

APPLICATION REFERENCES

DA Number:	DA/1178/2017
Assessing Officer:	Georgie Williams, Senior Development Planner
Property Description:	Lot 901 DP 1222132 309 George Booth Drive, Cameron Park
Application Description:	Commercial Premises, 1 Into 5 Lot Torrens Title Subdivision, Signage and Road
Owner's Consent?:	Provided (Fabcot PTY LIMITED)
Capital Investment Value:	\$26,114,000

PRECIS:

This report assesses the proposal against relevant State, Regional and Local Environmental Planning Instruments and Policies, in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

The development application proposes a local shopping centre to be known as "Cameron Park Village". Details of the amended proposal include:

- Shopping centre (defined under LMLEP 2014 as commercial premises) including:
 - Woolworths supermarket with "click and collect";
 - 23 specialty commercial tenancies (T1, T2a, T2b, T3 – T22 inclusive);
 - BWS liquor store (T1);
 - The total GFA of the shopping centre is 7528m².
- 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 over the main carpark;
 - Landscaping within the carpark.
- 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

PRECIS:

the west via a two way (entry and exit) road;

- Site earthworks, retaining and landscaping;
- Signage;
- Torrens title subdivision with 1 into 5 lots; and
- 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.

REASONS FOR DECISION:

The development has been assessed against the matters for consideration that apply to the land to which the development application relates as outlined in Section 4.15 of the Environmental Planning and Assessment Act, 1979 as follows:

- the development meets the requirements of the Lake Macquarie Local Environmental Plan 2014 and other relevant environmental planning instruments;
- consideration has been given to proposed instruments which have been the subject of public consultation;
- the development generally complies with Lake Macquarie Development Control Plan 2014;
- considering the likely impacts of the development on the natural and built environments, the development is considered appropriate;
- the suitability of the site for the development, including characteristics and constraints of the land have been considered and it was found the land as being suitable;
- additionally matters of public interest have been taken into account in relation to social, economic and environmental outcomes {as well as a nexus for development contributions towards public facilities/amenities}.

Based on the balance of the matters considered, the development application is recommended for approval. Details of the assessment are contained in the assessment report below.

COMMUNITY VIEWS:

The assessment of the development under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 has considered the community views. The development application was notified in accordance with the Development Notification Requirements outlined in Section 1.15 of Part 1 of Council's Development Control Plan 2014 as adopted by Lake Macquarie City Council.

From the notification period two public submissions were received in relation to the proposed development. The matters raised in these submissions were considered as part of the assessment of the proposed development. For detailed comment regarding the matters raised in the submissions refer to Section 4.15(1)(d) of this report.

SITE INSPECTION:

A number of site inspections were carried out. These inspection were carried out in accordance with all relevant procedures for site inspections.

Environmental Planning and Assessment Act 1979

CLASSIFICATION OF DEVELOPMENT		Y/N
Is the development proposal <u>Local</u> Development?		YES
Is notification necessary?		YES
Have all adjoining and affected owners been notified (two week period)?		YES
Is the development proposal <u>State Significant</u> Development?		NO
Is the development proposal <u>Advertised</u> Development?		NO

DESIGNATED DEVELOPMENT		Y/N
Is the development proposal <u>Designated</u> Development ?		NO

INTEGRATED DEVELOPMENT ASSESSMENT			Y/N
Is the development Integrated Development?			YES
ACT		APPROVAL	
<i>Rural Fires Act 1997</i>	S100B	<i>Development of bushfire prone land for a special fire protection purpose as defined in Section 100B of the Rural Fires Act 1997.</i>	YES
<i>Coal Mine Subsidence Compensation Act 2017</i>	Part 3	<i>Approval to alter or erect improvements within a mine subsidence district or to subdivide land therein</i>	YES
Have General Terms of Approval been received?			YES

Subsidence Advisory NSW

Subsidence Advisory NSW issued their General Terms of Approval (GTA) on 16 August 2017. Subject to approval, a condition is recommended to ensure these GTA's are included on any development consent issued.

NSW Rural Fire Service (RFS)

The NSW RFS issued their GTA's on 7 August 2017 subject to the following conditions:

Asset Protection Zones

- 1 The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:*
- 2. The consent authority shall be satisfied that the area nominated as 'Managed Grassland' in Schedule 1 of the submitted bush fire report prepared by Travers Bushfire & Ecology, ref. A16230, dated 27 June 2017 will be managed in perpetuity as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. The management shall occur prior to the issue of construction certificate.*

Proposed Lots 1-4 shall be entirely managed in perpetuity as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Planning comment: The public reserve (Pt 5) will be dedicated and managed by Council.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- 3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.*

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

- 4. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.*

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- 5. Any new Class 10b structures as defined per the 'Building Code of Australia' shall be non-combustible.*

INTEGRATED DEVELOPMENT ASSESSMENT	Y/N
<p>Landscaping</p> <p>6. <i>Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.</i></p> <p>Subject to approval, a condition is recommended to ensure these GTA's are included on any development consent issued.</p>	

SECTION 1.7 CONSIDERATIONS	Y/N
Having regard for Section 1.7 of the Environmental Planning and Assessment Act, do any of the following issues require further consideration?	NO

SECTION 4.15(1) EP&A ACT 1979 – POTENTIAL MATTERS FOR CONSIDERATION
(a)(i) the provisions of any environmental planning instrument (EPI)
State Environmental Planning Policies
<p>State Environmental Planning Policy (Infrastructure) 2007</p> <p>Ausgrid</p> <p>Pursuant to Clause 45(2) of the SEPP Infrastructure, the proposal was referred to Ausgrid for comment. Ausgrid provided their comments on 7 August 2017 as follows:</p> <p><i>“Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid’s infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.”</i></p> <p>Subject to approval, a condition is recommended to ensure compliance with Ausgrid requirements.</p> <p>Roads and Maritime Services (RMS)</p> <p>Pursuant to Clause 101 (Development with frontage to classified road) and Clause 104 (Traffic-generating development) of SEPP Infrastructure, the proposal was referred to the RMS for comment. RMS initially advised Council in writing on 1 November 2017:</p> <ul style="list-style-type: none"> <i>It is recommended that an updated Traffic Impact Statement be provided with modelling updated based on 2017 data with a projection to 2027 figures, and submission of the electronic Sidra files.</i> <i>Further information on the proposed future use of Lot 902 DP 1222132 as shown in Drawing A02.01 Rev D.</i> <p>Additional information was submitted and re-referred to the RMS. The RMS advised Council in writing on 22 March 2018:</p> <p><i>Roads and Maritime has reviewed the information provided and raises no objection to the proposed development, provided the following matter(s) are addressed and included in Council’s conditions of development consent:</i></p> <ul style="list-style-type: none"> <i>No additional access from the property to George Booth Drive (MR527) will be granted.</i>

Council Comment: Noted

Advice to Council

Roads and Maritime recommends that the following matters should be considered by Council in determining this development:

- *The property has a common boundary with George Booth Drive (MR527) which has been declared as a Controlled Access Road by notification in Government Gazette No 123 of 21/8/1998 Folio 6374. Direct access across this boundary is restricted as shown highlighted between points B-C-D on DP849003 and covenant 0287784 registered on title (attached).*

Council Comment: Noted

- *Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.*

Council Comment: A condition is recommended to ensure a Traffic Management Plan is prepared and approved by Council prior to the issue of the first Construction Certificate. This is to ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community.

- *Council should have consideration for appropriate sight line distances in accordance with the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.*

Council Comment: Council's Chief Development Engineer is satisfied the location of the driveway promotes safe vehicle movements and sight lines comply with Australian Standards Refer to Section 5 (Access and Parking) in the DCP section of the report.

- *Discharged stormwater from the development shall not exceed the capacity of George Booth Drive stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.*

Council Comment: Council's Chief Development Engineer is satisfied stormwater is appropriately catered for. Refer to Section 2.8 (Stormwater Management) in the DCP section of the report.

- *Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by George Booth Drive, a classified State road (MR527). In this regard, the developer, not Roads and Maritime, is responsible for providing noise attenuation measures in accordance with the NSW Road Noise Policy 2011, prepared by the department previously known as the Department of Environment, Climate Change and Water. If the external noise criteria cannot feasibly or reasonably be met, Roads and Maritime recommends that Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.*

Council Comment: Council's Environmental Officer provided advice regarding acoustic measures, which is detailed in Section 8.7 (Noise & Vibration) of the DCP section of the report.

- *In accordance with the State Environmental Planning Policy 64 (SEPP 64) Clause 18, the consent authority must not grant development consent without the concurrence of Roads and Maritime, to the display of advertising signs greater than 20 square metres and within 250 metres of, and visible from, a classified road. George Booth Drive (B89) is a classified State road, and the proposed sign is larger than 20 square metres, will be within 250 metres and visible from George Booth Drive. Accordingly, Roads and Maritime concurrence is granted for the signage proposed in the subject application under Clause 18 of SEPP 64, subject to the following conditions.*

All signs should meet the criteria contained in Section 3.2.5 of the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007) - Illumination and reflectance. The sign must be constructed entirely within private property and shall not encroach or overhang, into the road reserve.

- *The sign must not obstruct any road regulatory, safety or directional signage in the vicinity.*
- *The sign must not incorporate:*
 - *Coloured writing. Only white writing should be permitted.*
 - *Flashing lights or messages.*
 - *Electronically changeable messages, unless in accordance with the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007).*
 - *Animated display, moving parts or simulated movement.*
 - *Complex displays that hold a driver's attention beyond "glance appreciation".*
 - *Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'.*
 - *A method of illumination that distracts or dazzles.*

Council Comment: This issue has been considered under SEPP 64 (refer to discussion below).

- *Please be advised that Roads and Maritime may direct the removal of a work or structure in accordance with Section 104 of the Roads Act 1993 if, in the opinion of Roads and Maritime, the work or structure is a traffic hazard. This direction may be given regardless of whether or not the carrying out or erection of the work or structure is the subject of any approval, consent, licence or permit in force under any Act.*

Council Comment: Noted

- *Additionally, Council should ensure that all signs meet the requirements of Schedule 1 Assessment Criteria of the State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage. Signage should also take into account the Department of Planning and Infrastructure's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007).*

Council Comment: This issue has been considered under SEPP 64 (refer to discussion below).

- *On Council's determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes.*

Council Comment: Noted.

State Environmental Planning Policy (State and Regional Development) 2011

Note: DA lodged prior to 1 March 2018.

At the time of lodgement, the proposal was Regional Development as the development has a CIV of more than \$20 million (the proposal has a capital value of \$26,114,000). Although the threshold under the SEPP has increased to \$30 million (Schedule 7(2)), the development remains Regional Development due to the Transitional Provisions of Clause 24(3) of the SEPP. The Hunter and Central Coast Regional Planning Panel (HCCRPP) is the consent authority.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. In particular, this Policy aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment. The subject site is not known to be contaminated.

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 seeks to regulate “Advertising and Signage” with its provisions taking precedent in the event of any inconsistency between the SEPP and Lake Macquarie’s planning instruments.

The SEPP defines signage as all signs, notices, devices, representations and advertisements that advertise or promote any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:

- (a) *Building identification signs;*
- (b) *Business identification signs; and*
- (c) *Advertisements to which Part 3 applies, but does not include traffic signs or traffic control facilities.*

The policy aims:

- (a) *To ensure that signage (including advertising):-*
 - (i) *Is compatible with the desired amenity and visual character of the area;*
 - (ii) *Provides effective communication in suitable locations; and*
 - (iii) *Is of high quality design and finish*
- (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.*

The development proposes building and business signage (Refer to Table 1 and signage details plan numbered A100.91 revision E) including:

Table 1: Summary of proposed signage details

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

Note: WOW = Woolworths

Following a preliminary assessment, concern was raised regarding the height (14 metres) and need for 4 pylon signs, particularly the location of one pylon sign fringing remnant bushland and the heritage listed tramway. The applicant has amended their scheme to reduce the height of the pylon signs to 10 metres with the deletion of the pylon sign fringing the bushland area.

Under the definitions contained within Clause 4 of the document, the signage is considered to constitute building identification signage (Cameron Park Village) and business identification signage and has therefore been assessed under Schedule 1, the assessment criteria contained within the SEPP as follows:

Schedule 1 – Assessment Criteria

Character of the area – The site was established as part of the broader Cameron Grove subdivision in 2004 to facilitate commercial development.

Signage is considered contextually appropriate and consistent with the intended future character of the B2 Local Centre zone.

Upon request, the applicant has reduced the height of the proposed pylon signs from 14m to 10m, which is considered acceptable.

The signage has been successfully integrated into the architectural design of the development and provides a consistent signage theme throughout the proposed shopping centre.

Subject to approval, a condition is recommended to ensure development consent is obtained for any additional advertising structures or signs on the site.

Special Areas – As discussed above, concern was initially raised regarding the location of one pylon sign fringing remnant bushland and the heritage listed tramway. The applicant has deleted this sign from the scheme.

Signage will not degrade or detract from the visual quality or amenity of the area.

Views and Vistas – Signage does not compromise or obscure any views or vistas.

Streetscape, setting or landscape – The signage is of a scale, proportion and form that will not conflict with the surrounding streetscape, setting and landscape.

The signage has been integrated into the architectural design of the shopping centre and will contribute to the visual interest of the Cameron Park Village.

The size and scale of signage is considered appropriate for a B2 Local Centre zone and consistent with other Woolworths developments.

Signage is not being, or required to be, used to screen unsightliness.

Signage will not protrude above the proposed roof line.

Siting and Building – Signage has been integrated into the architectural design of the centre and is considered compatible with the scale and proportion of the building.

The location, size and type of signage is consistent with a B2 Local Centre zone and other Woolworths developments.

The applicant has deleted the pylon sign within the fringe of the remnant vegetation and the heritage listed tramway.

The amended signage scheme is considered to respect important features of the site.

Associated devices and logos with advertisements and advertising structures – The Woolworths logo (apple image) is included as an integral part of the proposed signage scheme. No concern is raised.

Illumination – As detailed in Table 1 above, the majority of signage is proposed to be illuminated. Subject to approval, a condition is recommended to ensure illumination levels are acceptable. The applicant has indicated that illumination will be consistent with the approved hours of operation. A condition of consent is recommended to ensure this is the case.

Safety – Signage will not reduce the safety along either Portland Drive, Northridge Drive or George Booth Drive.

The application was referred to the RMS for comment under Clause 18 of SEPP 64. The RMS has provided their concurrence subject to the following condition, which will be included in the conditions of consent:

“All signs should meet the criteria contained in Section 3.2.5 of the Department of Planning’s Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007) - Illumination and reflectance. The sign must be constructed entirely within private property and shall not encroach or overhang, into the road reserve.

- *The sign must not obstruct any road regulatory, safety or directional signage in the vicinity.*
- *The sign must not incorporate:*
 - *Coloured writing. Only white writing should be permitted.*
 - *Flashing lights or messages.*
 - *Electronically changeable messages, unless in accordance with the Department of Planning’s Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007).*
 - *Animated display, moving parts or simulated movement.*
 - *Complex displays that hold a driver’s attention beyond “glance appreciation”.*

- *Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'.*
- *A method of illumination that distracts or dazzles.*

In summary, the signage supports and reinforces the aims, objectives and assessment criteria (Schedule 1) contained within the SEPP 64.

Lake Macquarie Local Environmental Plan 2014

Part 1 - Preliminary

1.9A	Suspension of covenants, agreements or instruments	There are no covenants, agreements or instruments over the land that will impact the development.
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Part 2 – Permitted or Prohibited Development

What is the land zoned?

B2 Local Centre and R3 Medium Density Residential (refer to Figure 1).

Refer to permissibility discussion below.

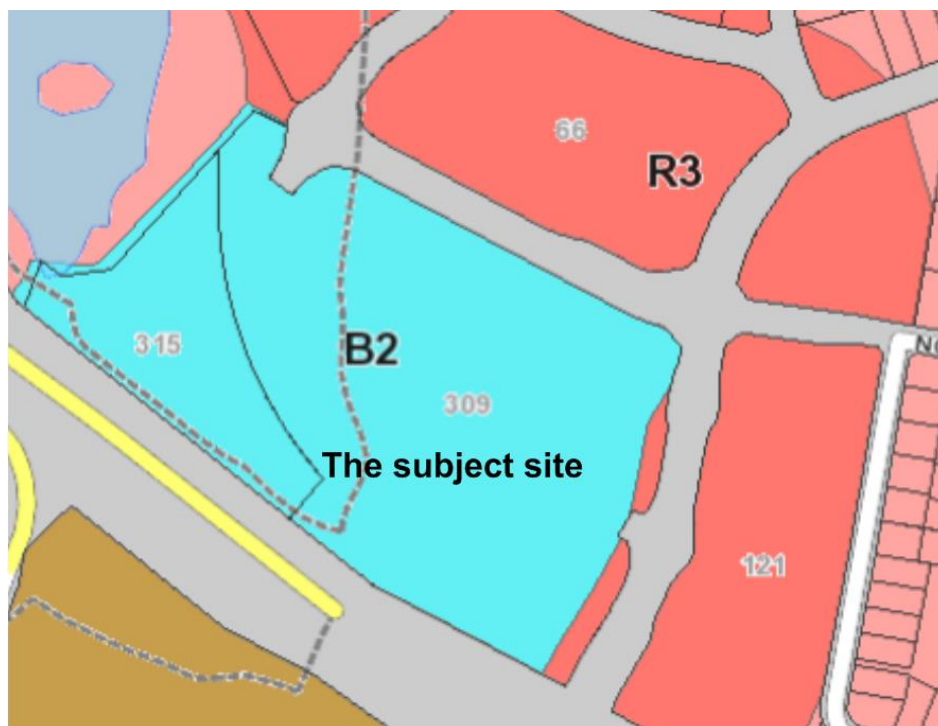


Figure 1 – Land zoning under the LMLEP 2014

Key:



What is the proposal for?

The development application proposes a local shopping centre to be known as “Cameron Park Village” (refer to Figure 2 below). Details of the amended proposal include:

Construction

- Shopping centre (defined under LMLEP 2014 as commercial premises) with a total Gross Floor Area (GFA) of 7528m² including:
 - Woolworths supermarket (including a 75m² “click and collect”) with 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 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; and
 - 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
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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. 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 split 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.

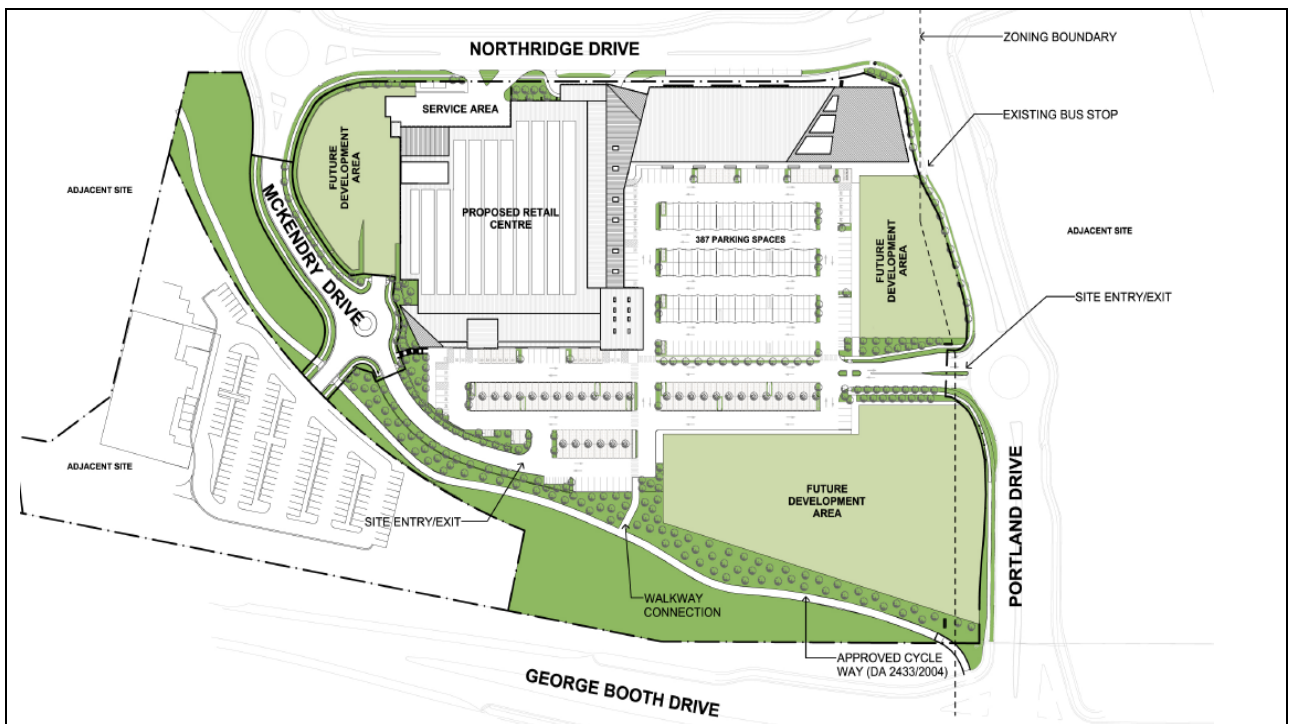


Figure 2 – Site plan of proposed development

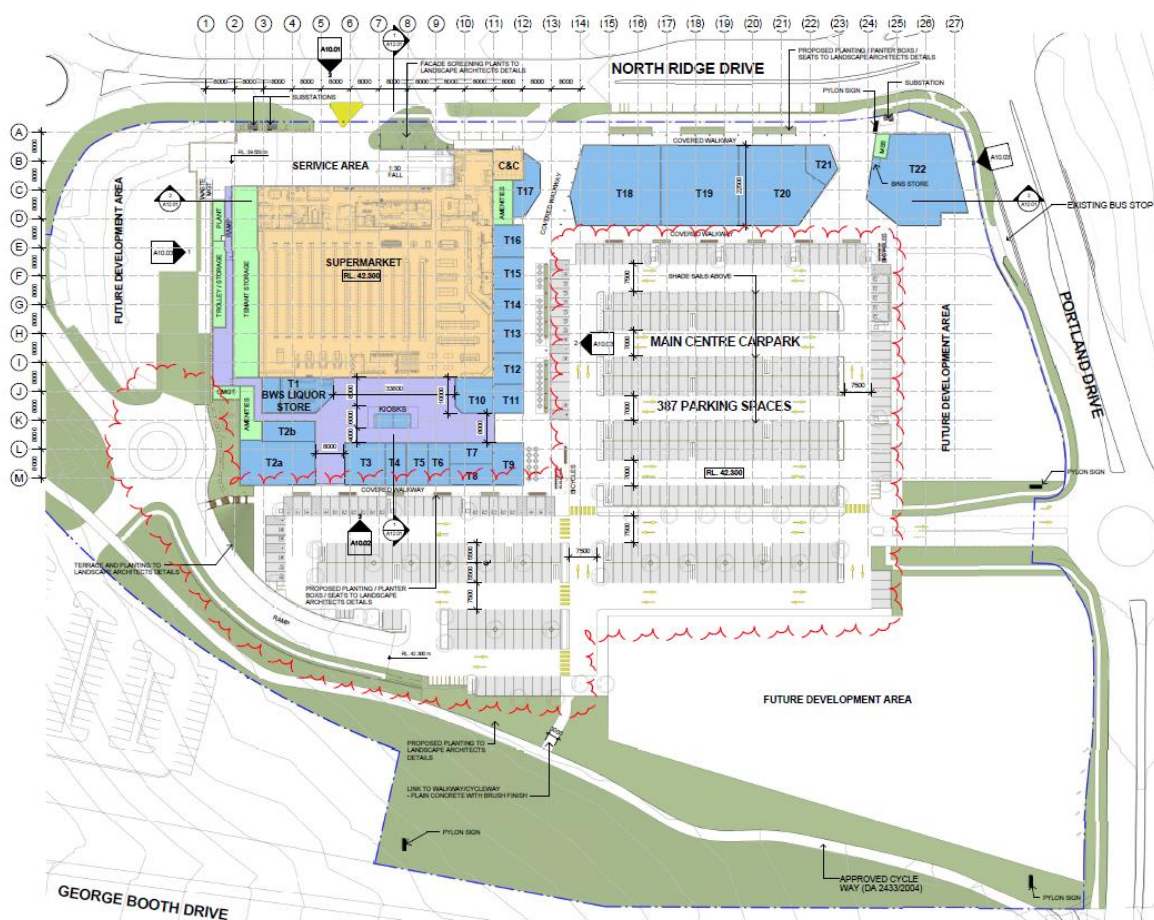


Figure 3 – Floor plan of proposed development

Is this permissible within the zone?

Zoning under LMLEP 2014

Under LMLEP 2014, the site is mostly zoned B2 Local Centre, with a small section of R3 Medium Density Residential zone (refer to Figure 1 above).

Zoning History

Council previously amended the zone boundaries as part of Amendment 28 to LMLEP 2004, which rectified issues with zoning and lot boundaries, which was made on 4 June 2010. However, the cadastre boundaries of this property changed following the gazettal of this amendment due to further subdivision of the site.

Amendment to LMLEP 2014

Council is currently working on an amendment to LMLEP 2014 in the area surrounding George Booth Drive, Cameron Park. The amendment will:

- Rezone land south of the proposed centre;
- Rezone land immediately east of the centre;
- Rectifying zone and lot boundaries for 309 George Booth Drive, Cameron Park.

The proposed zones are shown below in Figure 4. Following the rezoning, the entire site will be zoned B2.

Council resolved on 9 March 2009 (09STRAT016) to review the zones applying to land immediately north and east of the proposed retail centre, from zone 2(2) Residential (Urban Living) to a zone that would permit a range of commercial and minor retail uses, professional offices, home based businesses and residential flat buildings, to support the 3(1) Urban Centre (core) zoned land. This was due to concern that the proposed Town Centre was largely becoming a retail centre rather than a Town Centre.

The planning proposal for this LEP amendment was exhibited from 14 October 2013 to 4 November 2013, making this is a draft LEP. The timeframe to finalise this amendment is unclear as biodiversity offsets for the rezoning south of George Booth Drive must be resolved prior to finalising this amendment.

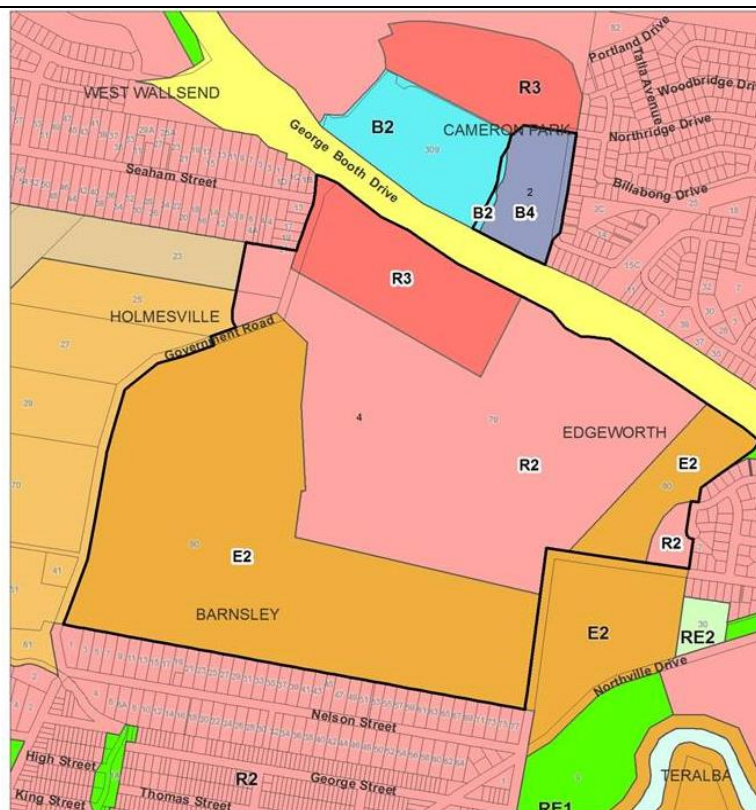


Figure 4 - Proposed Zoning under LMLEP 2014

Permissibility

By way of definitions contained within the LMLEP 2014, the development includes:

- Commercial premises;
- Signage;
- Road; and
- Subdivision.

LMLEP 2014 defines commercial premises as:

commercial premises means any of the following:

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

All of the above are permissible within the B2 zone subject to development consent.

Noting the zoning anomaly along the eastern boundary, no development apart from subdivision, the proposed road access off Portland Drive into the site and associated landscaping is proposed on the R3 portion of the site. These works are permissible within the R3 zone subject to development consent.

The objectives of the zone are:

B2 Local Centre

To provide a range of retail, business, entertainment and community uses that serve the needs

of people who live in, work in and visit the local area.

Planning Comment: The proposed development, which includes a supermarket (Woolworths), a BWS liquor store and speciality commercial tenancies, will provide a wide range of uses that will serve the needs of people living and working in the local area.

With the exception of T1, end users of the 23 tenancies are currently unknown and will be subject to future fit out first use application. The applicant has indicated this may include a medical centre, childcare centre, gym and library. Future users of the proposed lots are also not known and will be subject to future applications.

To encourage employment opportunities in accessible locations.

Planning Comment: Projected employment is as follows:

- Operation: 317 positions of employment; and
- Construction: 134 positions of employment.

The proposed development encourages viable employment opportunities in an accessible location.

To maximise public transport patronage and encourage walking and cycling.

Planning Comment: An existing bus stop is located on Portland Drive. The development has been designed to promote pedestrian connectivity within the site, to the footpath, bus stop and adjoining roads.

The improved design under the amended development integrates and links to the adjoining cycleway thus promoting cycling. 32 bike racks have been accommodated on site to encourage cycling.

- *To create spaces that are accessible and are a central focus for the community.*

Planning Comment: The proposed development is accessible and will create a central focus for the community and people of Cameron Park. The landscape treatment and heritage interpretation within the pedestrian plaza will create a unique place making space. It is envisaged that this space will form the heart of the shopping centre. Outdoor dining adjacent to T9 to T15 will also provide opportunity for a dining precinct that will provide a central focus for the community.

- *To provide for housing as part of mixed use developments.*

Planning Comment: Although the development does not provide housing as part of a mixed use development it will serve the needs of the community residing in the Cameron Grove Residential Estate.

R3 Medium Density

This relates to the proposed subdivision, road works and associated landscaping works that fall within the R3 portion of the site, which will be rezoned to B2:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*

Planning Comment: Although the development does not provide for the housing needs of the community or provide a variety of housing types, the proposed road will provide access to the shopping centre which will cater for the needs of residents residing in the adjoining Cameron Grove Residential Estate.

- *To enable other land uses that provide facilities or services to meet the day to day needs of*

residents.

Planning Comment: The proposed development will provide uses that meet the day to day needs of residents.

- *To maintain and enhance the residential amenity and character of the surrounding area.*

Planning Comment: Subject to the imposition of conditions of consent, the development is not likely to adversely impact the future residential amenity or character of the surrounding area.

2.4	Unzoned Land	These Clauses are not applicable.
2.5	Additional Permitted Uses for Particular Land	
2.6	Subdivision – Consent Requirements	Subdivision is permissible subject to development consent. The amended development includes 1 into 5 lots subdivision. Council's Chief Development Engineer has reviewed the amended subdivision as acceptable.
2.7	Demolition requires development consent	These Clauses are not applicable.
2.8	Temporary Use of Land	

Part 4- Principal Development Standards

4.1	<p>Minimum subdivision lot size</p> <p>Concern was initially raised that the proposed subdivision pattern did not provide for the efficient and orderly use of land with the creation of irregular shaped lots with level and access complexities passed on without clear evidence that the lots facilitate orderly developed lots.</p> <p>Accordingly, the applicant has amended the subdivision. The subdivision includes:</p> <ul style="list-style-type: none"> • 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; • Proposed Road (2,363m²) – extension of McKendry Drive to provide site access. <p>The B2 portion of the site has no minimum lot size.</p> <p>The R3 portion of the site has a minimum lot size of 900m².</p> <p>The proposed lots affected by the R3 anomaly exceed the minimum lot size requirement.</p> <p>Council's Chief Development Engineer has reviewed the proposed subdivision and advised the amended subdivision layout is satisfactory.</p> <p>A condition of consent is recommended to ensure the construction of the cycleway within the public reserve lot occurs prior to the issue of a Subdivision Certificate.</p>	
4.1AA to 4.2B		These Clauses are not applicable.
4.3	Height of buildings	A height control of 10m applies to the B2 portion of the site. The development complies

		with the height control (maximum height 9.3m). The proposed pylon signs have been reduced from 14 metres to 10 metres in height and now comply with the building height control.
4.4 -4.6		These Clauses are not applicable.
Part 5 – Miscellaneous provisions		
5.1 to 5.9AA		These Clauses are not applicable.
5.10	<p>Heritage conservation</p> <p>The site includes an item of local heritage significance identified as item 92 - West Wallsend Steam Tram Line.</p> <p>It is important to note under DA/2433/2004 the applicant was required to prepare a Plan of Management for the tramway as follows:</p> <p><i>Non-Indigenous Heritage – West Wallsend Steam Tramline</i></p> <p><i>The Applicant shall arrange for the preparation of a Plan of Management for the tramline in accordance with Recommendation No. 4 of the Heritage Study prepared by Robynne Mills dated November 1999 and the proposed reuse of the tramline as a cycleway. The Plan of Management shall also address the interpretation of the tramway remains and the design of any crossings. The Plan of Management shall be approved by Council prior to any work on the tramline.</i></p> <p>This condition was satisfied through the preparation of a Plan of Management: West Wallsend Heritage Tramway, Pambulong Forest Estate by Andrews.Neil in 2005. The recommendations contained within the Plan of Management allow for the adaptive reuse of the tramway as a public cycle path and links from the shopping centre to the approved cycle path.</p> <p>The applicant has submitted a Statement of Heritage Impact (SOHI), prepared by EJE, to address the heritage issues and a Public Art Strategy Plan, to be themed after the West Wallsend Steam Tram Line. This Plan includes the location of interpretative public art and a concept of the interpretative items.</p> <p>Council's Heritage Planner initially reviewed the proposed development raising concerns. An addendum to the SOHI was submitted on 21 February 2018. Council's Heritage Planner reviewed this information requiring further detail.</p> <p>Additional information and amended plans were submitted on 8 August 2018. Council's Heritage Planner has reviewed this information and advised:</p> <ol style="list-style-type: none"> The detention basin and pylon sign in the SE corner has been deleted, which is supported. The main connection between the cycleway and the site (central link) has been further clarified. The proposed landscape plan includes landscaping along the cycleway and the central link. Landscaping along the cycleway should be predominantly native, to reinforce the bushland setting, that is 	

	<p>consistent with the heritage character of the former tramway. Big expanses of turf along the cycleway are not supported and the areas identified as “hydro seed embankments” should be amended to include native vegetation. This has been addressed by way of conditions recommended by Council’s Landscape Architect.</p> <p>d. The previous proposal included opportunities for additional public art to be included within the Plaza area. While it is acknowledged that interpretation has been included within a broader context, to mark access points and highlight the importance of the heritage item, it is considered the opportunity still exists to incorporate some artistic interpretative elements within the Plaza. These can take the form of seating benches, but also include artistic/sculptural elements, or a feature interpretative element within the Plaza.</p> <p>e. Details of the interpretation elements should be provided to Council prior to the issue of a Construction Certificate for approval. Installation should be completed prior to the issue of an Occupation Certificate. A condition is recommended to address this issue.</p> <p>f. The requirement for the construction of the cycleway, within the subject lot, should be included as a condition of consent. Detailed information for the cycleway and central pedestrian link should be provided to Council prior to the issue of a Construction Certificate for approval. A condition is recommended to address this issue.</p> <p>Additional conditions concerning heritage interpretation and works within the cycleway are recommended by Council’s Heritage Planner and have been included with the condition set.</p>
5.11 to 5.13 inclusive	These Clauses are not applicable.
Part 6 – Urban release areas	
This part is not applicable.	
Part 7 – Additional local provisions	
7.1	<p>Acid sulfate soils</p> <p>The development site was not identified as containing potential Acid Sulfate Soils.</p>
7.2	<p>Earthworks</p> <p>The development includes site earthworks.</p> <p>The development site has been significantly reshaped as a part of the subdivision (DA/2433/2004) to form a relatively flat site. The development will require further earthworks to shape the site to suit the current proposal (refer to earthworks plan numbered DA-201, prepared by ADW Johnson) and facilitate a level pad suitable for a supermarket and associated car park.</p> <p>Currently the site drains to the west towards Lake Pambulong. The eastern side of the site is relatively flat, however there is significant fall along the northwest portion of the site in the order of 5m (from approximately RL42 to RL 37). Earthworks will be required to provide a level building pad suitable for a supermarket and commercial square. The floor levels have been set by the loading dock entry Northridge Drive which is set at 1.2m lower than the floor level to allow for unrestricted unloading of goods.</p>

Carpark areas have been designed to provide slight grades (in the order of 2%) to allow for onsite drainage whilst providing a comfortable walk to the shops. To tie into existing levels at Tramway Drive and the Northridge Drive roundabout a series of retaining walls will be required.

The primary access to T28, T19, T20, T21 and T22 will be from the carpark, and as such the floor levels of these premises have been determined by the carpark levels. From Northridge Drive, the floor levels will be approximately 400 - 500mm lower than the verge. Strip grating will be provided to drain stormwater flows from the relatively small verge catchment away from the buildings.

The following has been considered as part of the assessment:

- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

Drainage and soil stability has been considered as acceptable (refer to DCP section of the report).

- (b) *the effect of the development on the likely future use or redevelopment of the land,*

The development is expected to have a lifespan of at least fifty years. Any future development is likely to be an intensification of the existing, which may require further earthworks.

- (c) *the quality of the fill or the soil to be excavated, or both,*

Geotechnical testing has been undertaken. Council's Erosion and Sediment Control Officer has recommended the imposition of a draft condition of consent (DEV 425 – Removal, Management and Transportation of Fill).

- (d) *the effect of the development on the existing and likely amenity of adjoining properties,*

The amenity impacts on adjoining properties has been assessed as acceptable (refer to assessment in the DCP 2014 section of the report).

- (e) *the source of any fill material and the destination of any excavated material,*

Refer to (c) above.

- (f) *the likelihood of disturbing relics,*

With the exception of the heritage listed tramway which will be adaptively reused as a cycleway, the site is not known to have any likelihood of relics from European occupation.

The land is not mapped as being part of the sensitive Aboriginal cultural landscape.

A condition is recommended to ensure if Aboriginal relics or non-indigenous relics are disturbed, then all earthworks must cease immediately and all necessary approvals be obtained from the NSW Office of Environment and Heritage.

- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

The site is not located within the vicinity of a waterway, drinking water catchment or environmentally sensitive area.

- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Conditions are recommended to address potential impacts from the proposed earthworks.

7.3	Flood planning	The site is not affected by flooding.
7.4 to 7.11 inclusive		These Clauses are not applicable.
7.11	<p>Development for the purpose of bottle shops</p> <p>Clause 7.11(2) stipulates that development consent must not be granted to development for the purpose of a bottle shop unless the consent authority:</p> <p><i>(a) has considered information on the community social profile, the social impact of the proposal and any proposed mitigation measures, and</i></p> <p><i>(b) is satisfied that the development will not have a significant adverse impact on the surrounding area.</i></p> <p>The submitted Statement of Environmental Effects (SOEE) and Social Impact (SIA) Assessment adequately identifies the main social issues and benefits, and Council staff concur with the findings that the provision of retail services in the area will make a positive contribution towards the provision of social infrastructure to the local community.</p> <p>Having regard to (a) and (b) above, Council's Co-ordinator Social Planning has advised the proposed BWS Liquor store (T1) will not result in any significant social issues. However, the following conditions are recommended to assist with mitigating any potential negative social impacts:</p> <ul style="list-style-type: none"> a. The take-away liquor store shall prepare a Plan of Management detailing provisions in relation to responsible service of alcohol, pricing points to minimise the availability of bulk discount liquor, amenity impacts, and responsible promotion of alcohol. b. The Plan of Management shall include mechanisms to ensure the premises and surroundings are well maintained, clean and tidy. Any graffiti, damage to property or dumped rubbish surrounding the area shall be reported to Centre Management as soon as possible and addressed. c. The Plan of Management shall address the ongoing monitoring of the use of the shopping centre in relation to public consumption in and around the carpark and shopping centre areas. d. The Plan of Management shall be developed in accordance with the Shopping Centre Management, and lodged and approved by Council prior to occupation. <p>The objectives of this Clause are:</p> <p><i>(a) to ensure that bottle shops are appropriately located throughout Lake Macquarie City, and</i></p> <p><i>(b) to ensure that bottle shops do not have a significant adverse impact on surrounding areas.</i></p> <p>In summary, the development is considered to support the objectives of the bottle shops control and through the imposition of conditions of consent, potential negative impacts can be mitigated.</p>	
7.12 to 7.20 inclusive		These Clauses are not applicable.
7.21	<p>Essential Services</p> <p>Clause 7.21 of the LMLEP 2014 stipulates that consent must not be granted for development unless the consent authority is satisfied adequate arrangements have</p>	

	<p>been made for the provision of essential services.</p> <p>In this regard, Hunter Water Corporation stamped the plans on 22 June 2017 indicating that water and sewer connection is available.</p> <p>Electricity supply is available to the development.</p> <p>An amended Stormwater Plan has demonstrated suitable stormwater drainage (refer to stormwater discussion in the DCP section of the report).</p> <p>Suitable vehicular access has been provided 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. Refer to RMS comments and vehicular access discussion in the DCP section of the report for further discussion.</p> <p>In summary, Council staff are satisfied adequate arrangements have been made for essential infrastructure.</p>
7.22 to 7.23 inclusive	These Clauses are not applicable.

(a)(ii) the provisions of any draft environmental planning instrument (EPI)

The draft amendments F2014/01451 to LMLEP 2014 have previously been considered in the report (refer to the zoning and permissibility discussion in the LEP section of the report).

The following draft environmental planning instruments are relevant to this development:

SEPP 44 – Koala Habitat

Amendments to SEPP 44 – Koala Habitat were exhibited from 18 November 2017 to 3 March 2018. The proposed amendments relate to updating definitions of koala habitat, the list of tree species and applicable Council areas as well as the development assessment process. Based on the development site characteristics, the amendments do not have any implications for the proposal.

Draft SEPP Environment

The draft SEPP Environment was exhibited from 31 October 2017 to 31 January 2017. The proposed new SEPP relates to the protection and management of the natural environment, with a particular focus on water catchments, urban bushland and Waterways.

With regard to water catchments, Lake Macquarie City Council is not included in Sydney Water Drinking Catchment and therefore the draft provisions do not apply.

The development site is mapped as part of the 'Urban Bushland Land Application Map' under the draft SEPP (note, Lake Macquarie City Council is currently an area to which SEPP 19 applies). The site does not meet the provisions for 'land zoned or reserved for public open space' under SEPP 19 nor does it meet the new 'public bushland' term under the draft SEPP.

For Waterways, the provisions of the draft SEPP mainly apply to Sydney Harbour and Canal Estates. These provisions have no implications for the proposal based on what it is or do not apply to the Lake Macquarie City Council area.

Draft Remediation of Land SEPP

The draft SEPP Environment was exhibited from 31 January 2018 to 13 April 2018. The proposed new land remediation SEPP will provide a state-wide planning framework for the remediation of land, maintain the objectives and reinforce those aspects of the existing framework, require planning authorities to consider potential for land to be contaminated when determining development applications, clearly list the remediation works that require

(a)(ii) the provisions of any draft environmental planning instrument (EPI)
<p>development consent and introduce certification and operational requirements for remediation works that can be undertaken without development consent.</p> <p>A draft instrument is not available for review and therefore the development cannot be assessed against its provisions.</p> <p>Draft Amendment to Seniors Housing SEPP</p> <p>A change is proposed in relation to the use of site compatibility certificates under the existing policy. As the proposed development does not involve housing for seniors or people with a disability no further consideration is required.</p>

(a)(iii) any development control plan	
Development Control Plan 2014	
Part 1 – Introduction	
Section 1.15 – Development Notification Requirements	
Does the application require notification?	YES
Have all adjoining and affected properties been properly notified?	YES
Has the application being subject to an extended notification period under Cl. 1.15.5?	NO
1.5	<p>B2 Local Centres</p> <p><i>Cameron Park/Pambulong</i></p> <p>The B2 Local Centre Zone is intended to provide a range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local community.</p> <p>Preferred land uses are retail premises, business premises, and food and drink premises. Also preferred are office premises at street level with office premises, tourist accommodation or apartments above.</p> <p><u>Planning Comment:</u> The development is consistent with the preferred land uses. As discussed under zone objectives in the LEP section of the report, with the exception of Woolworths and BWS Liquor (T1), the end users of the 23 tenancies are currently unknown and will be subject to future fit out first use application. The applicant has indicated that this may include a medical centre, childcare centre, gym and library. Future users of the proposed lots are also not known and will be subject to future applications.</p>
Part 4 – Development in Business Zones	
Section 1.3 Aims for Development in Business Zones	
<p>The aims of DCP 2014 for development in business zones are:</p> <ol style="list-style-type: none"> <i>To support the business centres hierarchy contained in the Lifestyle 2030 Strategy.</i> <i>To support retail, business, entertainment and community uses that contribute to safe and vibrant places for people who live in, work in and visit the centre.</i> <i>To provide for appropriate employment opportunities in accessible locations, and for housing</i> 	

within mixed use developments.

4. To maximise public transport patronage and encourage walking and cycling.

5. To make efficient use of land through the amalgamation of existing lots to facilitate higher yields and good built form, and to avoid unnecessary isolation of lots.

6. To encourage Ecologically Sustainable Design principles to reduce energy and water consumption.

Comment: The development is considered to support the aims of DCP 2014 for development in the business zone. Specific aims are discussed in sections below.

Section 2 – Context & Setting

2.1	Site Analysis	The applicant has submitted a Site Analysis Plan, which is considered acceptable for DA purposes.
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2.2	Scenic Values
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The site is located within the Landscape Setting Unit of West Wallsend, and is in Scenic Management Zone 11.

The applicant has submitted a Visual Impact Assessment (VIA) with the following photomontages (refer to Figure 5 to 7):



Figure 5 – From George Booth Drive looking east (note approved Harrigan's Hotel in the foreground)

As can be seen in Figure 5 above, when viewed from the west of George Booth Drive looking east, the approved Harrigan's Hotel (DA/1612/2008) will sit relative to George Booth Drive with the proposed shopping centre elevated behind the hotel. The built form will provide an appropriate transition in scale from George Booth Drive with the existing retention of trees and native vegetation along the George Booth Drive corridor.



Figure 6 – From Portland Drive towards Northridge Drive



Figure 7 – From junction of George Booth Drive and Portland Drive

The submitted VIA notes the following key points:

- Significant retention of existing trees and vegetation along George Booth Drive.
- Substantial reduction of built form from current approved scheme (DA/2207/2007).
- Set back building form with integrated landscaping and new tree planting.
- Shaping views and overall character of the town centre with an important civic element.
- No detrimental scenic quality issues.
- A village centre providing a positive visual context of architectural quality and

	<p>a gateway to the residential areas of Cameron Park.</p> <p>An addendum to the VIA was submitted on 21 February 2018. Council's Landscape Architect reviewed this information and raised the following concerns:</p> <ol style="list-style-type: none"> The removal of tree vegetation within the south western perimeter fronting George Booth Drive to accommodate a pylon sign is not supported. This fringing vegetation has been incrementally cleared to accommodate batters and infrastructure. The remnant is important for visual amenity of the road corridor and screening walling, carparking and potential back of house functions to future development area. Proposed pylon signs at the intersection with Portland Drive provides adequate wayfinding. The landscape plan indicate remnant bushland fringing the south western perimeter fronting George Booth Drive. The engineering plans indicate a detention basin is proposed to be built fronting George Booth Drive. This is not supported for the above reasons. The proposed carpark is vast and can accommodate tanking, with already cleared areas at the corner with Portland Drive and west along George Booth Drive able to accommodate detention. <p>Accordingly the applicant has deleted the stormwater detention and signage from fringing remnant bushland, which is supported by Council staff, and included supplementary planting. Reinstatement of bushland flanking the proposed shared pathway is also supported.</p> <p>Planting is also required along the full length of the proposed shared pathway as referenced in the VIA discussing the importance of bushland flanking the pathway and route of the Tramway. The north-western end of McKendry Drive and splinter adjacent to roundabout shows hydro-seeded turf embankment. Turf is not supported. Council's Landscape Architect has recommended that a condition be imposed to ensure the entire length of the pathway corridor is revegetated.</p> <p>To ensure excessive glare or reflectivity nuisance from glazing and roofing materials does not occur as a result of the development, a condition is recommended.</p>	
2.3	Geotechnical	<p>The site is identified as being partly within a T3 and T5 Geotechnical Zone. A Geotechnical Report was previously prepared for an earlier application on the site being DA/2207/2007. The report was prepared by Douglas Partners, reference 39687, dated March 2007. The report is satisfactory for this application and shows that there are no land stability issues associated with the site.</p> <p>The proposed retaining walls will need to be designed and certified by a structural engineer.</p>
2.4	Cut and Fill	<p>Council's Chief Development Engineer initially reviewed the development and advised the site has been significantly reshaped as a part of the subdivision process to form a relatively flat site.</p> <p>The development will require further earthworks to shape the site to suit the proposal. In this regard, large retaining walls are proposed on the western edge of the</p>

	<p>development.</p> <p>The development includes cut and/or filling in the order of 2 to 3 metres. The cut is retained by masonry retaining walls with associated landscaping. In the context of the application, it is considered the extent of cut and fill is satisfactory. On a site of this size some cut and fill will be inevitable.</p> <p>Council's Chief Development Engineer has advised the height of the retaining walls is suitable for a development of this scale.</p> <p>From a planning perspective, concern was raised regarding the visual impact of such extensive retaining (maximum height 3m). The applicant has submitted amended landscape plans to address this concern. The landscape plans demonstrate adequate landscaping will be implemented to help break up the scale of retaining. Furthermore, sandstone block will be utilised which is considered a high quality material.</p>	
2.5	Mine Subsidence	Refer to Integrated Development section of the report.
2.6	Contaminated Land	Refer to SEPP 55 discussion.
2.7	Acid Sulphate Soils	Refer to Clause 7.1 (Acid Sulfate Soils) in the LEP section of the report.
2.8	<p>Stormwater Management</p> <p>A revised SMP, prepared by ADW Johnson, was submitted on 21 February 2018. Council's Chief Development Engineer reviewed this plan as acceptable however noted some stormwater works are required on the land adjoining Lake Pambulong, which is owned by Hammersmith Management Pty Ltd. Hammersmith have provided their approval for works.</p> <p>To address visual, landscaping and heritage concerns, the applicant was requested to delete the stormwater detention basin from the southeast corner of the site.</p> <p>Further civil engineering review by Van der Meer Consulting confirmed that the detention basin was not necessary for the development. Accordingly, an amended drainage design, prepared by Van Der Meer has been submitted which has deleted the on-site detention basin by ensuring that no catchments draining to Northridge Drive and Portland Drive are greater in size than those previously defined by the Brown Consulting engineering design.</p> <p>Council's Chief Development Engineer has reviewed the revised stormwater design as satisfactory.</p>	
2.9	Catchment Flood Management	These sections are not applicable.
2.10	Lake Flooding & Tidal Inundation	
2.11	Natural Water Systems	
2.12	Bushfire	Refer to Integrated Development section of the report.
2.13	Flora & Fauna	
2.14	<p>Preservation of Trees & Vegetation</p> <p>Council's Flora and Fauna Officer reviewed the development and recommended that conditions be imposed to retain and protect the identified native vegetation corridor across the site which is mapped in Council's Native Vegetation and Corridor Map (v1 2001). These conditions include:</p>	

	<ul style="list-style-type: none"> • Retention of Trees and Native Vegetation; • Landscape Works; and • Public Positive Covenant. <p>The last condition requires that a Public Positive Covenant be created over the area marked 'Native Vegetation to ensure retention of the landscape corridor under Section 88E of the Conveyancing Act.</p>	
2.15	European Heritage	Refer to Clause 5.10 (Heritage Conservation) in the LEP section of the report.
2.16	Aboriginal Heritage	<p>The site is not identified as a Sensitive Aboriginal Landscape Area nor is it known to contain any items of Aboriginal significance.</p> <p>A condition is recommended to ensure if Aboriginal relics are disturbed, all earthworks must cease immediately and all necessary approvals be obtained from the NSW Office of Environment and Heritage.</p>
2.17	Natural Heritage	This section is not applicable.
2.18	Social Impact	<p>The applicant has submitted a SIA.</p> <p>Refer to Clause 7.11 (Development for the purpose of bottle shops) in the LEP section of the report, which considers social impact.</p>
2.19	<p>Economic Impact</p> <p>An addendum to the Economic Impact Assessment was submitted on 21 February 2018. Council's Strategic Planner – Economic Focus has reviewed this information and supports the development of the site and recognises the value to the local economy, and community of the proposal.</p> <p>However, Council's Strategic Planner has advised the submitted 'Cost Benefit Analysis' does not adequately justify the significant departure from the car parking rates within DCP 2014. The DCP states:</p> <ul style="list-style-type: none"> • Demonstration that exceeding the designated car parking rates does not detract from the urban design outcomes (streetscape and built form) of the proposal; and <p><u>Planning comment:</u> This is discussed in detail under Section 5 (Access and Parking). Council staff are satisfied the modified car park design achieves an acceptable urban design outcome.</p> <ul style="list-style-type: none"> • A detailed cost benefit analysis demonstrating the benefits to the community is superior than adherence to the rates including consideration of the environmental and economic benefits of using the land for a higher order use. <p><u>Planning comment:</u> While Council's Strategic Planner is of the view the submitted information does not provide sufficient justification for the quantum of oversupply beyond a comparison of nearby centres and has recommended that the car parks in excess of the DCP requirements be designated as shared parking spaces to benefit the additional future development lots. After detailed analysis and assessment it is considered the future lots should accommodate their own car parking on site, particularly as the proposed uses are not known. The surplus car parking issue is further explored below under Section 5 (Access and Parking).</p>	

2.20	Lot Amalgamation	This section is not applicable.
2.21	Utility Infrastructure	The development includes three kiosk substations on the Northridge Drive frontage within a landscape setting. A condition is recommended to ensure compliance with Ausgrid's requirements.
2.22	<p>Sites where a Concept Plan is required</p> <p>Section 2.22 of the DCP requires that where development is proposed on sites that exceed 4000m² in area, a Concept Plan for the site must be prepared and submitted to Council as a Stage 1 Development Application.</p> <p>The applicant is not proposing a Concept Plan as a Stage 1 Development Application and is not obliged to under Clause 83B(2) of the EP&A Act 1979 which states:</p> <p>'83B Staged development applications (2) A development application is not to be treated as a staged development application unless the applicant requests it to be treated as a staged development application'.</p> <p>Section 2.22 of the DCP also requires that a comprehensive urban design analysis be prepared by a suitably qualified person.</p>	
Section 3 – Streetscape and Public Space		
3.1	Pedestrian Lanes	This section is not applicable.
3.2	Pedestrian Links through Buildings	<p>The development includes an architecturally designed pedestrian link / covered walkway plaza through the centre of the shopping centre from Northridge Drive into the site.</p> <p>The pedestrian link satisfies the following requirements:</p> <ul style="list-style-type: none">• is greater than 4m in width;• floor to ceiling height of 4m;• is accessible;• incorporates CPTED principles;• has appropriate lines of sight;• will be appropriately lit; and• the majority of tenancies are located adjacent to the link to encourage activation and pedestrian activity.
3.3	Footpath Dining	<p>The proposal includes footpath dining adjacent to tenancies T9 - T15.</p> <p>The location is considered appropriate and allows for safe and functional pedestrian access.</p> <p>The footpath dining will activate the pedestrian walkway / plaza area and has been successfully integrated with pedestrian crossings, street furniture, bicycle racks and landscaping.</p>
3.4	Streetscape improvements	The amended design is considered to provide

		<p>high quality infrastructure including a public cycleway that will support walking and cycling with integrated links to the shopping centre.</p> <p>The amended landscape design includes plantings, planter boxes and street furniture including seats.</p> <p>The submitted materials (plan number A100.90 revision B) will provide high quality finishes.</p> <p>A Public Art Strategy has been submitted with the application, which will be themed after the West Wallsend Steam Tram Line. This Plan includes the location of interpretative public art and a concept of the interpretative items.</p>
3.5	<p>Non-Discriminatory Access</p> <p>Council's Aging and Disability Officer has reviewed the submitted Access Audit, prepared by ABE Consulting, and supports the recommendations contained within the report subject to the following:</p> <ol style="list-style-type: none"> Provision of directional signage at the entry of the car park to locate designated accessible parking bays. Provision of directional signage to locate toilets. Wheelchair access needs to be provided to a service counter and signage needs to indicate the section is accessible for wheelchair users. <p>A condition is recommended to ensure the recommendations contained within the Access Report are implemented as well as (a) to (c) above.</p>	
3.6	Lighting	<p>A condition is recommended to ensure any lighting shall be installed to ensure minimal glare and light spill onto adjoining properties or roadworks. Lighting shall comply with AS4282-1997.</p>
Section 4 - Active Street Frontage		
4.1	Ground Floor Residential	<p>This section is not applicable as no residential use proposed.</p>
4.2	Ground Floor Levels	<p>In regard to non-discriminatory access, refer to Section 3.5 discussion above.</p> <p>Appropriate lines of sight are provided between the surrounding public footpath and ground floor spaces.</p> <p>The site is not affected by flooding.</p>
4.3	Ground Floor Entries	<p>The proposed tenancies facing Northridge Drive and Portland Drive have been designed to activate the street frontage and ensure entries are clearly recognisable.</p> <p>Signage is incorporated throughout the development as part of the façade design to clearly identify the supermarket and proposed</p>

		tenancies.
4.4	Ground Floor Glazing	<p>The development has been designed to provide a visual connection between the street and ground level activity.</p> <p>The façade below awning level along Northridge Drive includes clear glazing to allow for a visual connection from the street. Clear glazing is also utilised on the corner building (T22) visible from Portland Drive.</p> <p>The glazing area is approximately 50% of the façade area that faces the intersection of Portland Drive and Northridge Drive, noting that the loading dock is located on the western side of the Northridge Drive frontage.</p>
4.5	Street Awnings	<p>A covered walkway has been provided, which provides adequate weather protection, as follows:</p> <ul style="list-style-type: none"> • Southern side of T2A to T9; • Eastern side of T9 to T17; • Southern side of T18 to T22; • Northern side of T18 to T22; and • Eastern side of T22.
Section 5 – Access and Parking		
5.1	Traffic and Vehicle Access	<p>A Traffic Impact Statement, prepared by Ason Group, has been submitted with the application.</p> <p>As the development is traffic generating, concurrence was required from RMS (Refer to SEPP Infrastructure discussion).</p> <p>Council's Chief Development Engineer has advised the proposed access and sight distances to the proposed development from Portland Drive and Northridge Drive are all adequate.</p> <p>Vehicle access to on-site car parking or service areas must not be located on the primary street frontage if access can be gained from a secondary street. Vehicular access from Portland Drive has been pre-determined through the original subdivision. The loading dock location has been located on the secondary street frontage. This location is discussed below under Section 5.2 (Design of parking and service area).</p>
5.2	Design of Parking and Service Area	<p>Design of parking</p> <p>Concern was initially raised regarding the amount of at grade car parking dominating the development with inadequate tree planting and inadequate root volumes. Concern was also raised regarding pedestrian amenity and amenity within the car park as the car park lacked pedestrian permeability and paths.</p> <p>As discussed under Section 5.5 (Car Parking Rate) below, the applicant was required to demonstrate that exceeding the designated car parking rates does not detract from</p>

the urban design outcomes (streetscape and built form) of the proposal. The applicant has worked closely with Council staff to reduce the car parking numbers and improve the landscape response.

Council's Landscape Architect has reviewed the amended landscape plan and is satisfied the landscape solution combining tree root zones with parking above is supported within the carpark, however detailed conditions are recommended to ensure the construction of civil works is installed as per the Landscape Notes to achieve short and long-term establishment of canopy trees.

In regards to the siting of the surface car park and its visual impact, it is acknowledged that it would be beneficial to not view the car park as an "introduction" to Lake Macquarie LGA and the shopping centre, particularly as Council's intent for developments of this nature is to achieve higher street activation. However, this is a challenging site (refer to discussion under Section 2.22 above) and there are numerous site constraints restricting conventional street activation. These constraints are detailed under Section 2.22. It is also noted the car park design is such that the at-grade car parking area could be redeveloped in the future.

Council's Chief Development Engineer has reviewed the amended design of the car park and advised the internal driveways and car parking areas (including turning movements) for the development appear adequate for the development and comply with the DCP 2014 requirements and AS 2890.1 Parking Facilities – Off Street Parking & AS 2890.6 Parking Facilities – Off-street parking for people with disabilities.

Service area

It is important to note that under DA/2207/2007, the main loading dock was approved on the northern elevation with access from Northridge Drive. The mini major loading dock was approved on the western elevation with access from McKendry Drive. A modification was later approved (DA/2207/2007/C) increasing the loading docks from one to two on Northridge Drive.

Under the current application, concern was initially raised regarding the proposed location of the service area on Northridge Drive in relation to R3 Medium Density Residential zoned land at 255 George Booth Drive, Cameron Park, with a recent development approval (DA/2216/2016) for multi dwelling housing currently under construction.

DCP 2014 states that "*servicing facilities for non-residential uses must be located and designed to protect the amenity of residents*". In this regard, an addendum to the Acoustic Report has confirmed full compliance with the Industrial Noise Policy can be achieved subject to operational restrictions, which will be imposed via conditions of consent.

The applicant has fully documented potential site layout options with a detailed analysis of each option (8 in total). The options involved input from a design team including urban designer, traffic engineers, architect, civil engineers and town planner. These design options can be viewed on pages 26 to 40 of the SOEE. In considering the most appropriate loading dock location the following should be noted:

- Direct access cannot be obtained from George Booth Drive to the south;
- Access cannot be from McKendry Drive to the west due to the slope of the site and limited size of the roundabout. Council's Chief Development Engineer concurs with this;
- A single access point exists from Portland Drive however it is best practice to separate delivery vehicles from customer vehicles, customer car parking areas and pedestrian linkages through the site; and

- It not be desirable to have a loading dock located off the main road (Portland Drive) into this section of the Cameron Grove estate.

Council staff are satisfied the design team has fully exhausted and explored all options and the proposed loading dock location is the best, most viable option given the existing constraints of the site.

The applicant has amended the architectural and landscape design of the loading dock (refer to Figure 8 below) to improve the aesthetic treatment with sandstone walls, variation in building materials and colours, detailed landscape design including plant climbers to help obscure the northern elevation wall. Council's Landscape Architect is supportive of the changes subject to the imposition of conditions of consent to ensure execution is successful.

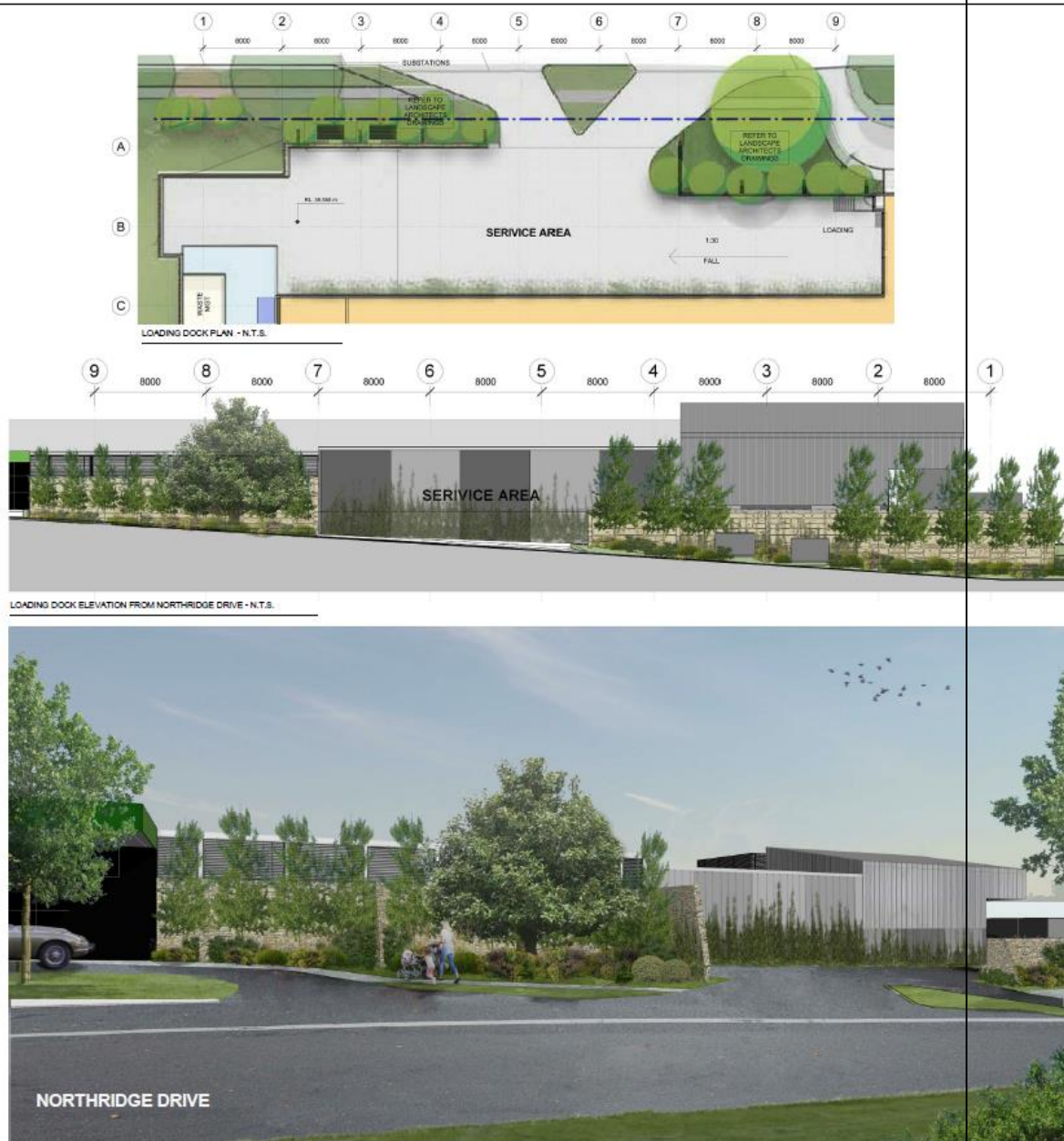


Figure 8 – Proposed service area

Council's Chief Development Engineer has reviewed the amended design and advised the layout of the loading bays and the associated turning movements for the vehicles that will use the loading bays is satisfactory from an engineering perspective.

	Adequate provision has been made for service vehicles to access a future development on proposed Lot 4.	
5.3	Bike Parking & Facilities	The amended proposal includes 32 bike racks, which is considered acceptable.
5.4	Motor Bike Parking	The development proposes 19 motor bike spaces, which complies with 1 space for each 20 car spaces.
5.5	<p>Car Parking Rates</p> <p>The car parking rate contained within Table 7 of Section 5.5 of DCP 2014 identifies:</p> <p><i>Shops or group of shops:</i></p> <p><i>Where the total area is greater than 5000m² 1 space per 40m².</i></p> <p>The original development proposed a total GFA of 7830m² with 476 car spaces thus resulting in a surplus of 280 car spaces (196 required).</p> <p>Where the proposed number of car parking spaces is more than specified, detailed justification must be provided to support a variation including:</p> <ul style="list-style-type: none"> <i>a. Demonstration that exceeding the designated car parking rates does not detract from the urban design outcomes (streetscape and built form) of the proposal; and</i> <i>b. A detailed cost benefit analysis demonstrating the benefits to the community is superior than adherence to the rates including consideration of the environmental and economic benefits of using the land for a higher order use; and</i> <i>c. Parking survey data from existing operations where expansion is proposed.</i> <p>The applicant has amended the development to reduce the car parking numbers and improve the landscape design response. Based on an amended GFA of 7528m², the development is required to provide 188 car spaces. The amended development proposes a reduction of car spaces from 476 to 387 spaces thus resulting in a surplus of 199 car spaces.</p> <p>The applicant has put forward the following arguments to support the surplus:</p> <p><i>“The carparking rate that Woolworths require to operate a successful and viable neighbourhood shopping centre is 1:20m² GFA, not 1:40m² as per Council’s DCP. Woolworths are highly experienced at building and operating successful centres and this experience informs the desired rate. Woolworths have analysed a number of comparable centres including those with other supermarkets such as Coles and Aldi and the 1:20m² rate is a standard that is consistent, both within existing centres in the LGA and also in other areas by comparison.</i></p> <p><i>Located at Appendix C is a carparking and public transport analysis that provides a snapshot of the existing approval, original proposal (as lodged in July 2016), revised design, consideration of the DCP and provision of parking rate examples within the LGA as well as comparable Woolworths developments outside of the LGA. The examples provided for Woolworths development’s outside of the LGA were selected as they have similar GFA’s to the Cameron Park proposal and they sit in a similar retail hierarchy as Cameron Park.</i></p>	

The preferred design revision provides parking at a rate of 1:19.5m² GFA. Whilst Council's general principal of reducing parking (and in part using this as a mechanism to reduce car usage) is understood there are a number of reasons why this does not work for a local Woolworths shopping centre in this location:

- Cameron Park is not a Town Centre that has multiple public transport options. It is a local neighbourhood centre located close to the residential area in which it will serve. Cameron Park is located toward the north western extremity of the LGA and it is a fact that car dependency will remain high for this locality for the foreseeable future.*
- This local neighbourhood centre is for convenience shopping. The majority of people driving past or on their way home into the estate will stop and complete their weekly shop with multiple grocery items that are best transported by car.*
- A reduced number of car parks in this location (to the point that there is inadequate parking to cater for demand) will not result in people catching the bus or walking. The bus timetable would not support necessary frequency and people (particularly families) cannot do a full weekly shop and easily or realistically transport the groceries by bus, bike or on foot. Instead people will drive to the next available centre, which will have the effect of increased vehicle trip distance and therefore negative environmental impacts.*


Cameron Park is very different to the likes of Charlestown Square where people may visit for a whole day (i.e. to have breakfast and lunch, go to the movies, visit time zone, etc.) and to do a range of non-grocery shopping that the bus becomes a real option, particularly noting its more central location relative to bus services. However we note that even Charlestown Square with this significant advantage over Cameron Park as to why people would and can use public transport (refer to Table 1 below) still has a supplied parking rate of 1 per 26m² GFA (refer to Table 4 of the enclosed carparking analysis).

As a comparative example, we have undertaken a review of the bus timetable for Charlestown Square and a number of other local shopping centres and compared it with operational bus stops in Cameron Park located approximately 1.5km north west of the subject site (located on North Lakes Drive, Cameron Park). Hunter Valley Buses are the relevant operator. The following is noted:

Location	Routes	Weekday Services	Saturday Services	Sunday / Public Holiday Services
Northlakes Drive, Cameron Park	2	32	24	17
Charlestown Square	10	175	153	91
Westfield Kotara	7	111	87	49
Stockland Glendale	4	80	58	46
Mt Hutton (Lake Macquarie Fair)	4	65	56	35
Edgeworth Town Square	3	43	27	22
Cardiff Shopping Centre	3	61	41	33

- Woolworths has no desire to construct car parking beyond what it needs. It is expensive to build and unless utilised these funds can be better invested*

	<p>elsewhere.</p> <ul style="list-style-type: none">Should transport options change over time for this locality there is no reason why in the longer term that parking could not be replaced with additional floor space resulting in a reduced parking ratio. <p>Notwithstanding that customers will have a higher car dependency, the proposal has been designed to link with the surrounding pedestrian network established along Portland Drive and Northridge Drive (including signalised crossings) as well as links to the future cycleway (adaptive reuse of the West Wallsend Heritage Tramway alignment) that will extend through the southern portion of the site.</p> <p>Whilst the carparking exceeds Council's standard, this is not at the expense of a good design outcome. In particular the carparking has been centralised to allow a built form edge to street frontages to the north, east and west. Reduced parking does not support relocating the loading dock off Northridge Drive.</p> <p>A Cost Benefit Analysis of the proposed carparking has been completed by Location IQ (refer to Appendix J2). The full findings of the Cost Benefit Analysis are provided in detail within Section 8 of Appendix A of this submission.</p> <p>The Cost Benefit Analysis notes that the proposed parking rate is required and will ensure the best outcome for the proposed development whilst also minimising impacts on residents, consumers and infrastructure. If the DCP rate of 2.5 spaces per 100m² (or 1 per 40m²) of floor space is applied to the Cameron Park Village site, this would result in a significant disadvantage to the site given that other shopping centres in the surrounding areas have significantly higher parking ratio's that are more in accordance with the proposed 5.1 spaces per 100m² (or 1 space per 19.5m²). Other negative results would also likely occur including greater car based travel, potential traffic incidents, on street car parking, possible traffic congestion into and out of the car park and also on the site and increased costs for local residents".</p> <p>Council's Traffic Engineer has reviewed all of the information including Cost Benefit Analysis, carparking and public transport analysis and advised that from a traffic perspective, the provision of 387 parking bays can be supported. Furthermore, Council's Landscape Architect is in a position to support the landscape design response to the car park. In this instance, Council staff are satisfied that exceeding the designated car parking rates does not detract from the urban design outcomes (streetscape and built form) of the proposal.</p>	
Section 6 – Development Design		
6.1	Front Setbacks – Shopping Centres in B1 and B2 Zones	<p>This control relates to stand alone shopping centres like as proposed.</p> <p>T18 to T22 are considered to relate to the street and provide activation with at least 50% of the frontage occupied.</p> <p>The future uses of the proposed lots (3 and 4) with frontage to Portland Road are unknown. The applicant will be encouraged in the future to activate this primary streetscape.</p> <p>The plaza area with outdoor dining areas will receive good sun aspect and provides adequate weather protection.</p>
6.2	Front Setbacks – Main Street Shops	These sections are not applicable.

	in B1, B2 and B3 Zones	
6.3	Front Setbacks – B4 Zone	
6.4	Façade Articulation	
6.5	<p>Building Exteriors</p> <p>The design of the development is considered to contribute positively to the streetscape and public domain by means of providing high quality architecture, material selection and finishes.</p> <p>The facades have been appropriately articulated to provide interest and detail at the pedestrian scale and level.</p> <p>CPTED has been considered as acceptable under Section 6.25 (Safety and Security).</p> <p>The materials and colour palette (Refer to Figure 10 below) provides richness of detail and architectural interest at the street level.</p> <p>In regard to reflectivity, a condition is recommended to ensure glare or nuisance does not occur from highly reflective roofs, walls or windows.</p> <p>Figure 10 – Proposed building materials</p> 	
6.6	Building Separation	This section is not applicable.
6.7	Side and Rear Setbacks	The setbacks are considered acceptable and will ensure an appropriate level of amenity for building occupants and adjoining residents.
6.8	Minimum Landscaped Area	The development achieves compliance with the control given the retention of a large corridor of native vegetation in the front portion of the site adjoining George Booth Drive.
6.9	Building Depth	This section is not applicable.
6.10	Maximum Occupied Area	This section is not applicable.

6.11	Setbacks from Residential Zoned Land	The development complies with the minimum setbacks from adjoining residential zoned land.
6.12	Building Height	This issue has been addressed (refer to Clause 4.3 (Height of Buildings) in the LEP section of the report).
6.13	Building Height at the Street	<p>The DCP states development must provide at least two storeys in height along the primary street boundary for at least 50% of the frontage.</p> <p>The development is single storey in height however sits just below the 10m height limit at points along Northridge Drive frontage. The proposal sits just below the 10m height limit for the section of building T22 located on the Portland Drive frontage.</p> <p>Noting the topography of the site, the highest point of the development is located on the prominent corner of Northridge and Portland Drive.</p> <p>The building height at the street is supported in this instance.</p>
6.14	Floor to Ceiling Heights	Compliance is achieved with the floor to ceiling heights.
6.15	Roofs	<p>The roof form is considered acceptable.</p> <p>The roof and roof structure creates minimal visual intrusion.</p> <p>Service plant on the roof is screened.</p>
6.16	Views	Existing views are maintained.
6.17	Balconies and Communal Open Space	These sections are not applicable.
6.18	Planting on Structures	
6.19	Solar Access and Orientation	The applicant has submitted a solar study, which indicates that given the orientation of the site, the development will not cause adverse overshadowing impacts to adjoining properties. No concern is raised.
6.20	Energy Efficiency and Generation	<p>BASIX not applicable.</p> <p>The applicant has submitted an energy performance statement which confirms the proposed development will comply with Part J of the Building Code of Australia and the design will aim to be equivalent to a minimum of 4 stars under the Green Building Council of Australia.</p>
6.21	Visual Privacy	There are no visual privacy concerns.

6.22	Acoustic Privacy	Refer to Section 8.7 (Noise & Vibration) discussion below.
6.23	Front Fence	<p>It is important to note that in regard to the approved Harrigan's Hotel (DA/1612/2008) at 100 George Booth Drive, for safety reasons fencing was included along the George Booth Drive frontage to prevent direct access to and from George Booth Drive. The condition requires that the site boundary where it adjoins George Booth Drive is fenced using metal palisade or pool type fencing in a dark green colour at a height of 1.5 metres.</p> <p>In the assessment of DA/2207/2007, the above fencing condition was also included for safety reasons.</p> <p>To encourage pedestrians to utilise the signalised lights and not cut across the native vegetation corridor into/out of the shopping centre, a fencing condition is recommended.</p>
6.24	Side and Rear Fences	This section is not applicable.
6.25	Safety and Security	<p>Council's Community Planner (Youth and Safety) has reviewed the submitted CPTED report, prepared by James Marshall, and supports the recommendations contained within the report. A condition is recommended to ensure compliance with the recommendations.</p> <p>Furthermore, Council's Community Planner has advised the technical nature of lighting and compliance with Australian Standards, and the Building Code of Australia indicates the need for a formal lighting design to be prepared by a suitably qualified professional as a condition of consent.</p> <p>In addition, it is also recommended graffiti is removed within 24 hours of its appearance and that broken or damaged lighting is repaired within 48 hours.</p> <p>NSW Police</p> <p>In accordance with Lake Macquarie City Council's Protocol Agreement with NSW Police, the development application was referred to NSW Police for CPTED comment. The NSW Police provided recommendations on 22 October 2017, which where considered reasonable will be included as a condition of consent. Those recommendations that are not achievable are discussed below.</p> <p><i>Loading docks and delivery areas shall be protected by strategically positioned offices, workstations etc</i></p> <p><u>Planning Comment:</u> Given the location of the loading dock in relation to other proposed tenancies, compliance with this recommendation is not achievable. CCTV will be used in the service area, which is considered acceptable.</p> <p><i>Bus shelters designed as 'advertising shells' should be supported by effective external (street and pedestrian) lighting.</i></p> <p><u>Planning Comment:</u> An existing bus shelter is located on Portland Drive. NO additional bus shelters are proposed and this recommendation is therefore not valid.</p>

	<p><i>It is recommended that 3-5 metres of cleared space be located either side of residential pathways and bicycle routes. Thereafter, vegetation can be stepped back in height to maximise sightlines.</i></p> <p><u>Planning Comment:</u> Council staff do not concur with this recommendation. The adaptive reuse of the former tram line to a public cycleway is located within a native bush setting, similar to the Fernleigh track. Clearing native vegetation 3-5 metres wide of the cycleway would require ecological considerations and is not supported.</p> <p><i>CCTV should capture all vehicles into and out of the car park. (Entry and Exit points). This system of traffic management, with boom gate operation has vastly reduced stolen vehicle offences within a retail car park environment. This location is on the outskirts of Lake Macquarie LGA bordering other LGA's. It is semi rural and will be serviced with public transport. The Centre appears to service the community need, however these elements may bring an opportunity for vehicle theft.</i></p> <p><u>Planning Comment:</u> Boom gate operation into the open car park is not proposed or supported given the potential congestion it would cause onto Portland Drive, which is located within close proximity to a signalised traffic intersection with George Booth Drive, which is a classified road.</p>	
Section 7 – Landscape		
7.1	<p>Landscape Design</p> <p>Council's Landscape Architect initially queried how compliant access to the Tramway is achieved from the carpark as significant retaining is proposed as per the engineering plans.</p> <p>Additional information has been provided which details the treatment to the shared pathway to highlight nodes and links is supported. Draft conditions are recommended for imposition relating to pathway finishes in consultation with Council's heritage planner. Turf within the corridor is not supported.</p> <p>Vertical planting along the loading dock wall was also queried as no planting area had been provided to support plant growth. The applicant has provided additional information to address Council's concerns and appropriate conditions will be included to ensure success of this green wall.</p>	
7.2	Street Trees and Streetscape Improvements	Street trees are existing.
7.3	Landscape and Tree Planting in Front Setback Areas	The applicant has reduced the amount of car parking and increased the amount of landscaping. Council's Landscape Architect has reviewed the amended site plan and landscape and advised the landscape solution combining tree root zones with parking above is supported within the carpark, however detailed conditions are required to ensure the construction of civil works is installed as per the Landscape Notes to achieve short and long term establishment of canopy trees.
7.4	Landscape and Tree Planting in Car Parks	
Section 8 – Operational Requirements		
8.1	Demolition & Construction Waste Management	
8.2	Waste Management	

	Additional information was submitted addressing demolition, construction waste and waste management to the satisfaction of Council.	
8.3	On-Site Sewerage Management	These sections are not applicable.
8.4	Liquid Trade Waste & Chemical Storage	
8.5	Erosion & Sediment Control	An amended Erosion and Sediment Control Plan has been submitted to the satisfaction of Council. Conditions are recommended to ensure erosion and sediment control is appropriately dealt with during construction.
8.6	Air Quality	<p>The development is not:</p> <ul style="list-style-type: none"> • An activity listed in the Schedule of Licensed Activities of the Protection of the Environment Operations Act 1997. • A risk to the community and / or the environment through air pollution. • Any land use, that by the nature of its activities, generates particle/item dispersal and/or odour into the environment.
8.7	<p>Noise & Vibration</p> <p>The applicant provided an addendum to the Acoustic Report, which confirms full compliance with the Industrial Noise Policy can be achieved provided operational restrictions apply to the loading dock specifically:</p> <ul style="list-style-type: none"> • 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. <p>Council's Environmental Officer has reviewed this information and advised the recommendations contained within the report shall be incorporated into the design and construction of the development.</p> <p>The acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with any acoustic conditions and that no other noise nuisance is created to the neighbourhood.</p> <p>The acoustic consultant has not addressed the power levels of refrigerated semi-trailers parking in proximity to the residential area or stacked parking along Northbridge Drive, whilst waiting for the loading dock to open or waiting for available space to unload.</p> <p>Marshall Days review of the report is acknowledged and note the amended delivery times proposed by the applicant.</p> <p>Environmental Management Section have previously questioned and raised the issue of refrigeration vans with auxiliary diesel engines and in this regard the acoustic consultant will need to evaluate the suitability of this type of vehicle. It may be necessary for auxiliary motors to be switched off during parking adjacent to residential premises and during unloading operations and this needs to be evaluated by the consultant as part of the complying, testing/and or management.</p>	

	<p>Upon completion of the works and prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified acoustic consultant certifying that the works have been completed in accordance with their requirements and the development or proposed use is capable of operating in accordance with the design criteria.</p> <p>At 90 days of operation a suitably qualified acoustic consultant shall test, measure and certify that the development is operating, at that time, in accordance with the approved acoustic report.</p> <p>The development is considered to adequately address noise and vibration subject to conditions of consent.</p>	
Part 8 – Subdivision		
Council's Chief Development Engineer has reviewed the amended subdivision design as acceptable.		
Part 9 – Specific Land Uses		
9.17 Signage		
17.1	Design	<p>The design and configuration of signage (refer to drawing number A100.91 revision E) is considered to positively contribute to the amenity of the shopping centre and streetscape.</p> <p>Refer to SEPP 64 discussion.</p>
17.2	Positioning	<p>The position of signage is considered acceptable and will not cause a traffic hazard or interfere with the function of infrastructure and services.</p> <p>The RMS have provided their concurrence subject to conditions.</p>
17.3	Specific Sign Dimensions	<p>The signage dimensions are considered appropriate for a development of this scale and have been successfully integrated into the design of the development.</p> <p>The applicant has reduced the height of the pylon sign from 14m to 10m, which is considered a more appropriate design response. The pylon height of 10 metres is considered acceptable for a development of this size and scale and consistent with other shopping centres.</p>
17.4	Illumination, Flashing and Moving Signs	This issue has been adequately discussed under SEPP 64.
17.5	Banners, Bunting and Inflatable Devices	These sections are not applicable.
17.6	Multiple Tenancy Signage	
17.7	Real Estate Signs	

Part 11 - Heritage Area Plans

This Part is not applicable.

Part 12 – Precinct Area Plans

This Part is not applicable.

(a)(iia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There is no planning agreement that has been entered into under section 7.4, and no draft planning agreement that a developer has offered to enter into under section 7.4 of the Act that relates to this development.

(a)(iv) – any matters prescribed by the regulations

<i>Primary Matters</i>	<i>Specific Considerations</i>	<i>Y/N</i>
Clause 92 EP&A Regulation: Government Coastal Policy	<i>Does the policy apply to the coastal zone of the council area as specified in cl.92 of the EP&A Regulation?</i>	N/A
	<i>Is the proposal consistent with the 'strategic actions' and the 'design and location principles' for the development control in the Policy?</i>	N/A

(b) – the likely impacts of the development

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

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

(c) – the suitability of the site for the development

Does the proposal fit the locality?	As detailed in this assessment, the development fits the locality.
Are the site attributes conducive to development?	As detailed in this assessment, it is acknowledged the site attributes present design challenges. However, the amended design of the development is considered conducive to the site attributes.

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

How many public submissions received?	Two
Issue Raised	Comments
No residents in Withers Street notified	A number of residents on Withers Street were notified.
Is the applicant acting upon DA/1178/2017 or DA/2207/2007? Can they pick and choose different components?	The applicant has confirmed that subject to approval they will be acting upon DA/1178/2017. As DA/2207/2007 has physically commenced, a condition of consent is recommended to ensure this application is surrendered in accordance with the Environmental Planning and Assessment Regulation.
Does DA/1178/2017 take priority over DA/2207/2007?	If DA/1178/2017 is approved, a condition is recommended to ensure DA/2207/2007 is surrendered.
Could FABCOT Pty Ltd sell the DA, if approved, to Roche Group who applied and received approval by LMCC several years ago?	Yes the applicant could sell the development with DA consent.
Does the new DA require a new compliance certificate from the Hunter Water Corporation?	Prior to the issue of a Subdivision Certificate, a certificate of compliance under Section 50 of the Hunter Water Act 1991 for this development is required to be submitted to the Principal Certifying Authority.
In the 2007 application many local shops in West Wallsend were included in the notification as well as businesses in Edgeworth. Why were they not notified this time? Notification process different to DA/2207/2007. A number of local residents not notified.	To ensure consistency, notification has been carried out as per DA/2207/2007. An advertisement was also placed in the Newcastle Herald and a sign erected to the site.
Local businesses and shops will be most affected with loss of business as a possible consequence of its approval and construction.	Council has considered this as acceptable.
Harrigan's Hotel required to provide a 1.8 metre fence along George Booth Drive. Will fencing be provided as part of this application?	This issue has been discussed under Section 6.23 (Front Fences) of the DCP.

Stormwater	This issue has been considered under Section 2.8 (Stormwater Management) of the DCP.
Is there adequate space for vehicles that may need to queue on Northridge Drive due to the loading area being in use and is Northridge Drive wide enough for the large vehicles to manoeuvre?	This issue has been considered under Section 5.2 (Design of Parking and Service Areas) of the DCP.
Are the 476 parking spaces adequate for this site once the three additional future development areas show on the plan are developed?	This issue has been considered under Section 5.5 (Car Parking Rate) of the DCP.
Traffic accessing the future Harrigan's Pub will take a short cut through the shopping complex and not travel via Northridge and Tramway Drives to get to Harrigan's thus putting patrons of the shopping complex at risk especially when people leaving Harrigan's may have been drinking alcohol.	<p>The potential for patrons driving through the car park to access McKendry Drive is acknowledged however the slow traffic environment would deter most motorists.</p> <p>The potential for patrons driving under the influence is not a relevant planning consideration. Other State Government laws and regulations govern the actions of motorists.</p>
Noise from large vehicles and cars	This issue has been considered under Section 8.7 (Noise and Vibration) of the DCP.
Access to the public toilets in this complex is via long corridors which provide opportunities for entrapment and concealment and reduces the safety of the users of these facilities.	This issue has been considered under Section 6.25 (Safety and Security) of the DCP and by the NSW Police.
<p>Submissions from public authorities</p> <p>Integrated Development</p> <ul style="list-style-type: none"> • NSW RFS • Subsidence Advisory NSW <p>External advisory referral under SEPPI:</p> <ul style="list-style-type: none"> • Ausgrid • RMS <p>External advisory referral</p> <p>NSW Police</p>	

(e) – the public interest

Federal, State And Local Government Interests And Community Interests	No other Federal, State or Local Government submissions have been received. The development is in the broader public interest.
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SECTION 4.17 CONSIDERATIONS	Y/N
Having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act, do any of the following issues require further assessment?	
Whether any consent/right should be modified/amended? Comment: A condition of consent is recommended requiring surrender of previous consent DA/2207/2007 granted over the site.	YES
Whether any development should be modified or ceased?	NO
Whether the period of the development should be limited?	NO
Whether any building/works should be removed after period?	NO
Whether any works should be carried out regarding S4.15?	NO
Whether any application details should be modified?	NO

SECTION 7.11 - CONTRIBUTIONS	Y/N
Is contributions required for the provision, extension or augmentation of public amenities and public services?	YES
<p>No. 2 Northlakes (2004) (as amended 2012)</p> <p>Section 7.11 Contributions are required for the following purposes (applies to all residential, including Housing for Seniors and or People with a Disability, Tourist Accommodation, and some non-residential land uses):</p> <ul style="list-style-type: none"> ➤ Open Space and Recreation; ➤ Community Facilities; ➤ Roadworks and Traffic Management; ➤ Conservation; ➤ Drainage, Stormwater and Water Quality Control; and ➤ Management. <p>The following fee information is calculated under the (2012) Northlakes Plan and is valid until the next date of indexation.</p> <p>The fees are calculated using the following criteria:</p> <p><i>Supermarket including 'click and collect'</i> (floor area 3,615m²) has 5,332 DVTs and;</p> <p><i>Retail</i> (total floor area 3,913m²) has 2,172 DVTs:</p> <p>Total DVTS (daily vehicle trips) is 7,504. Note a credit has not been applied to this application.</p>	

SECTION 7.11 - CONTRIBUTIONS		Y/N
CONTRIBUTION FEE SCHEDULE		
DESCRIPTION	FEE AMOUNT	
(12) Northlakes - R & TM 2 - Capital Fee - CPI	\$4,629,243.18	
(12) Northlakes - R & TM 2 - Land Fee - LVI	\$805,509.50	
TOTAL \$5,434,752.68		

DIVISION 4.11 – EXISTING USE RIGHTS	Y/N
Is the proposal prohibited under an environmental planning instrument in force?	NO

ECOLOGICALLY SUSTAINABLE DEVELOPMENT	Y/N
Having regards for the principles of ecologically sustainable development, do any of the following issues require further consideration?	
Precautionary principle?	NO
Intergenerational equity?	NO
Conservation of biological diversity and ecological equity?	NO
Improved valuation, pricing and incentive mechanisms?	NO

RECOMMENDATION:
Approval subject to conditions of consent

DETERMINATION	
At what level should the application be determined?	Hunter Central Coast Regional Planning Panel

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.

ENDORSEMENT



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



Elizabeth Lambert
Chief Planner
Development Assessment & Compliance Department
Date: 3 October 2018