

COUNCIL REPORT

Panel Reference	2017HCC022
DA Number	DA/1178/2017
LGA	Lake Macquarie
Proposed Development	Commercial premises, 1 Into 5 Lot Torrens Title Subdivision, Signage and Road
Street Address	309 George Booth Drive, Cameron Park Lot 901 DP 1222132
Applicant	ADW Johnson Pty Ltd
Owner	Fabcot Pty Ltd
Date of DA lodgement	7 July 2017
Number of Submissions	Two
Recommendation	Approval, subject to conditions of consent
Regional Development Criteria (Schedule 4A of the EP&A Act)	General development that has a capital investment value of more than \$20 million (DA lodged prior to 1 March 2018)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Lake Macquarie Local Environmental Plan 2014 • Lake Macquarie Development Control Plan 2014 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 64 – Advertising and Signage
List all documents submitted with this report for the Panel's consideration	Attachment A: Assessment Report Attachment B: Draft Conditions of Consent Attachment C: Architectural Plans Attachment D: Landscape Plans Attachment E: Engineering Plans Attachment F: Agency Submissions Attachment G: Public Submissions
Report prepared by	Georgie Williams, Senior Development Planner
Report date	19 September 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the Council report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the Council report?

Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Council report?

N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

N/A

Condition

Have draft conditions been provided to the applicant for comment?

Yes

Executive Summary

Key Dates:	<ul style="list-style-type: none"> • Lodgement: 7 July 2017 • Notification 1: 18 July to 23 August 2017 • Notification 2: 23 February to 19 March 2018 • Request for additional information: 23 October 2017 and 30 April 2018 • Amended plans / additional information: 21 February and 7 August 2018 • General Terms of Approval: <ul style="list-style-type: none"> - Subsidence Advisory NSW: 16 August 2017 - NSW Rural Fire Service: 7 August 2017
Submission Period:	<ul style="list-style-type: none"> • 18 July to 23 August 2017 • 23 February to 19 March 2018
Zoning:	B2 Local Centre and R3 Medium Density Residential
Approval Bodies:	<ul style="list-style-type: none"> • Subsidence Advisory NSW • NSW Rural Fire Service
Referral Agencies:	<ul style="list-style-type: none"> • Ausgrid • Hunter Water Corporation • NSW Police • Roads & Maritime Services
CIV:	\$26,114,000

Project Description

The development application proposes a local shopping centre to be known as “Cameron Park Village” (refer to Figure 1 below) with a total Gross Floor Area (GFA) of 7528m². Details of the amended proposal include:

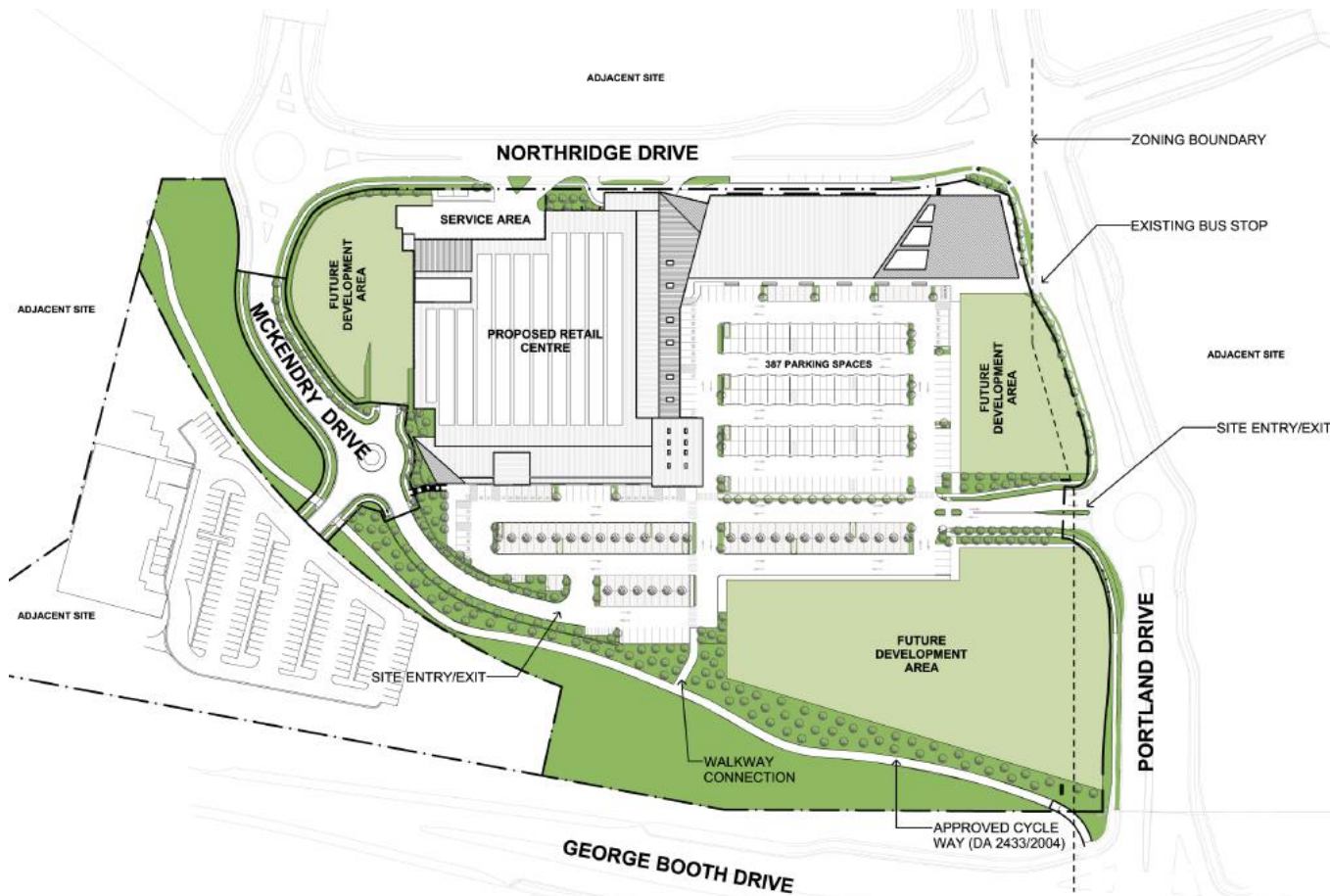


Figure 1 – Site plan of proposed development

Construction

- Shopping centre (defined under Lake Macquarie Local Environmental Plan (LMLEP) 2014 as commercial premises) consisting of:
 - Woolworths supermarket (including a 75m² “click and collect” with a gross floor area (GFA) of 3,615m²;
 - 23 specialty commercial tenancies (T1, T2a, T2b, T3 – T22 inclusive), which vary in size. With the exception of T1, end users of these tenancies are not currently known and will be subject to future fit out first use application;
 - BWS liquor store (T1) with a GFA of 184m²;
 - A kiosk area comprising two x 40m² will be located centrally within the mall;
 - Associated Centre Management, trolley storage, plant and amenities;
 - Covered pedestrian walkway / plaza;
- The Woolworths loading dock and “click and collect” will be accessed from Northridge Drive with the waste management area adjacent to the loading dock;

- Construction of a 387 space surface level carpark including:
 - 12 disabled spaces;
 - 24 parents with pram spaces;
 - 19 motor cycle spaces;
 - 32 bicycle racks;
 - Shade structures on the main centre carpark; and
 - Landscaping throughout the carpark.

Note: Car parking for each of the future development lots (lots 1, 3 and 4) will be provided at future DA stage for each of these lots when uses are known. All proposed car parking is to cater for the Woolworths supermarket and 23 tenancies.

- Vehicular access proposed from Portland Drive to the east via dual lane access from the roundabout. Vehicle access will also be provided from an extension of McKendry Drive to the west via a two way (entry and exit) road;
- Pedestrian linkages to and within the site including the cycleway, bus stop, the approved Harrigan's Hotel, Northridge Drive and Portland Drive;
- Site earthworks and retaining; and
- Landscaping.

Operational details

- Operational details:
 - Hours of trade for the Woolworths Supermarket:
 - Monday to Saturday – 6.00am to 10:00pm; and
 - Sunday and Public Holidays – 7.00am to 10.00pm.
 - The supermarket will typically receive 2 – 3 deliveries per day. The loading dock will operate as follows:
 - Use will be restricted to 7:00am to 10:00pm seven days per week; and
 - Deliveries to the loading dock will not be scheduled to occur before 7:00am Monday to Saturday and 8:00am Sunday.
 - The Woolworths 'Click and Collect' service will operate within the proposed trading hours of the supermarket and typically facilitate 20 collections per day;
 - Hours of trade for the BWS bottle shop:
 - Monday to Saturday – 9.00am to 9.00pm; and
 - Sunday and Public Holidays – 10.00am to 8.00pm.
 - Hours of operation for specialty commercial tenancies:
 - 6.00am to 10.00pm seven days per week including public holidays.
 - Trolley collection bays will be provided throughout the carpark. Trolley bays will be regularly monitored by centre staff.
 - Waste management will be undertaken in accordance with a waste management plan.

Signage

- Signage including:

Reference	Signage	Dimensions	Quantity	Illumination
SG-01	Pylon sign	10m x 3m	3	Yes
SG-02	Sign 1	5m x 0.6m	7	Yes
SG-03	Graphic	1.9m radius	1	No
SG-04	Click and collect	4.34m x 0.6m	1	Yes
SG-05	WOW logo	1.725m x 1.68m	3	Yes
SG-06	BSW logo	2.865m x 1m	2	Yes
SG-07	Cameron Park	17.370m x 1.94m	1	No
SG-08	WOW + logo	9.085m x 1.2m	2	Yes
SG-09	Sign 2	3.8m x 0.95m	5	Yes
SG-10	Cameron Park	2.8m x 0.3m	2	Yes

Subdivision

- Torrens title subdivision with 1 into 5 lots (refer to Figure 2 below). Details include:
 - Lot 1 (2,749m²) – future development lot subject to separate application;
 - Lot 2 (3.878ha) – shopping centre lot;
 - Lot 3 (2.370m²) – future development lot subject to separate application;
 - Lot 4 (7818m²) – future development lot subject to separate application;
 - Lot 5 (2436m²) – Lot 5 is proposed to be a Public Reserve, dedicated to Council, and spilt into two parts either side of McKendry Drive. This area will contain the already approved cycleway (adaptive reuse of the West Wallsend Heritage Tramway alignment);
 - Proposed Road (2,363m²) – extension of McKendry Drive to provide site access.

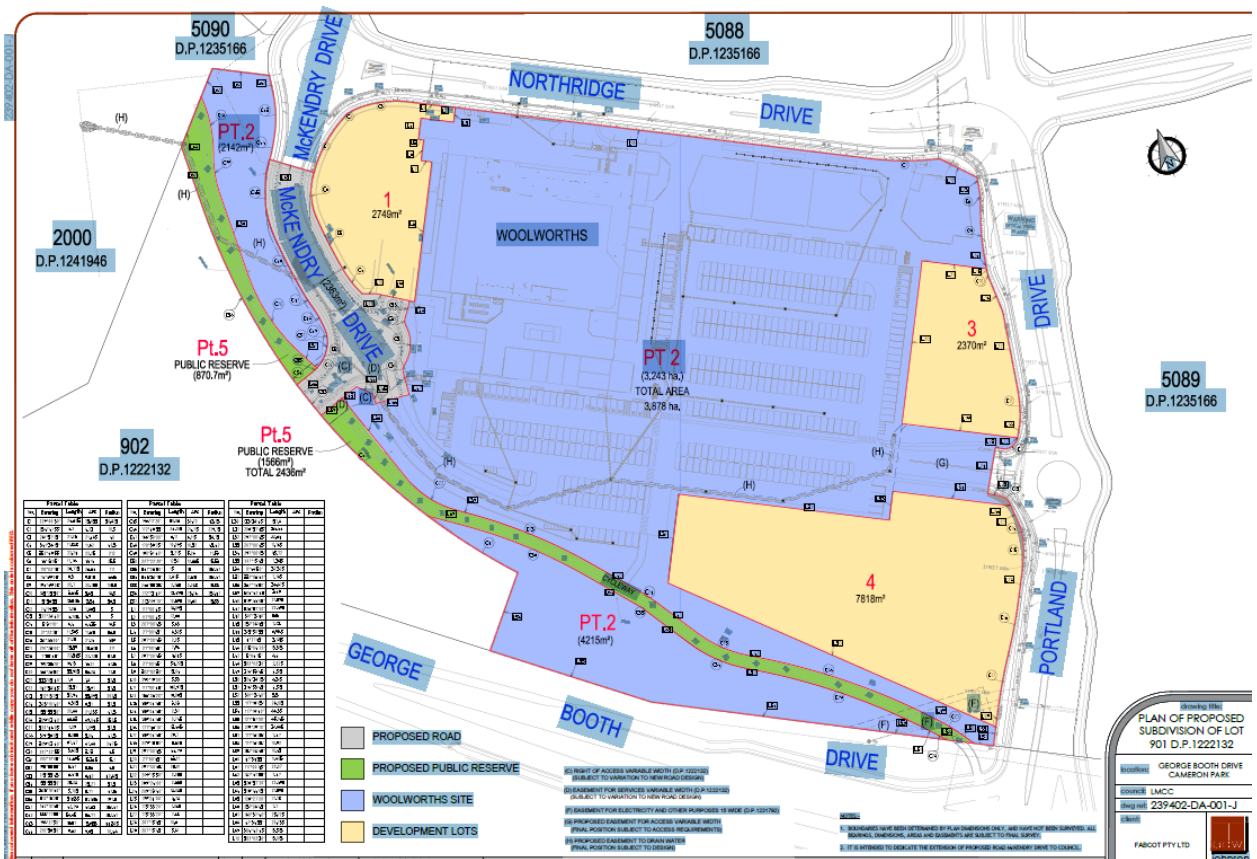


Figure 2 – Subdivision of proposed development

Site & Locality

The sites legal description is Lot 901 DP 1222132, known as 309 George Booth Drive, Cameron Park.

The site is located on the northern side of George Booth Drive with frontages to Portland Drive to the east, Northridge Drive to the north and Tramway Drive to the west (refer to Figure 3-5 and photos 1-4).

The site has an area of 5.625 hectares.

The site is a greenfield site located within the Northlakes Urban Release Area known as Cameron Grove Estate, which was approved under DA/2433/2004. In accordance with this approval, the site has been cleared, earthworks undertaken, servicing made available and the surrounding road network completed.

In strategic land use terms, this site falls within an area identified to become a new Local Centre intended to provide a wide range of facilities for adjoining neighbourhoods, and act as the commercial and social heart of the Cameron Park area.

Access to the development is via a signalised intersection on George Booth Drive into Portland Drive. RMS previously granted its approval to this intersection, with construction finalised in May of this year. Portland Road will continue through to the Northlakes Estate providing an important link.

The land surrounding the commercial area to the north and east is zoned R3 Medium Density to encourage the construction of medium density housing. Medium density housing has been approved on 255 George Booth Drive, Cameron Park with 103 dwelling houses, to the north of the site.

Residential dwellings located to the southwest of the site on Seaham Street are generally single storey detached dwellings with George Booth Drive providing significant separation.

An approved hotel (DA/1612/2008) will be located to the southwest of the site.

The West Wallsend Steam Tram Line, which is identified as an item of Local heritage significance under LMLEP 2014, traverses the site in a curved alignment from the northwest to the southwest and provides a buffer from the approved hotel site.

The site is strategically located within close proximity to the Pacific Motorway (F1) to the west, Edgeworth and Glendale to the east and Newcastle is approximately 20km to the east.

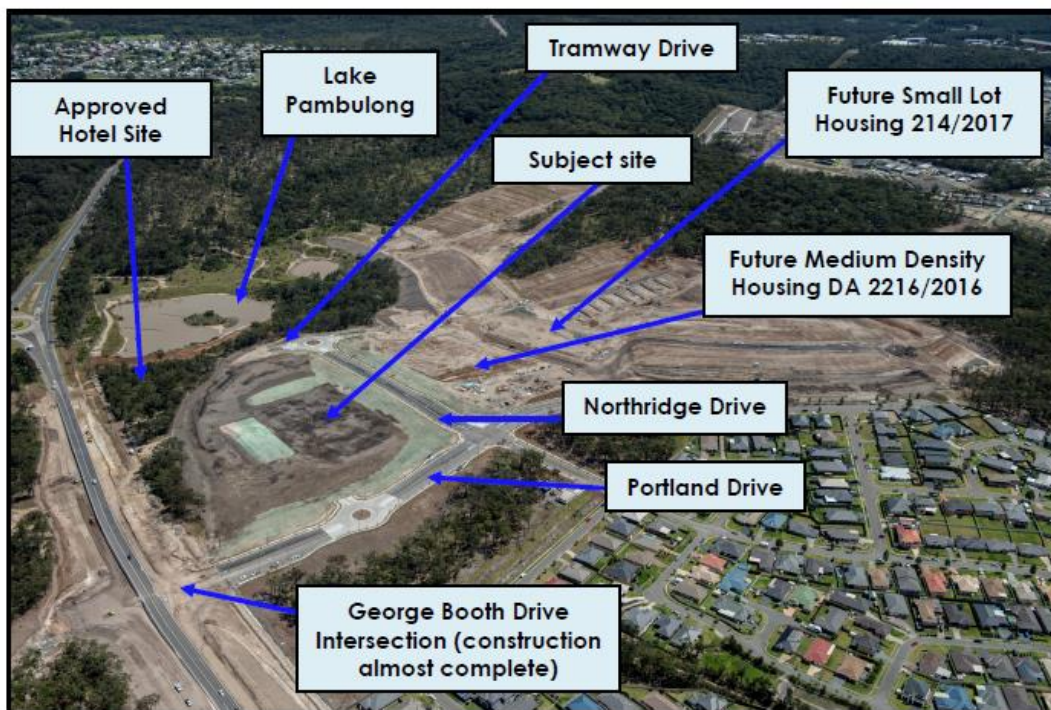


Figure 3 - Aerial photograph of the site (October 2016)



Figure 4 - Locality map of the site within the context of Cameron Park

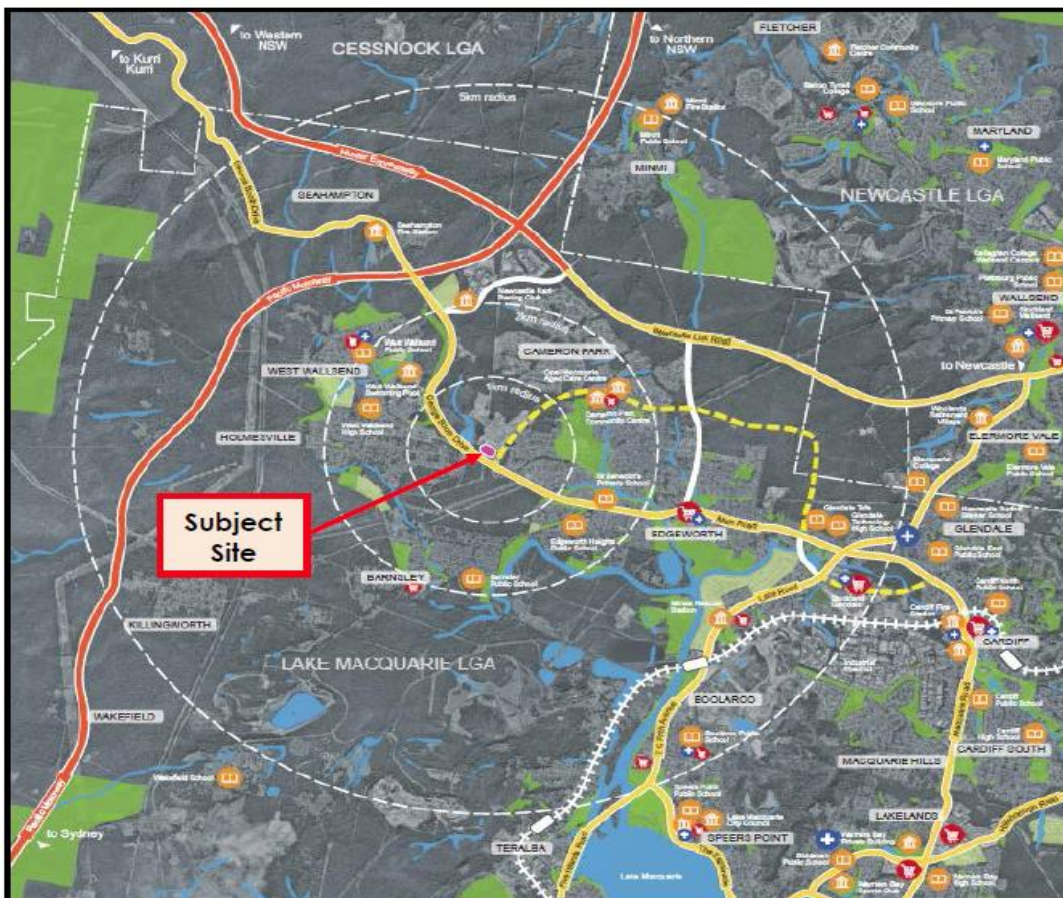


Figure 5 - Locality map of the site within the broader context of Lake Macquarie and Newcastle Local Government Areas



Photo 1 – Western view across the site



Photo 2 – North eastern corner of the site adjacent to the intersection of Portland Drive and Northridge Drive



Photo 3 – Western view of the site and Northridge Drive



Photo 4 – Intersection of George Booth Drive and Portland Drive (under construction March 2017 now completed)

Background

Re-zoning

In 1994, Council resolved to prepare a Draft Local Environmental Plan for the Northlakes Urban Release Area to allow for residential, commercial, environmental protection and open space uses. The zoning of the subject site was established as a result of two amendments to Lake Macquarie Local Environmental Plan (LMLEP) 1984, being Amendment 102 and Amendment 169. The latter of the two amendments to LMLEP 1984 included a 3(a) Business (General Business) zone and a 2(c) Residential (Residential "C") zone for the site.

During the preparation of LMLEP 2004, the abovementioned zones were converted to 3(1) Urban Centre and 2(2) Residential (Urban Living) respectively and under the LMLEP 2014, the abovementioned zones were converted to B2 Local Centre and R3 Medium Density Residential.

The need to provide commercial land within the Cameron Park area was an outcome of the Lifestyle 2020 process, which identified:

"A new town centre is proposed on George Booth Drive and is intended to become the centre for the Planning District, with two supermarkets, and a range of specialty shops and businesses".

In addition, the site was proposed to provide a greater range of employment opportunities, other than retail. This included the development of a data centre and associated IT related businesses that would use the data centre as a catalyst to provide small business opportunities and a greater range of skilled employment.

The strategy detailed the need for other employment generating land in the near vicinity.

Development Application History

DA/2433/2004: The original subdivision was approved by Council on 28 April 2005 for 602 lots consisting of the following:

- One commercial lot adjoining George Booth Drive with an area of 7.2 hectares;
- Three large medium density residential development lots to the north and east of the commercial area, with a total area of 6.6 hectares;
- Fifteen smaller medium density residential development lots proposed for small lot housing;
- 582 standard residential lots;
- A residue lot zoned 7(2) Conservation (Secondary) with an area of 24.5 hectares;
- A neighbourhood park; and
- Drainage reserves.

DA/2433/2004/A to DA/2433/2004/O: Council has since approved a number of subsequent Section 4.55 applications to modify the original subdivision, which include changes to staging, S7.11 contributions, and engineering works. Substantial commencement has occurred.

DA/2207/2007: A retail centre comprising of commercial premises and shops with associated car parking, landscaping and staging of the development into 2 stages at 4 and 100 George

Booth Drive, Cameron Park (now known as 309 George Booth Drive) was approved by Council on 3 June 2010. Details include:

Use	Stage 1 – 8795m ² of GFA	Stage 2 – 12,435m ² of GFA
Supermarket	4200m ²	-
Specialty Shops	2267m ²	2880m ²
Kiosks	100m ²	50m ²
Discount Department Store	-	7350m ²
Commercial Offices	300m ²	80m ²
Mini Major	-	1450m ²
Total car parking spaces	288 open	401
Accessible car parking spaces (included in total no. of car spaces above)	6 open	15
Arcades	1240m ²	1853m ²
Total GFA	21,230m ²	

- 689 car parking spaces in total with 288 in the form of a surface car park (stage 1) located within the southeast corner of the site and two levels of basement car parking (stage 2) at the western end of the development.
- The main loading dock was located on the northern elevation with access from Street No.2 (now known as Northridge Drive). The mini major loading dock was located on the western elevation with access from Tramway Drive.
- Associated landscaping works including a Town Square located in the northeast corner of the site.

DA/2207/2007/A to DA/2207/2007/E: Council has since approved a number of subsequent Section 4.55 applications to modify the original development including:

DA/2207/2007/A: included the following changes:

- Reconfiguration of loading docks;
- Reallocation of special retail space within the building;
- Increase in kiosk floor space from 150sqm to 196sqm;
- Extension of office/staff mezzanine from 280sqm to 580sqm;
- Increase in height of building over the mezzanine area;
- Decrease in basement car parking level 2 and increase in basement car parking level 1, with an overall increase in car spaces from approximately 750 to 1000;
- Minor reconfiguration of external car parking;

- Minor reconfiguration of food court entry and balcony;
- Minor changes to external facades;
- Minor landscaping changes; and
- Deletion of staging of the proposal.

DA/2207/2007/B: sought changes to the retaining walls.

DA/2207/2007/C: sought removal of the mini major retail space from the approved design.

DA/2207/2007/D: The last modification application sought to amend various conditions to read “prior to the release of the Construction Certificate for Building Works” instead of “prior to the issue of a Construction Certificate”.

DA/1612/2008: Council approved a Hotel including a Place of Public Entertainment at 100 George Booth Drive, Cameron Park on 9 March 2009.

DA/1612/2008/A: Internal and external modifications were approved to the hotel on 6 September 2016.

DA/2216/2016: Council approved Multi Dwelling Housing (103 Dwelling Houses) at 255 George Booth Drive, Cameron Park on 28 June 2017 (Refer to Figure 6 below).



Figure 6 - Approved medium density site plan

Pre lodgement Meetings

PL/66/2016: The applicant met with Council on 27 May 2017 to discuss the following modifications (refer to Figure 7 below):

- 4200m² Woolworths supermarket,

- 700m² child care centre;
- 550m² library;
- 200m² bottle shop;
- 650m² medical centre;
- 280m² fast food;
- public outdoor area;
- service station;
- food court area, including outdoor covered seating areas;
- indoor shopping mall area;
- car wash; and
- potential gym.

The minutes indicate the applicant was advised any application for a S4.55 to DA/2207/2007 would be required to demonstrate the proposal was substantially the same as the original approval (not the most recent approval).

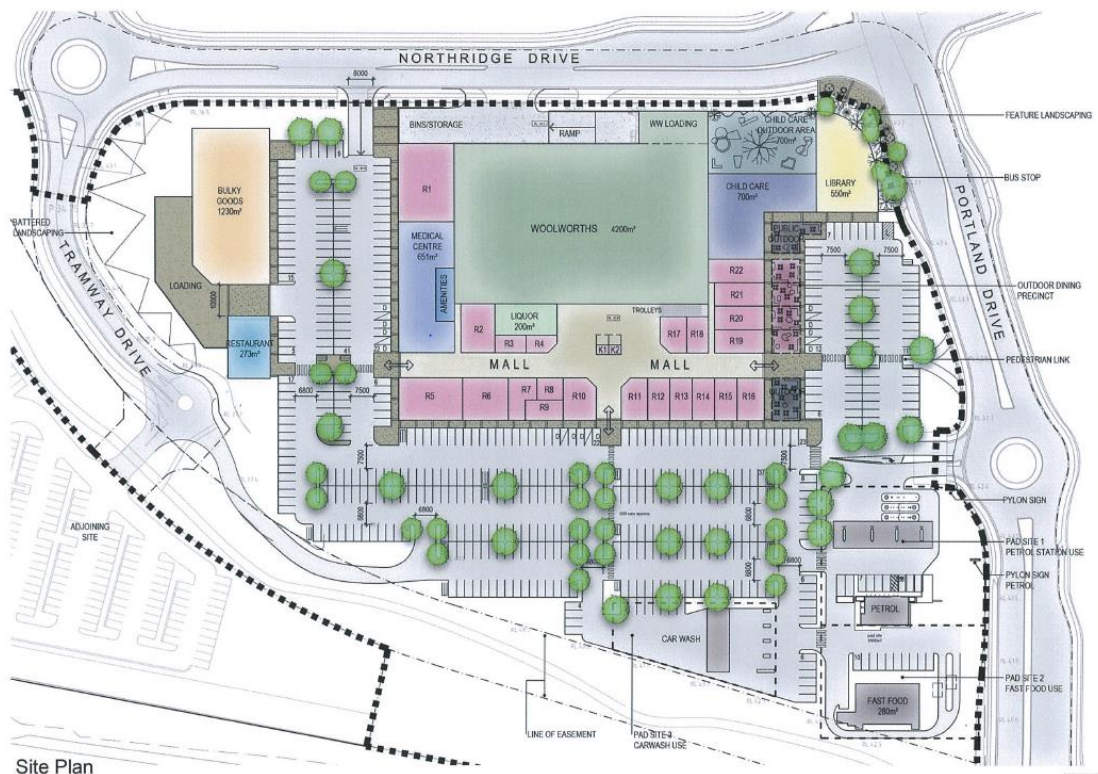


Figure 7 - Concept plan discussed at pre-lodgement

PL/166/2016: A further pre-lodgment meeting was held on 18 October 2017 to discuss the following scheme (refer to Figure 8 below):

- Woolworths supermarket (3800m²) plus click and collect (140m²) with loading dock on Northridge Drive elevation;
- Liquor store (200m²);
- A number of vacant commercial premises / specialist shops with outdoor seating (1860m²);

- Childcare centre (1400m²);
- Library (550m²);
- Gymnasium (460m²);
- Children's play area;
- Medical centre (945m²);
- Car parking (536 car spaces at grade);
- Signage;
- Earthworks and retaining walls;
- Landscaping;
- A number of vacant pad areas for the following potential uses, which will be subject to future applications:
 - Service station (2000m²)
 - Fast food restaurant (1925m²)
 - Future user (1400m²)
 - Future user (1680m²)

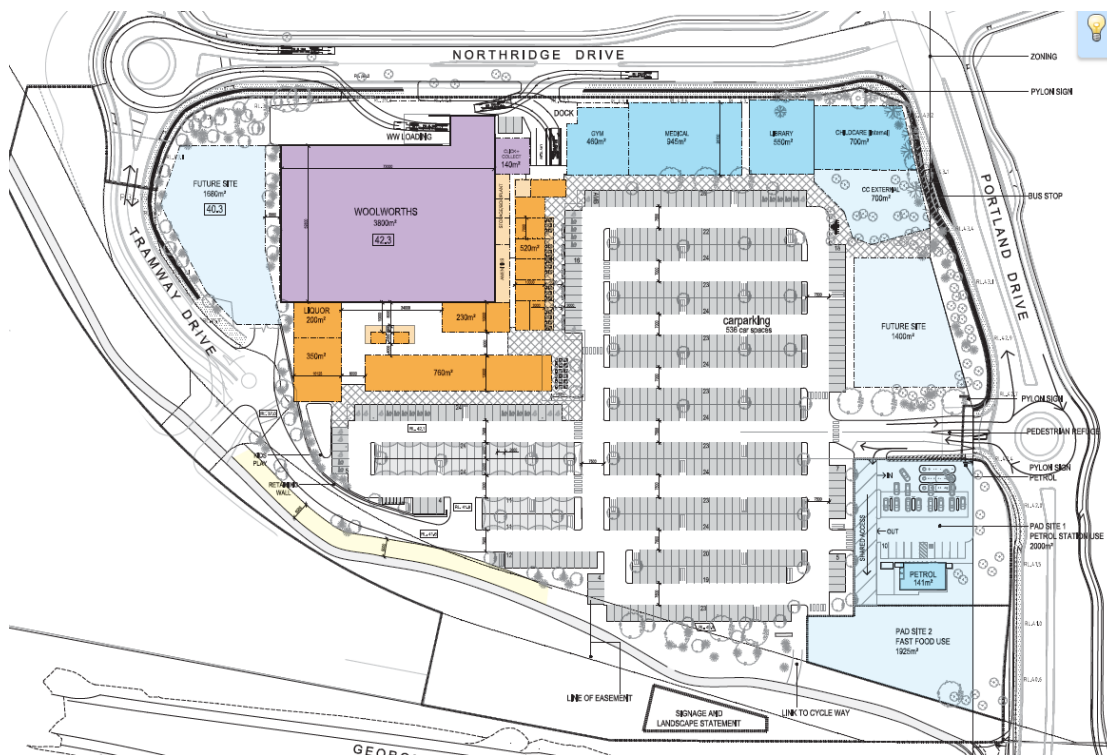


Figure 8 - Concept plan discussed at pre-lodgement

In summary, the applicant was advised that under Part 4 (Development in Business Zones) of DCP 2014, Section 2.22 (Site where a concept plan is required), the applicant is required

to prepare a comprehensive urban design analysis, which will inform and guide the concept plan.

Other concerns raised at this meeting included:

- Shopping centre layout / design;
- Proposed location of childcare centre and service station;
- Proposed location of loading dock;
- Streetscape activation; and
- At grade car parking dominating the site.

Urban Design Workshop

The applicant submitted a submission to Council, dated 11 November 2016, requesting a workshop session in lieu of an urban design analysis to actively work through the urban design issues associated with the development.

Council staff considered the submission and in principle supported the proposed workshop session as an acceptable alternative to the requirement for an urban design analysis given the particular circumstances and history pertaining to the site.

The workshop session was held on site and at Council on 13 March 2017 (refer to Figure 9). A summary of key issues from the workshop include:

- The integration and activation of the built form fronting Northridge Drive and Portland Drive is important. A high level of architecture on the corner of Northridge and Portland Drive is expected.
- The site provides a gateway into Lake Macquarie. Concern was raised regarding the proposed location of the fast food use, car wash, service station and expanse of at grade car parking at the main entrance into the centre. Council requested a perimeter road option be considered to better resolve vehicle goods loading to this precinct.
- The location of the loading dock was not supported.
- The applicant was advised to be fully aware of the relationship and connection to Tramway from an urban design point of view.
- Relatively high car parking numbers; due to isolation of the centre there is possible argument for greater need, however this should not compromise the urban design outcomes.
- Council's objective for 24hour access that encourages walking into, through and around the local centre should be considered.
- A strong landscape design response to the car parking areas was required. A high level of amenity for shoppers was required.
- Potential conflict with location of Child Care Centre and Petrol Station - SEPP 33.
- Uncertainty regarding future land uses with potential for land use conflicts should be further investigated with a resolution of goods loading to the back of house elevations and the separation of pedestrians moving around and/or accessing these sites from the internal car park.

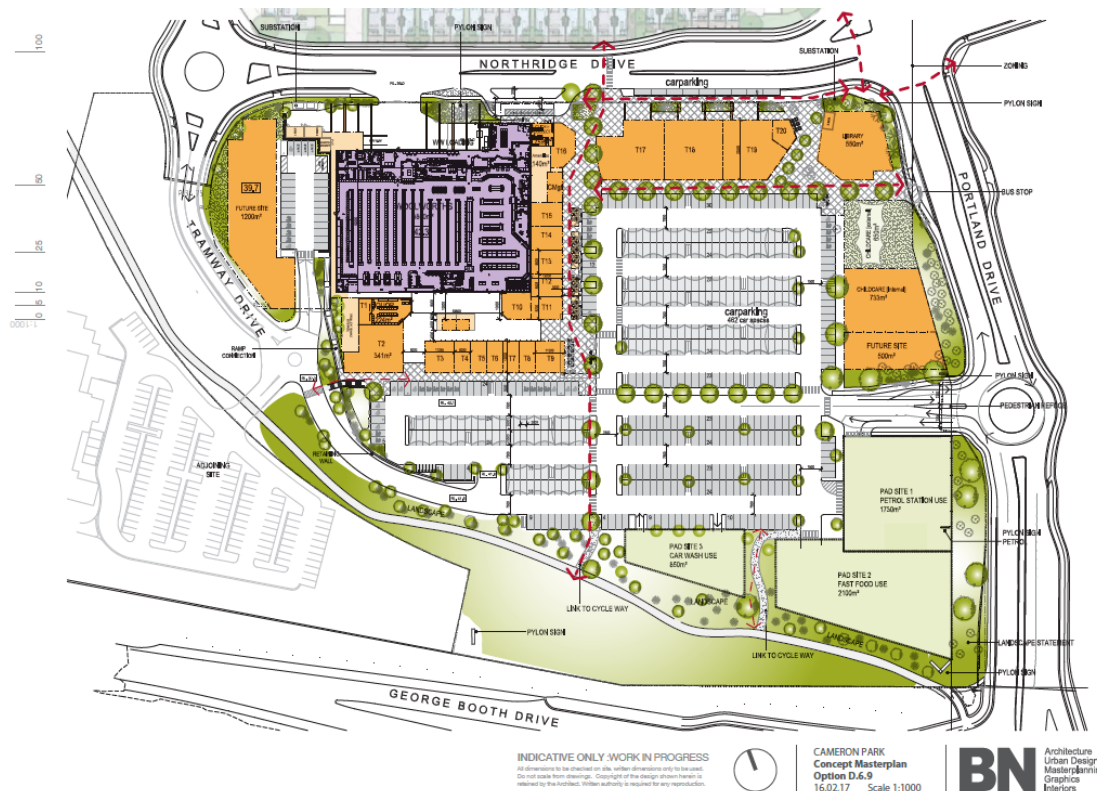


Figure 9 - Site plan discussed at workshop session

Following the outcomes from the workshop session, the applicant submitted further site layout options with a detailed strengths and weaknesses analysis. These design options can be viewed on pages 26 to 40 of the SOEE. Council staff are satisfied that the design team has fully exhausted and explored all options thoroughly and the proposed development is the best option given the existing constraints of the site. The constraints of the site can be summarised as follows:

- The site appears as a “blank canvas”, however previous decisions made under the original subdivision (DA/2433/2004) limit opportunity;
- Topography and landform - The western side of the site is affected by a steep slope;
- George Booth Drive is a classified road and the RMS will not support direct vehicular access;
- The site is surrounded by existing roads including George Booth Drive to the south, Northridge Drive to the north, Portland Drive to the east and McKendry Drive to the west. Vehicle access points are therefore fixed;
- Portland Drive is the key entry road into the estate and therefore an undesirable location for a loading dock;
- The heritage listed tramway, which is required to be adaptively reused as a cycleway, bisects the site from the southeast to the southwest;
- Zoning and interfaces – The decision to have different zones either side of Northridge Drive and the decision to approve medium density housing facing two approved loading docks (DA/2207/2007/C); and

- An existing bus stop on Portland Drive.

It is imperative to understand and appreciate the above constraints when considering the proposed development and what has driven the design response.

Present Development Application

DA/1178/2017: The current application was lodged with Council on 7 July 2017.

Following a preliminary assessment, a request for additional information was made on 23 October 2017.

Additional information and amended plans were submitted to Council on 21 February 2018.

The application was re-notified from 23 February to 19 March 2018.

Additional information and amended plans were requested on 30 April 2018. This information was submitted on 7 August 2018.

The Assessment

Under LMLEP 2014, the site is mostly zoned B2 Local Centre, with a small section of R3 Medium Density Residential zone. As detailed in the assessment report, the development is permissible within the zones.

The development complies with the statutory height control of 10 metres.

The proposal, whilst departing to a degree from a number of development controls, is assessed as being consistent with Council's LMLEP 2014, Development Control Plan 2014 and relevant State Environmental Planning Policies.

A comprehensive assessment (refer to Attachment A) of the application has been carried out under Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended. The development is considered satisfactory in terms of the relevant matters for consideration under the Act and the development application is recommended for approval subject to conditions of consent (refer to Attachment B).

Endorsement

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

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



Georgie Williams
Senior Development Planner
Development Assessment and Compliance
Date 26 September 2018

I have reviewed this report and concur with the recommendation.

A handwritten signature in black ink, appearing to read 'Elizabeth Lambert'.

Elizabeth Lambert
Chief Development Planner
Development Assessment and Compliance
Date 3 October 2018

Attachment A: Assessment Report
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Attachment D: Amended Landscape Plans
Attachment E: Amended Engineering Plans
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