

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

JRPP No	2015HCC023
DA Number	150/2015
Local Government Area	Singleton
Proposed Development	Retail Premises comprising shops, being a supermarket, liquor shop and five (5) specialty shops
Street Address	1 Glass Parade, Hunterview
Applicant/Owner	Applicant: Fabcot Pty. Ltd. Owner: Singleton Council
Number of Submissions	Six (6) public submissions
Regional Development Criteria (Schedule 4A of the Act)	Council related development with a capital investment value of more than \$5 million. Council is the owner of the land on which the proposed development is to be situated. The nominated capital investment value is \$12,808,000.
List of All Relevant s79C(1)(a) Matters	Nominated Integrated Development (Water Management Act 2000) Earthworks Commercial hierarchy Traffic considerations Urban Design and Landscaping
List all documents submitted with this report for the panel's consideration	General Terms of Approval DPI Water Statutory referral and other agency responses Proponent response to public submissions including provision of Economic Impact Assessment Statement of Environmental Effects with all Appendices.
Recommendation	Approval with conditions
Report by	Julie Wells: Coordinator Development Assessment

Assessment Report and Recommendation

1. Background

The Development Application (DA) was lodged with Council on 18 August, 2015.

The subject site is owned by Singleton Council.

The proposed development involves the construction of a Woolworths supermarket; a BWS; and five (5) speciality stores. The development will also include ancillary facilities such as a play area, signage, landscaping, car parking and road works to accommodate the proposed access arrangements. Plans of the proposal are located at Appendix 1.

The project's nominated Capital Investment Value (CIV) is \$12,818,000.

The applicant is Fabcot Pty. Ltd. Planning consultants assisting Fabcot with the DA are ADW Johnson (Tuggerah Office - Contact Adam Crampton, Senior Town Planner; 4305 4300, adamc@adwjohanson.com.au).

The proposal is nominated integrated development pursuant to Section 91 of the Environmental Planning & Assessment Act 1979 and section 91(2) of the Water Management Act 2000. Section 91(2) requires the proponent to obtain a controlled activity approval from the NSW Department of Primary Industries – Water (DPI Water). A controlled activity approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land. General Terms of Approval (GTAs) were issued by DPI Water on 13 October, 2015. A copy of the GTAs are included with the proposed conditions of development consent.

Amongst other things, the proposed development is subject to the provisions of Singleton Local Environmental Plan 2013 (SLEP) as well as the relevant chapters of Singleton Development Control Plan 2014 (SDCP), and, more specifically, the DCP site specific provisions relating to the Hunterview "M7" Master Planned site.

Council has recently approved large scale earthworks at the site (DA 39/2014, conditional approval 27 May, 2014) consistent with those earthworks required for the subsequent development of the proposed retail premises.

2. Site and Locality Description

Land Title and Lot Size

The subject site is identified as Lot 4 in Deposited Plan 1196266. The site has an area of 2.17ha.

Ownership

The land is owned by Singleton Council.

Location

The land is located at the intersection of Bridgman Road and Glass Parade (to the east of Bridgman Road and to the north of Glass Parade), approximately 3 kms north of Singleton. Refer to **Figure 1**.

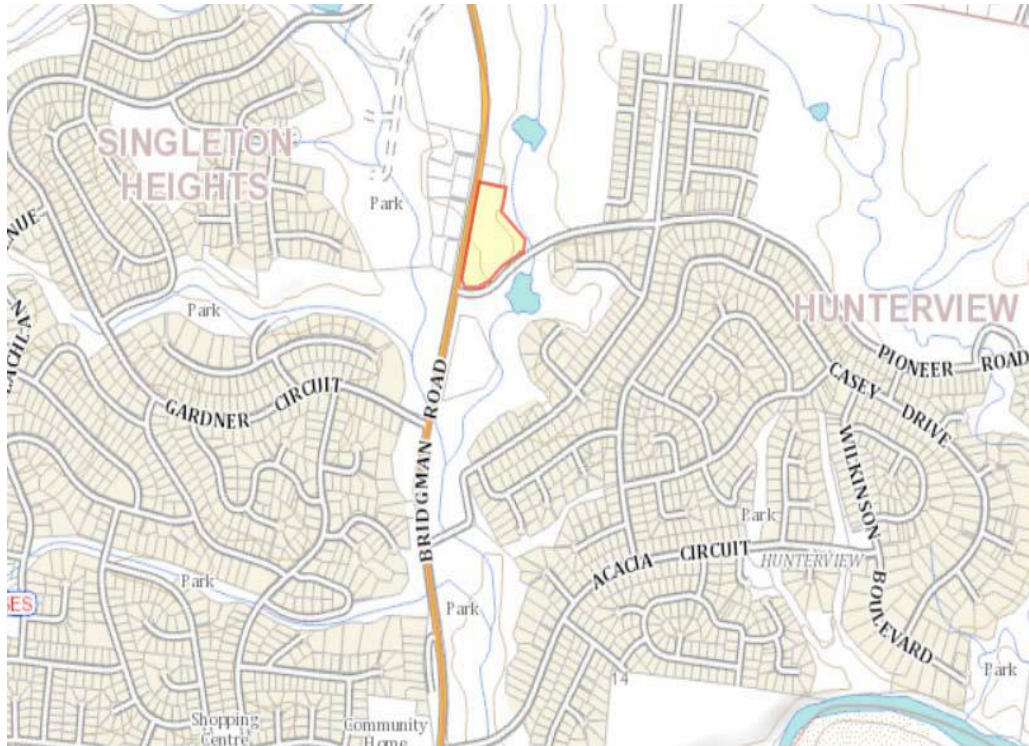


Figure 1: Locality Map

Surrounding Land Uses

Surrounding land uses comprise rural small holdings (to the west), open space to the east and residential development significantly further to the east. Refer to **Figures 1** and **2**.



Figure 2: Extract of Surrounding Development

Access

The site is currently accessed via Glass Parade. Bridgman Road adjoins the site to the west.

(The proposed development seeks to utilise Glass Parade as the main entry/exit point for the site, with one (1) "left turn only" exit point onto Bridgman Road).

Topography

The site currently falls in a south easterly direction, from 64m to 51m. The site has been the subject of previous excavations related to the subdivision of the Bridgman Ridge locality.

(Proposed construction works will entail significant excavation in the higher portions of the site. This will have the effect of lowering the proposal when viewed from Bridgman Road).

Land Zoning

The land is zoned B1 Neighbourhood Centre pursuant to Singleton LEP 201

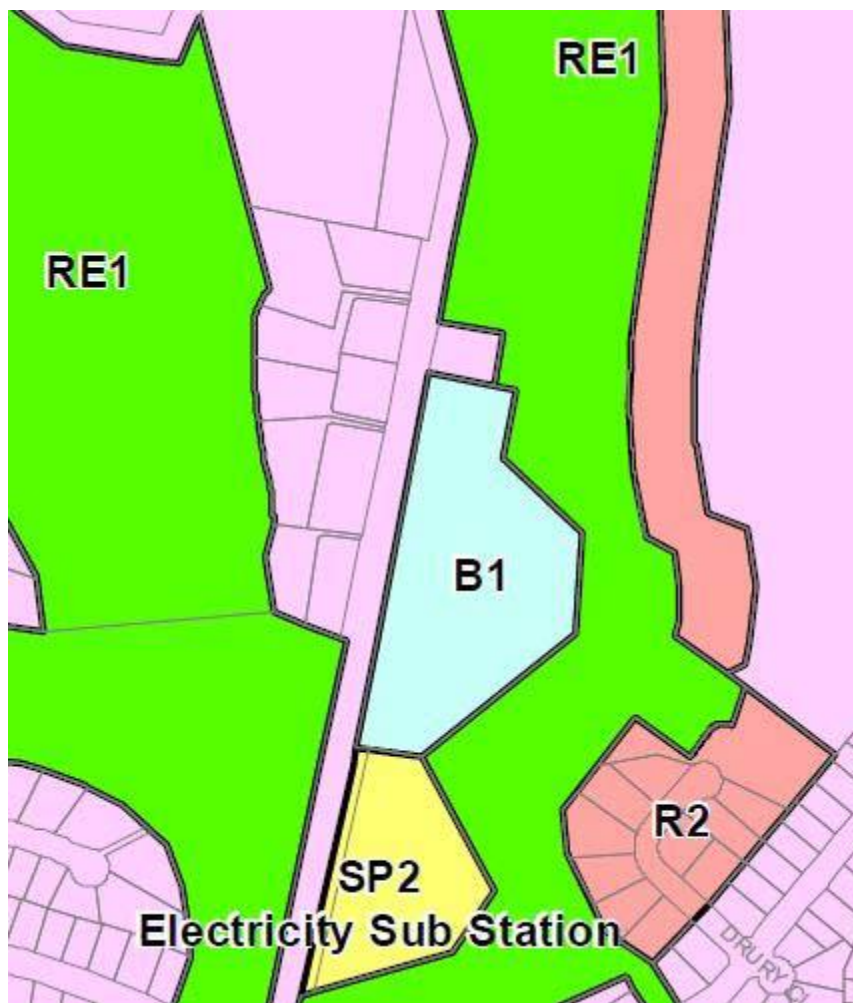


Figure 3: Extract Zoning Plan Singleton Local Environmental Plan 2013

Vegetation

There is no significant native vegetation remaining on the site. Remnants of native vegetation occupy the watercourse adjacent to the east of the site.

General Site Illustration

Photographs of the site follow:



Plate 1: Looking northwest across site from the Glass Parade boundary. Houses to the left of the photo are on the opposite side of Bridgman Road.

Note the earth mound along the Bridgman Road frontage.



Plate 2: Looking north along Bridgman Road from the top of the earth bank. House to the right of the earth mound is the single dwelling to the north of the site.



Plate 3: Looking east across the site from Bridgman Road toward the E2 land (trees), and across to Glass Parade.



Plate 4: Looking northwest from Glass Parade across the site.

3. PROJECT DESCRIPTION

The proposed development has an estimated capital investment value of \$12,818.00.

Singleton Council is the owner of the land.

Consequently, Schedule 4A of the *Environmental Planning & Assessment Act, 1979* requires the Hunter Central Coast Joint Regional Planning Panel (HCCJRPP) to exercise consent authority functions for the application.

The application also triggers the nominated integrated development provisions of the *Environmental Planning & Assessment Act, 1979* and the associated provisions of the *Environmental Planning & Assessment Regulation 2000* as approval is required under the *Water Management Act, 2000*.

Concurrence is also required from the Roads & Maritime Service (RMS) pursuant to clause 104 of State Environmental Planning Policy (Infrastructure) 2007.

The proposed development comprises the construction of a Woolworths Supermarket, Beer Wine & Spirits Store (BWS), and five (5) specialty retail stores with an approximate combined gross floor area of 4672 sq. metres.

Customer parking is intended for 214 vehicles, inclusive of six (6) disabled spaces. Ten (10) additional staff car parking spaces are proposed in a separate area adjacent to a loading dock. Landscaping and associated ancillary works are also proposed.

The proposed development intends to operate 24 hours per day.

Employment of 100 full time staff and up to 150 jobs is anticipated during the construction phase.

Plan details of the development are provided within **Appendix 1**.

4. CONSULTATION

In accordance with the requirements of Singleton Development Control Plan 2014, the application was advertised and notified between 4 September 2015 and 4 October 2015 (inclusive). Surrounding property owners were notified (through individual correspondence) of the application and public notices were placed in the Singleton Argus (local newspaper) on two (2) separate occasions, advertising the proposed development and affording members of the public an opportunity to make written submissions to Council regarding the proposed development.

Responding to the public notification and advertising of the application, six (6) written submissions were received; one submitter providing additional information post exhibition. Copies of all (redacted) public submissions are contained as a separate document for the panel's consideration.

Matters raised in submissions are summarised as follows:

- Probity issues relating to the sale of the site and the assessment and determination of the DA;
- Generic inconsistency with Council's strategic commercial land use planning direction;
- Specific inconsistency with zoning of the land: Zone B1 Neighbourhood Centre;
- Oversupply of retail floor space for a neighbourhood shopping centre;
- Insufficient commercial demand to justify the approval of the proposed development, associated economic impact on existing commercial centres including those within Singleton and within Singleton Heights;
- Associated lack of economic impact assessment by the proponent;
- Proposed development is inconsistent with the requirements of Council's Development Control Plan;
- Traffic concerns including sufficient right hand turn restrictions from the site on to Bridgman Road;
- Proposed excessive hours of operation (24/7); and
- Security and lighting.

Responses to public submissions by the proponent are also contained as a separate document.

5. REFERRALS

Consultation occurred with the following external agencies:

- NSW Department of Primary Industries: Water (DPI Water) (as nominated integrated development);
- Roads & Maritime Services (concurrence requirements pursuant to State Environmental Planning Policy (infrastructure) 2007);
- NSW Police (Crime Prevention Through Environmental Design requirements); and
- AUSGRID (strategic servicing considerations).

The following internal Council referrals were undertaken and comments received from:

- Strategic Land Use Planner
- Development Engineer
- Traffic Engineer

- Utilities Engineer
- Building Officer
- Liquid Trade Waste Officer
- Environmental Health Officer: Food Premises
- Acting Manager Parks & Facilities
- Community Development Coordinator

Copies of DPI Water General Terms of Approval (GTAs), other agency submissions and internal Council submissions are included as separate attachments for the panel's consideration.

All referral bodies have been supportive of the proposed development subject to the imposition of appropriate consent conditions.

6. SECTION 79C CONSIDERATIONS

(a)(i) the provisions of any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy (infrastructure) 2007

The development is subject to the provisions of *SEPP Infrastructure 2007*. Clause of the SEPP requires the application to be referred to the RMS for concurrence. The application was referred to the RMS on 8 September, 2015. The RMS responded to Council on 30 September, 2015 advising that it has no objections to or requirements for the proposed development as it is considered that there will be no significant impacts on the classified (State) road network. Furthermore, the RMS advised that it has no proposal in the vicinity which requires acquisition of any part of the property.

As previously advised, a copy of the RMS correspondence is contained as a separate attachment.

State Environmental Planning Policy 55 – Remediation of Land

The policy provides a state wide approach to the remediation of land, aiming to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or other aspects of the environment.

A Phase 1 Environmental Site Assessment (ESA) Report was prepared (by Geo-Logix) for the site during January 2015. The purpose of the Phase 1 ESA was to conduct a site inspection, limited surface soil sampling and collation of historical site information to establish whether (or not) activities have occurred on the site which may have resulted in contamination of the land.

The Geo-Logix report advises that site topography and physical observations suggest large volumes of fill have been applied to the site and that the fill appears to be earth fill with occasional anthropogenic material including asphalt, concrete, brick and tile fragments and metal pieces.

Site historical records indicate:

- Prior to the 1980's, the eastern and northern portion of the site was owned farmers with residential/shed structures existing on the land. Aerial photos suggest some of these structures were demolished during this time. The western portion of the site was crown land and the main road and adjoining road running through it;
- By the 1990's, any remaining structures had been demolished. Anecdotal information from the Council suggests asbestos was removed from an old residential structure on the property by a licensed asbestos remover. The main road through the western portion of the site had been realigned along the western boundary of the site, in the current location of Bridgman Road;
- During the 1990's and 2000's, Council appears to have used the western portion of the site as a gravel depot. Aerial photos from 1990 show this area surfaced with gravel to form access roads.
- Site observations and comparisons with Google Street View suggest portions of the site have been filled during the period 2010 to 2013. Conflicting anecdotal information regarding earth works on the site has been obtained by Geo-Logix to the extent that the volume of filling and origin of the fill material cannot be confirmed.

A limited soil investigation was conducted across the site as a preliminary assessment of site contamination. The investigation comprised sampling and analysis of eight surface soil samples for commonly encountered contaminants of potential concern (COPC) comprising petroleum hydrocarbons (TRH, BTEX), polycyclic aromatic hydrocarbons (PAHs), organochlorine pesticides (OCPs), polychlorinated biphenyls (PCBs) and heavy metals. Soil sample locations were chosen for broad site coverage. COPC were not detected at concentrations above Tier 1 Assessment Criteria in all soil samples analysed.

The results of the Phase I ESA indicate that the site and surrounding area has a mixed history of rural/residential landuse and as a Council Depot for fill storage. Other filling activities have been identified. Potentially contaminating land use activities that have been identified to have occurred onsite include:

- Possible application of fill of unknown origin on the site; and
- Demolition of former site structures constructed from hazardous building materials; and
- Possible petroleum and pesticide storage associated with agricultural activities.

Based on the above identified site history there is potential for contamination of the land. Additional investigation is recommended to assess the presence/absence of such contamination. This matter will need to be resolved prior to the issue of any construction certificate for the development.

State Environmental Planning Policy 64 – Advertising and Signage

State Environmental Planning Policy 64 – Advertising and Signage is applicable to the application. Part 3 of the SEPP does not apply as the proposed signage is considered to be business and building identification signage. Part 2 of the SEPP requires Council to ensure the proposal complies with the aims of the policy and the assessment criteria of Schedule 1.

Part 2 Clause 8 (a) requires Council to ensure that the proposed signage complies with the aims of the SEPP. Schedule 1 of the SEPP provides assessment criteria against which to assess applications for signage. Relevant comments follow:

The immediate locality surrounding the proposed development site is characterised by open space and by houses on large allotments. The proposed signage intends to identify the businesses operating from the premises as well as providing directional signage consistent with the objectives of the commercial zoning of the land.

The proposed business signage does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, rural landscapes or residential areas.

The plans located at Appendix 1 provide a comprehensive visual interpretation of proposed business signage across the site. The proposed location and illustration of business signage is considered appropriate in its setting.

Singleton Local Environmental Plan 2013

Clause 2.2 Zoning of Land

The subject land is zoned B1 Neighbourhood Centre pursuant to the provisions of Singleton Local Environmental Plan (LEP) 2013.

The proposed development is best characterised as 'retail premises' and is permissible with development consent in the B1 zone.

The proposed development is consistent with the sole objective of the B1 zone which states:

“To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood”.

The proposed development consists of a Woolworths Supermarket and BWS store which are intended to directly support the surrounding neighbourhood, both existing and proposed. Specialty shops have also been included within the proposed development and are also intended to service the local neighbourhood. It is not anticipated that the proposed development will substantially compete with either the Singleton or Singleton Heights Commercial Centres.

Part 4: Principal Development Standards

There are no standards under Part 4 of the LEP which are relevant to the proposed development.

Part 5: Miscellaneous Provisions

Clause 5.9 Preservation of Trees or Vegetation

The establishment of the proposed development does not require the removal of native vegetation at the site. The site has been the subject of previous extensive earthworks.

Clause 5.10 Heritage Conservation

The subject site is not affected by any local or state listed European Heritage items, nor is it located within a heritage conservation precinct.

Aboriginal cultural heritage matters were addressed as part of the earthworks assessment associated with DA 39/2014.

Additional Local Provisions

Clause 7.1 Earthworks

Ground levels within the subject site have been significantly altered over time. As previously noted, Council has approved DA 39/2014, being for substantial earthworks at the site consistent with the landform requirements for the proposed shopping centre.

The current DA has been lodged having regard to the fact that no fill will be required to be imported to the site. The Statement of Environmental Effects (SoEE) advises that designs for the proposed development indicate that approximately 100,000m³ of spoil will require removal from the site.

The end destination for the fill will need to be thoroughly considered and 'signed off' prior to a construction certificate being issued for the site. As advised by the Phase 1 Contamination Assessment (Geo-Logix, 2015), further studies will be required to establish soil contaminants at the site. Sufficient treatment of any site contaminants will be required as conditions of any development consent.

Clause 7.2 Flood Planning

The site is not impacted by flooding.

Clause 7.4 Development within a Designated Buffer Area

The subject land is not located within any designated buffer area.

Clause 7.5 Drinking Water Catchments

The subject land is not located within a drinking water catchment.

Clause 7.6 Riparian Land and Watercourses

A small creek runs from north to south along the eastern boundary, approximately 5 metres from the site at its closest point. As part of the site is within 40 metres of this watercourse, this clause applies to the subject land. As previously noted, the proposed development is also designated as nominated integrated development and is subject to the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the *Water Management Act 2000*. General Terms of Approval have been issued by DPI Water.

Before determining a development application for development on land to which this clause applies, the consent authority must consider:

- (a) whether or not the development is likely to have any adverse impact on the following:
 - (i) the water quality and flows within the watercourse;
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse;
 - (iii) the stability of the bed and banks of the watercourse;
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse;
 - (v) any future rehabilitation of the watercourse and riparian areas; and
- (b) whether or not the development is likely to increase water extraction from the watercourse; and
- (c) any appropriate measures proposed to avoid, minimize or mitigate the impacts of development.

Furthermore, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided, the development is designed, sited and will be managed to avoid that impact, or
- (c) if that impact cannot be minimized, the development will be managed to mitigate that impact.

Proposed new levels within the site are such that the development itself will have no impact on the watercourse. Conditions of consent are proposed to be imposed to require the stormwater management system to be designed so that:

- flows are directed to the existing stormwater system in Glass Parade;
- post development flows do not exceed those of the pre development case;
- pollutant removal is satisfactory to Council; and
- rain water will be harvested for reuse within the development.

Clause 7.10 Essential Services

All essential services are available for the purposes of facilitating the proposed development.

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under the *Environmental Planning & Assessment Act 1979*

There are no relevant draft environmental planning instruments which apply to the subject land.

(a)(iii) the provisions of any development control plan

Singleton Development Control Plan 2014 applies to the assessment of the application. Relevant provisions and associated commentary specifically include:

Relevant assessment criteria of DCP 2014 follow:

Part 2 Principal Design Standards

2.4 Stormwater drainage system:

A Concept Stormwater Management Report was lodged as part of the SoEE (Appendix 8). This report has been prepared to comply with the provisions of Council's DCP.

The report advises that the pre to post development flows from the site decrease at the post development scenarios of 5, 20 and 100 year ARI. The SoEE advises that this is able to be achieved through on site detention, which

provides a combined 250kL detention within the below ground storage, and the above ground storage within the loading dock area.

The SoEE addresses the issue of water quality via the use of swales, "Humes Multiceptor" treatment devices are proposed to be utilised to remove hydrocarbons and fine sediments, and a "Humes Jellyfish" device, which is a polishing device capturing fine sediment, nitrogen, phosphorus, copper and zinc.

Conditions of consent are proposed consistent with Council's requirements for stormwater management.

2.9 Maximum building height

The subject site is identified as being affected by a maximum building height of 71.5m AHD.

The highest point on the proposed building is 61.41m AHD, well below the 71.5M maximum set within the DCP.

The proposed building consists of single storey construction, involving substantial cut within the higher portion of the site. The building is set well down within the landscape and will have minimal impact on surrounding properties. The proposal is not considered to represent any loss of amenity, solar access, or privacy to any adjoining sites.

2.10 Building line for land in certain rural, residential, business and industrial zones

The proposed development setback from Bridgman Road is 15.4 metres. This exceeds the 10 metre setback requirement.

A setback of between 30 to 90 metres is proposed from Glass Road.

All proposed development setbacks are satisfactory.

2.16 Environmental Outcomes

Development consent 39/2014 provided approval for earthworks across the site consistent with the proposed development footprint. Conditions of consent were applied requiring appropriate consideration of biodiversity and other environmental outcomes.

The need to limit adverse environmental impacts feature in proposed conditions of development consent including those required as nominated integrated development in General Terms of Approval by the DPI Water.

Stormwater management requirements are also critical in proposed conditions of development consent.

2.18 Landscaping

Landscaping details are included at Appendix 1.

Whilst the general theme of proposed landscaping is supported, Council does not accept that the proposed introduction of *Corymbia maculata*, *Eucalyptus crebra* or *Eucalyptus teretecornis* vegetation is suitable for the purposes of the proposed development. Some or each of those native species are extensively high, potentially dangerous to humans and cars (through well recognised loss of limbs), slow growing and do not provide acceptable levels of shade or visual relief in shopping centre environments. It is recommended that conditions of development consent be imposed to require an amended landscape planting scheme and schedule consistent with Council's and NSW Police requirements (designs relating to the enhancement of crime prevention).

2.21 Earthworks and Retaining

Generic earthwork consent details have been provided to the site vide DA 39/2014.

Council's Development Engineer has advised additional conditions of development consent requiring full structural design details with the construction certificate.

2.22 Rainwater Tanks for Buildings in Certain Residential, Business and Industrial Zones

The proposal incorporates a 20,000L rainwater harvesting tank, with collected water to be used for irrigation, and washing down of the loading bay area.

The proposed 2,500L variation to the DCP minimum is considered minor in nature, particularly in light of the amount of water which will be used for the two described purposes, which will ensure that the tank is constantly being depleted. The proposal provides for total stormwater detention of 250,000L through the use of a separate detention tank and above ground ponding area within the loading dock area.

All stormwater discharge from the site is proposed to be connected to the existing Council system.

Onsite detention is achieved via a separate detention tank and above ground storage. The rain water tank is proposed purely for harvesting and reuse, it does not form part of the designed detention system.

2.23 Building Appearance

The proposed building is single storey and incorporates elements typical of a suburban shopping centre. Attempts have been made to break up bulk and scale: utilisation of alternate building materials and colours feature as part of the proposed design. Metallic and applied prefabricated finishes dominate the building design along with glass, particularly along the southern elevation. Selected colours are primarily varying hues of grey and off-white.

The focus of the proposed building is along Glass Parade: its southern orientation. That particular elevation is considered acceptable; satisfactorily addressing the visual quality of the streetscape.

The northern and western elevations require further detailed consideration in design outcome. A condition of development consent is proposed in this regard.

Comments relating to proposed landscaping at the site were provided earlier in the report. Revised landscaping details are suggested as a condition of development consent.

2.25 Accessible Design

An Accessibility Design Review has been prepared by ABE Consulting which concludes that the proposal complies with the DDA or can comply with the Disability (Access to Premises Buildings) Standards 2010 on the grounds of unjustifiable hardship. Appropriate consent conditions are proposed in this regard.

2.26 Access

This clause applies to development that requires vehicular access on any land.

Primary vehicular access to site is proposed via Glass Parade. Council's traffic engineer has requested that the configuration of the access point to the car park at that point be redesigned to minimise conflict between vehicles and pedestrians and to improve the circulation of traffic to and from the site. Removal of the pedestrian crossing is also proposed at that point. Conditions of development consent are proposed in that regard.

An additional vehicular egress point is proposed along Bridgman Road. This is a left turn exit only. The median strip along Bridgman Road requires extension in the amount of an additional 30 metres. This is a requirement of NSW Police. The intention is to prevent the right hand turn of vehicles from the site. An appropriate condition of development consent is recommended.

A separate access point to and from the delivery loading dock is also located along Glass Parade to the north-east of the main vehicular entrance. This serves the purpose of separating heavy vehicles from customer vehicles and pedestrians. Staff car parking is also proposed in that location.

All driveways will comply with relevant Australian standards, provide adequate sight distances for motorists, cyclists and pedestrians, and will be required to comply with the relevant Council standards.

2.27 Car Parking Spaces

Schedule 1 requires parking to be provided for a shop at a rate of 1 space per 25m².

The development provides 4,500m² of gross floor area (GFA) requiring 180 spaces. The proposal provides 214 spaces, with an additional 10 staff spaces, satisfying the DCP requirement.

Six (6) disabled parking spaces have been provided in accordance with Australian Standards.

2.28 Design of Car Parking Areas, Loading Docks and Vehicle Manoeuvring Areas

Both NSW Police and Council's Traffic Engineer have expressed concern that there is no drop off/pick up point for either community vehicles or taxis. A condition of development consent is recommended requiring the provision of this facility in close proximity to the main pedestrian access point to the building. This would also duplicate as a location for the arrival of any required emergency vehicles at the site.

Other than matters previously documented above, the design of car parking areas and loading docks are considered sufficient for the purposes of the development.

The car park, access areas and loading docks will be suitably landscaped and setback from residential areas sufficiently to ensure minimal impact in terms of noise and lighting.

Sufficient numbers of bicycle racks are proposed in a location convenient to cyclists to enter the premises.

The provision of a revised landscaping plan will allow for satisfactory shading of car parking areas and the provision of visual interest.

A CPTED review of the development has been undertaken by Rothe Lowman which provides that the car park and access areas have been designed in accordance with the 'Safer by Design' principles. NSW Police has also advised its satisfaction with natural surveillance within the car parking area.

2.29 Waste Storage and Collection Areas

Appendix 14 of the Statement of Environmental Effects includes a Waste Minimisation and Management Plan which has been prepared in accordance with Woolworths standards.

This Plan addresses all types of wastes generated by the operation of the proposed centre, including general waste, recycling, putrescible waste, chicken fat / oil, and grease trap waste. The plan has been prepared with the aim of achieving the Woolworths intention for zero food waste by 2015. This will typically either involve donating unused food to charity, or for use on local farms, or composting and producing methane for energy production.

2.31 Outdoor Dining Areas

An outdoor dining area is located within the site opposite the specialty retail tenancies and will not impede the safe movement of pedestrians, motorists or persons with a disability.

2.32 Outdoor Signage

Details of business identification signage were discussed under State Environmental Planning Policy 64.

Part 3 Master-Planned Sites

3.3 Special requirements for certain neighbourhood centre zoned land at Huntview

Clause 3.3 applies specifically to the land. The objectives of the clause are:

- (a) to reduce the visual dominance of buildings when viewed from the road and neighbouring properties;
- (b) to minimise impacts on neighbours;
- (c) to achieve high quality design outcomes; and
- (d) to provide reasonable separation between Bridgman Road and buildings on the site.

The development response to the master planning requirements are as follows:

<p>(3) Development consent should not be granted to erect a building on land to which this clause applies, unless the consent authority is satisfied that:</p> <ul style="list-style-type: none">(a) the cumulative gross floor area of all buildings on the site will not exceed 8,000m², and(b) the building elevations are designed to have visual interest and diversity, and(c) facades do not have large expanses highly reflective, fluorescent or black surfaces, and(d) air conditioners are not mounted on street awnings or the front facade of the building, and(e) mechanical structures, such as lift overruns and service plants are concealed from public view, and(f) the design of the building is such that it will not be intrusive in the setting.	<p>The proposed development comprises 4,639m² of GFA. Due to the relative topography within the site, the building will be partially screened when viewed from Bridgman Road.</p> <p>As a result of the relative finished floor level of the building, and the proposed landscaping, the proposal will not dominate the Bridgman Road frontage. Notwithstanding, conditions of consent recommend creating additional visual interest at the northern and western elevations of the building.</p>
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(4) Buildings must not be erected closer than 10m from the boundary of the site which addresses Bridgman Road.	The main building is setback 15.4 metres from Bridgman Rd
(5) Vehicular access points must not permit right-hand turns directly onto Bridgman Road from the site.	The egress from the site to Bridgman Road permits left only vehicular movements.
(6) Large service vehicles must not be permitted to use accesses from Bridgman Road.	A separate loading dock is proposed along Glass Parade.
<p>(7) Development consent should not be granted for signage that is or is proposed to be visible from any public place or public reserve, unless the consent authority is satisfied that:</p> <p>(a) the signage and associated structures are contained within the site boundary, and</p> <p>(b) there is not more than 4 signs that identify the site, and</p> <p>(c) the height of entry signs would not exceed 3m or have an advertising area exceeding 9m², and</p> <p>(d) the height of corner identification signs would not exceed 5m or have an advertising area exceeding 9m², and</p> <p>(e) corner identification signs only identify the site name and not advertise tenancies, and</p> <p>(f) the signage is designed to require minimal maintenance, and</p> <p>(g) tenancy signs do not protrude beyond the building form, and</p> <p>(h) if illuminated, the signage would not project glare onto adjoining or adjacent properties.</p>	<p>Proposed business identification signage matters were discussed earlier in the report.</p> <p>Proposed signage is considered acceptable for the purposes of the development.</p>
<p>(8) The height of boundary fencing on the site is not to exceed 2m from finished ground level.</p> <p>(9) Fencing is to be constructed of materials which require minimal maintenance and maintain long term structural integrity.</p> <p>(10) Landscaping must demonstrate and should seek to soften and improve the visual appearance of development on the land.</p> <p>(11) The consent authority must, before granting consent to the development on the land, consider whether suitable provisions are available for public transport.</p>	<p>It is recommended that fencing be conditioned per the requirements of Council's DCP.</p> <p>Landscaping requirements were discussed earlier in the report.</p> <p>In order to facilitate the future use of the site by</p>

	public transport, Council will require the provision of a suitably located and designed stop in Glass Parade. This will also support the utilisation of the centre by future residents of proposed residential development to the east of the commercial centre.
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(a)(iiia) any planning agreement

There are no planning agreements which apply to the assessment of the application.

(a)(iv) the regulations

The development application complies with the minimum requirements specified in Schedule 1 part 1 of the *Environmental Planning & Assessment Regulation 2000*.

(a)(v) any coastal zone management plan within the meaning of the *Coastal Zone Protection Act 1979*

There are no *Coastal Zone Protection Act 1979* matters relevant to the assessment of the application.

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

Strategic land use context and adopted commercial hierarchy

Council's adopted commercial hierarchy makes provision for the development of a new commercial centre at this site. The development site was rezoned recognising the need for additional commercial facilities within the LGA consistent with supporting both existing and proposed residential growth in the locality. It is not anticipated that the proposed development will significantly impact the functioning and associated profit margins of existing commercial centres.

Earthworks; including disposal of excess soil

Earthworks for the site will be undertaken consistent with DA 39/2014 and associated consent conditions.

Additional soil testing will be required to further establish the extent, or otherwise, of soil contamination at the site. Such testing and any necessary remedial works will be required prior to the issue of a construction certificate for development at the site.

The proponent has advised that approximately 100,000m³ of excess soil will require exportation from the site. It would be appropriate for a plan of management to be prepared (and appropriately certified) outlining detailed arrangements and the like for the associated disposal of that soil.

Impacts on adjacent watercourse – nominated integrated development

As previously advised, the development is nominated integrated development. General Terms of Approval have been issued by the DPI Water. With the imposition of appropriate consent conditions, any impacts associated with the proposed development on the watercourse will be minimal.

Vegetation and ecological considerations

The site is generally devoid of native vegetation. Impacts of the proposed development on ecology are insignificant.

Stormwater management

Conditions of consent are proposed to ensure proper management of stormwater.

Visual Impacts

The visual qualities of the proposed development will be enhanced via suggested improvements to façade treatments and landscaping.

Social Impacts – employment

Construction employment is anticipated in the order of 150 jobs. 100 full time equivalent jobs are proposed within the shopping centre.

Social impacts – crime prevention

The proposed development has been designed having regard to Crime Prevention Through Environmental Design (CPTED). The intention of CPTED principles are to reduce opportunities for crime using design and place management principles. Consultation with NSW Police has occurred and conditions recommended to enhance the safe design of the site.

Impacts on utility services

Augmentation of reticulated water and sewer is required to service the proposed development. All other utility services are available to service the proposed development.

Traffic impacts

The existing road hierarchy is sufficient for the purposes of the proposed development. As previously documented, conditions of development consent are proposed to extend the median strip by 30 metres to the north along Bridgman Road. Alterations are also proposed to the ingress/egress point along Glass Parade. Primary vehicular access to site is proposed via Glass Parade. Council's traffic engineer has requested that the configuration of the access point to the car park at that point be redesigned to minimise conflict between vehicles and pedestrians and to improve the circulation of traffic to and from the site. Removal of the pedestrian crossing is also proposed at that point. Conditions of development consent are proposed in that regard.

(c) the suitability of the site for development

Having regard to the content and objectives of Council's existing commercial hierarchy, associated environmental planning instrument and DCP, the site is suitable for the proposed development.

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

As previously indicated, responding to the public notification and advertising of the application, six (6) written submissions were received; one submitter providing additional information post exhibition. Copies of all (redacted) public submissions are contained as a separate document for the panel's consideration.

Matters raised in submissions are summarised as follows:

- Probity issues relating to the sale of the site and the assessment and determination of the DA;
- Generic inconsistency with Council's strategic commercial land use planning direction;
- Specific inconsistency with zoning of the land: Zone B1 Neighbourhood Centre;
- Oversupply of retail floor space for a neighbourhood shopping centre;
- Insufficient commercial demand to justify the approval of the proposed development, associated economic impact on existing commercial centres including those within Singleton and within Singleton Heights;
- Associated lack of economic impact assessment by the proponent;

- Proposed development is inconsistent with the requirements of Council's Development Control Plan;
- Traffic concerns including sufficient right hand turn restrictions from the site on to Bridgman Road;
- Proposed excessive hours of operation (24/7); and
- Security and lighting.

Responses to public submissions by the proponent are also contained as a separate document.

(e) the public interest

The development proposal represents a suitable use of the commercial land and will support the growing residential population of Singleton and surrounds. The new development will provide for an expansion of retail services within Singleton and will assist in recapturing some of the escape expenditure that currently exists. The development is therefore considered to be in the public interest.

7. CONCLUSION

The proposal will have a positive social and economic impact on the community and provides improved retail opportunities for a growing residential population. The application is generally compliant with the requirements of the relevant State Environmental Planning Policies, the Singleton Local Environmental Plan 2013 and the relevant elements of the Singleton Development Control Plan 2014.

An assessment of the application has been carried out under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* as amended. The proposed development is considered satisfactory in terms of the relevant matters for consideration under the Act and the development is recommended for approval subject to appropriate conditions.

