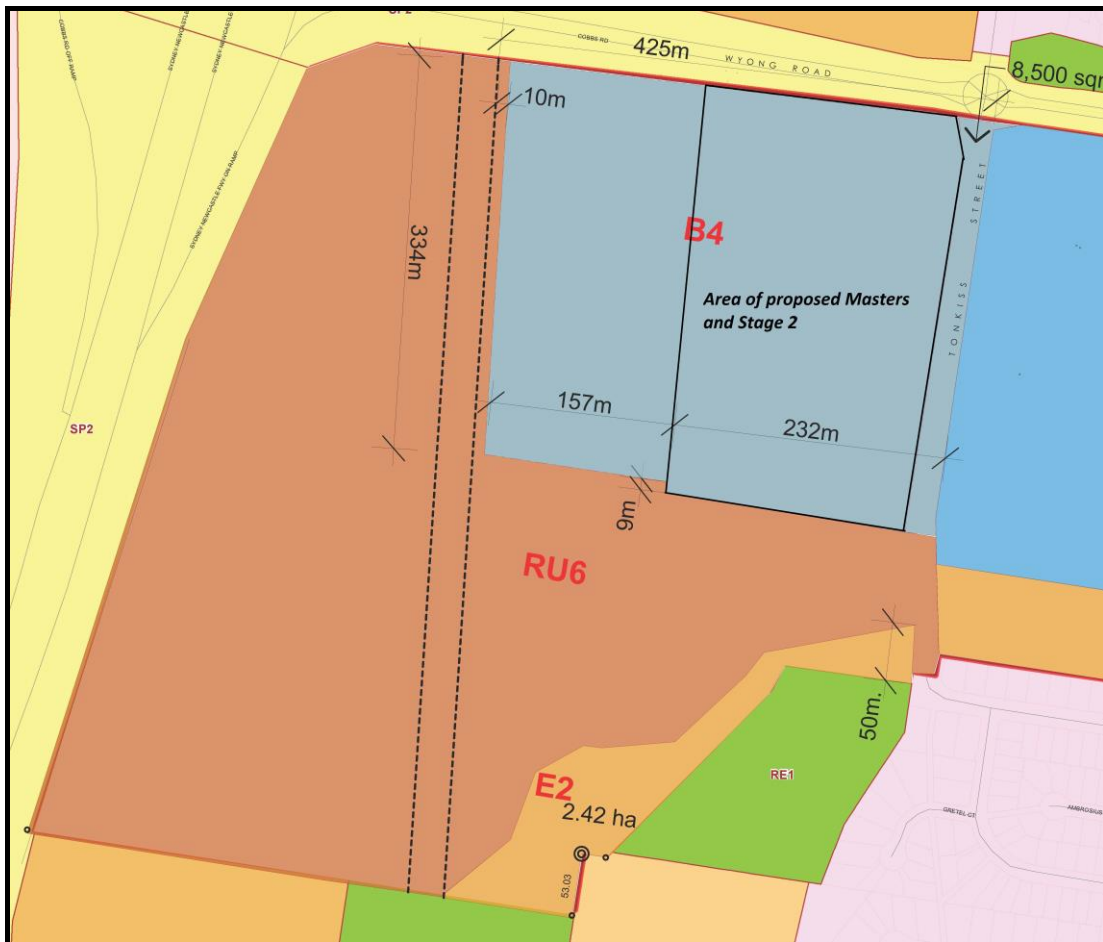


Figure 2: Diagram showing rezoned land.

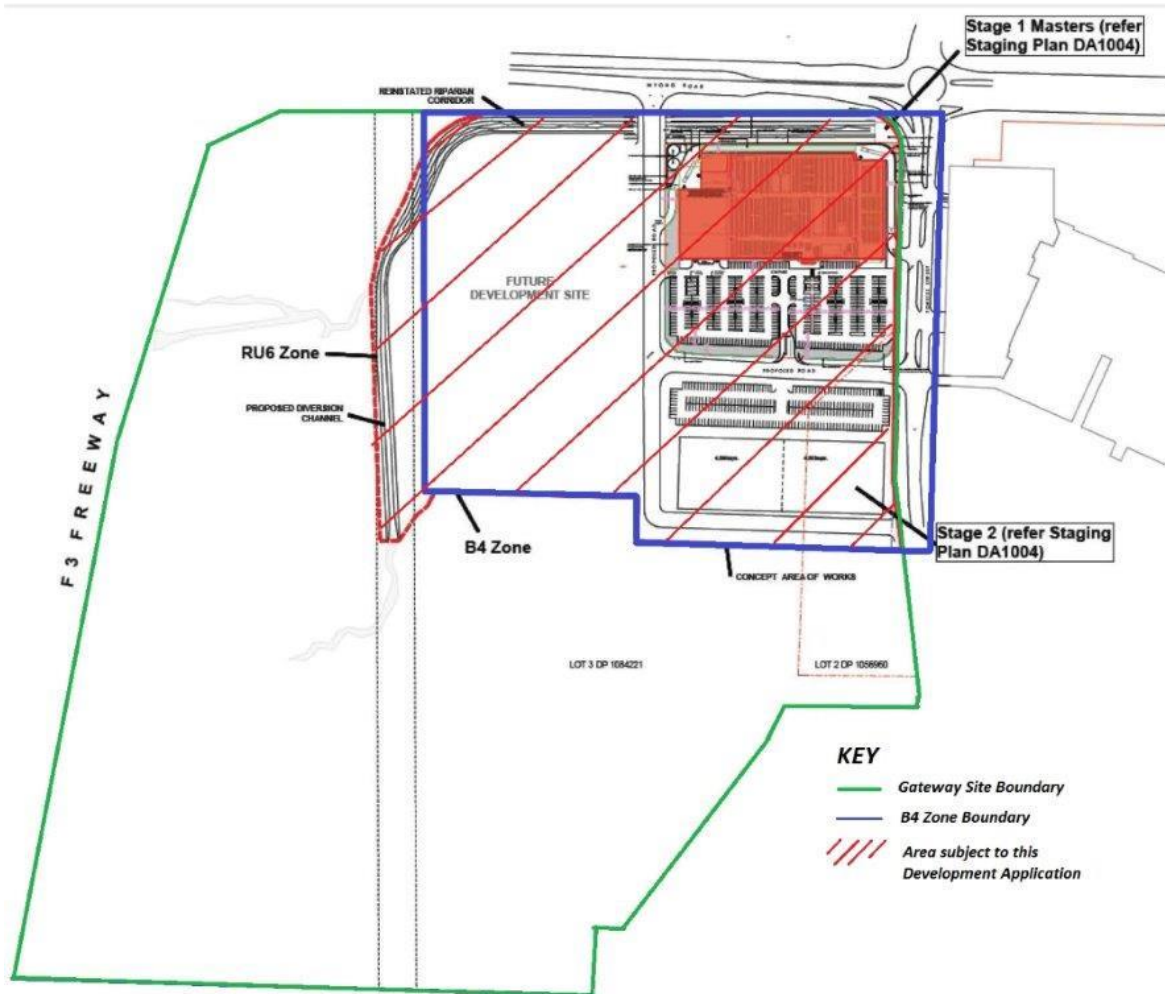


Figure 3: Location of proposed works.

The area of proposed works in the Concept plan (stages 1 & 2) is approximately 8 hectares. The entry road from Tonkiss Street is opposite the access road to the roof carpark of Westfield Tuggerah. This Concept plan site has a moderate fall of about 18 metres from the south to the Wyong Road frontage. This area contains mostly grass cover and three small areas of the endangered ecological community of Swamp Schlerophyll Forest on Coastal Floodplain. These areas are located in a thin strip along the Wyong Road frontage, and two small stands one in the centre of the subject site and another in the vicinity of the entry road.

There is a small farm dam located on the southern side of the site which is located within the Stage 2 area and a degraded riparian corridor runs along majority of the Wyong Road frontage. A water course enters the site from the west traversing the northwest corner to enter the riparian corridor. Council's GIS identifies the lower portion of the site to the north as flood prone and the site is identified as being bushfire prone with majority of affected area being within the bushfire buffer zone. The land is also identified as potentially contaminated due to its historic use as an abattoir.

HISTORY

The historical use of the site was as an abattoir from the early 1900s. The then owner established the first commercial butcher shop in the Wyong area opposite Tuggerah Railway Station. The abattoir became Wyong Abattoirs Pty Limited in 1957. The abattoir was closed in 1989. The site was purchased by Westfield Operations in 1990 with plans to construct a major retail complex. The meat works buildings were demolished in the same year.

The Tuggerah area has been identified as a regional centre with a focus on commercial activity since 1994. The 1996 Wyong Shire Retail Centres Strategy Plan suggested Westfield Shoppingtown should form the core of a Regional Centre precinct in the Tuggerah locality. The regional centre would provide a strong focus for bulky goods retailing. The recommended allocation of commercial floor space in Tuggerah as a regional centre was 45,000m² with the possibility of expansion up to 70,000m² after 2001.

The subject site is known as the “Gateway Site” and a range of uses has been considered for the site such as bulky goods retailing, roadside restaurants, service stations, entertainment facilities, residential development, light industrial activities, offices uses and regional community facilities. The Tuggerah Precinct Strategy in 1997 identified the site as suitable for rezoning in the medium term which at the time was estimated as being 2000-2002.

In 2002 the Gateway site was identified for future mixed use, centre development and excluded residential development and areas of environmental significance. The 2002 the Wyong Shire Retail Centres Development Control Plan (DCP) identified the possibility of expansion of retailing on the site from 45-50,000m² to 70-80,000m² by 2011 subject to a merit assessment with centre support to initially be located in the Regional Centre (Supa Centre).

The Tuggerah-Wyong area was identified as a ‘Major Centre’ as per the Central Coast Regional Strategy (CCRS) in 2007. The possible uses of the Gateway site was revisited with suggestions of tourist accommodation, tourist information centre, residential development, centre support, bulky goods, entertainment, recreation (public and/or private), open space and water detention areas. Options were developed encompassing residential, business, mixed use and open space/recreational land uses which lead to the development of the Masterplan concept.

A proposed Concept Plan for the Gateway site was submitted to the then Department of Planning (now Department of Planning and Environment) by Westfield in April 2008 for consideration as a Major Project under the former provisions of Part 3A of the *Environmental Planning and Assessment Act 1979*.

The Director-General Requirements (DGRs) for progression as a Part 3A Project were issued in July 2009 following a revised concept plan which incorporated all Westfield holdings. The proposed uses for the Gateway site included:

- 120,000m² mixed use – mix to be tenant driven e.g. 13,000m² hardware store on Tonkiss Street/Wyong Road intersection.
- 140,000m² business park
- 450-550 residential units.

The DGRs required that any proposed concept and assessment were to be consistent with the findings and recommendations of the Tuggerah State Significant Site Study. The DGRs lapsed on 30 July 2009.

The Tuggerah State Significant Site (SSS) was gazetted in January 2009. The Gateway site is included within the Tuggerah SSS. A draft study and structure plan was released in August 2013 in which the Gateway site was identified as comprising a residential medium density precinct with a bulky goods component. The plan also provided for a large stormwater detention basin to mitigate flooding impacts across the structure plan area. The area subject of this application was identified as potential for bulky goods retail premises.

The Gateway site, existing shopping centre and triangle site (located to the west of Westfield) were deferred from inclusion in the Wyong Local Environmental Plan 2013 as a number of matters required resolution. This deferred area only incorporated the Westfield Holdings and so the site retained previous zonings under WLEP 1991. The remainder of the land subject to the Tuggerah SSS was zoned under the Wyong LEP 2013 Standard Instrument gazetted 23 December 2013.

The recent rezoning of the Gateway site has been initiated by the DP&E through the Tuggerah SSS process as the separate transitional former part 3A had lapsed. The draft documentation (released in August 2013) which identified the proposed structure plan, showed this site to be zoned B4 Mixed Use. The subject development application was lodged in December 2014 when the rezoning was considered imminent. The rezoning of the Gateway site is anticipated to be finalised prior to the JRPP considering the application and will rezone the site to B4 Mixed Use, RU6 Transistion and E2 Environmental Conservation (See Figure 11).

The Proposed Development

The application has been lodged as a staged development application under the provisions of Section 83B of the EP&A Act 1979. A staged development application is a development application that sets out concept proposals for the development of a site and for which detailed proposals for each stage are subject to subsequent development applications. The application may set out detailed proposals for the first stage of the development. This development application includes the Concept Plan and a detailed proposal for Stage 1 – Masters Homemaker Improvement Centre.

A staged development application under the provisions of Section 83B is specifically intended to provide for flexibility in staging and detailing of development and is capable of variation in terms of the future application. A thorough assessment of Stage 2 is not required in a staged development application as no consent is sought for these works apart from vegetation clearing and earthworks as detailed in the proposed works associated with Stage 1. The proposal has provided in the Concept Plan a location, footprint and car park concept of Stage 2 with a total floor space of around 9000m². The Stage 2 development will provide a complimentary development of retail/bulky goods development with associated car park.



Figure 4: Artists impression of proposed Masters Homemaker Improvement Centre and location of Stage 2.

Consent is sought for the approval of the Concept Plan and Stage 1 of the concept plan works. The Concept application involves two stages with the first stage being for the construction of a Masters Homemaker Improvement Centre with a floor space of 13,500m². Stage 1 is to be constructed on approximately 5.3 hectares.

Stage 2 adjoining Stage 1 to the south will involve the construction of further bulky goods and retail development with a floor space of approximately 9,000m² and additional car parking. The Stage 2 development will be subject to a future development application.

Stage 1

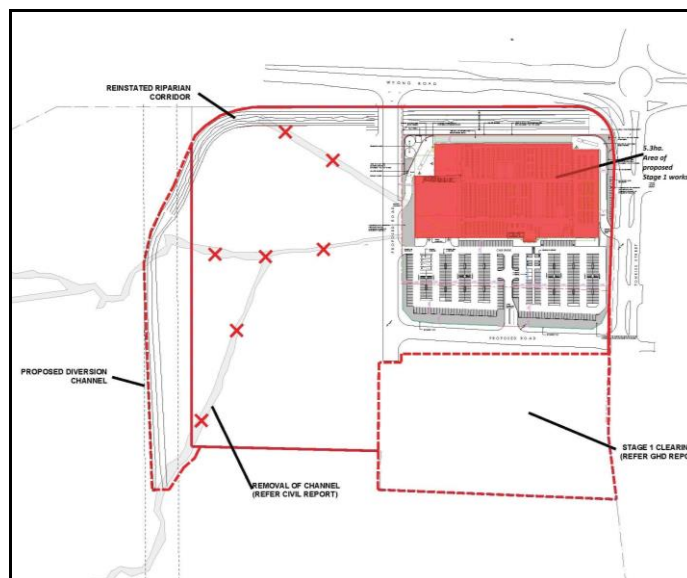


Figure 5: Plan of Stage 1.

The proposed development for Stage 1 includes:

- Clearing of vegetation within Stage 1 and Stage 2;
- Carrying out of bulk earthworks including the removal of the existing earth mound, benching, compacting and construction of a retaining wall within Stage 1 development;
- Relocation of existing drainage lines which carry run off from the upstream catchment to the south into a diversion channel running south to north and connecting to the Mardi Creek riparian corridor which runs as shown in figure 4 above;
- 1400m³ on site flood detention plus an additional 157m³ water storage in rainwater tanks;
- Establishment of a 25m wide Mardi Creek riparian corridor adjacent to Wyong Road including appropriate watercourse and landscaping treatment;
- Construction of access roads and service entry from Tonkiss Street (Road 1) and egress onto Wyong Road (Road 2) to serve the new development and future development in Stage 2;
- Construction of a Masters Home Improvement Centre building divided into areas such as:
 - General sales (main floor) which include hardware, timber and building materials, décor and home decoration, and kitchen and bathroom fittings and white goods (8,495m²);
 - Garden area for a range of landscaping and gardening products including plants, pots landscape trimming and gardening equipment (1,943m²);
 - Trade sales area for trade sales including drive-in loading area for all stock 2,170m²);
 - Receiving dock (705m²);

The remainder of the Stage 1 development will accommodate ancillary service and infrastructure for the proposed use including:

- A small internal office and amenities area (182m²);
- Public amenities (73m²);
- A small internal café and associated seating (within main floor approx.70m²);
- Carparking for 370 spaces within the southern portion of the site including 8 accessible car spaces and 27 bicycle spaces;
- Landscaping treatment within the carpark and around the site (minimum width of approx. 3m to 7m along Tonkiss Street and 4m on south and west perimeter of carpark. Riparian corridor subject to planting in accordance with the requirements of the Office of Water).
- Servicing area including waste and recycling collection;

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- Separate customer and general servicing entries to the site;
 - Main entry signage and business identification signs (majority of signs are wall signs and one pylon sign of 12m x 3.95m).

The Stage 1 (Masters) site consists of 32,995m² (excluding riparian corridor). The site coverage of the building is 41.3% with the remaining 58.7% comprising of customer entry/exit access, carpark, service vehicle road and landscaping.

The building pad has been levelled using a 4 metre high retaining wall in the low point of the site on the northern side (Wyang Road frontage). The natural ground level of this area is RL 8.16 and the finished ground level of the site becomes RL 12.0. The building has a height of 9.8 metres which added to finished ground level results in a height of RL 21.8. The overall height of the building and retaining wall at the Wyong Road frontage is therefore 13.8 metres. Wyong Road varies in ground level from RL 9.0 at the Tonkiss Street/Wyang Road roundabout, inclining to approximately RL 26.0 at the Motorway interchange.

The building is mostly rectangular in shape with overall dimensions of approximately 165m x 83m and is to be constructed of a reinforced concrete slab, mostly concrete tilt up panels and Colorbond roof. The rectangular shape is broken by corner returns on the north-east and north-west corners. The wall materials vary with the Wyong Road elevation consisting of steel framed walls with an external panel cover over a 200mm concrete hob and the garden area on the Tonkiss Street frontage consists of a combination of tilt up panels and mesh fencing. The Colorbond roof only covers the perimeter of the garden centre with shade sails providing some cover in the central part of the area.

The development site has been designed with car parking central to the site and the building located adjacent to the Wyong Road frontage. The Wyong Road elevation is setback from the road approximately 33.5m with a 25m wide riparian corridor and a 6.0m access road between the site boundary and the building. Tonkiss Street elevation has a minimum setback of 10m extending to 14m in part throughout the width of the building and has a modern design with a mix of materials and colours. The colour of the building will be synonymous with the Masters branding featuring the trademark blue and alternating light grey walls with the rear wall consisting of alternating grey and white panels to create visual interest on an otherwise bland stretch of wall.

The Tonkiss Street elevation containing the garden centre is visually prominent. The open roof with shade sails not only provides natural light and air to the garden centre, but adds visual interest through articulation and material changes. The landscaping to be provided along the perimeter of the site contributes to the aesthetics to promote a positive appearance and streetscape. Careful consideration has been given to this corner to provide façade treatment that is appealing and activates the streetscape. The inclusion of public art assists with the activation of the street corner creating an attractive entry statement and visual identity to the Masters site. Public art in the form of sculptural gabion walls and rusted steel panels are proposed in strategic locations at the Wyong Road/Tonkiss Street corner of the site and the intersection of Road No.2 and Wyong Road.

A green facade for the eastern most 35m of the Wyong Road elevation is proposed to assist with visual integration and reduce the visual impact of the wall on the intersection. A green façade has soil at the base of the wall and supports climbing plants on the face of the wall to create a green/vegetated façade. The Wyong Road façade comprises alternating grey and white panels which will sit behind the riparian corridor.

The green façade will grow on the eastern most part of the finished wall and a maintenance schedule will be applied to ensure the longevity of the vegetation. Once the riparian corridor has matured majority of the façade will not be seen from Wyong Road with the exception of the visual envelope when approaching the Tonkiss Street/Wyong Road roundabout from the east as shown in the photomontage in figure 7. This part of the site will appear as an attractive landscaped corner.

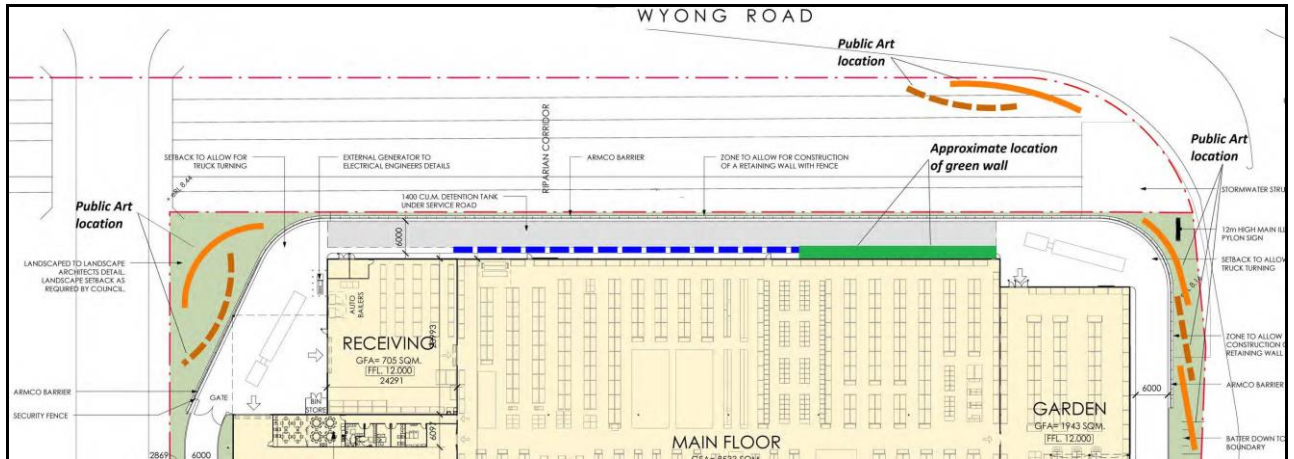


Figure 6: Plan showing location of proposed public art at the Wyong Road/Tonkiss Street intersection and the intersection of Road 2 and Wyong Road.

The proposal includes complimentary landscaping throughout the site. The perimeter landscaping is to consist of a combination of low ground cover grasses, shrubs and accents, and trees. The carpark includes tree planting and edge planting along the vehicle entry to improve and create a softer appearance.

The Wyong Road frontage is consumed by the riparian corridor and planting along this frontage will be in accordance with the requirements of the Office of Water. The riparian corridor is to be rehabilitated to replicate a densely planted riparian environment. The corner treatments of the site will include landscaping and public art.



Figure 7: Photomontage showing an artist's impression of the Wyong Road/Tonkiss Street intersection.

The developer has estimated that 130 to 150 staff is to be employed by the Masters Homemaker Improvement Centre in Stage 1. Stage 2 will contribute additional employment when completed subject to the future tenant. The construction stage will also generate employment.

Stage 2

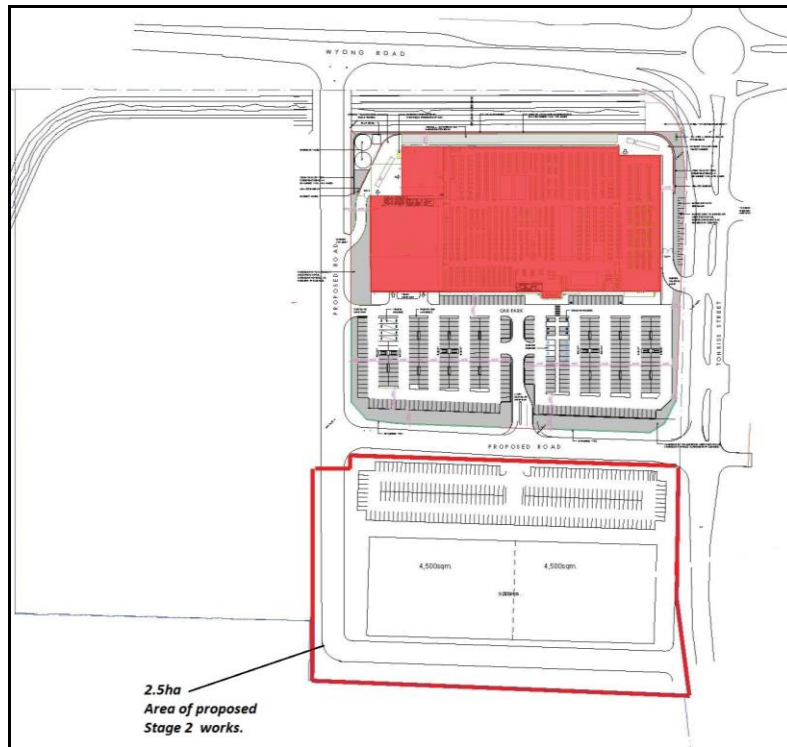


Figure 8: Plan of Stage 2.

Stage 2 will involve the construction of further retail and bulky goods development occupying a building with a total floor space of around 9000m². Additional carparking spaces will be provided between the new buildings and the access road constructed in Stage 1.

The Concept Plan has provided an indicative location, footprint and car park concept for Stage 2. The building will have a similar built form to the Masters building with a large footprint, a building height of 9m and will be setback from Tonkiss Street approximately 10 - 12m. The plans indicate this building could be divided into two retail tenancies. An indication of how the two stages will present to Tonkiss Street is shown in figure 7. Further details of Stage 2 will be provided in the future development application.

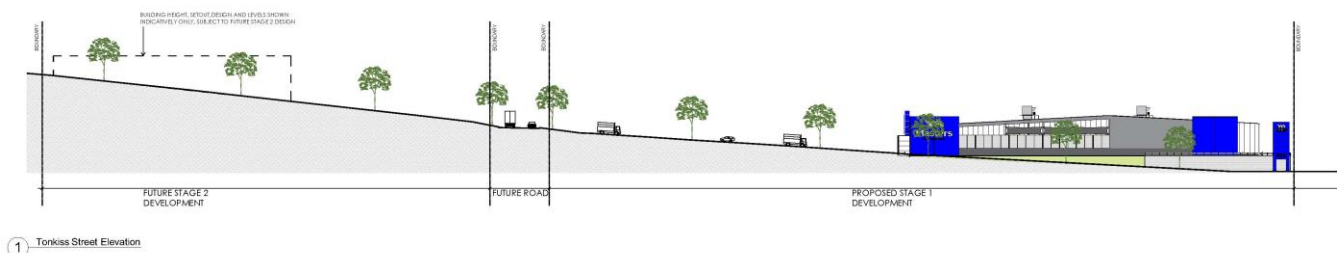


Figure 9: Street view of Stage 1- Masters Homemaker Improvement Centre and future Stage 2.

VARIATIONS TO POLICIES

There are no variations to any policies.

SUBMISSIONS

Any submission from the public.

The application was notified in accordance with Wyong DCP 2013 Chapter 1.2 -Notification of Development Proposals (14 January 2015 – 2 February 2015) with 2 written submissions and 1 petition (44 signatures) being received. The key issues raised in relation to the proposal are identified below.

- **There will be an increase of large truck movements and traffic along Tonkiss Street and an increase of traffic congestion at the roundabout intersection of Tonkiss Street/Wyong Road and the M1 Motorway interchange.**

Comment

A Traffic and Parking Report by Colston Budd Hunt and Kafes was undertaken for this application which states that the number of trucks accessing the Masters site would be low, in the vicinity of up to 6 large trucks and 6 smaller trucks per day. Truck turning from Tonkiss Street onto the site would be approximately 100m from Wyong Road roundabout and is not seen as having an undesirable impact on traffic flow along Tonkiss Street.

Tonkiss Street is a 4 lane road in this location and has sufficient capacity to service the proposed development including the truck movements without causing any substantial impact on the function of the Tonkiss Street and Wyong Road roundabout.

Council's Transport Engineer reviewed the report and after clarification on some alignment details provided support to the proposal.

The developer has agreed to provide road improvements and this has been secured through a Voluntary Planning Agreement (VPA) entered into between the developer and the Minister of Planning. The agreement relates to the provision of traffic infrastructure required by the proposal and defines necessary traffic upgrades. The developer is required to enter into a Works Authorisation Deed with the Roads and Maritime Services (RMS) in respect to the upgrade of the Tonkiss Street/Wyong Road intersection and works on Wyong Road between the intersection and the motorway interchange. The proposed works will improve the traffic flow of the road network and will manage the impacts of traffic congestion along Wyong Road to the satisfaction of the RMS.

- **Development is not contained within the proposed B4 zone.**

Comment

The development is predominantly contained within the proposed B4 zoned land with the exception of a small amount of works required to establish a diversion channel in the proposed RU6 Transition zone. The proposed works are identified as “flood mitigation works” which are permitted with consent within the RU6 zone.

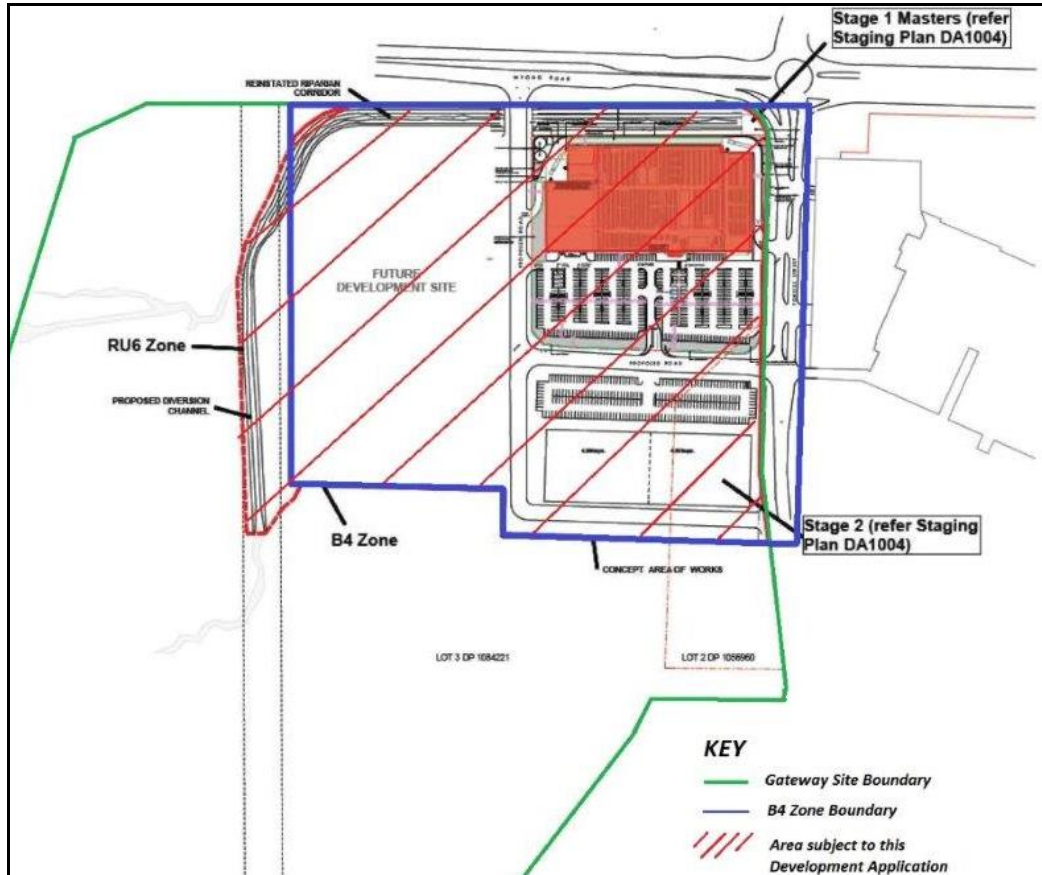


Figure 10: Diagram showing proposed B4 zone and proposed works.

- **Appropriate biodiversity offsets should be identified and implemented to compensate for any removal of endangered ecological communities.**

Comment

An ecological assessment of the site has been undertaken and reviewed. The ecological impact assessment lodged with the development application does identify that a small portion of endangered ecological community (EEC) identified as Swamp Schlerophyll Forest on Coastal Floodplain will be removed. There are three small patches of the EEC located on the site, one is in the central part of the site, another in the vicinity of the access road from Tonkiss Street and some along the Wyong Road frontage.

An ecological review determined that the impact on the local community would be minimal as the EEC has been substantially modified by historic land use and ongoing grazing and weed infestation. The area to be removed is small in extent compared to that within the wider locality and region. Larger and higher quality stands of the community are conserved in the conservation zones on the site (see Figure 8). Offsetting is therefore not required.

- **The application is not accompanied by an economic impact assessment assessing the impacts of the proposed development on other centres and to ensure that there is an overall need for the development. The application relies on information previously provided.**

Comment

There was an economic study titled Tuggerah State Significant Site Economic Study by MacroPlan prepared for the rezoning in 2010. The study included a retail needs assessment which was not limited to the Wyong Shire. The study takes into account the existing and future supply of retail uses of the Central Coast. The report notes that the proposed development is not expected to impact on other trade catchments of the region. The development application is supported by the economic studies associated with the rezoning which were considered satisfactory by the DP&E and reflected in the gazettal of the rezoning. It is considered that the economic study relied upon for the rezoning is valid and will suffice for the purpose of assessment of this application.

- **The DCP 2013 states that two core specialist bulky goods precincts are located at Tuggerah and Lake Haven with opportunity to provide smaller bulky goods precincts as within other town centres such as Bateau Bay, Long Jetty and Warnervale. This direction is inconsistent with the proposed development and consideration should be given to the impacts of this development on land already zoned for bulky goods retailing.**

Comment

WDCP Chapter 6.14 Tuggerah Precinct applies to the site and suggests that the site is to be used for mixed use, centre support development to be confirmed through a masterplan and rezoning. WDCP Chapter 5.1 Retail Centres also applies and provides requirements which apply to expansion of or creation of additional bulky goods retailing.

As previously mentioned an economic study for the subject area was undertaken to support the proposed planning for the Tuggerah State Significant Site. The report notes that the proposed development is not expected to impact on other trade catchments of the region and identified a likely demand for an additional 33,000m² of retail space and 17,000m² of bulky goods space at the Tuggerah site. The current application is for 13,500m² of retail premise (Masters Homemaker Improvement Centre) in Stage 1 with an additional 9000m² of retail such as bulky goods in the future Stage 2.

The application has been assessed against the DCP and is considered acceptable.

EXTERNAL CONSULTATION

Office of Water

The development application was referred to the Office of Water as integrated development. The Office of Water issued General Terms of Approval (GTAs) on 10 March 2015. The GTAs require a fully constructed riparian corridor of mature planting for the width of 25 metres and a length of approximately 220 metres.

Roads and Maritime Service

The development application was referred to the Roads and Maritime Service (RMS) for comment. The RMS raises no issues and provided comments and recommended conditions for Council to consider on 9 October 2015.

Department of Environment and Planning

The DP&E have been coordinating the rezoning of the site to B4 Mixed Use and made no comment with respect of this development application.

INTERNAL CONSULTATION

The application was referred to internal Council staff as follows:

Council's Senior Development Engineer – No objection was raised subject to appropriate conditions of consent.

Council's Transport Engineer – No objection was raised subject to appropriate conditions of consent.

Council's Senior Planning Engineer Hydrology - No objection was raised subject to appropriate conditions of consent.

Council's Ecologist –The applicant submitted an Ecological Assessment in support of the proposed development. Following a review of this document, no objection was raised subject to appropriate conditions of consent.

Council's Arborist and Landscape Assessment Officer – No objection was raised subject to appropriate conditions of consent.

Council's Contributions Officer – No objection was raised subject to appropriate contributions being imposed on any consent.

Council's Team Leader Water & Sewer Planning – No objection was raised subject to appropriate conditions of consent.

Council's Senior Environmental Health Officer - No objection was raised subject to appropriate conditions of consent.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, the following matters are considered to warrant further discussion, as provided below:

Sustainable building design: The proposal is for a staged development application with building and infrastructure works proposed for Stage 1. The building works proposed would trigger compliance with Section J of the Building Code of Australia which will be considered at the construction certificate stage.

Bushfire Protection: The site is identified as partially bushfire prone. However the development application did not require referral to the Rural Fire Service as it is not integrated development.

A Bushfire Protection Assessment Report has been undertaken for the site. The proposed Masters development is located within areas surrounded by existing and proposed managed road reserves to the north, south, east and west. The subject land is separated from vegetation to the north by Wyong Road which is a managed road reserve. The riparian corridor planned along the northern boundary of the site is assessed as the bushfire behaviour of a rainforest. A service road will separate the riparian corridor from the Masters building. The proposed development therefore is unlikely to be substantially impacted by bushfire.

Reduced Car Dependence: It is unlikely that customers would use public transport given the nature of the store. However, bus services operate from the interchange located within the adjacent Westfield shopping centre and the Tuggerah Railway Station is located approximately 1km to the east.

Flooding: The site is located within the Mardi Creek/Wyong River catchment and is affected by flooding. Flood mitigation works are proposed and are able to appropriately manage flood risks within the development site.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are discussed for Council's information.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a) Wyong Local Environmental Plan 2013

Permissibility

The area of the subject site (stages 1 & 2) is to be zoned B4 Mixed Use and RU6 Transition under the WLEP 2013. The DP&E has advised that the amendment to WLEP 2013 is to be made prior to the JRPP meeting of 19 November 2015.

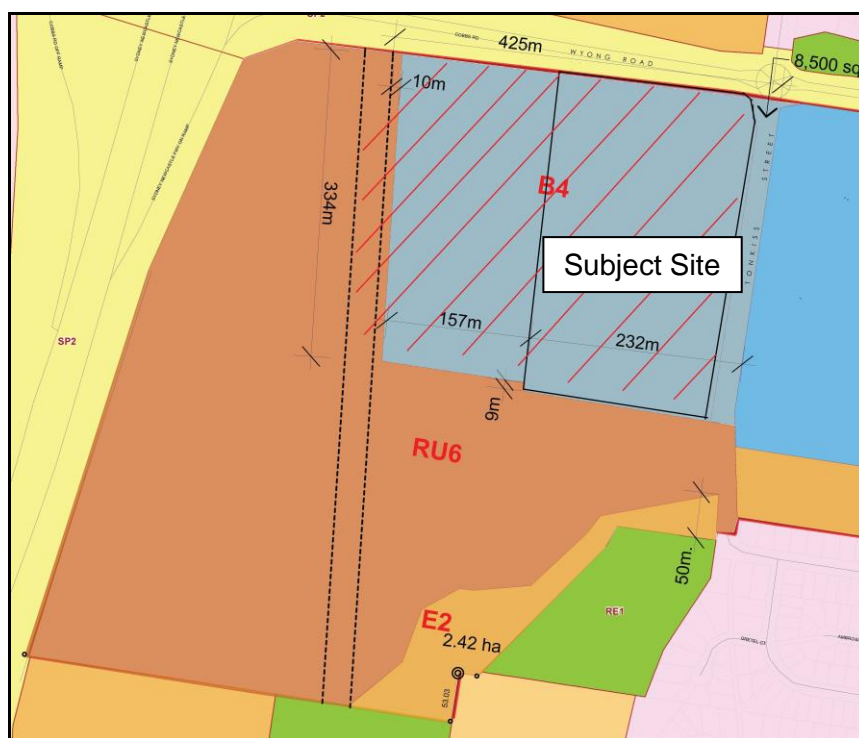


Figure 11: Zone boundaries (approximate area of work in red hatch).

The proposed uses are defined as “bulky goods premises”, “hardware and building supplies” and “flood mitigation works”. Each of these is permissible in the B4 and RU6 zones. No works are proposed within the E2 zoned portion of the site.

The following definitions are relevant:

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and

-
- (b) *direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.*

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

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

The proposed Concept Plan for the staged development is for the establishment of “retail premises” which consist of both “bulky goods” and “hardware and building supplies”. Stage 1 is for the proposed Masters Homemaker Improvement Centre which is defined as “hardware and building supplies” and Stage 2 is proposed as “bulky goods”. Both “bulky goods premises” and “hardware and building supplies” are a type of “retail premises” and are permissible with consent within the B4 zone. The works associated with Stage 1 include some “flood mitigation works” which are permissible in the RU6 zone. The flood mitigation works involve the redirection of existing drainage channels into a diversion channel and the reconstruction of a creekline which leads into the rejuvenated riparian zone.

The objectives of the B4 Mixed Use zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To permit residential accommodation while maintaining active retail, business and other non-residential uses at street level.*
- *To encourage development that supports or complements the primary office and retail functions of the zone.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

The objectives of the RU6 Transition zone are as follows:

- *To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.*

-
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
 - *To ensure that interim land uses do not have an adverse impact on the conservation or development potential of land identified for future investigation in the North Wyong Shire Structure Plan or Wyong Settlement Strategy.*

The proposed development is consistent with the objectives of the B4 zone as follows:

- The proposed development of the Gateway site has been designed as a logical extension of the ongoing development of the Tuggerah-Wyong Major Centre. The site has been historically identified for centre support retail since regional and local retail studies were undertaken for Tuggerah in the early 1990s. The addition of a Masters Homemaker Improvement Centre and future Stage 2 of bulky goods are compatible land uses that complement the existing retail functions of Westfield Tuggerah.
- The proposal will integrate with existing development within the established Tuggerah-Wyong major centre so as to provide multi-purpose trips and reduce car trips by customers, employees and suppliers. The proposal may also increase use of public transport and improve efficiency of existing and proposed infrastructure through co-location of retail uses.
- The proposal will maintain active retail and business development at street level. No residential development is proposed as part of this application.
- As previously mentioned the subject land has been identified for centre support retail functions since the early 1990s. The proposal supports and complements the retail functions of the zone through provision of additional retailing options in a highly accessible location.
- The proposed land use is consistent with the development on adjoining parcels. The proposed land use has been designed to minimise conflict with adjoining land uses. Conflicts are substantially mitigated as the site is currently part of a large vacant lot surrounded on three sides by existing roads.

The proposed flood mitigation works is consistent with the objectives of the RU6 zone as follows:

- The proposed works within the RU6 zone will continue to maintain the land in its transitional state and will not significantly impact on future development potential of the land.
- The proposed works will assist with directing overland flow to minimise conflict between the proposed land use and the adjoining land uses and manage water flow rates appropriately.
- The proposed works will not have an adverse impact on the development potential of the land.

The proposed development will not create any unreasonable impacts on other existing centres and is consistent with the function and the role of Tuggerah as a major centre of the shire. The proposal will reinforce Tuggerah-Wyong as the region's main retail centre as intended. The proposal is consistent with retail hierarchy for the Wyong LGA and the objectives of both state and local planning instruments and policies applicable to the land.

Height of Buildings (Clause 4.3)

There is no maximum height applicable to this site under the WLEP 2013.

Floor Space Ratio (Clause 4.4)

There is no maximum floor space ratio applicable to this site under the WLEP 2013.

Preservation of Trees or Vegetation (Clause 5.9)

Clause 5.9 applies to any tree or bushland, and specifies which species of trees require development consent to be removed. The objective of the clause is to preserve amenity and biodiversity values, through the preservation of trees and other vegetation.

The area of the subject site contains small isolated patches of vegetation within grassland, proposed to be removed as part of Stage 1. The clearing of vegetation was identified and considered as part of the rezoning. The rezoning secured protection of the south eastern area of the site and the rear of the adjacent Westfield site, through the application of the E2 Environmental Conservation zoning. The subject application does not affect the E2 zoned portion of the site and therefore does not inappropriately impact upon the vegetated amenity or biodiversity values of the area.

The impact on EEC's has been considered and discussed later in this report.

Acid Sulphate Soils (Clause 7.1)

Clause 7.1 requires special assessment to be given to certain development on land being subject to actual or potential acid sulphate soils. The site is identified as having Class 4 and Class 5 acid sulphate soils and clause 7.1 applies considerations to each class.

Areas affected by Class 4 requires additional considerations to be applied to works more than 2 metres below the natural ground surface which may encounter acid sulphate soils or for any works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. Class 5 refers to land within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and additional consideration is required to be given to developments by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Development consent must not be granted for the carrying out of works unless an acid sulphate soils management plan prepared in accordance with the Acid Sulphate Soils Manual has been provided to the consent authority.

The application includes preliminary assessment of acid sulphate soils which found that both actual and potential acid sulphate soils are present and trigger the requirement of an Acid Sulphate Soils Management Plan (ASSMP). Figure 6 below shows the extent of acid sulphate soils on the site with the pink area Class 4 and the yellow Class 5. The ASSMP will be required as a condition of consent prior to the release of a Construction Certificate.

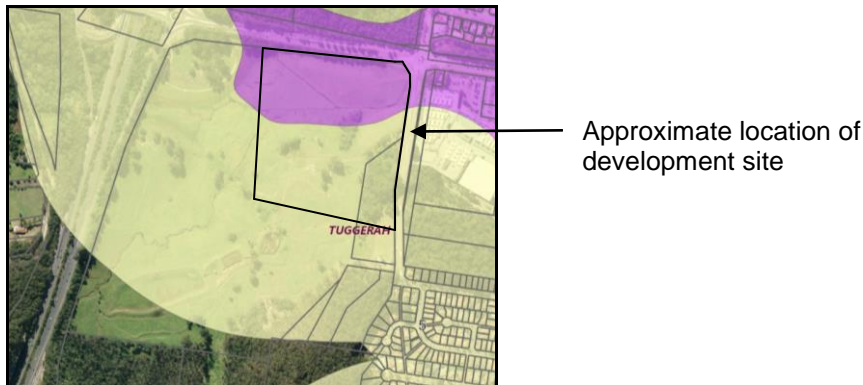


Figure 12: Acid sulphate soils extent on site.

Flood Planning (Clause 7.2)

The site is located within the Mardi Creek / Wyong River Catchment and Council's records indicate that the site is affected by flooding and/or minimum floor level requirements.

Clause 7.2 applies to the site as it is identified as flood planning land under Council's flood mapping. Consent must not be granted to land identified by this clause unless the consent authority is satisfied that the development:

- Is compatible with the flood hazard of the land; and
- Is not likely to significantly adversely affect flood behaviour resulting in worsened flood hazard to other development or properties, and
- Incorporates appropriate measures to manage risk to life from flood, and
- Is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses, and
- Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

A flood impact assessment has been undertaken to determine the potential impacts of the proposed development. The Mardi Creek catchment includes two main branches of Mardi Creek that combine downstream of Tonkiss Street and are then conveyed by means of a constructed channel to the Pacific Highway returning to natural creek alignment downstream of the railway.

Flooding in the Mardi Creek catchment occurs when the runoff generates flows that exceed the available channel capacity. The channel reach between the Woodbury Park Drive and Gavenlock Road is of sufficient capacity to cater for large events however the channel reach between Gavenlock Road and Pacific Highway has limited capacity and floods overbank even in a small flood event. This is due to the limited capacity of the Mardi Creek channel downstream of the railway, which elevates flood waters and provides a downstream control to the concrete channel upstream of the highway.

The proposed development site is situated on the southern branch of Mardi Creek immediately upstream of Tonkiss Street. Within this location there are three main upstream catchments where runoff from these catchments currently combines in an area within and to the west of the Stage 1 development. The runoff flows from the site all fall to the north east corner and are drained by box culverts under the Tonkiss Street intersection. Flows discharged through these culverts enter the man made channel where they combine with flows from other catchments.

Council's Flooding Engineer has confirmed that the context of the proposed development within the broader Mardi Creek catchment results in negligible impacts to the peak flood level conditions at the critical 9hr storm duration. However potential flood impacts were identified for very short and intense storms which would result in increased runoff volume resulting in an increased flood frequency downstream at Anzac Road. To mitigate these impacts the provision of on-site flood detention has been included which comprises suitable storage to mitigate the impacts of the Stage 1 development. It is also expected that future development can also be managed adequately to reduce the cumulative impacts of flooding and not exacerbate the existing flooding issues at Anzac Road.

The proposed Stage 1 development includes the construction of a drainage channel to divert upstream catchment runoff around the development site.

Council's Senior Planning Engineer Hydrology has reviewed the Flood Impact Assessment dated September 2015 and is satisfied that there will be no significant flooding impacts as a result of the development. It is noted that the volume run-off does increase, but only affects flood levels at Anzac Road industrial area by about 0.1m which is within the accuracy tolerance of the flood model.

The proposed treatments to mitigate the impacts of flooding on downstream properties are considered appropriate and suitable for the proposal.

Essential Services (Clause 7.9)

Clause 7.9 requires that services that are essential for the development are available or that adequate arrangements have been made to make them available when required prior to consent being granted. These services include water supply, electricity supply, sewage management and disposal, stormwater drainage or on site conservation and suitable road access. The proposal will satisfy the requirements of the clause.

b) Relevant State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy 55 – Remediation of Land

Clause 7(1) of State Environmental Planning Policy No. 55 requires that Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and if contaminated that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development proposed to be carried out. Clause 7(2) requires where there has been a change of use on any of the land (as specified under subclause 7(4)), that Council consider a report specifying the findings of a preliminary investigation of the land in accordance with the contaminated land planning guidelines. In this regard, a contamination assessment prepared by URS Australia Pty Ltd was carried out with the rezoning process. The report was submitted with the development application and identified that there is no constraint with regard to site contamination to prevent the rezoning of the land and subsequently the proposed development. The report includes general recommendations that will be included as conditions of consent.

State Environmental Planning Policy (State and Regional Development) 2011

Development applications with an estimated capital investment value exceeding \$20 million are to be determined by a Joint Regional Planning Panel under the provisions of Schedule 4A of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy (State and Regional Development) 2011. The proposal has a capital investment value of over \$26 million and is therefore referred to the Hunter and Central Coast Joint Regional Planning Panel for determination.

State Environmental Planning Policy 64 – Advertising and Signage

SEPP 64 applies to all signage which can be displayed with or without consent and is visible from any public place or public reserve. SEPP 64 applies to this proposal as the majority of signage proposed is visible from the surrounding road network, including a classified road. Part 3 of SEPP 64 does not apply to the pylon sign or the proposed wall signs on the building as these signs are defined as “building identification signs”.

The proposed signage includes:

South West Elevation

- Principal identification sign above the pedestrian entry comprising the words “Masters Home Improvement” logo measuring approximately 16m wide x 3.6m high and internally illuminated.
- Adjacent to this sign is large iconography showing tools in three circular images with each image approximately 5.2m x 5.2m and a value sign with the words “Best Price Guarantee” approximately 17m x 3.6m.
- Secondary identification signage is provided above the trade entry “Timber and Building” at approximately 14.6m x 1.9m and garden centre entry “Garden” at 6.3m x 1.5m).

South East Elevation (Fronting Tonkiss Street)

- Two identification signs in the form of the Masters corporate branding approximately 12m x 4.8m.

North East Elevation

- A large identification sign comprising the words “Masters Home Improvement” approximately 17m x 2.8m.

North West Elevation

- A small identification sign comprising the Masters corporate branding approximately 12m x 2.8m

Pylon Signage

- A pylon sign at the north eastern corner of the site adjacent to the Wyong Road and Tonkiss Street intersection. This sign will be double sided and approximately 12m in height and 3.95m wide. The sign consists of a moulded opal acrylic icon and internal LED illumination.

Ancillary Signage

- Ancillary signage is provided in various locations throughout the carpark. These signs include accessible carpark signage, parent car park signage, car and trailer park signage loading and service road signage. This signage is to assist with the safe and accessible operations of the site.

SEPP 64 seeks to achieve the following aims and objectives:

(a) To ensure that signage (including advertising):

- i. Is compatible with the desired amenity and visual character of an area, and*
- ii. Provides effective communication in suitable locations, and*
- iii. Is of high quality design and finish; and*

(b) To regulate signage (but not content) under Part 4 of the Act, and

(c) To provide time-limited consents for the display of certain advertisements, and

(d) To regulate the display of advertisements in transport corridors, and

(e) To ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

Pursuant to clause 4 of SEPP 64, the associated Masters signage would be classified as “building identification signs” which applies to signs that identify or name a building. These signs may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

Clause 8 of the SEPP requires that:

“A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) That the signage is consistent with the objectives of this policy as set out in clause 3(1)(a), and*
- (b) That the signage the subject of the application satisfies the assessment criteria specified in Schedule 1”.*

The objectives referred to in clause 3(1)(a) are:

“(a) to ensure that signage (including advertising):

- i. Is compatible with the desired amenity and visual character of an area, and*
- ii. Provides effective communication in suitable locations, and*
- iii. Is of high quality design and finish.”*

The proposed signage is considered to be of high quality and in keeping with the amenity and visual character of the Tuggerah Centre. The proposed signage will clearly identify the Masters building to pedestrians and vehicular traffic in the locality providing effective communication and visual interest. The signage is of a similar theme to the adjacent Westfield site and that of similar development along Wyong Road. The assessment criteria of Schedule 1 is addressed and provided in Attachment 1. The signage is generally compliant with the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 requires consideration of the impacts of certain developments on infrastructure including roadways. The proposal has access from both Tonkiss Street and Wyong Road which is a classified road. The type and size of development that is to be referred to RMS is listed in Schedule 3 of the SEPP and all developments abutting classified roads are also required to be referred to RMS. The proposal provides parking for more than 200 motor vehicles and abuts a classified road. The proposed development of Stage 1 therefore requires referral to the RMS under Clause 104 as a “traffic generating development”.

A traffic assessment has been submitted with the development application which includes a technical assessment of the traffic impacts of the proposed development. The assessment found that the road network, including internal roads, have adequate capacity to cater for the forecasted additional traffic flows. The report concludes that a satisfactory level of service at intersections will be maintained inclusive of the development. Traffic likely to be generated by the development can be accommodated within the road network and is within the range considered appropriate for the regional centre.

Through negotiations with the DP&E and the RMS during the recently completed rezoning the developer has entered into a VPA which requires a Works Authorisation Deed (WAD) to be entered into which will ensure that the RMS can secure appropriate road upgrade contributions and/or works to their satisfaction. A condition of consent has been included that instructs the developer to enter into a WAD with the RMS for any works and traffic control on State roads.

State Environmental Planning Policy 44 – Koala Habitat Protection

The site area is larger than 1 hectare so SEPP 44 applies. Vegetation on the site does not constitute potential or core koala habitat, however the road reserve may constitute potential koala habitat by virtue of the presence of Swamp Mahogany. Assuming that Swamp Mahogany is more than 15% of the tree canopy the road reserve vegetation (therefore is potential koala habitat) then it must be decided if it constitutes core koala habitat.

There is a narrow strip of vegetation containing Swamp Mahogany along Wyong Road with some narrow connectivity to roadside vegetation to the west and then south parallel to entry ramp for the M1 Freeway which connects to a large area of remnant vegetation south of the site on Tangy Dangy Hill.

No Koalas or signs of Koala activity were detected in several previous surveys of the site and there are no records of this species nearby. As such there is no indication that means the road reserve is an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population. Therefore the road reserve is not considered core koala habitat and no further assessment is required.

c) Relevant DCPs

Wyong Development Control Plan 2013 (DCP)

DCP Chapter 2.11 – Parking and Access

The objectives of the DCP are to provide Council's requirements in relation to proposed development as follows:

- the provision of parking;
- the design of parking, delivery, access and associated traffic facilities;
- the provision of traffic and transport infrastructure, including facilities for public transport, cyclists and pedestrians.

DCP Chapter 2.11 requires minimum provision of one space per 50m² GFA for bulky goods premises and hardware/building supplies. Applying these rates the proposed Masters development of 13,500m² would require 270 car spaces. The proposed development provides 370 car spaces which more than satisfies the DCP requirements.

The proposal includes appropriate disabled parking with a total of eight spaces at the front of the Masters building entry. There is also four long car spaces provided for cars with trailers and four parents with prams spaces included.

In addition to car parking, the DCP requires bicycle parking at a rate of one bicycle space per 10 car spaces which equates to 27 bicycle spaces. Two thirds of the bicycle spaces will be allocated to staff and provided in a secure location of the building with the balance provided by way of bicycle racks near the entry to the building and available to customers. This is considered acceptable given the bulky goods nature of the development where customers are more likely to drive to the site.

The service vehicles enter the site from Tonkiss Street and travel around the northern boundary of the site to the loading dock which is located at the north western corner of the building. The service access has been designed to reduce customer/service vehicle conflict by the use of a one way service road with egress from the Masters site via Road 2 and Wyong Road. The service vehicle road has gates near the entry and the exit removing the potential for customers to use the service road. The loading dock area has a large awning to provide cover and access to the receiving and trade areas is via motorised roller doors. Trucks can easily unload and in the event that other deliveries arrive at the same time, ample room is available in the service road for trucks to wait until the loading area is clear. The proposed service road and loading dock is considered to be suitable for the development.

The proposed carparking layout and internal road system is appropriate and suitable for the use. Landscaping has been provided for within the carpark and around the perimeter of the carpark is to be located 4m of landscaped beds comprising ground covers, shrubs and trees at approximately 10m centres. A designated pedestrian access way is provided particularly serving the parents with prams and disabled spaces. Trolley return bays are provided appropriately within the carpark.

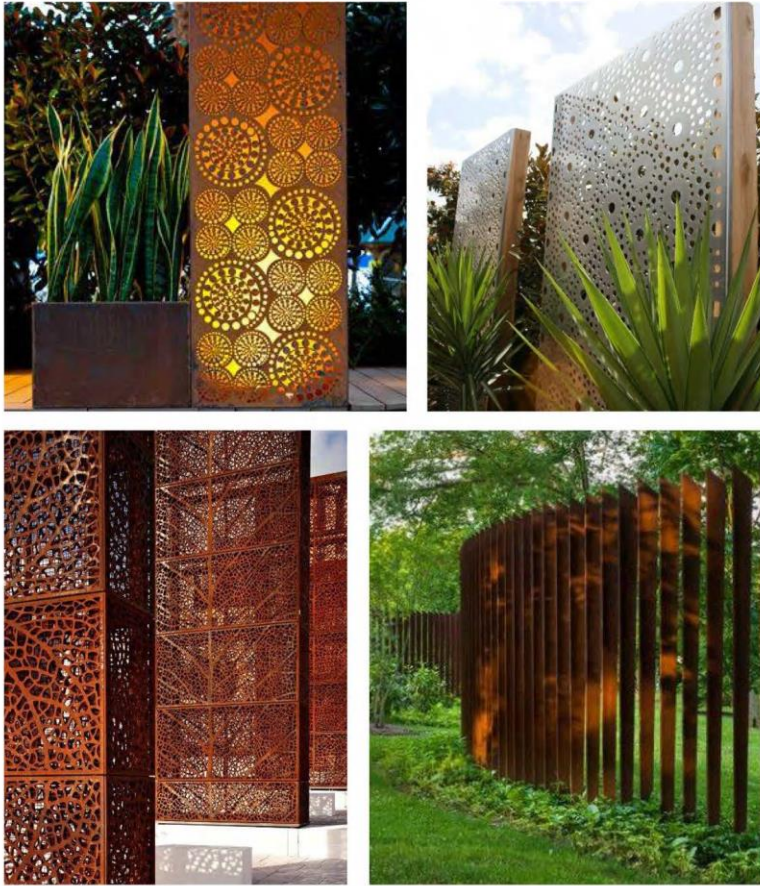
For large-scale and more complex developments, which are likely to have a greater impact on parking demand and/or traffic movement, an appropriate Traffic Impact Study, including parking requirements, prepared by a suitably qualified consultant, is to be provided with the development application. This includes development proposals that generate 50 or more vehicle trips per hour and development proposals considered to be Traffic Generating Developments under Schedule 3 of SEPP Infrastructure. The proposal provides parking for more than 200 motor vehicles as per Schedule 3 therefore a Traffic Impact Study was submitted with the development application.

The proposed parking provisions are considered suitable and satisfy the provisions of Chapter 2.11 Parking and Access.

DCP Chapter 2.15 – Public Art

DCP Chapter 2.15 requires major development to implement public art as part of the development. The DCP defines 'major development' as referring to commercial, public administration, and retail (shops) development valued at \$5 million or greater in terms of total development cost. The value of the proposal triggers the requirement for the provision of public art. A concept proposal has been submitted to Council which showed proposed public art that would assist to integrate the proposed development with the locality and contribute positively to the streetscape. Public art elements are to be implemented at the corner of Tonkiss Street and Wyong Road and the corner of Tonkiss Street and Road 2. The public art concept is considered to add visual interest important in this prominent location and provide a sense of arrival to the development. Final details will be required as a condition of consent and figure 10 is an example of the features that have been discussed for implementation.

FEATURE LASER CUT RUSTED STEEL SCULPTURAL BLADE PANELS



SCULPTURAL GABION WALLS LANDSCAPING



Figure 13: Public art elements to be implemented on the corner of Tonkiss Street & the corner of Road 2 and Wyong Road.

DCP Chapter 5.1 - Retail Centres

Chapter 5.1 Retail Centres aims to identify a clear hierarchy of retail centres within the Wyong LGA and develop procedures to help encourage investment while maintaining an appropriate retail hierarchy. Section 3 relates to Bulky Goods Retailing and identifies bulky goods precincts occurring at Tuggerah and Lake Haven. The objectives of the existing bulky goods provisions are:

Objectives

- *To provide for relatively low intensity commercial and retail uses with extensive floor space requirements, but not including supermarkets or other food or produce markets.*
- *To support and enhance the range of retail opportunities within the Shire.*
- *To provide for centre support retailing in areas within Major or Town Centres where they can perform a legitimate centre support function.*
- *To promote centre support retailing in areas which are highly accessible to public and private transport.*

The proposal is consistent with the objectives of DCP Chapter 5.1. The proposed Masters Homemaker Improvement Centre enhances the retail opportunity within the Shire and provides centre support to the Tuggerah-Wyong Major Centre. The subject site is highly accessible to public and private transport with the a bus interchange at the rear of Westfields and Tuggerah Railway Station approximately one kilometre to the east, and the major roads of the M1 Motorway and the Pacific Highway which provide amenable access to the whole Shire and beyond.

The Tuggerah Gateway Site Demand Assessment & Economic Impact assessment prepared in support of the rezoning of the Gateway site identified that there is an undersupply of bulky goods floor space in the Wyong LGA. Trade expenditure is escaping to trade areas outside the Wyong Shire. The report identified the Gateway site as being suitable for a range of uses including bulky goods retail and identified the site as capable of accommodating a 44,000m² Homemaker Centre.

The Stage 1 retail proposal which has a floor area of 13,500m² will assist in reducing the loss of trade to other areas and promote local employment and increase consumer choice. The proposed Stage 2 bulky goods development has a floor area of 9,000m² and will further reduce this trade escaping to other areas. The total floor area of the proposed Stage 1 & 2 development is 22,500m². This floor area would reduce the identified shortfall of bulky goods.

The proposed development is considered to be consistent with the bulky goods objectives of the Retail Centres DCP.

Part 5 of Chapter 5.1 refers to the consideration of the Net Community Benefit test criteria in consideration of any planning proposal to expand or create a new centre. The Gateway site is within the existing Wyong Tuggerah major centre and has been identified as centre support retail since the 1990s. The rezoning of the Gateway land to include the uses of bulky goods and hardware and building supplies, has effectively been under consideration since it was originally lodged with Wyong Council in 2006 which predates any Sequential Test and Net Community Benefit Test. The appropriate assessments including consideration of net community benefit assessment criteria have been undertaken as part of the rezoning of the subject land and were supported by the department of planning.

Part 6 refers to design guidelines for commercial buildings in retail centres. The objectives of design guidelines include:

- *It is important that commercial buildings assist in defining the street for pedestrians. Setbacks help people to understand where buildings are facing and where you can enter a building.*
- *Standalone shopping centres with car parking areas in front or large areas of blank wall erode the built form. Buildings that support the definition of streets and public spaces ensure the Centre is an attractive, legible place for business or pleasure.*

The subject site has been identified as a gateway to the Shire due to its high exposure and location which led to the site being known as the “Gateway” site. The site has been considered as the gateway to the Shire and identified for redevelopment since the early 1990s. Careful consideration has been given to the design of the site to ensure the outcome is consistent with the existing and future character of the area.

The DCP does not establish setbacks relative to the site; however the Masters building has been carefully designed with setbacks consistent with those required for large scale buildings found in Council’s DCP 2.12 Industrial Development. The development site has been designed with car parking central to the site and the building located adjacent to the Wyong Road frontage. The Wyong Road elevation is setback from the road approximately 33.5m with a 25m wide riparian corridor and a 6.0m access road between the site boundary and the building. Tonkiss Street elevation has a minimum setback of 10m extending to 14m in part throughout the width of the building and has a modern design with a mix of materials and colours. The site coverage of the building and landscape treatment is also consistent with that required on other large scale development.

The riparian corridor is to be rejuvenated in conjunction with this development application and is to be planted with dense vegetation including ground covers, shrubs and trees. Works within the riparian zone will seek to achieve a replica of an ephemeral creek system that mimics local conditions including the establishment of native vegetation that fits with the Swamp Sclerophyll Forest Endangered Ecological Community in terms of structure and floristics. This remaining area at the corner of the site at the Tonkiss Street/Wyong Road intersection will be landscaped with low lying shrubs and ground cover species.

Careful consideration has been given to this corner to provide façade treatment that is appealing and activates the streetscape. The inclusion of public art assists with the activation of the street corner creating an attractive entry statement to the Masters site. Public art in the form of sculptural gabion walls and rusted steel panels are proposed in strategic locations at the Wyong Road/Tonkiss Street corner of the site and the intersection of Road No.2 and Wyong Road.

As previously mentioned earlier in the report, a green wall is proposed for the eastern most 35m of the Wyong Road elevation to assist with visual integration and reduce the visual impact of the wall on the intersection. The Wyong Road façade comprises of alternating grey and white panels which will sit behind the riparian corridor. Once the riparian corridor has matured majority of the façade will not be seen from Wyong Road with the exception of the visual envelope when approaching the Tonkiss Street/Wyong Road roundabout from the east as shown in the photomontage in figure 14. This part of the site will appear as an attractive landscaped corner.

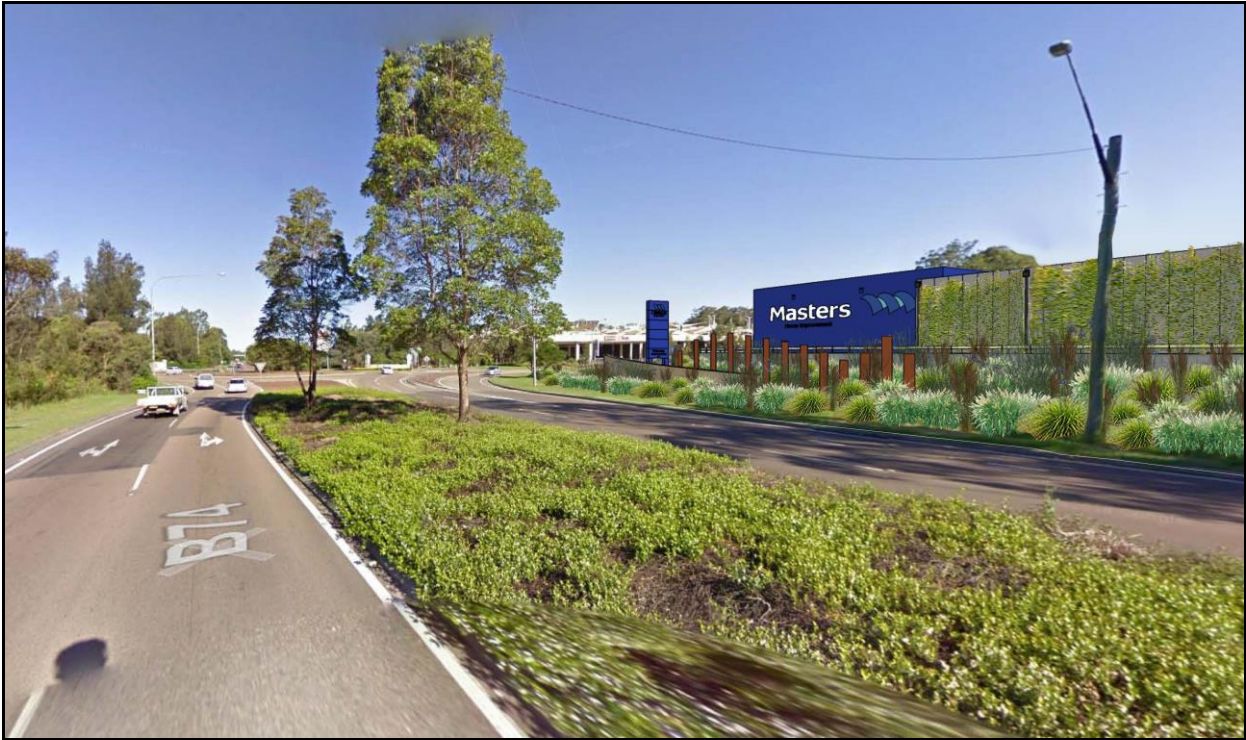


Figure 14: Photomontage looking west to the Wyong Road/Tonkiss Street intersection.



Figure 15: Photomontage looking south to Tonkiss Street.

The Tonkiss Street elevation consists of a variety of materials to create an attractive façade. Together with the proposed public art and landscaping the building presents to the street in a positive manner. The location of the building defines the street and provides clear direction of entry into the carpark and into the building. The façade articulation provides character and human scale to the building reducing the overall impact and providing visual interest.

The loading dock area is located at the north western corner of the building. The area is approximately 50 metres from Wyong Road and is buffered by the 25 metre wide riparian corridor and landscaping. The loading dock located on the western facade is unlikely to be viewed by passing traffic due to the distance from the road and the dense vegetation of the riparian corridor and along Wyong Road. However those travelling east past the site may catch a glimpse via the left in/left out Road 2 and Wyong Road intersection. This corner also proposes public art within the landscaped area which will provide visual interest and detract the eye from the view beyond.

The proposal includes two large sprinkler tanks and a pump room located on the western side of the building between the service vehicle exit and the customer entry/exit. Suitable landscape screening will reduce the visual impact to those visiting the site and future development. A condition of consent will be included requesting the landscape plans be updated to provide screening of the tanks and pump room.



Figure 16: Photomontage looking east to the Wyong Road/Tonkiss Street intersection.

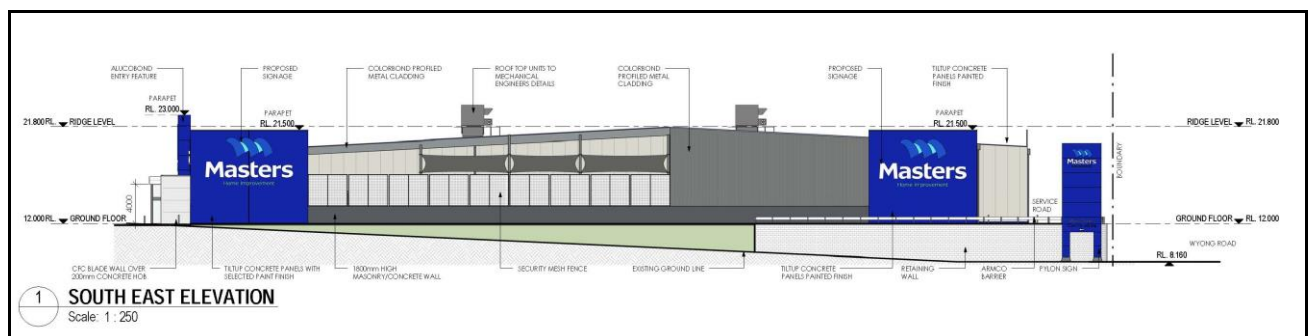


Figure 17: Tonkiss Street elevation.

Chapter 6.14 Tuggerah Precinct

Chapter 6.14 aims to guide future development within the Tuggerah Precinct. Clause 1.1 outlines the general objectives relating to the role and function of the Regional Centre. These objectives are addressed in the table below:

Table 2: DCP Chapter 6.14 Objectives.

OBJECTIVE	COMMENT
To strengthen and promote the Tuggerah Precinct as an integral component of the Tuggerah-Wyong Regional Centre.	The proposal provides additional retail choice which is considered to complement the existing retail development of the Tuggerah Precinct. The addition of greater retail choice enhances the viability of the Precinct as the retail core of the region.
To establish a clear identity and image for the Precinct as the primary focus of economic activity in the Shire and the Central Coast Region.	The proposal will enhance the identity and image of the Tuggerah precinct through the location of the existing major shopping centre and development of the Gateway site. The proposed development will strengthen the economic activity by providing complimentary retail to the existing Westfield shopping centre.
To promote the orderly use of Tuggerah development land in accordance with its status and development potential as a Regional Centre.	The proposal promotes the orderly development of the land through the establishment of the Concept Plan for Stages 1 & 2. The Concept Plan proposal is consistent with the objectives and a permissible use of the recently zoned B4 Mixed Use zone. The proposal will contribute to the identity of Tuggerah Precinct as a Regional Centre.
To encourage high quality urban design as appropriate to the presentation, perception and development of a multi-functional Regional Centre.	The proposal presents a quality urban design which fits with the context of the area as a Regional Centre. The proposed Masters and future bulky goods retail uses will add to the existing retail development in a complimentary manner. The architectural and landscape treatment of the proposed development is considered to be of high quality which is appropriate to the highly visual site presenting the perception of an upmarket, functional centre.
To provide appropriate controls and incentives to attract investment in the centre.	It is envisaged that the proposed Masters development will attract potential tenants for the bulky goods occupancy of Stage 2. The establishment of Stages 1 & 2 will encourage local investment and reduce expenditure that is identified as escaping to other retail catchments.
To promote employment generation in the Tuggerah Regional Centre.	The proposal promotes employment generation through the proposed Masters store development which will generate between 130 to 150 jobs when completed. During the construction period employment will also be generated commencing with clearing and site works to the construction of the building, roads, carpark and infrastructure.

To maintain and reinforce the Precincts existing competitive advantage centred on accessibility.	The proposal will provide additional retail choice to the existing retail premises within Westfield. The Tuggerah precinct is easily accessible through public transport and private vehicle due to its close proximity to bus, train and major arterial roads. The proposed Masters and Stage 2 bulky goods will maintain and reinforce the retail focus of the Tuggerah precinct.
To manage the traffic and parking for the benefit of the residents, business people, service personnel and visitors.	The proposed Masters development includes parking for 370 vehicles which is an additional 100 car spaces to that required under Council guidelines. The number of car spaces will result in no adverse impacts due to parking. The current proposal has been assessed to provide minimal impact in to the current traffic regime. The future development of the Stage 2 site will trigger required road upgrade works which include the signalisation of the intersection of Tonkiss Street & Wyong Road. These road upgrades have been included in a VPA entered into with the developer and the Minister of Planning.
To encourage a well-designed, safe and active public domain which contributes to the wellbeing of the community.	The proposed Masters development has been assessed against the principles of Crime Prevention Through Environmental Design which has found the development to present a safe environment. The proposal provides open areas that are well lit and promote natural surveillance. The public domain contains elements such as carpark and the building entry which can be viewed by patrons from various locations contributing to a safe and attractive public domain.
To encourage mixed use development (incorporating appropriate retail and commercial uses), which can include residential development where it is attached to other permitted buildings only.	The site has been identified for mixed use since the 1990s. The proposal provides appropriate retail choice with the proposed Masters and future bulky goods premises. This application is only for the concept plan and Stage 1 Masters development. Future development of the remaining site may investigate residential development opportunities and other appropriate uses.
To encourage a high quality building stock which can adapt over time to a range of uses.	The building has been designed to include a range of building elements and has a scale that could easily be modified to suit potential future uses if required.
To ensure that the built form defines a spatial hierarchy with a human scale which contributes to the legibility of the centre.	The building is a comfortable size that relates to the human scale. The careful location and size of entry doors and façade treatments assist to promote human scale. The proposed building design is suitable for the use and integrates suitably with the scale of other development in the locality.

To protect, rehabilitate and manage significant environmental features located within the Precinct	<p>The proposal will allow the clearing of some isolated or disturbed edges of larger stands of vegetation on the Gateway site. Appropriate offsets have been secured through the recent rezoning where the quality vegetation was rezoned to E2 Environment Conservation. This zoning secures conservation outcomes over both the existing Westfield and Tuggerah Gateway land.</p> <p>In addition, the development of the site includes the rejuvenation of the riparian corridor and flood mitigation measures to reduce the impact of overland flow to down stream property. The rejuvenation of the riparian corridor will protect and improve the viability of the riparian zone and the role it plays as an environmental feature.</p>
To reduce the impact of development on ecological systems and processes that sustains life.	The flood mitigation works include such items as the rehabilitation of the riparian corridor, construction of diversion drains and on-site detention tanks. These works will assist to reduce the impact of the development on the natural environment. The highest quality vegetation on the site is E2 land not impacted by this application.
To allow development that is compatible with the flood hazard of the land	Flood mitigation measures are proposed which include on-site detention, the reinstatement of the riparian corridor and a temporary diversion channel. The mitigation measures included with the development will minimise flood impacts. The flooding impacts have been reviewed by Council Engineers and considered satisfactory.

In accordance with the provisions of Clause 3.2.1 of Chapter 6.14 the proposed development is located within Area B1 – Old Abattoir Site. The DCP states:

“This area is to be reserved for future mixed use, centre support development involving uses associated with the Precinct. The Council will require the preparation of a Master Plan to support rezoning, but will only consider a proposal when it determines that the timing is appropriate.”

The proposed development is considered a suitable extension to the existing retail facilities at Tuggerah and is considered to be consistent with the provisions for development within the Tuggerah Precinct.

The rezoning process has been completed with the subject site zoned B4 Mixed Use. The B4 zone allows a range of uses which include retail and other commercial uses, residential, entertainment and community facilities. The current application is the first on the Gateway site and involves the establishment of a Masters Homemaker Improvement Centre and future bulky goods premises which is permissible in the B4 zone. The proposed development is consistent with the intended use of the site.

THE LIKELY IMPACTS OF THE DEVELOPMENT

a) Built Environment

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of DCP compliance.

Built Form

The proposal has been designed to present positively to Wyong Road and Tonkiss Street and provides a design response that integrates with the area. Key elements incorporated in the built form include:

- architectural treatment which includes a variety of materials and textures to the façade;
- the location of main entry directly off the new internal access road providing clear access;
- effective signage with significant landscaping; and
- public art.

These features provide a strong streetscape presentation while responding to existing character, site context and surrounding land uses.

The scale and bulk is in line with that of similar bulky goods and hardware retailers and is fit for purpose. The built form of the development is consistent with the size of the land parcel and the context of existing surrounding development. The bulk, scale, height and character of the proposed development is considered suitable for the site particularly noting the use is compatible with the zoning affecting the site.

Traffic generation

The Traffic and Parking Report submitted with the development application analysed the worst case scenario of traffic generation associated with the proposed development on the surrounding road network including the provision of new access points to Wyong Road and Tonkiss Street. The assessment found that the road network, including internal roads, have adequate capacity to cater for the forecasted additional traffic flows at a satisfactory level of service as a result of proposed Stage 1 - Masters Homemaker Centre. Traffic likely to be generated by the development can be accommodated within the road network and is within the range considered appropriate for the regional centre.

The VPA associated with the rezoning includes a threshold imposed by the DP&E upon the Gateway rezoning for an upgrade of the Wyong Road / Tonkiss Street / Woodbury Park Drive roundabout to traffic signals. The threshold for upgrade is any building works on the subject land resulting in a floor area of 14,000m² or greater. The first stage of the Concept Plan is for a floor area of 13,500m² (Masters) which defers the signalisation of the intersection to Stage 2 or any development that increases the floor area beyond 14,000m².

These roadworks form part of the broader transport infrastructure requirements as identified in the State Significant Project – Tuggerah Town Centre study for the DP&E.

It is expected that traffic generation by the proposed development will have its greatest effects during the weekday afternoons and Saturday peak periods when it combines with commuter and other traffic. The traffic assessment found that the additional Masters traffic would not create substantial adverse impacts and would result in the intersections operating at satisfactory levels of service during peak periods.

The development will necessitate the completion of road infrastructure in accordance with the relevant provisions of Council's Civil Works Design Guidelines. Conditions will be recommended requiring at least the provision of new accessways, reinforced concrete footpaths, road pavement upgrade, signage and line marking and augmentation of existing street drainage lines.

The development will be supported with a Road Safety Audit as part of the Construction Certificate in accordance with Council's Civil Works Design Guideline.

Internal Roads, Access and Parking

The internal roads and access points have demonstrated compliance with AS/NZS 2890.6 (2009) – "Off-street parking for people with disabilities". The main access road to the entire site is the Tonkiss Street access. In accordance with the Masterplan for the Gateway site, this road is required to become a public road when future development of the remaining site occurs. The development of the remaining parts of the site is currently unknown and will be subject to future rezoning and development applications. The road has been designed to enable appropriate servicing and the dedication as public road in the future.

The proposed off-street car parking dimensions, vehicle maneuverability and internal driveway grades will need to comply with AS/NZS 2890.1 (2004) - "Off-street car parking". The proposed loading areas, vehicle maneuverability and internal driveway grades will need to comply with AS 2890.2 (2002) – "Off-street commercial vehicle facilities". These requirements can be accommodated in the development conditions and considered at the Construction Certificate stage.

Service access has been designed to be separate from customer access. Service access will be via the service lane accessed from Tonkiss Street and operating in a one way direction along the northern boundary to the loading dock area. Trucks will then exit via the dedicated service egress to proposed Road 2.

The proposal includes 370 car spaces which is greater than the minimum of 270 spaces required under Council's DCP Chapter 2.11 Parking and Access. The parking provisions are therefore adequate with parking unlikely to create an adverse impact in the area as a result of the proposal.

Drainage

The site falls to the north eastern corner of the site (Wyang Road / Tonkiss Street / Woodbury Park Road intersection). A number of natural watercourses meander through the site from catchments to the south and the opposite side of the M1 Motorway. A series of culverts are located in the lowest part of the site, which discharge to an open channel located on the northern side of the existing roundabout (traverse diagonally). The submitted Civil and Services Report by Mott MacDonald dated December 2014, has identified the northern set of culverts as two, 2450 x 1200 Reinforced Concrete Box Culverts (RCBC).

The southern set of culverts has been identified as three, 3100 x 900 RCBC. The photo below details the southern set of culverts with the northern set shown in the background.



Figure 18: Photo showing both sets of culverts that discharge under Wyong Road/Tonkiss Street intersection. (Red circle identifies location of the northern culverts).

The majority of flows under existing conditions drain to the southern set of culverts. The northern culverts provide additional flood capacity during flood events.

Clarification was requested in regard to the proposed 'mixing chamber' located at the intersection of Tonkiss Street and Wyong Road. Revised civil engineering plans were submitted showing that low flows are intended to be directed through the northern set of culverts with the southern set of culverts designed to provide capacity during higher intensity storm events. A change in alignment of the southern set of culverts will improve the efficiencies of this culvert system. The commercial vehicle access road is to be cantilevered over this mixing chamber with an underside clearance of approximately 3 metres provided. A suitable easement for maintenance will be required to enable Council access to maintain the culverts.

Council's engineering staff have reviewed the proposal and considered that it adequately meets drainage and flooding needs.

Easement

An investigation of Deposited Plans 1084221 & 1056960 has identified a burden associated with one of these properties; an Easement for Transmission Line 30.48 wide. Transition channel works are proposed within this easement. Ausgrid has provided consent to the works in correspondence dated 15/6/2015.

Earthworks

Due to the required platform levels of the structure and carpark, a 4 metre retaining structure and batter slopes have been proposed. Council's Senior Subdivision Inspector has advised that the large stockpile onsite was from the original Westfield Tuggerah works.

The extent of fill required in the north eastern corner of the site is approximately 4 metres in height and it is expected that some of the stockpile may be used to create the building platform and benching of the site with the remainder consumed on site with the earthworks associated with the removal of the existing drains within the centre of the site.

This is considered acceptable given the existing topography of the site.

Waste Disposal

A waste collection area has been located at the rear of the building within the receiving area which is away from the general public domain. The area is an enclosed bin enclosure and waste vehicles can access via the commercial vehicle only accessway from Tonkiss Street. The bin enclosure is located to reduce conflict with the general public and minimise visual impacts. Conditions are proposed with regard to ongoing waste services.

Crime and Public Safety

In considering crime and public safety the Crime Prevention Guidelines have been referenced. The Guidelines identify four principles that can be used in design to prevent or minimise crime. They are Surveillance, Access control, Territorial reinforcement and Space Management.

The four principles have been considered by the applicant and summarised as follows:

Surveillance: the proposed development provides areas of space where people can see and interact with each other creating a safe public environment. Natural surveillance has been achieved through these open areas and internal security management. The lineal built façade reduces areas of conflicting sightlines and provides for casual surveillance. The development also presents well to Wyong Road, Tonkiss Street in addition to the internal street to maximise surveillance to the public domain.

Access control: design measures can be used to attract, channel or restrict pedestrian and vehicle movement. The proposal clearly defines pedestrian and vehicle entry points and clear signage to channel pedestrians into the development from the carpark in a suitable manner.

Territorial reinforcement: is a key element in the design of the proposed Masters development. The public are given a sense of ownership of internal areas and quality lighting, materials and finishes are proposed to be used to promote a positive environment. Servicing and delivery areas are separated to minimise potential conflicts.

Space management: is linked to territorial reinforcement and ensures that spaces are well used and maintained. The development will be maintained in a comfortable, clean and coordinated manner by the operators. Maintaining the centre in such a way is not only important for crime prevention and safety but is important to the commercial viability of the centre.

The development proposal is considered to present a safe environment through the design of the building and carpark. Natural surveillance and access control are key elements in creating a safe environment for those employed and visitors to the premises. The open nature of the carpark, line marking and signage provides a clear delineation of pedestrian and vehicle access to promote a safe pedestrian and vehicle traffic. The lineal design of the elevations reduces the possibility of unsafe areas that could harbor unsavory behavior and allows casual surveillance through straight sight lines. The ongoing maintenance and cleanliness of the development promotes a healthy and attractive environment that attracts people to the store.

Economic Impact

The site has been identified for centre support retail since the early 1990s. The rezoning application recently gazetted was supported by detailed economic assessment supporting the redevelopment of the Gateway site.

Wyong Council's Retail Centre's Strategy identifies a significant undersupply of bulky goods floor space in Wyong (21,000m² shortfall). The proposed Masters store will be a new introduction of a nationwide major tenant into the regional retail centre at Tuggerah-Wyong. The proposal will assist in the undersupply of bulky goods floor space in the region.

In terms of net community benefit the level of retail services and facilities will be improved by the proposed expansion to the retail offerings of Westfield Tuggerah and the proposed development of the subject site. The proposal will add to customer choice, competition and investment development within the major centre. The proposed development of the Gateway site provides the trade area and the Central Coast region with an improved key regional retail centre. The proposal will provide effective competition to the retail centre which provides additional benefits to the wider community.

The Tuggerah regional centre will remain viable with the addition of the proposed Masters Homemaker Improvement Centre. The proposal will add to diversity of retail development while providing for a wider range of goods and services which contribute to employment and economic growth within the Shire.

The proposed development is considered to be satisfactory in terms of impacts on the built environment.

b) Natural Environment

Flora

The proposed development of the site has been designed to avoid areas of high biodiversity values as far as possible through the rezoning process. The rezoning of the subject land allowed for the clearing of some isolated and disturbed edges of larger stands of vegetation on the Gateway site with appropriate offsets consolidating an ecological corridor of environmental conservation areas over both the Gateway site and the adjacent Westfield site. The setting aside of higher valued environmental conservation areas in an E2 Environmental Conservation zone will ensure a corridor of long term habitat is protected in the future.

The clearing of isolated and disturbed vegetation is proposed within the Concept Plan. The proposed works also include the establishment of a 25m wide vegetated riparian corridor adjacent to the Wyong Road frontage.

The site contains about 36 ha of Swamp Sclerophyll Forest has been mapped within around 1.5km of the site (NSW Land & Property Information 2015 & Bell 2002). The removal of 0.43ha of the Swamp Sclerophyll Forest EEC equates to a loss of around 1.2% of the local occurrence of this community. The removal of 0.43ha is unlikely to constitute a significant impact.

One threatened flora species *Melaleuca biconvexa* was identified on the site. The ecological assessment has concluded that the proposal is unlikely to have a significant effect on the local population of *Melaleuca biconvexa* both in terms of the NSW and national assessments of significance because:

- The species is relatively abundant in the locality and the region and the stems on site comprise a small, largely isolated sub-population of a much larger local population;
- The proposal will not remove all of the *M. biconvexa* from the study area and the removal of between 163 and 230 stems of the sub-population on site is unlikely to comprise an ecologically significant proportion of the wider local population and is not considered important to the long-term persistence of the species in the locality;
- A reasonably large number of *M. biconvexa* is conserved within E2 conservation lands in the immediate locality, including the larger priority conservation sub-population to the north of Wyong Road and a further 210 stems to be conserved within exhibited E2 lands south of the existing Westfield shopping centre;
- The small sub-population on site is not one of the nominated management sites for this species under the Saving our Species program in order to secure it from extinction in NSW for 100 years; and
- The proposal is unlikely to create any significant additional barriers to the movements of pollinators through this already highly urbanised landscape and is unlikely to adversely affect the lifecycle or viability of the wider local population given the dominant mode of reproduction in the Wyong Area is through vegetative means (suckering).
- Whilst the proposal is unlikely to have a significant impact on *M. biconvexa* in the locality, the proposed restoration of the riparian corridor on the site, including the re-establishment of Swamp Forest vegetation and plantings of *M. biconvexa* aims to offset the loss of this species and associated habitat within the Stage 1 development site and to promote the recovery of the species in the locality over the medium to long-term.

A NSW Assessment of Significance was also completed for another NSW listed threatened species *Rhizanthella slateri* (Eastern Underground Orchid) because the Coastal Narrabeen Moist Forest remnant on site provides good potential habitat (but it was not detected). This also concluded that the proposal is unlikely to have a significant impact on any local population of this species if present.

Fauna

Assessment of threatened species on the site has found a potential five threatened bat and a further two species possibly identified as being Eastern False Pippistrelle and Large Footed

Myotis. Potential roosting/breeding habitat for the hollow dependent species is also present onsite in form of 7-9 hollow bearing trees which are all proposed for removal.

A NSW assessment of significance has been prepared for these NSW listed microbat species pursuant to section 5A of the EP&A Act and concluded that the current proposal is unlikely to impose a significant adverse impact on this species given:

- Proposed development would reduce the extent of native vegetation in the locality but would not isolate any areas of habitat nor sever any important wildlife corridors for these mobile species;
- The resources to be removed or disturbed are associated with fragmented remnant vegetation and are likely to have limited value for local populations in the context of extensive areas of alternative, less-disturbed habitat for these highly mobile species in the locality;
- The project would affect only a small proportion of the habitat available to local populations of the species given the extensive areas of alternative habitat in the vicinity of the site; and
- Local populations are likely to persist in alternative habitat outside the site and in retained vegetation within the site.

Consideration of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) listed migratory fauna species Cattle Egret (observed during survey) and Rufous Fantail, Black-faced Monarch and Rainbow Bee-eater were discussed in the assessment. It was concluded that the proposal is unlikely to impose “a significant effect” on any of the listed migratory fauna species as the site is highly modified and would have limited value for these migratory species. A Species Impact Statement or referral to the Commonwealth Environment Minister is not required for the proposal in terms of any of the identified threatened or protected migratory entity issues.

The Ecological Assessment Report recommends a number of mitigation measures including the preparation of a Construction Environmental Management Plan (CEMP). It is recommended that mitigation measures are incorporated into consent conditions to ensure that the site is cleared in an environmentally sensitive manner and that vegetation to be retained on the site and adjacent sites is protected. Based on the field surveys, habitat and impact assessments and provided that the mitigation measures listed above are complied with, it is concluded that the proposed development is not likely to have a significant impact on any threatened or migratory species, populations or ecological communities, or their habitats.

An existing dam in the north eastern corner was identified as potential habitat for nine frog species. While this dam is outside the construction area for Stage 1 and will not be impacted by construction works associated with Stage 1, it will require attention with the future development application for Stage 2. No further action was considered necessary with this application.

There will be no significant impact upon the natural environment as a result of the proposal.

All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. In general, it is considered that the property is suitable for the proposed Concept Plan and Stage 1 – Masters Homemaker Improvement Centre subject to conditions.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

A review of Council's Land Information mapping identifies the following constraints:

- Flooding
- Bushfire
- Acid Sulphate Soils

Flooding

The site is located within the Mardi Creek / Wyong River Catchment and Council's records indicate that the site is affected by flooding and/or minimum floor level requirements. Council's Senior Planning Engineer Hydrology has reviewed the Flood Impact Assessment dated September 2015 and is satisfied that flooding can be managed appropriately with no significant flooding impacts as a result of the development.

Mitigation measures to manage the effects of flood have been included in the proposal such as the provision of on-site flood detention (1400m³) and the construction of a drainage channel to divert upstream catchment runoff around the development site.



Approximate location of development site.

Figure 19: Aerial photo showing current flood prone land.

Bushfire

A review of Council's Bushfire mapping shows that most of the Gateway site is not bushfire prone with the exception of the boundaries which are in mostly in the bushfire prone area.

The stand of vegetation on the eastern part of the site fronting Tonkiss Street is shown as a potential source of fuel and the vegetation along the north of the site within Wyong Road reserve is also mapped as bushfire prone land. This vegetation is proposed to be removed as part of the Stage 1 development therefore removing the potential risk. The proposed Masters development is located in an area surrounded by existing and proposed managed road reserves. The subject land is separated from vegetation to the north by Wyong Road and will be bordered along the road frontage by the rehabilitated riparian corridor.

The site is unlikely to be at risk from bushfire. No referral to the RFS was required as the site was not integrated development.

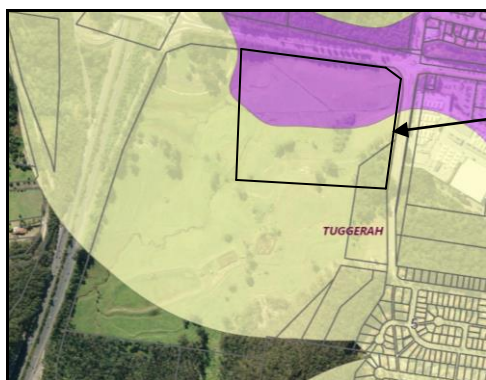


Approximate location of development site

Figure 20: Aerial photo showing bushfire prone land.

Acid Sulphate Soils

The site is identified as having Class 4 and Class 5 acid sulphate soils as previously discussed in the report. The proposal includes an Acid Sulphate Soils Management Plan to manage works in accordance with the Acid Sulphate Soils Manual. Any works undertaken can be appropriately managed via application of this manual. Compliance with this manual is included as a condition of consent.



Approximate location of development site

Figure 21: Aerial photo showing the portion of the site affected by acid sulphate soils .

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

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

There are no matters associated with the proposal that would be considered substantially contrary to the local or community interest. The proposal will create additional employment and retail opportunities for the Central Coast Region. The proposal facilitates the development of vacant land at the north eastern end of the Tuggerah Gateway into a modern retail and bulky goods development which is in accordance with the recent rezoning of the site. The proposal provides substantial improvements on the existing centre and will enhance the regional role of the centre through increasing the trade offer and competition.

The Tuggerah area has been within State and Local government interest since the early 1990s. The Tuggerah area was gazetted as a State Significant Site in 2009. The proposed development recognises the role of the site as a focal point of the Tuggerah regional centre by creating and reinforcing linkages within the site and enhancing the image of the centre from the surrounding road network. The proposal will improve and strengthen the significance of Tuggerah as part of the regional Tuggerah-Wyong centre. The site is ideally suited for the proposed development and the use is considered to have a positive benefit to the people of the locality and the wider community.

OTHER MATTERS FOR CONSIDERATION

Section 94A Contributions

Section 94A contributions are payable for the proposal under the *Environmental Planning and Assessment Act 1979* and are conditioned accordingly.

Water and Sewer Contributions

Water and sewer contributions are payable for the proposal under the *Water Management Act 2000* and will be included under the Section 306 Notice of Requirements for the proposal.

Voluntary Planning Agreement (VPA)

A VPA has been entered into between the developer and the Minister of Planning. The agreement relates to the provision of traffic infrastructure required as a result of the rezoning and defines necessary traffic upgrades. It is anticipated that these works will mitigate future traffic congestion in the area.

Central Coast Regional Strategy

The Central Coast Regional Strategy outlines the planning strategies for the Central Coast Region over the next 25 years and covers the local government areas of Wyong and Gosford.

The Strategy nominates Gosford as the Central Coast's existing regional city and Tuggerah-Wyong as the only major centres on the Central Coast. The population of the Central Coast is expected to grow by around 80,000 by 2031 with the majority of this growth in Wyong Shire.

Based on the Strategy, Wyong and Tuggerah will combine to perform economic, employment, civic, entertainment and recreation roles for the north of the Central Coast. For Tuggerah, expansion of retail floor space for the Wyong Shire catchment area, improvement of connections between employment locations and Tuggerah Railway Station and provision of new retail and business opportunities are greatly encouraged in the regional Strategy. This application contributes positively to achievement of the strategy outcomes.

Wyong Shire Retail Centres Strategy

Wyong Council has recently undertaken a review of retail centres in the Shire and has prepared a Strategy to manage and promote development in retail centres. The Wyong Shire Retail Centres Strategy was adopted by Council in 2013. The strategic framework for the centres within Wyong LGA will allow for:

- Centres to grow and respond to the changing retail environments;
- Centres that have the capacity to meet the growth in demand generated by population growth;
- Centres that provide residents with the widest possible range of shopping opportunities and commercial services;
- Conveniently located and accessible centres;
- Protection of the integrity of the existing centre network and viability of existing centres to ensure that they continue to provide for the need of the community;
- Protection and creation of employment opportunities in centres; and
- Sustainable centres in terms of infrastructure provision particularly transport infrastructure.

The hierarchy of centres within the Wyong Shire retail network identifies Tuggerah-Wyong as the major centre serving the whole LGA in terms of higher order comparison shopping, and provides a range of business, retail, cultural, entertainment and recreational activities.

The Strategy recognises that Tuggerah-Wyong is the major employment centre in the Wyong Shire. Expansion of the regional centre will result in the creation of jobs which will assist in addressing unemployment in the area.

It is expected that if the current retail centre at Tuggerah is expanded it could result in a greater proportion of expenditure from Wyong Shire households being retained within the Shire. This is likely to have a positive flow-on effect to other lower order centres by reducing the number of trips beyond the LGA for retail purchases and through support to local retailers and local jobs.

Heritage Assessment

The Gateway site is not identified under WLEP as having any heritage items. However, a Heritage Impact Statement (HIS) was undertaken for the rezoning process. This HIS included an Aboriginal Heritage Assessment and an Archaeological and Cultural Assessment.

The Aboriginal Heritage Assessment concluded that no archaeological sites were identified on the Gateway site. There was one area identified as having potential for Aboriginal artefacts which is a rocky outcrop located in the north western corner of the site adjacent to the Motorway. This area is not within the study area for this development application. However a standard condition of consent will be included advising that if any artefacts are uncovered during site construction works, all work is to cease until appropriate procedure can be followed.

The Archaeological and Cultural Assessment found that the majority of the site is not considered to have any heritage significance. The exception was an area on the eastern side which was once a slaughter house associated with the historic use of the land as an abattoir. The assessment identified that should the development involve excavation, relics may be exposed and an excavation permit under Section 140 of the NSW Heritage Act 1977 is required. It further stated that the excavation or removal of non-historic stockpiles of fill do not require an excavation permit. The proposed development of Masters and future Stage 2 has some land within this identified area. The works do not involve excavation but do involve the removal of a non-historic stockpile therefore the proposed works with Stage 1 do not require an excavation permit or supervision by a suitably qualified archaeologist. A condition of consent will also be included advising that if any artefacts are uncovered during site construction works, all work is to cease until appropriate procedure can be followed.

CONCLUSION

The proposal has been assessed using the heads of consideration in Section 79C of the *Environmental Planning and Assessment Act 1979*.

The development is considered to be consistent with the objectives of the controls for the site and consistent with Council's LEP and other DCP requirements. The proposal is considered to deliver a high standard of design and will benefit the social and economic development within the area.

The development of the Gateway site will benefit the local and wider community with the introduction of the Masters Homemaker Improvement Centre and the Stage 2 bulky goods component. The proposed development will strengthen the Tuggerah-Wyong area as a regional centre contributing positively to employment opportunity and investment within the local community and ultimately the upgrade of the intersection of Tonkiss Street and Wyong Road (with future stages). The layout and design of the proposal is well suited to the site, location and the future character and scale of development in the area. It is generally considered the proposed development is suitable for approval subject to conditions.

ATTACHMENTS

Attachment 1 – SEPP 64 Assessment Table

ATTACHMENT 1: SEPP 64 Schedule 1 Assessment Criteria

Cl.8	Matters for Consideration	Proposed
1	<p>Character of the area</p> <ul style="list-style-type: none"> Is the proposal compatible with the existing desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposed signage is compatible with the existing and desired character of the developing major commercial centre. The proposal is consistent with the theme for outdoor advertising within the subject site and surrounding environment (Westfield).</p>
2	<p>Special areas</p> <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The proposal does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.</p>
3	<p>Views and vistas</p> <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<p>The proposed signs integrate with the surrounds maintaining an attractive vista. The proposal does not compromise or obscure any views, dominate the skyline or reduce the vista.</p> <p>The proposed signage does not obstruct or clutter views of existing signage of neighbouring properties or any general advertising signs in the locality.</p>
4	<p>Streetscape, setting or landscape</p> <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>The scale and form of the signs are appropriate for the proposal and the streetscape, setting and landscape. The signage treatment of the proposed building is compatible with similar development constructed throughout metropolitan centres of NSW. The proposal contributes to visual interest by providing modern and visually appealing signs. The proposed signage will enhance the presentation of the building by adding visual interest in a co-ordinated manner to large wall elements of the building. The proposal does not protrude above buildings, structures or tree canopies and does not require ongoing vegetation management.</p>

5	<p>Site and building</p> <ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed signage is appropriate for the scale of the site and building. The architectural integrity of the building is maintained by providing visual interest to the facades. The integration of the signs into the building facades is a positive urban design outcome with the use of graphics providing an innovative feature.</p>
6	<p>Associated devices and logos with advertisements and advertising structures.</p> <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>There are no such additional devices.</p>
7	<p>Illumination</p> <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	<p>The proposed illuminated signs have been designed to comply with the provisions of the Transport Corridor Outdoor Advertising Signage Guidelines and Australian Standard AS4228-1997.</p> <p>Internal lighting will be sufficient to illuminate the primary Masters signage zone at night. No unacceptable glare or light spillage will be created.</p> <p>The relatively low level of light emission from the illuminated signs would not affect safety. It is expected that safety of pedestrians would be improved by a modest increase in the ambient level of light within the carpark and adjacent to the building.</p> <p>The lighting has been designed so that no lighting will impact any residential development in the vicinity of the site. The intensity of the illumination can be adjusted with light emissions to be substantially reduced to ambient night lighting levels similar to those already produced by street lighting and the adjoining Westfield centre signage.</p> <p>The lighting is not subject to a curfew due to the location of the site on a major arterial road. It is considered that some increase in lighting levels at this location will enhance the public safety and security in this portion of the locality.</p>

	<p>Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>The proposed signage is designed and located in a manner that does not distract drivers or impact on road safety in adjoining streets. No flashing or moving signage is proposed and low glare lighting is utilised. The sign location would not have an impact on sight lines to public areas. The RMS have raised no objection to the proposed signage.</p>
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