



Appendix 1

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NOTICE OF DETERMINATION

under Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979* (as amended).

The development application has been determined by Bega Valley Shire Council granting consent subject to the conditions specified below.

DEVELOPMENT APPLICATION	2017.421
APPLICANT	Milestone (AUST) Pty Limited
LAND	Lot: 949 DP: 810986 and Lot: 946 DP: 604076
LOCATION	103 Main Street and 105-107 Main Street, MERIMBULA
ZONE	B2 Local Centre Zone
PROPOSED DEVELOPMENT	Retail Premises – Supermarket comprising demolition works, earthworks, construction, fitout, carparking, landscaping and signage
DETERMINATION MADE ON	<DRAFT>
CONSENT TO OPERATE FROM	<DRAFT>
CONSENT TO LAPSE ON	<DRAFT>

development consent

Conditions of approval

General

1. Approved development plans

Development shall take place in accordance with the following plans, specifications and reports, except as may be amended in red on the approved plans and by the following conditions.

Plan, Specification or Report	Plan Reference and Date
SITE PLAN P14	TP00.01 - 28/02/18
SITE SURVEY P7	TP00.02 - 14/08/17
DEMOLITION PLAN P4	TP00.03 - 12/09/17
LEVEL NEW SERVICES RD PLAN P8	TP01.01 - 14/08/17
LEVEL BASEMENT PLAN P15	TP01.02 - 01/03/18
LEVEL DOCK PLAN P10	TP01.03 - 28/02/18
LEVEL STORE PLAN P16	TP01.04 - 28/02/18
ROOF PLAN P10	TP01.05 - 28/02/18
ELEVATIONS P11	TP02.01 - 03/05/17
ELEVATIONS P3	TP02.02 - 18/09/17
SECTIONS P12	TP03.01 - 28/02/18
SIGNAGE PLAN P6	TP04.03 - 28/02/18
STATEMENT OF ENVIRONMENTAL EFFECTS	OCTOBER 2017
ADDENDUM STATEMENT OF ENVIRONMENTAL EFFECTS	2 March 2018
LANDSCAPE PLANS	Sheets 000 - 1/03/18, 101D - 01/03/18 & 501B - 28/08/17
OPERATIONAL NOISE ASSESSMENT	Report NO. 99204-M3 VERSION A - SEPTEMBER 2017

2. The trading hours of the supermarket shall be limited to the following hours:

7.00 am to 10.00 pm, 7 days a week.

3. The operations of the premises and the delivery vehicles accessing the site shall comply with the Operational Noise Assessment prepared by Wilkinson Murray, dated September 2017.

4. No approval is granted or applied to the extension of the New Service Road beyond that line detailed on the approved civil engineering plans prepared by Henry & Hymes and noted Limit of Works.

5. Ensure that any fixed furniture provided, either internally or externally to the building, is accessible for people with a disability.

6. Comply with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

7. A minimum of 89 off street car parking spaces shall be provided in accordance with Council's Development Control Plan No. 7: Parking. Details of the final parking layout including surface paving and drainage details must be submitted for approval of Council prior to issue of the Construction Certificate by the Principal Certifying Authority.

Note: The 89 required carparking spaces comprise:

- 67 spaces for the supermarket development.
- 18 to satisfy the restriction as to user denoted on Lot 949 DP 810986.
- 4 spaces to meet the loss of on-street parking in Main Street.

8. **Accessible car parking**

Car parking spaces provided for people with disabilities shall be designed and constructed to comply with requirements of AS/NZS 2890.6:2009 (Off-street parking for people with disabilities)

Note: An accessible path of travel is required from the designated car spaces to the principal entrance of the building.

9. **Development finished in accordance with approved colour/material schedule**

The development shall be finished in accordance with the approved colours and building materials schedule, with the exception of the façade facing Main Street which shall be amended as highlighted on the approved plans to include an external timber cladding treatment to reduce the extent of the colour "fluorescent red".

10. A copy of the approval by DPI (Water) shall be submitted to Council prior to the issue of the Construction Certificate by the Principle certifying Authority.

Note: The General terms of Approval issued by DPI (Water) in this regard are provided as an attachment to this development consent.

Prior to issue of Construction Certificate

11. **Section 94 or 94A contributions**

Payment to Council of the following contributions pursuant to Section 94 or 94A of the *Environmental Planning and Assessment Act* and *Bega Valley Section 94 and 94A Contributions Plan 2014*.

Contribution type	\$ Total	Allocation No.
Section 94A contribution	\$76,203.27	W5307.1651.1416

Indexation: Where the monetary contribution is not paid before the first anniversary of the date of this development consent, the contribution amount must be indexed between the date of the consent and the date of payment, in accordance with annual movements in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician.

Time for payment: Deferred payments of contributions may be accepted in certain circumstances and will need to be secured by bank guarantee. Refer to the contributions plan for Council's policy on deferred payments.

12. **Certificate of compliance**

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained.

13. Public Art

For the purpose of satisfying Clause 2.7.2.2 of the Bega Valley Development Control Plan 2013 the developer shall provide a public art work in Merimbula. Prior to the issue of a Construction Certificate details shall be submitted to Council, in accordance with Council's Public Art Procedure 1.03.1, for Council approval. In preparing the proposal, consultation shall be undertaken with Council's Community and Cultural Assets Section regarding the location, design integration, artist selection, themes, content and other details of the proposed public art works.

The approved Public Art shall be installed prior to the issue of an Occupation Certificate.

14. The applicant shall provide an appropriate screening treatment to the electricity substation from Main Street. Details of the proposed screening treatment shall be lodged with Council for approval prior to the issue of a Construction Certificate.

15. Application to connect to existing sewer service

A separate application to obtain approval to connect to Council's sewerage system under Section 68 of the Local Government Act 1993 must be submitted to Council for approval (copy attached). A plumbing and drainage design plan is to be submitted with the application to Council.

16. Lighting system

A lighting system shall be installed in accordance with Australian Standard 4282 "Control of the obtrusive effects of outdoor lighting" (1997) to provide uniform lighting across the common areas and driveways.

17. Drainage – liquid trade waste

A separate application to obtain approval to discharge liquid trade waste to Council's sewerage system under Section 68 of the *Local Government Act 1993* must be submitted to Council for approval. If the applicant is not the owner of the premises, the applicant must obtain the owner's consent to the application.

Note: Application forms are available on Council's website.

18. Fencing alongside boundary

The property shall be fenced at the developer's cost along the side boundary with 99 Main Street, Merimbula using materials that complement the existing fence at 99 Main Street. Details of the fencing are to be submitted to the owners of 99 Main Street, Merimbula and Council for approval prior to the issue of a construction certificate.

19. The applicant shall remove/trim only those trees/vegetation from 99 Main Street, Merimbula that would impede the construction of the supermarket. The developer shall only undertake the removal/trimming at a suitable time agreed to by the owners of 99 Main Street. The developer shall replant the same number of trees/vegetation that were required to be removed and shall be of species agreed to by the owners of 99 Main Street. All works shall be completed prior to the issue of an Occupation Certificate.
20. The applicant shall plant four street trees within the road reserve of the new service road. The species are to be endemic species and have a growing height of 10 to 20 metres. The street tree placement shall be in consultation with Council's Strategy and Asset Services Manager.
21. The riparian corridor along Merimbula Creek adjoining the proposed service road shall be enhanced to offset the encroachments into the Merimbula Creek corridor in accordance with the DPI Water Riparian Corridor Guidelines. Rehabilitation works should include the suitable

revegetation of the service road embankment to replace the existing vegetation that will need to be removed and to compliment with the adjoining riparian corridor. A plan detailing the extent of the rehabilitation works is to be submitted to Council by a suitably qualified horticulturist prior to the issue of the construction certificate.

22. Engineering design plans for car parking areas

Engineering design plans for all on-site car parking, loading/unloading areas and their associated driveways shall be prepared and certified by a suitably qualified and experienced chartered professional engineer (or equivalent) and submitted to Council.

23. Excess fill to be deposited at approved site

Any excess fill arising from the proposed development shall be deposited at a Council approved site. Notification and prior arrangement to this Council approved site may be required prior to any fill being deposited. The details of the composition and volume of the fill and the site of disposal are to be forwarded to Council prior to the issue of the construction certificate.

24. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. A photograph indicating the current state of the footpath adjoining the development shall be submitted with the application for the Construction Certificate.

25. Dilapidation report

Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of properties at 99, 101 and 111 Main Street are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works.

A copy of the dilapidation report/s together with accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and Council.

The applicant/owner shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information shall be submitted to Council.

26. Long Service Levy payments

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, proof that the levy has been paid is to be submitted to Council. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's office.

Note: The Long Service Levy is a State Government Levy (not a Council fee).

27. Access and sanitary facilities in accordance with BCA and AS1428

The plans shall demonstrate compliance for access of people with disabilities and must be provided in accordance with the requirements of the Building Code of Australia; relevant Australian Standards and with regard to the Disability Discrimination Act 1992.

Note: Disability Access to Premises Standards 2010 – As of May 2011, if access is provided to the extent covered by these standards, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

28. Food Premises General

The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards including:

- *The Food Act 2003*
- *Food Regulation 2015*
- *Food Standards Australia and New Zealand – Food Standards Code 2001*
- *AS 4674- 2004 Australian Standards for Design, Construction and Fit out of Food Premises*
- *Mechanical ventilation – Australian Standard 1668.2-2012*

29. Erosion and sediment control plan – greater than 2,500m² site disturbance

Where more than 2,500m² of land is to be disturbed a Soil and Water Management Plan (SWMP) is required. The SWMP shall be prepared in accordance with the provisions of the NSW Government and Landcom, "Managing Urban Stormwater - Soils and Construction" (4th Edition 2004) and submitted for approval by the Principal Certifying Authority.

A self-auditing program must also be developed for the site. A site inspection using a Log Book must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

The self-audit must be undertaken systematically onsite (e.g. walking anticlockwise from the main entrance) and recording:

- installation/removal of any Best Management Practices (BMPs)
- the condition of each BMP employed, noting whether it is likely to continue in an effective condition until the next self-audit
- circumstances contributing to damage to any BMPs, accidental or otherwise
- storage capacity available in pollution control structures, including:
 - waste receptacles and portable toilets
 - trash racks
 - sediment barriers and traps
 - gross pollutant traps
 - wetlands/water quality control ponds
- time, date, volume and type of any additional flocculants
- the volumes of sediment removed from sediment retention systems, where applicable, and the site where sediment is disposed
- maintenance requirements (if any) for each BMP
- circumstances contributing to the damage to BMPs
- repairs affected on erosion and pollution control devices.

Completed logbook records must be maintained onsite and shall be available for inspection onsite by Council officers or officers of the NSW EPA.

All sediment control structures described on a SWMP must be operated and maintained in an effective operational condition by following good engineering practice. A maintenance

program must be established that should ensure accumulated sediment does not impinge on the capacity of the settling zone up to the design storm event. Solid materials removed from sediment retention basins must be disposed of in a way that does not pollute waters.

30. Section 138 approval for construction works within the road reserve

An application for approval under Section 138 of the Roads Act, 1993 for works within the road reserve shall be submitted to Council for acceptance. The Section 138 application shall be accompanied by construction plans and specifications for all engineering works within the road reserve and proposed road reserve required as part of this development consent.

These works shall be designed in accordance with Council's Development Design and Technical Specifications as current at the date of approval, and sound engineering practice.

The works shall be designed by persons holding suitable qualifications and experience for design of works of this type and current professional indemnity insurance.

Note: Evidence of the concurrence of Roads and Maritime Services to the design of all works within any classified road (as defined in the Roads Act, 1993) must be provided to Council.

31. Works Traffic Management Plan

A Works Traffic Management Plan (WTMP) shall be submitted to Council for acceptance. The WTMP shall include access/egress routes, operating hours, cleaning requirements, development access points, parking for construction personnel, heavy vehicle haulage routes, provision for pedestrian traffic on the footpath and through the development site. The WTMP must consider construction movements through the demolition, construction and operational phases of the development.

In addition to the WTMP a Traffic Control Plan (see condition below) is required for any construction occurring within 3m of a public road or for any construction activity on site requiring use of a public road (accept normal vehicular access via Sapphire Coast Drive). Traffic Control Plans must be submitted prior to each activity commencing.

Any use of public land shall be subjected to Council's Use of Public Land policy and must be approved by Council.

No construction traffic is permitted to enter/exit the site via Main Street without written approval from Council.

32. Protection of existing public infrastructure

The developer is responsible for rectifying any defects in the public asset works arising within six months after works are accepted as public assets and for making good damage caused to any public assets as a consequence of doing anything to which this consent relates. The developer shall lodge security to Council in the amount of five percent (5%) of the value of the public asset works. The funds realised from this security may be paid out by Council to meet any costs referred to in this condition.

Security can be provided by the payment of money or by unconditional bank guarantee in a form acceptable to Council. A Bond Administration fee may be payable to Council.

A dilapidation survey of any public assets not proposed to be reconstructed or directly adjacent to the property shall be submitted.

33. Contractor's insurance (Public Works)

Each contractor engaged in the construction of public works (such as road work, kerb and guttering, footway construction, stormwater drainage, water supply, sewerage works and

environmental controls) must provide evidence of public liability insurance (minimum \$20,000,000.00) endorsed to note the contractor and Council for their rights and interests.

34. Conceal waste pipes/stackwork/vents

All waste pipes, stackwork and vents to be concealed.

35. Hydraulic engineer's report for internal plumbing

A hydraulic consultant or suitably qualified person shall verify whether the existing water service and water meter size is suitable for the proposed development, as required by the current Australian Standard 3500 and the New South Wales Code of Practice - Plumbing and Drainage. Certification shall be lodged with Council confirming such and where required, the applicant shall make application for modification to the metered service.

36. Water supply design

The design of all water supply reticulation works and any associated facilities to service the proposed development/each allotment shall be in accordance with Council's Development Design Specification D11. All plans and specifications are to be approved by Council.

37. Hydraulic engineer's report for firefighting pressure

A hydraulic consultant or suitably qualified person shall verify that the residual network pressure as a result of the proposed fire suppression system is greater than 150kPa. If a residual pressure of 150kPa is not achievable, a break tank shall be required. Certification shall be lodged with Council confirming such.

38. Drainage connections

- a. Roof storm water is to be disposed of to the satisfaction of council.
- b. Any roof storm water and surface water from driveways and car parking area to be conveyed to the street water table / drainage easement / watercourse / reserve.

Prior to any demolition or construction work commencing

39. Construction certificate must be obtained

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing. A construction certificate certifies that the provisions of Clauses 79A-79H of the Environmental Planning and Assessment Amendment Regulations, 1998 have been satisfied, including compliance with the Building Code of Australia and conditions of development consent.

40. Appoint PCA

The person having the benefit of the Development Consent and a Construction Certificate shall:

- a) appoint a Principal Certifying Authority and notify Council of the appointment (if Council is not appointed), and
- b) notify Council of their intention to commence the erection of the building (at least 2 days notice is required).

The Principal Certifying Authority shall determine when inspections and compliance certificates are required.

41. Signs

Signs are to be provided at the front of the property or in a prominent location, and shall contain the following details: -

- owner's name, lot number and street number
- a rural address number (when relevant) provided at the entrance of the property (eg. affixed to an entrance gate)
- signage must clearly identify the Principal Certifying Authority (PCA) and contact number
- that unauthorised entry to the work site is prohibited
- details of the Principal Contractor (ie. the coordinator of the building work).

42. Support and protection for neighbouring buildings

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of Clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (a) protect and support the adjoining premises from possible damage from excavation, and
- (b) where necessary, underpin adjoining premises to prevent any such damage.

This condition does not apply if the person having benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Compliance with the requirements of WorkCover NSW is required and a copy of such requirements is to be submitted to the Principal Certifying Authority.

43. Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) Could cause damage to adjoining lands by falling objects, or
- c) Involve the enclosure of a public place or part of a public place.

44. A detailed Construction Management Plan nominating method of demolition will be prepared and submitted to Council prior to demolition works commencing and shall comply with the applicable Australian Standards and Occupational Health and Safety Requirements, and will make specific reference to the quantities of materials generated during the demolition and construction phase.

45. Demolition in association with new work

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of erection of building" pursuant of section 81A(2) of the *Environmental Planning and Assessment Act*. In such circumstances, all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifying Authority and submission of a Notice of Commencement to Council.

46. Demolition – site safety fencing

Site fencing shall be erected to a minimum height of 1.8m (complying with WorkCover Guidelines) to exclude public access to the site throughout the demolition. The fencing must

be erected before the commencement of any demolition work and shall be maintained at all times.

The site shall be maintained in a clean and orderly condition during demolition works.

Hoardings

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s), complying with WorkCover requirements must be obtained; including

- Payment to Council of a Public Land Use fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- Provision of a Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

47. **Demolition – erosion and sediment control**

Erosion and sedimentation controls shall be in place prior to commencement of demolition works and shall be maintained throughout demolition of the building and any regrading of ground levels, approved removal of vegetation, etc. The controls shall be installed in accordance with Managing Urban Stormwater – Soils and Construction produced by Landcom (Bluebook). A copy of the Erosion and Sediment Control Plan must be kept on site during demolition works and made available to Council officers on request.

During construction

48. **Construction hours**

Works shall be confined to normal working hours, being 7am to 6pm Mondays to Fridays and 8am to 1pm Saturdays, (no work on Sundays or Public Holidays) and in a manner so as not to cause a nuisance (by the generation of unreasonable noise or other activity) to the owners and/or residents of adjoining and adjacent properties.

Variations to these hours or days may be approved by the consent authority on a case by case basis.

49. The development must be provided with underground electricity infrastructure. A notification of arrangement letter issued by the relevant electricity supplier is to be obtained and forwarded to Council.

50. A minimum of 48 hours notice to the Merimbula Airport Agencies is required for the operation or placement of any obstruction into the approach surface or the transitional surface of the Merimbula airport.

Obstacles operating on the site (crane or concrete pump) shall be fitted with a strobe light on the top of the obstacle to ensure its visibility to approaching and departing aircraft.

Note: The Merimbula Airport Agencies advise that approval to operate a crane within the air space will be denied or the obstacle will be required to be removed during any period of low visibility.

51. **Maintenance of site**

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- d) During construction:
 - i. All vehicles entering or leaving the site must their loads covered, and
 - ii. All vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- e) At the completion of the works, the work site must be left clear of waste and debris.

52. Earthworks, retaining walls and structural support

- a) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - i. Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - ii. Must not redirect the flow to any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - iii. That is fill brought to the site – must contain only virgin excavated natural material (VENM) *as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997*, and
 - iv. That is excavated soil to be removed from the site – must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) regulation 2005*.
- b) *Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-643-785442) published in July 2012 by Safe Work Australia*

53. Copy of plans onsite

The builder must at all times maintain on the job, a legible copy of all the relevant plans and specifications bearing the stamp and development consent of Council.

54. Toilet facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) Be a standard flushing toilet connected to a public sewer, or
- b) Have an on-site effluent disposal system approved under the Local Government Act 1993, or
- c) Be a temporary chemical closet approved under the Local Government Act 1993.

55. Dust control requirements

During Development works, dust emissions must be minimised so as not to result in a nuisance to nearby residents or result in a potential pollution incident. Adequate dust control measures must be provided prior to the works commencing and the measures and practices maintained to the satisfaction of Council.

56. Construction noise and vibration – general

Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents. The relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.

57. Traffic Control Plan

No work shall be carried out within three metres of the carriageway of a public road subject to motor vehicle traffic until Council has sighted a satisfactory Traffic Control Plan relating to that work, and the relevant Roads Authority has issued any associated Roadworks Speed Limit.

The Traffic Control Plan shall be prepared by a person who is authorised by the Roads and Maritime Services to prepare these plans. Evidence of Traffic Control at Worksites Certification must be submitted with the Traffic Control Plan.

All measures described in the Traffic Control Plan shall be implemented and maintained for the duration of any work within/adjacent to the road carriageway.

58. Certification and inspection of public works

All works within the road reserve and on Council infrastructure must be inspected and tested by Council's inspector in accordance with Council's Development Design and Construction Specifications.

Typically, inspections are required at, but not limited to, the following stages:

- a. After placement of all signs and control measures in accordance with the approved Traffic Control Plan
- b. After stripping of topsoil from roads and fill areas, all Soil & Water Management Plan controls shall be in place at this stage
- c. After completion of road subgrade
- d. After placement and compaction of each layer of gravel pavement material
- e. During application of bitumen seal or asphaltic concrete wearing surface
- f. After laying and jointing of all stormwater pipelines prior to backfilling
- g. After surface preparation, placing reinforcement and prior to pouring concrete for roads and driveways
- g. After completion of works
- h. As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls.

It should be noted that Council charges fees for inspections and certificates.

The developer will complete quality assurance testing of all public asset works in accordance with the inspection and testing plans detailed in Council's Development Construction Specifications.

Testing results shall be provided as required throughout the construction phase of the development.

59. Kerb and gutter construction and road shoulder sealing to frontage

Construction of the following roadwork in Main Street to the frontage of lot(s) 946:

- 150mm upright kerb and gutter on a continuation of its current alignment,
- pavement designed for a traffic loading of 5×10^6 ESAs and subgrade CBR of 3 (unless site specific testing provided) constructed from 2.5m north of the road centreline to the lip of the gutter,
- asphaltic concrete wearing surface constructed from a minimum of 2.5m north of the road centreline to the lip of the gutter,
- grassing of the adjacent footway,
- all associated stormwater and subsoil drainage,
- all other works necessary to achieve the above.

60. **Reconstruction of footpath area**

Reconstruction of footpath area to the frontage of Lot 946 to include the following:

- concrete paving extending from the back of the kerb to the street boundary,
- minimum concrete thickness 100mm,
- minimum concrete strength grade 20MPa,
- two street trees shall be planted within the frontage,
- materials, colours, workmanship and vegetation must be as per the Landscape Master Plan for Merimbula.

61. **Concrete footpath crossing**

The construction of a heavy duty concrete footpath crossover is required between the kerb line and boundary of Lot 946. Design details of this crossover, including turning path movements in and out of Main Street should be provided with the construction plans. Concrete slab design shall be in conformance with Councils standard drawing 1691.

62. **Raised median strip**

The construction of a raised concrete median within Main Street to the full frontage of Lot 946 and SP 41712. The median shall be designed in accordance with the Austroads Guide to Road Design Part 6 – Roadside Design, Safety and Barriers. Turning path movements in and out of Market St and the two existing driveways affected, shall be provided.

63. **Pedestrian crossing**

The construction of a raised pedestrian crossing (Wombat Crossing) on Main Street. The crossing is to be located in front of Lot 946 and positioned such that the required separation between the crossing and the existing driveways is maintained.

The developer must consult with the BVSC Local Traffic Committee prior to issue of a section 138 approval regarding:

- The provision of parking restriction signs between the proposed crossing and adjacent driveways.
- The removal of the existing bus stop fronting Lot 946.

The crossing shall be designed in accordance with the Austroads Guide to Road Design Part 4 – Intersections and crossings general.

64. **Full construction of new urban street**

Construction of the following **roadwork** as an extension of the service road off Sapphire Coast Drive (currently known as Service Road 2) to the frontage of Lots 946 and 949:

- 150mm upright kerb and gutter along both sides with a width of 6.8 metres between kerb lips,
- pavement designed for:
 - a traffic loading of 5×10^6 ESAs unless suitable traffic modelling provided,
 - and subgrade CBR of 3 unless site specific testing provided,
- asphaltic concrete wearing surface between the lip of both gutters,
- all associated stormwater and subsoil drainage works,
- provision of a lockable gate at the eastern end of the road,
- provision of street lighting,
- provision of a guardrail on the northern side of the road,
- grassing of footways,
- all other works necessary to achieve the above.

65. **Concrete footpath crossing**

Construct heavy duty concrete footpath crossover(s) serving the proposed northern accesses to the development between kerb line and the road boundary. Design details of these crossovers, including turning path movements in and out of the service access should be provided with the construction plans. Concrete slab design shall be in conformance with councils standard drawing 1691.

66. **Concrete footpaths**

Construction of a concrete footpath along the northern frontage of Lots 946 and 949 on an extension of its current alignment to include the following:

- concrete pavement 1.8m wide,
- provision of pram ramps at all driveway crossings,
- minimum concrete thickness 100mm,
- minimum concrete strength grade 20MPa.

67. **Maintenance access track**

Construction of the following maintenance access track from the eastern end of the proposed road to the toe of the proposed road batter:

- 4 metre wide gravel road,
- 200mm thick gravel compacted pavement,
- 1.0 metre wide table drains as necessary,
- a lockable gate at the eastern end of the proposed road,
- all other works necessary to achieve the above.

The maximum grade must not exceed 20%.

68. Parking Capacity signage

The applicant shall install Electronic Parking Capacity Indicator Signs at the entrances of all car parking areas from public roads. Their placement shall be approved by Council before the issue of a Construction Certificate.

69. Private stormwater drainage

Construction of stormwater drainage works as necessary to convey runoff from roof and paved areas of the development to public roads or Council controlled drainage systems and downstream.

Appropriate outlet structures to dissipate stormwater flow volumes and flow velocities to acceptable levels must be constructed.

Any design shall be in accordance with Council's Development Specification D5, Stormwater Drainage Design and AS3500.3 – Plumbing and Drainage, Part 3.1 – Stormwater Drainage.

Note: Stormwater shall only be discharged to the northern side of the site.

70. Removal of gross pollutants

A suitably designed and located water quality unit shall be installed upstream of any stormwater discharge point for the development. The system shall appropriately capture/remove (as a minimum) gross pollutants, coarse sediments, Total Suspended Solids (TSS), phosphorous, nitrogen and hydrocarbons. Details of the unit to be submitted to Council for approval prior to the issue of a Construction Certificate by the PCA.

The system shall be designed for optimum performance in the 1 year ARI rainfall event.

71. Service conduits

Construction of service conduits under Main Street and the proposed rear access road as necessary to provide electricity reticulation and telecommunications cabling to the development without trenching across road pavements.

72. Water supply construction

Construction of all water supply reticulation works and associated facilities to service the proposed development shall be as per the approved design plans. Any construction must be carried out by Bega Valley Shire Council accredited contractor(s) and in accordance with Council's Development Construction Specification C401 – Water Reticulation.

Prior to issue of Occupation Certificate**73. Development finished in accordance with approved colour/materials schedule**

The development shall be finished in accordance with the approved colour and building materials schedule except as amended on the approved plans.

74. All rehabilitation works of the service road embankment shall be completed prior to the issue of an Occupation Certificate.**75. The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. The individual or company who undertook the original landscape design for the development shall prepare these reports.**

a) **Implementation Report**

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by the company or individual that completed the approved landscape design.

An Occupation Certificate shall not be issued until such time as a satisfactory Implementation Report has been received. If Bega Valley Shire Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council with the copy of the Occupation Certificate.

b) **Maintenance Report**

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Bega Valley Shire Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

The same individual or company who undertook the approved landscape design must prepare this report.

76. **Car parking in accordance with design plans**

All works required in the construction of any on-site car parking, loading/unloading areas and their associated driveways shall be undertaken and completed in accordance with the certified engineering design plans. On completion, the works are to be certified by a suitably qualified and experienced chartered professional engineer (or equivalent). Documentation to this effect shall be submitted to Council.

77. **Follow up dilapidation report**

Follow up dilapidation report/s, including a photographic survey, shall be submitted at least one month after the completion of demolition/excavation works. A copy of the dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and Council.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

78. **Food premises – final inspection**

The food premises shall be inspected by Council's Environmental Health Officer to determine compliance with applicable food legislation.

79. **Food shop registration requirements**

Occupation of the premises shall not occur until:

- a) a registration form has been submitted to Council for the food premises; and
- b) notification to Council under *Food Safety Standard 3.2.2 Division 2 Section 4 Notification*. This requirement is to be met by notifying through the following website:

www.begavalley.nsw.gov.au

Evidence of compliance of the above shall be submitted to Council prior to occupation and/or commencement of business.

80. Sound producing equipment

All sound producing equipment is to be insulated and/or isolated so as not to create a noise nuisance.

81. Works in accordance with approved construction plans

All public asset works shall be constructed in accordance with the accepted construction plans or scheduled of works, Council's Development Construction Specifications and conditions of this consent.

A report containing all quality assurance testing results shall be provided to council.

82. Engineer's certification – development works

Council shall be provided with certification from a suitably qualified and experienced chartered professional engineer (or equivalent) confirming that the gross pollutant facility satisfies the specified performance and acceptance criteria.

83. Works as executed plans

Council shall be provided with the following works as executed plans for all public assets constructed:

- a) A PDF copy of the construction certificate plans clearly marked up to show all variations from the approved design.
- b) AutoCAD DWG or DXF file that includes the as-built details of all works. The map projection in the drawing shall be MGA94 Zone 55 and different infrastructure elements shall be delineated into different drawing layers.

Works as executed plans must be prepared and certified by an experienced Surveyor or Professional Engineer as a complete and accurate record of the work.

84. Road widening

Dedication as Public Road of such land for road widening as is necessary to contain the constructed road, road batters and maintenance areas, over the northern frontage of Lot 949 and 946. A copy of the plan registered with the NSW Land and Property Information dedicating this land as road shall be provided to the Council demonstrating compliance with this requirement.

85. Easement to contain Council owned drainage works

Establishment of easements (as required) to drain water not less than 3.0 metres wide in favour of Council that contain stormwater drainage works within a Council-controlled drainage system. The width of easements to contain overland flow paths will be determined based on the conveyance system for the major event (1 in 100 year ARI) peak flow.

A copy of the plan registered with the NSW Land and Property Information creating this easement shall be provided to the Council demonstrating compliance.

- 86.** The applicant shall consolidate Lot 949 DP 810986 and Lot 946 DP 604076 into one title. The applicant shall also designate 22 car parking spaces on title through an 88B Instrument in favour of Council to satisfy the loss of 18 parking spaces designated on Lot 949 DP 810986 and the loss of 4 on-street parking spaces. The 22 car parking spaces are to be located at grade to the store fronting Main Street. A copy of the 88B Instrument is to be submitted to Council for signing prior to the issue of a construction certificate. The registration of the 88B Instrument shall be lodged and approved at the Lands Title Office prior to the issue of an occupation certificate.

87. Final occupation certificate must be obtained

A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1997* have been satisfied.

Conditions of use/during occupation

88. The operator shall provide Council with a noise verification report within 3 months after occupation of the supermarket and then quarterly for the remainder of a year to establish that the predicted noise levels specified in the Wilkinson Murrays' noise report No.99201-M3 version A dated September 2017 is accurate. Verification of the noise levels shall be;

- By means of attended measurements at the street boundary of the identified residential premises;
- Of a 15 minute duration, a minimum of 3 samples during night time (10pm-7am), with a minimum of one before midnight and one after.
- Taken on 3 days of the same week when deliveries are being conducted, at least two of the days is to include the largest delivery vehicle being used. The size and description of the delivery vehicles are to be noted.

These reports shall be prepared by an appropriately qualified acoustic consultant, who is a member of the Australian Acoustical Association, at the operators cost, and submitted to Council within 14 days of the end of each specified monitoring period.

Should these reports demonstrate that the noise levels specified in the noise report cannot be reliably met, deliveries will be restricted to 7am – 10pm only.

89. Maintain signage at all times

All signs shall be maintained in good order at all times to the satisfaction of Council.

90. Annual fire safety statement – essential fire safety – Class 2-9

The owner of a building, to which an essential fire safety measure is applicable, shall provide Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- a) deal with each essential fire safety measure in the building premises, and
- b) be given:
 - within 12 months after the last such statement was given, or
 - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

91. The lighting of the premises shall be shielded and directed so as not to cause annoyance to the owners or occupiers of adjoining premises or glare to motorists on adjoining or nearby roads.

All lighting (inclusive of signage structures) that is not essential for crime prevention or pedestrian and motorist safety shall be switched off at the close of trading each night to ensure minimal light spill from the site.

92. Extended maintenance responsibility

The developer shall perform all works necessary to maintain all public works erosion and sediment control measures for this development to effectively control potential soil erosion, sedimentation and other environmental impacts until all work has been completed, stabilised, revegetated and authorised for removal.

Regular removal of accumulated material in sediment traps and water quality control ponds is required.

93. Maintenance of gross pollutant facility

The gross pollutant facility constructed as part of the development shall be maintained by the landowner(s) for the life of the development.

Advisory notes

Existing structures

No approval of existing buildings or structures is granted or implied by this consent.

Dial before you dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

National Parks and Wildlife Act

The developer's attention is drawn to the requirements of the National Parks and Wildlife Act with respect to the conservation of Aboriginal archaeology.

As a landowner and/or developer you have a responsibility to not disturb or destroy any such item. Should you become aware of the existence of an item during the construction of this development you are required to comply with the National Parks and Wildlife Act and contact Council or the National Parks and Wildlife Service immediately for guidance in the conservation or collection of the item(s).

Carparking calculations

Car parking requirements have been calculated on the basis of the specified use. Should any change of use be contemplated car parking requirements may need to be re-assessed.

Biosecurity Act 2015

All landowners should be aware of their General Biosecurity Duty under the provisions of the Biosecurity Act 2015 which states; *"any person who deals with biosecurity matter or a carrier and*

who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised”.

For information on Priority Weeds and the South East Regional Strategic Weed Management Plan contact Council’s Vegetation Management Team on 6499 2222.

Change of contact details

It is the applicant’s responsibility to advise Council of any changes to contact details in a timely manner. Council will not be held responsible for any lost documents, delays or missed inspections if any of the details are in any way not up-to-date. Should duplicate documents be required they will incur an additional fee in this circumstance.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact:

Telstra’s Network Integrity Team on Phone Number 1800 810 443

Section 64 Contributions

- a. Section 64 of the Local Government Act authorises the Council to issue Certificates of Compliance under section 307 of the Water Management Act 2000.
- b. Section 64 of the Local Government Act authorises the Council under section 306 of the Water Management Act 2000 to impose a pre-condition on the grant of a Certificate of Compliance requiring payment of a specified amount by way of contribution towards the cost of water management works.
- c. Section 64 contributions are calculated in accordance with Councils Development Servicing Plans (DSP) for Water Supply and Sewerage.
- d. The development has been assessed as imposing an additional load of 2.37 ET to the water supply system and 2.37 ET to the sewerage network. The payment due will be calculated at the rate specified in Council’s adopted Fees and Charges *at the time of payment*.
- e. Under Councils adopted Fees and Charges for the 2017/18 financial year the current contribution per ET for Water is \$8,324.00 and for Sewer is \$11,653.00.
- f. Copies of the DSP and relevant forms are available at Councils office and on the internet.

Reasons for conditions

The above conditions are in the public interest to reduce any potential environmental impact and to ensure the proposed development complies with:

- the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations
- any environmental planning instruments applying to the subject land
- Council’s codes and policies
- *Section 94/94A Development Contribution Plan* and *Tree Preservation Order*.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you, the applicant, the right to appeal to the Land and Environment Court within 12 months after the date you receive this notice or the date the application was determined under Section 82(1).

Section 97 of the *Environmental Planning and Assessment Act 1979* does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.

For the purposes only of Section 97 of the Environmental planning and Assessment Act 1979, if this consent is a deferred commencement consent under Section 80(3) of the Act, Council is deemed to have notified the applicant that Council is not satisfied as to the deferred commencement conditions after 28 days from the date the applicant has provided the applicant's evidence.

Review of determination

Section 82A of the *Environmental Planning and Assessment Act 1979* gives you, the applicant, the right to request the Council to review the determination of your application. This request must be made within sufficient time so as to allow Council to determine the application within the time prescribed by Section 82(a)(2A) and be accompanied by the fee prescribed by Section 257 of the Environmental Planning and Assessment Regulation 2000. Review provisions do not apply to a determination:

- a) to issue or refuse to issue a complying development certificate, or
- b) in respect of designated development, or
- c) in respect of integrated development, or
- d) made by the Council under Section 116E in respect of an application by the Crown.

Mark Fowler

Town Planner

FOR BEGA VALLEY SHIRE COUNCIL



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1105740
Issue date of GTA: 04 May 2018
Type of Approval: Controlled Activity
Description: Demolition and construct Aldi Supermarket
Location of work/activity: 103, 105-107 Main Street MERIMBULA
DA Number: DA421/2017
LGA: Bega Valley Shire Council
Water Sharing Plan Area: Towamba River Unregulated and Alluvial Water Sources

The GTA issued by DPI Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to DPI Water for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to DPI Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
Plans, standards and guidelines	
GT0002-00312	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 2017.421 provided by Council to DPI Water. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, DPI Water, Nowra Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0010-00001	All documents submitted to DPI Water as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0012-00001	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by DPI Water.
GT0030-00002	The application for a controlled activity approval must include plans prepared in accordance with DPI Water's guidelines located on the website www.water.nsw.gov.au go to Water licensing > Approvals > Controlled Activities.
GT0032-00010	The application for a controlled activity approval must include the following document(s): A. Site plan showing the clear demarcation of waterfront land. B. Design details and plans for all works/activities proposed on waterfront land. C. Construction Management Plan including erosion and sediment control measures, a schedule & sequence of works and site rehabilitation.
Rehabilitation and maintenance	
GT0023-00001	Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by DPI Water for integrated development associated with DA421/2017 as provided by Council:

- - Development Application 2017.421 from Bega Valley Shire Council dated 9 March 2017.
- - Statement of Environmental Effects (SEE) by Milestone dated October 2017.
- - Revised DA package and Addendum to SEE by Milestone dated 2nd March 2018.

Appendix 2



**SURVEYS CONDUCTED BY:
CADDEY SEARL & JARMAN CONSULTING SURVEYORS ON
30/05/2017 AND 01/09/2017**

rothelowman

Brisbane, Melbourne, Sydney
www.rothelowman.com.au

Revisions	P4	14.09.17	For Client Review
	P5	18.09.17	Draft D.A.
	P6	25.09.17	Internal review
	P7	26.09.17	Client Review prior D.A. submission
		27.09.17	D.A Submission

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Project / **MERIMBULA ALDI**Drawing / **SITE SURVEY**

Project No/ **216142** Date/ **14/08/17**

Author / **JC**

Scale: @ A1 / **1 : 500**

Drawing No. / **TP00.02 P7**

103 MAIN STREET,
MERIMBULA, NSW, 2548

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CAR SPACES	
LEVEL BASEMENT	38
LEVEL STORE	51
	89

Revisions		
P11	26.09.17	Client Review prior D.A. submission
P12	27.09.17	D.A. Submission
P13	30.01.18	Amended Carpark Layout
P14	05.02.18	To Planners for D.A. re-submission
P14	28.02.18	D.A. Re-submission

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Project / **MERIMBULA ALDI**

Drawing / **SITE PLAN**

Project No. / **216142** Date / **01/05/17**

Author / **JC**

Scale: @ A1 / **1 : 500**

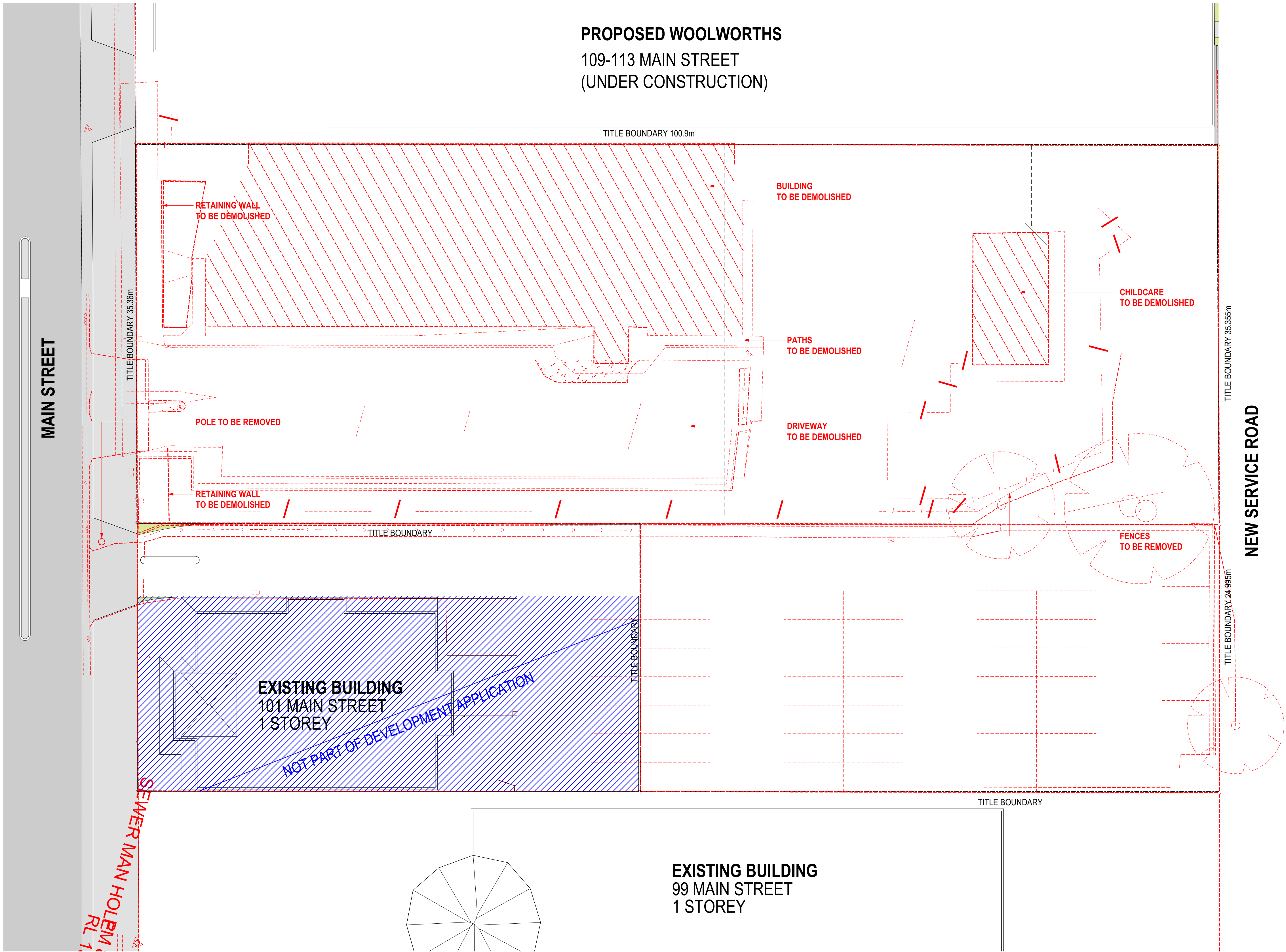
Drawing No. / **TP00.01 P14**

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DEMOLITION NOTES

CONTRACTOR TO CONFIRM EXISTING CONDITIONS ON SITE.

CONTRACTOR TO DEMOLISH EXISTING STRUCTURE/REMOVE ALL MATERIALS, CUT AND SEAL SERVICES AS REQUIRED IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS AND A.S. CODES FOR THAT TRADE U.N.O

PROTECTION OF WORKS AS REQUIRED BY LOCAL AUTHORITIES

CLEANING OF SITE TO EPA REQUIREMENTS BY CONTRACTOR

ASBESTOS
CONTRACTOR TO ALLOW FOR COMPLETE DEMOLITION & REMOVAL OF ALL ASBESTOS PRODUCTS. ALL ASBESTOS PRODUCTS TO BE REMOVED & HANDLED AS PER RELEVANT AUSTRALIAN STANDARDS

EXTENT OF DEMOLITION WORK AS INDICATED ON THIS DRAWING & HERITAGE CONSULTANTS DRAWINGS & SPECIFICATIONS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

REMOVAL/DEMOLITION OF ALL EXISTING FLOOR/SLABS & FOOTINGS, EXTERNAL AND INTERNAL WALLS, WINDOWS, DOORS, CLADDING, GUTTERS, DOWNPIPES, RAINWATER HEADS, CAPPINGS, FLASHING GUTTER BOARD SUPPORTS ETC. U.N.O

REMOVAL/DEMOLITION OF ALL EXISTING WORKS INCLUDING BUT NOT LIMITED TO EXTERNAL STEPS, PATHS, CARPARKS, PLANTERS & LANDSCAPING, GATES, FENCES, GARDEN WALLS, RETAINING WALLS, BOLLARDS, LIGHT BLADES SIGNS, COLUMNS ETC. U.N.O

REMOVAL/DEMOLITION OF ALL EXISTING FIXTURES AND FITTINGS INCLUDING BUT NOT LIMITED TO LIGHTS, TAPS, BASINS, WCS ETC. DISCONNECTION & REMOVAL OF EXISTING SERVICES TO BE UNDERTAKEN BY APPROPRIATE CONTRACTORS

CONTRACTOR TO MAKE GOOD DAMAGE TO ADJOINING BUILDINGS, PAVEMENT, LANEWAYS, ROADS, FENCES, KERBS, CHANNELS, SERVICES, STREET FURNITURE, CARSPACE MARKINGS ETC. (IE. ANY ADJOINING OBJECTS/MATERIALS NOT WITHIN SITE BOUNDARY) RESULTING FROM DEMOLITION WORKS.

ALL REPAIRS TO AUTHORITY REQUIREMENTS OR TO CONDITION PRIOR TO DEMOLITION. CONTRACTORS ARE RESPONSIBLE FOR RELOCATION AND CO-ORDINATION OF ROAD CARPARKING MARKINGS, TICKET MACHINES ETC.

PRELIMINARY
PRECAUTIONARY MEASURES TO BE UNDERTAKEN AS DESCRIBED IN AS.2601-2001. A "HAZARDOUS SUBSTANCES MANAGEMENT PLAN" IS TO BE IMPLEMENTED BEFORE AND DURING DEMOLITION IF THE PRELIMINARY INVESTIGATION OF THE BUILDING IDENTIFIES ANY HAZARDOUS MATERIALS CONTAINED THEREIN. THESE MATERIALS WILL BE REMOVED AS PER THE GUIDELINES OF THE RESPONSIBLE AUTHORITY AND CLEARANCE CERTIFICATE OBTAINED BEFORE DEMOLITION COMMENCES.

SAFETY FENCING
SECURITY FENCES SHALL BE PROVIDED TO THE STREET BOUNDARY OF THE DEMOLITION SITE AND ANY ADDITIONAL PRECAUTIONARY MEASURES, TAKEN AS MAY BE NECESSARY TO PREVENT UNAUTHORISED ENTRY TO THE SITE, WHERE THE DEMOLITION SITE ADJOINS A PUBLIC THOROUGHFARE THE COMMON BOUNDARY BETWEEN THEM SHALL BE FENCED FOR ITS FULL LENGTH WITH A HOARDING UNLESS THE LEAST HORIZONTAL DISTANCE BETWEEN THE COMMON BOUNDARY AND THE NEAREST PART OF THE STRUCTURE IS GREATER THAN TWICE THE HEIGHT OF THE STRUCTURE. THE FENCING SHALL BE THE EQUIVALENT OF THE CHAIN WIRE AS SPECIFIED IN AS.1725

NOTICES LETTERED IN ACCORDANCE WITH AS.1319 AND DISPLAYING THE WORDS "WARNING DEMOLITION IN PROGRESS", OR SIMILAR, SHALL BE FIXED TO THE FENCING AT APPROPRIATE PLACES TO WARN THE PUBLIC. PROVISION SHALL BE MADE FOR READY ACCESS TO THE SITE BY EMERGENCY SERVICES PERSONNEL IN THE EVENT OF FIRE OR ACCIDENT

DEMOLITION WORK
STRUCTURES SHALL BE DEMOLISHED IN THE REVERSE ORDER TO THAT OF THEIR CONSTRUCTION. THE ORDER OF DEMOLITION FOR BUILDINGS SHALL BE PROGRESSIVE, STOREY BY STOREY, HAVING PROPER REGARD TO THE TYPE OF CONSTRUCTION. NO PART OF ANY STRUCTURE SHALL BE LEFT UNSUPPORTED OR UNATTENDED IN SUCH A CONDITION THAT IT MAY COLLAPSE OR BECOME DANGEROUS. PRECAUTIONS SHALL BE TAKEN TO ENSURE THAT THE STABILITY OF ALL PARTS OF THE STRUCTURE, AND THE SAFETY OF PERSONS ON AND OUTSIDE THE SITE, WILL BE MAINTAINED IN THE EVENT OF SUDDEN AND SEVERE WEATHER CHANGES.

WALLS ON THE BOUNDARIES ARE TO BE DEMOLISHED IN A SAFE AND WORKMANSHIP LIKE MANNER. WALLS SHALL NOT BE LATERSALLY LOADED BY ACCUMULATED DEBRIS OR RUBBLE, TO THE EXTENT THAT THEY ARE IN DANGER OF COLLAPSE. ALLOWABLE LOADING OF THE SUSPENDED FLOORS SHALL BE DETERMINED BY AN INDEPENDENT STRUCTURAL ENGINEER.

DUST CONTROL
THE TECHNIQUES ADOPTED FOR STRIPPING OUT AND FOR DEMOLITION SHALL MINIMISE THE RELEASE OF DUST INTO THE ATMOSPHERE. BEFORE THE COMMENCEMENT OF STRIPPING OR DEMOLITION IN AN AREA OF A STRUCTURE, ANY EXISTING ACCUMULATIONS OF DUST IN THAT AREA SHALL BE COLLECTED, PLACED IN SUITABLE CONTAINERS AND REMOVED. SELECTION OF AN APPROPRIATE COLLECTION TECHNIQUE, SUCH AS VACUUMING OR HOISING DOWN, SHALL TAKE DUE ACCOUNT OF THE NATURE OF THE DUST AND THE TYPE OF HAZARD IT PRESENTS. DUST GENERATED DURING STRIPPING, OR DURING THE BREAKING DOWN OF THE BUILDING FABRIC TO REMOVABLE SIZED PIECES, SHALL BE KEPT DAMP UNTIL IT IS REMOVED FROM THE SITE OR CAN BE OTHERWISE CONTAINED. THE USE OF EXCESS WATER FOR THIS PURPOSED SHALL BE AVOIDED.

NOISE CONTROL
NOISE SHALL BE MINIMISED AS FAR AS PRACTICABLE, BY THE SELECTION OF APPROPRIATE METHODS AND EQUIPMENT, AND BY THE USE OF SILENCING DEVICES WHEREVER PRACTICABLE TO EPA/CODE REQUIREMENTS.

NOTE:
1. ATTENTION IS DRAWN TO RECOMMENDATIONS IN AS.2436
2. HOURS OF OPERATING EQUIPMENT MAY BE RESTRICTED BY REGULATORY AUTHORITY

FIRE SERVICES
WHERE A FIRE HYDRANT SERVICE OR A FIRE HOSE REEL SERVICE IS PROVIDED IN A BUILDING, IT SHALL BE AVAILABLE AT ALL TIMES DURING THE DEMOLITION OF THE BUILDING, SO THAT ALL REMAINING STOREYS EXCEPT THE TWO UPPERMOST STOREYS, ARE, SERVICED. ACCESS TO THE FIRE PROTECTION SERVICES, INCLUDING ANY BOOSTER FITTING, SHALL BE MAINTAINED AT ALL TIMES. IF A SPRINKLER SYSTEM IS INSTALLED IN A BUILDING TO BE DEMOLISHED, IT SHALL BE MAINTAINED IN AN OPERABLE CONDITION AT EACH STOREY BELOW THE TWO UPPERMOST UNSTRIPPED STOREYS.

SUITABLE PORTABLE FIRE EXTINGUISHERS SHALL BE KEPT AT ALL TIMES IN WORKING AREA AND ARE NOT PROTECTED BY OTHER FIRE SERVICES, AND MAINTAINED IN AN OPERABLE CONDITION.

ADJOINING PROPERTIES
SAFE ACCESS TO AND EGRESS FROM ADJOINING BUILDINGS SHALL BE MAINTAINED AT ALL TIMES FOR THE DURATION OF THE DEMOLITION WORK. NO DEMOLITION ACTIVITY SHALL CAUSE DAMAGE TO OR ADVERSELY AFFECT THE STRUCTURAL INTEGRITY OF ADJOINING BUILDINGS. THE EFFECTS OF VIBRATION AND CONVERSION ON ADJOINING BUILDINGS AND THEIR OCCUPANTS SHALL BE MINIMISED BY SELECTING DEMOLITION METHODS AND EQUIPMENT APPROPRIATE TO THE CIRCUMSTANCES. WHERE ANY SURFACE OF AN ADJOINING BUILDING IS EXPOSED BY DEMOLITION, THE NEED FOR WEATHERPROOFING THE EXPOSED SURFACE SHALL BE INVESTIGATED AND TEMPORARY OR PERMANENT PROTECTION PROVIDED AS APPROPRIATE. PRECAUTIONS SHALL BE TAKEN TO MINIMISE THE SPREADING OF MUD AND DEBRIS BY VEHICLES LEAVING THE SITE.

GENERAL
OPENINGS IN EXISTING WALLS AND FLOORS, THROUGH WHICH THERE IS A RISK OF PERSONS FALLING TO LOWER LEVEL, SHALL BE EITHER PROPERLY GUARDED OR BOARDED OVER AND THE BOARDING SECURED AGAINST UNAUTHORISED OR ACCIDENTAL REMOVAL. PRECAUTIONS SHALL BE TAKEN TO PREVENT GLASS FROM FALLING ON ANY PERSON IN OR OUTSIDE THE BUILDING. DEMOLISHED MATERIAL SHALL NOT BE ALLOWED TO FALL FREELY OUTSIDE THE STRUCTURE UNLESS IT IS CONFINED WITHIN A CHUTE OR SIMILAR ENCLOSURE, WHICH IS CLEAR OF OBSTRUCTIONS TO OBJECTS FALLING FREELY.

DEMOLISHED MATERIAL SHALL BE REMOVED PROGRESSIVELY FROM THE SITE AND AT ANY TIME, SHALL NOT BE ALLOWED TO ACCUMULATE TO THE EXTENT THAT IT PRESENTS A HAZARD TO THE PUBLIC OR TO SITE PERSONNEL.

ALL DRAWINGS TO BE READ IN CONJUNCTION WITH HERITAGE CONSULTANTS DRAWINGS AND SPECIFICATIONS

SITE PROTECTION/SHORING LEGEND
PERMANENT SITE SHORING
TEMPORARY SITE SHORING
NOTE:
REFER STRUCTURAL ENGINEERS DRAWINGS FOR ALL SITE PROTECTION AND SHORING DETAILS

NOTE: SEE CIVIL ENGINEERS DRAWING FOR EXTENT OF DEMOLITION

Revisions	P1	14.09.17	For Client Review
	P2	18.09.17	Draft D.A.
	P3	25.09.17	Internal review
	P4	26.09.17	Client Review prior D.A. submission
		27.09.17	D.A Submission

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LEGEND



TREES TO BE REMOVED

STRUCTURES TO BE DEMOLISHED

Project **MERIMBULA ALDI**

103 MAIN STREET,
MERIMBULA, NSW, 2548

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Drawing **DEMOLITION PLAN**

Project No. **216142**

Date **12/09/17**

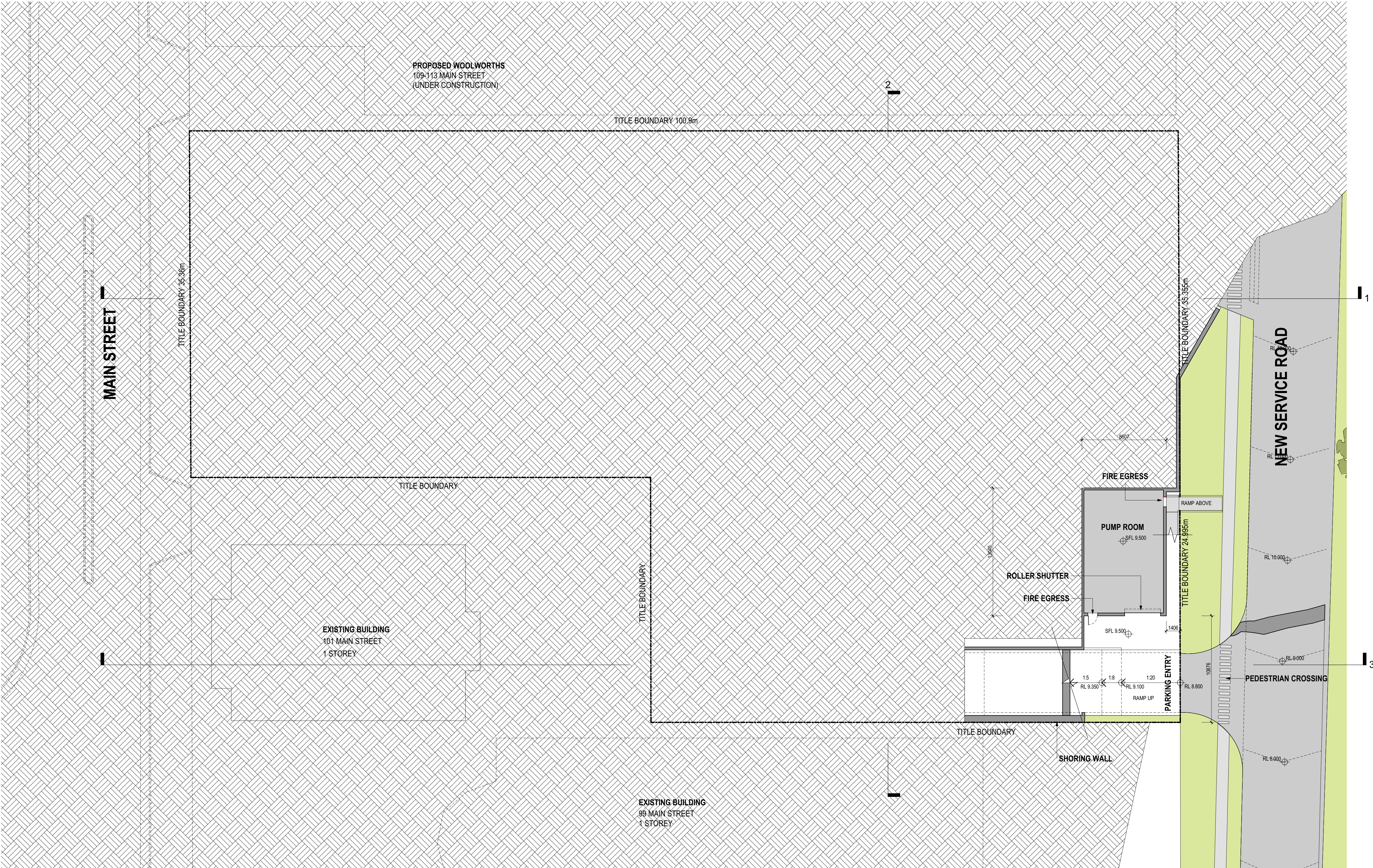
Author **JN**

Scale: @ A1 **1 : 200**

Drawing No. **TP00.03 P4**

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Revisions	
P5	18.09.17 Draft D.A.
P6	25.09.17 Coordination
P7	25.09.17 Internal review
P8	26.09.17 Client Review prior D.A. submission
	27.09.17 D.A Submission

AK
JM
JM
JM
AK

Project / **MERIMBULA ALDI**

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Drawing / **LEVEL NEW SERVICES
RD PLAN**

Project No / **216142**

Date / **14/08/17**

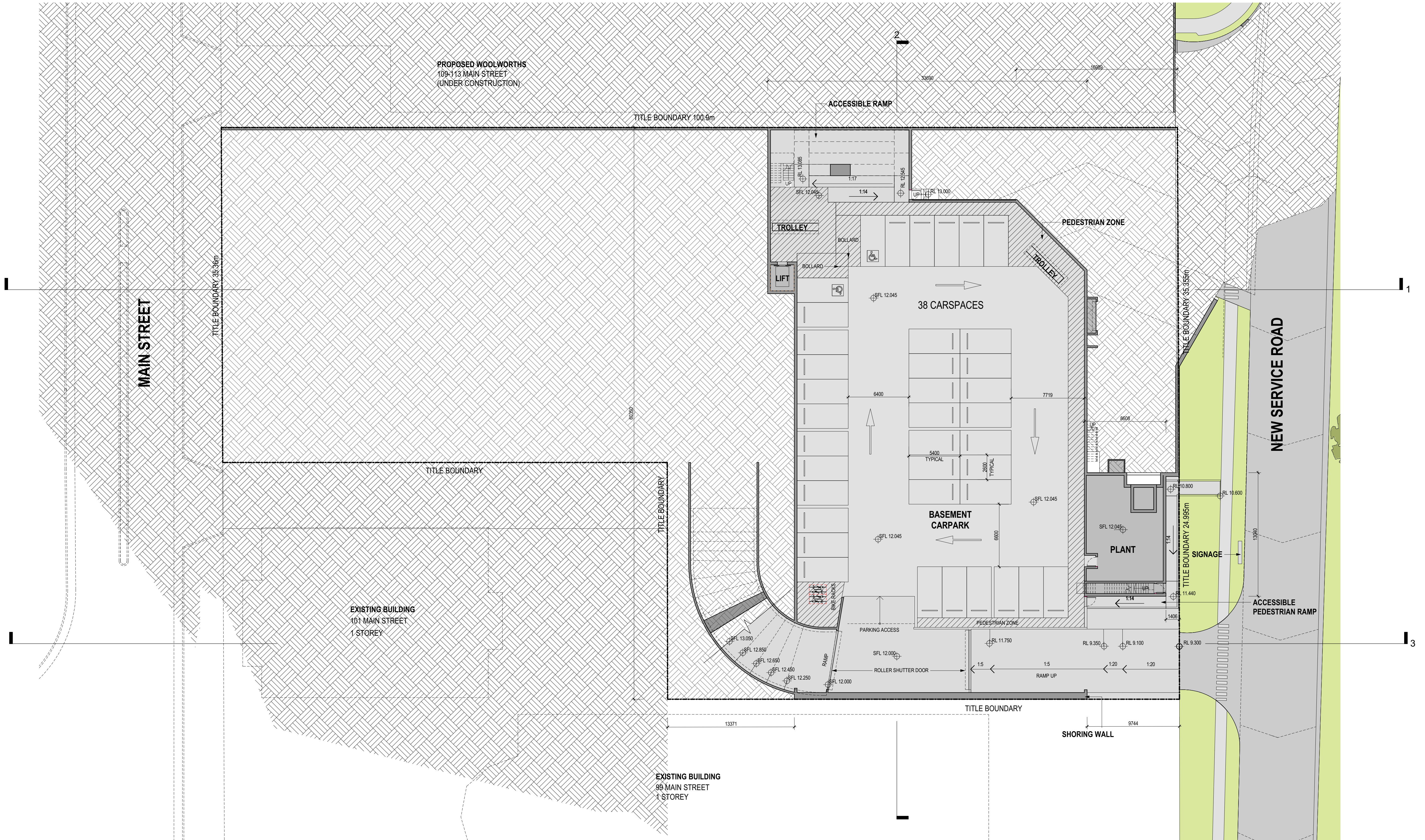
Author / **JC**

Scale: @ A1 / **1 : 200**

Drawing No. / **TP01.01 P8**

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CAR SPACES	
LEVEL BASEMENT	38
LEVEL STORE	51
89	

Revisions	P12	26.09.17	Client Review prior D.A. submission	JM
		27.09.17	D.A. Submission	AK
	P13	05.02.18	To Planners for D.A. re-submission	JM
	P14	28.02.18	D.A. Re-submission	JM
	P15	01.03.18	D.A. Re-submission	JM

1/03/2018 12:59:31 PM

Project **MERIMBULA ALDI**

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Drawing **LEVEL BASEMENT
PLAN**

Project No **216142** Date **03/05/17**

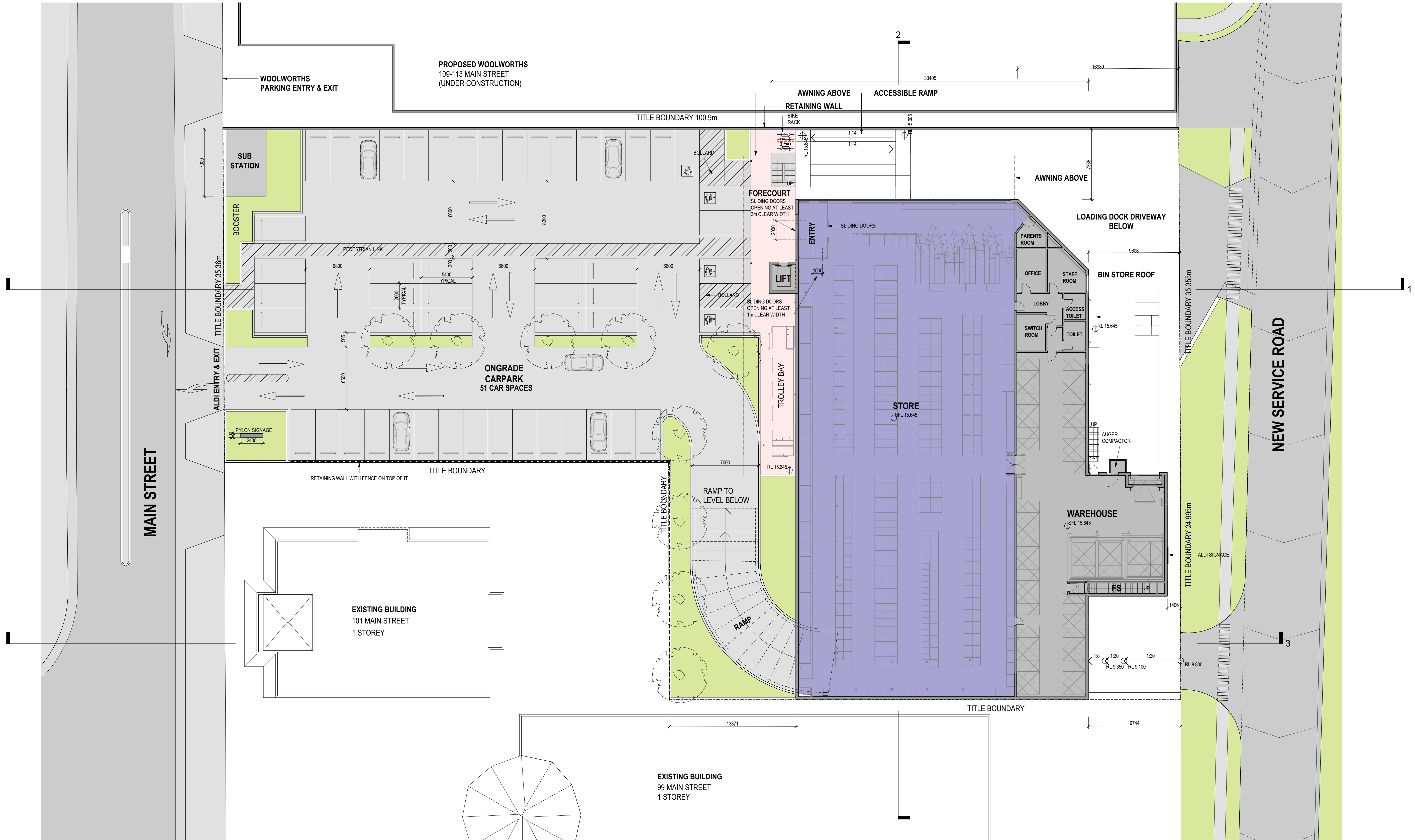
Author **JC**

Scale: @ A1 **1 : 200**

Drawing No **TP01.02 P15**

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Revisions			
	27.09.17	D.A Submission	AK
P13	30.01.18	Amended Carpark Layout	JM
P14	05.02.18	To Planners for D.A. re-submission	JM
P15	15-02-18	For Civil and Landscape coordination	JM
P16	28.02.18	D.A. Re-submission	JM

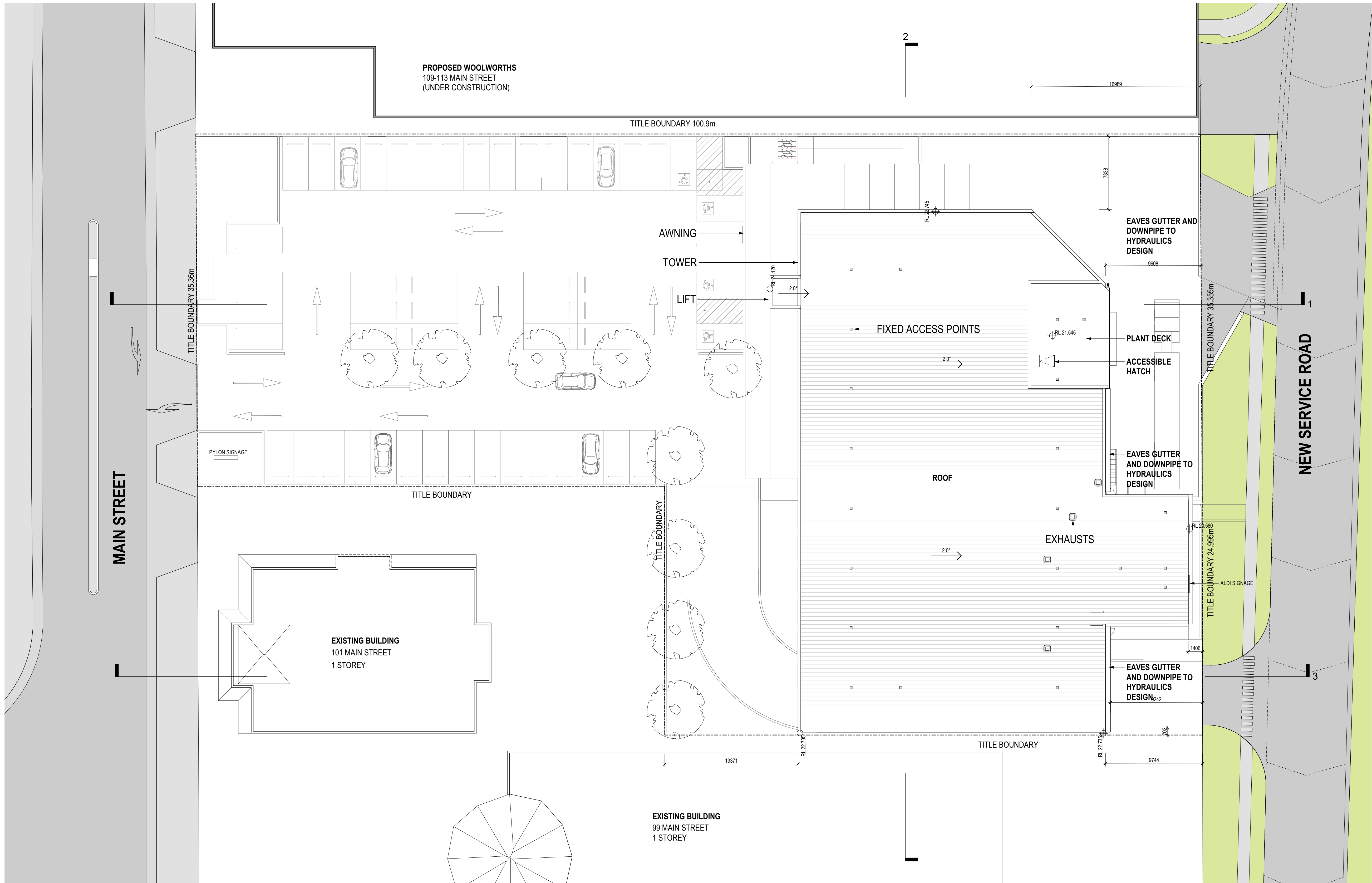
Project / **MERIMBULA ALDI** Drawing / **LEVEL STORE PLAN** Project No. / **216142** Date / **01/05/17** Author / **JC**

Scale: @ A1 / **1 : 200** Drawing No. / **TP01.04 P16**

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Revisions	
P7	25.09.17 Internal review
P8	26.09.17 Client Review prior D.A. submission
P9	27.09.17 D.A Submission
P9	05.02.18 To Planners for D.A. re-submission
P10	28.02.18 D.A. Re-submission

JM
JM
AK
JM
JM

Project / **MERIMBULA ALDI**

Drawing / **ROOF PLAN**

Project No / **216142** Date / **29/06/17**

Author / **JC**

Scale: @ A1 / **1 : 200**

Drawing No. / **TP01.05 P10**

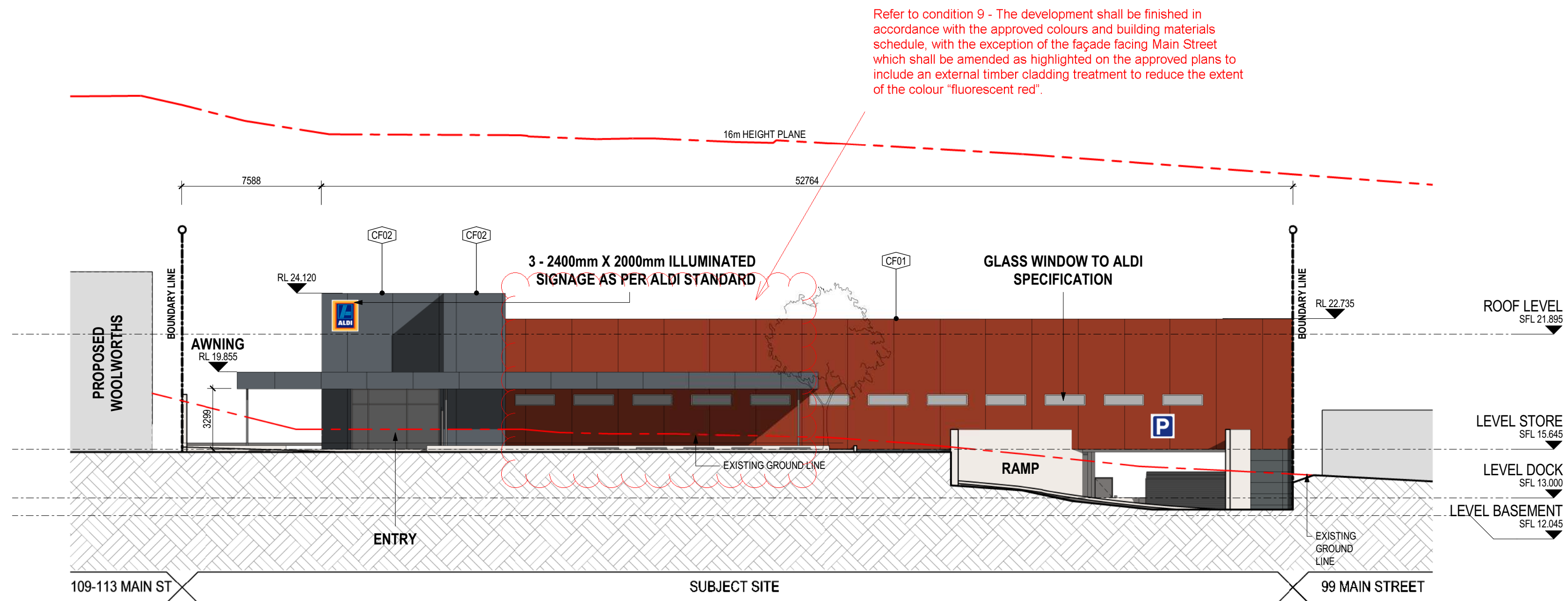
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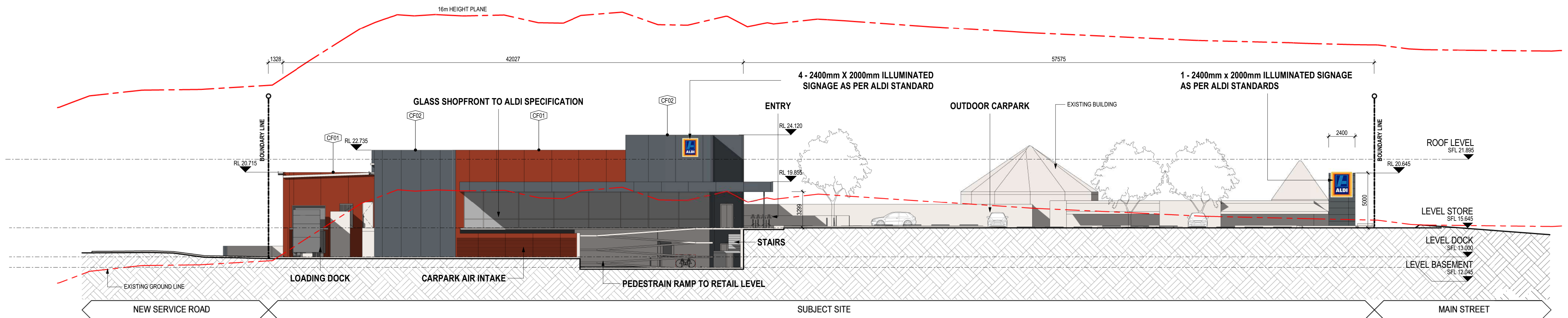
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South Building Elevation



West Elevation



Revisions	P10 25.09.17 Internal review	JM
	P11 26.09.17 Client Review prior D.A. submission	JM
	27.09.17 D.A. Submission	AK
	10.10.17 D.A. Submission: Notes Added Regarding Signage	AK

10/10/2017 11:07:34 AM

FINISHES
REFER TO MATERIAL SELECTIONS FOR
DESCRIPTION AND COLOUR

(MF01)	METAL FINISH TYPE 01
(CF01)	CONCRETE FINISH TYPE 01
(CF02)	CONCRETE FINISH TYPE 02

Project
MERIMBULA ALDI

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Drawing
ELEVATIONS

Project No
216142 Date
03/05/17

Author
AK

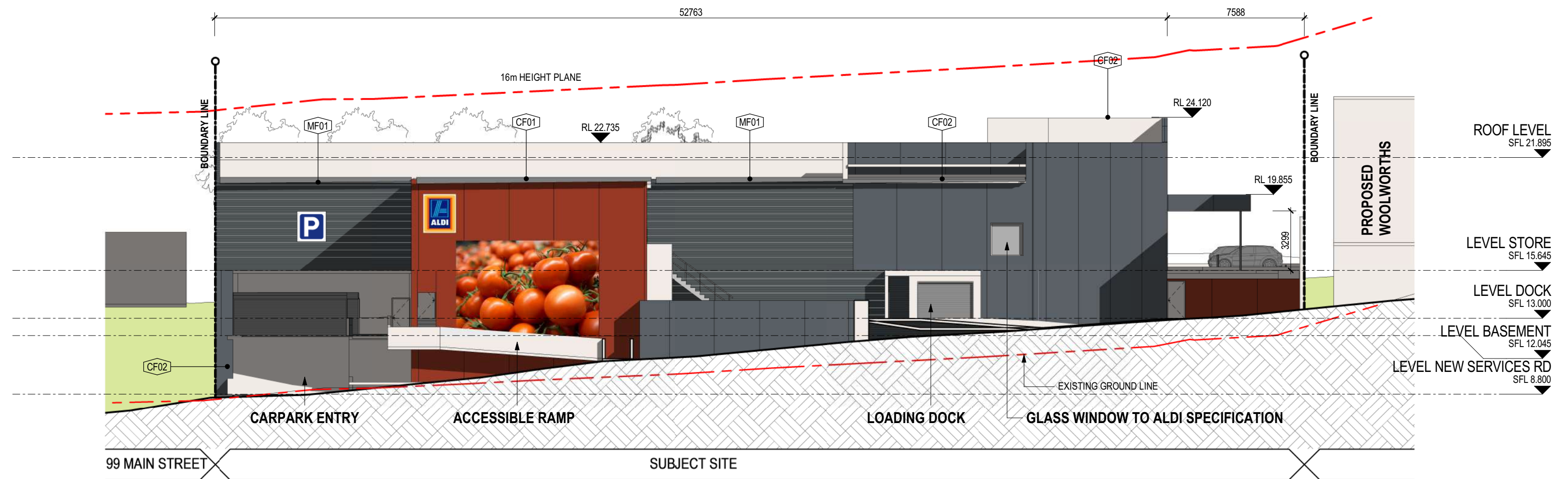
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Drawing No.
TP02.01 P11

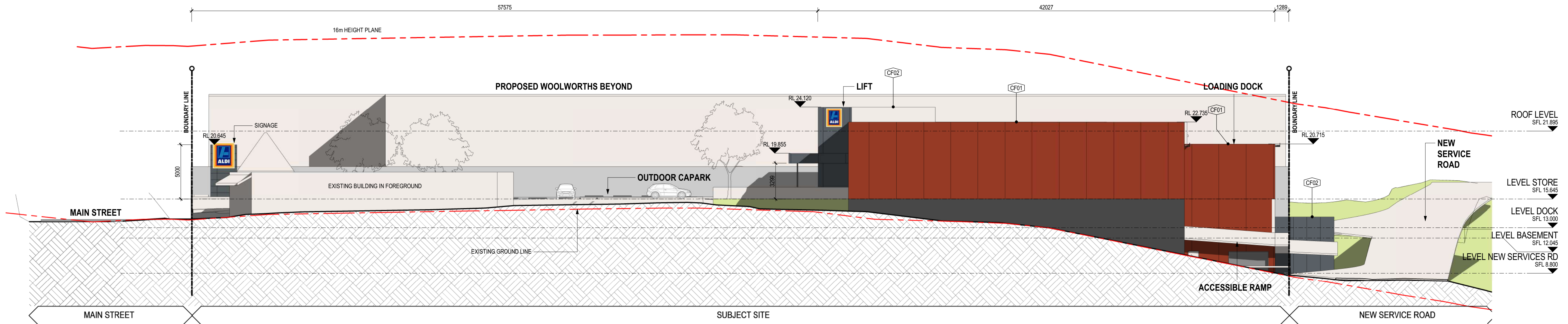
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North Elevation



East Elevation



Revisions	P1	18.09.17	Draft D.A.
	P2	25.09.17	Internal review
	P3	26.09.17	Client Review prior D.A. submission
		27.09.17	D.A Submission

AK
JM
JM
AK

FINISHES
REFER TO MATERIAL SELECTIONS FOR
DESCRIPTION AND COLOUR

- (MF01) METAL FINISH TYPE 01
- (CF01) CONCRETE FINISH TYPE 01
- (CF02) CONCRETE FINISH TYPE 02

Project / **MERIMBULA ALDI**

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Drawing / **ELEVATIONS**

Project No / **216142** Date / **18/09/17**

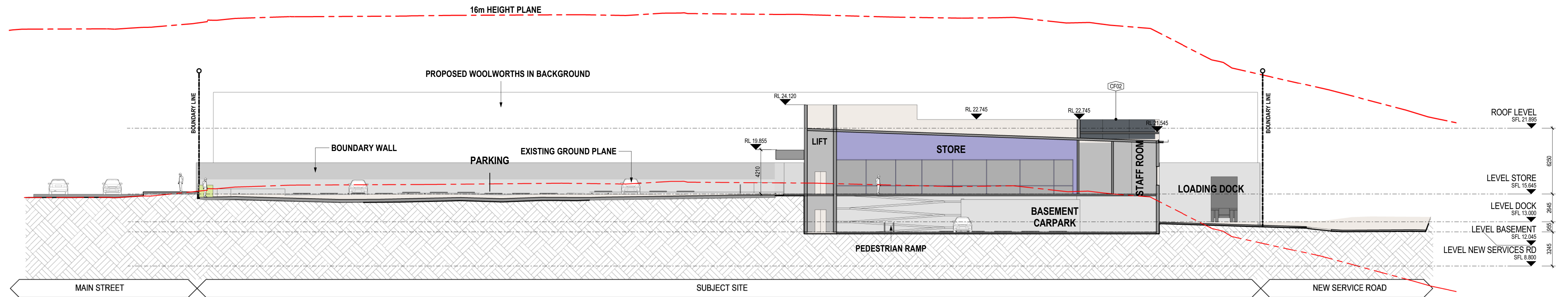
Author / **AK**

Scale: @ A1 / **1 : 200**

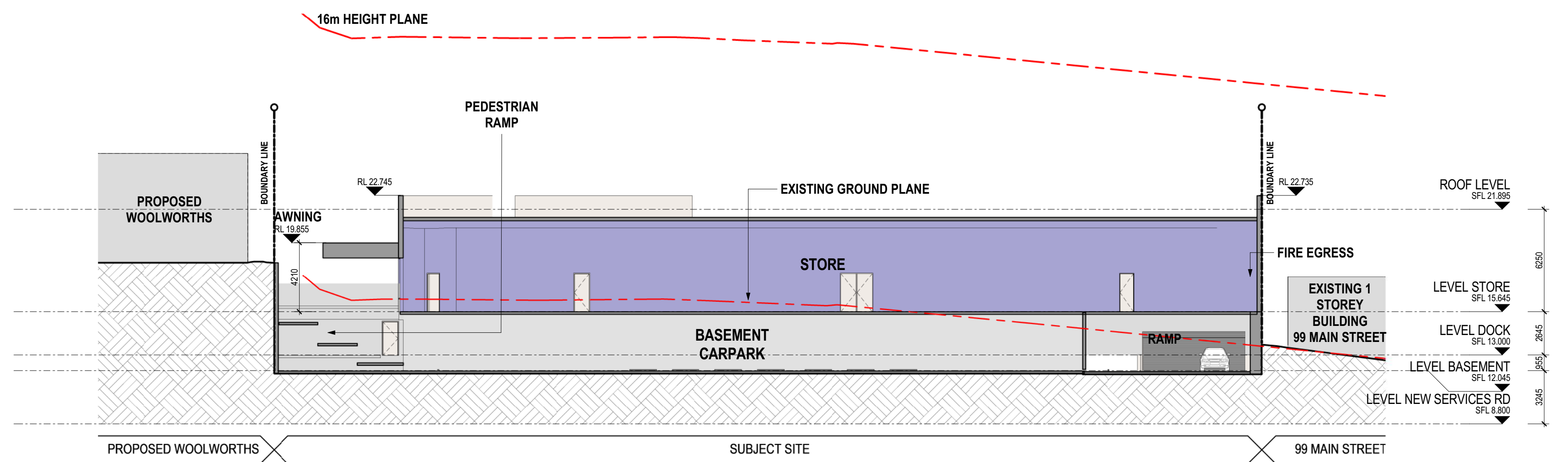
Drawing No. / **TP02.02 P3**

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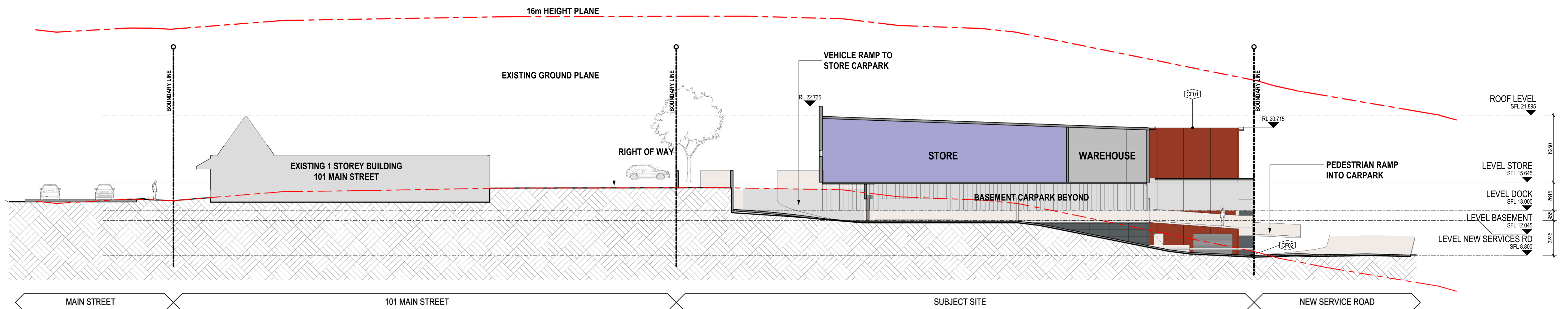
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Section 1



Section 2



Section 3

Revisions			
P9	25.09.17	Internal review	JM
P10	26.09.17	Client Review prior D.A. submission	JM
P11	27.09.17	D.A. Submission	AK
P11	05.02.18	To Planners for D.A. re-submission	JM
P12	28.02.18	D.A. Re-submission	JM

28/02/2018 4:08:05 PM

FINISHES	
REFER TO MATERIAL SELECTIONS FOR DESCRIPTION AND COLOUR	
(MF01)	METAL FINISH TYPE 01
(CF01)	CONCRETE FINISH TYPE 01
(CF02)	CONCRETE FINISH TYPE 02

Project / **MERIMBULA ALDI**

Drawing / **SECTIONS**

Project No / **216142** Date / **01/05/17**

Author / **AK**

Scale: @ A1 / **1 : 200**

Drawing No. / **TP03.01 P12**

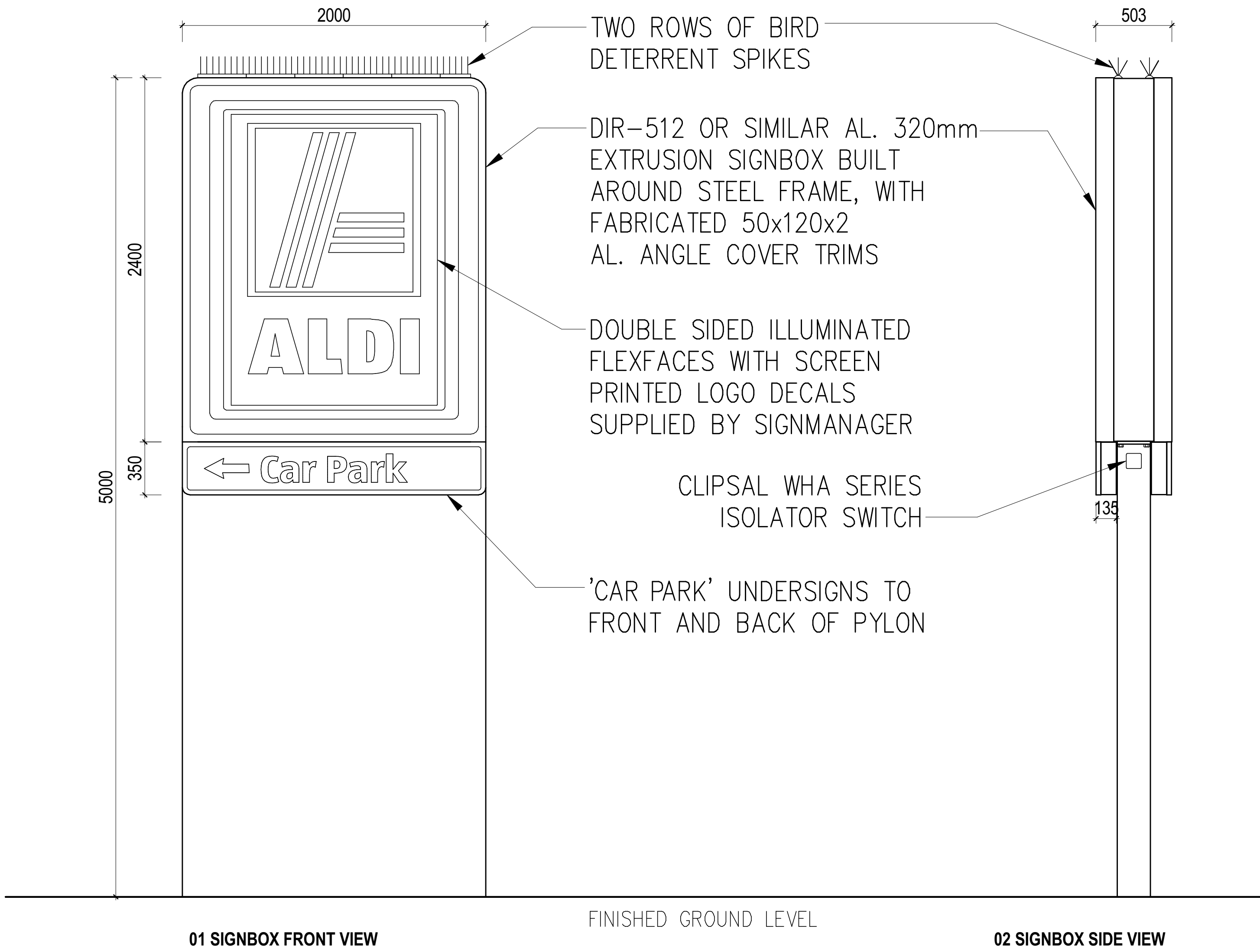
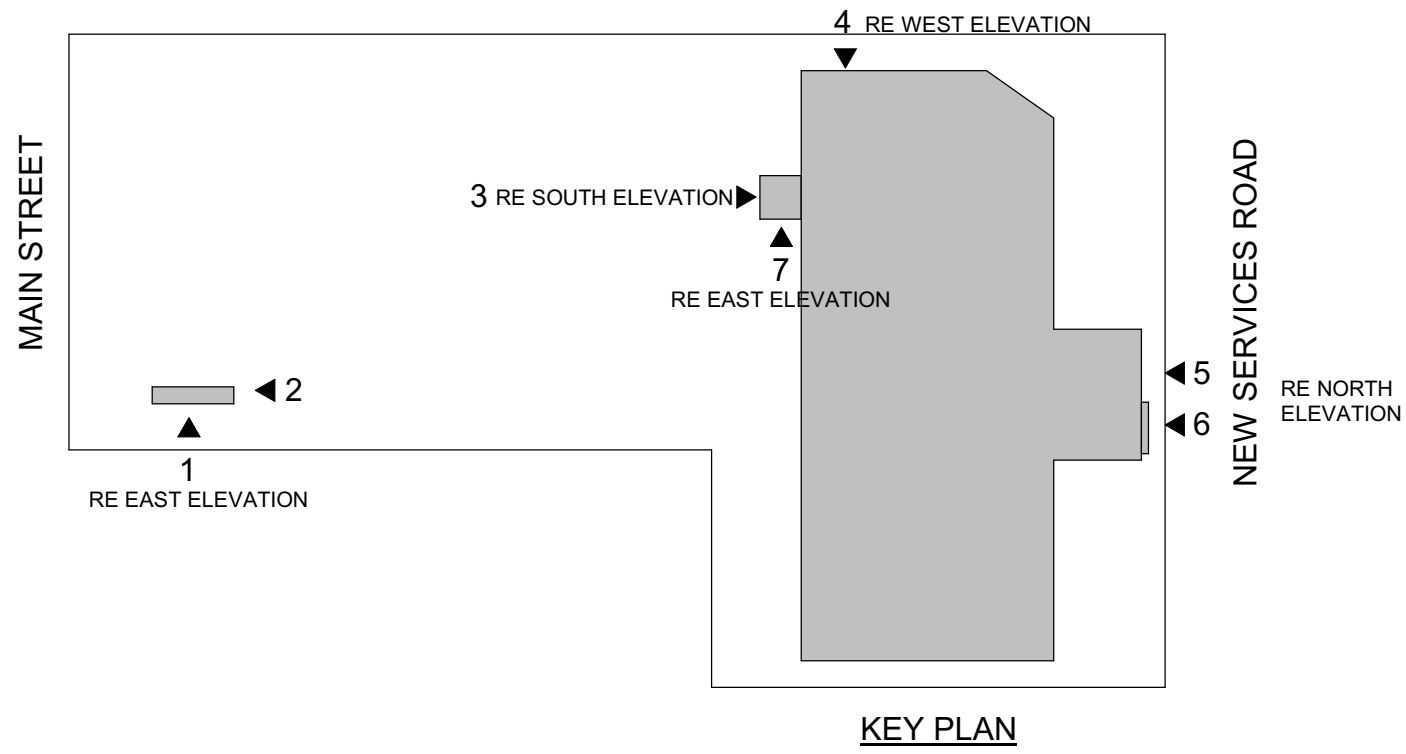
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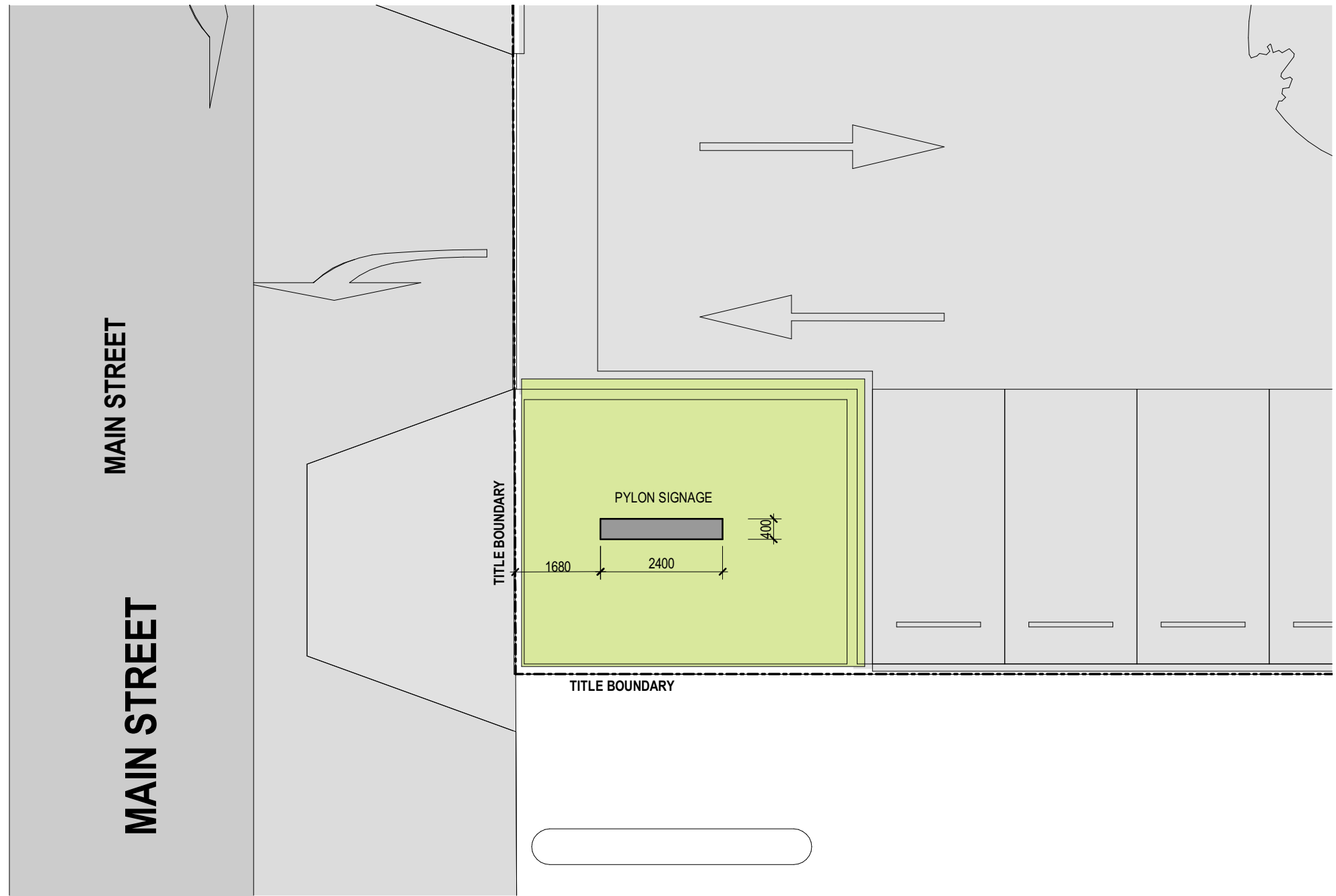
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- FOR ILLUMINATED SIGNAGE FIXED ON WALLS, REFER TO ELEVATIONS AS PER KEY PLAN
- FOR SIGNAGE BOX, REFER TO THIS DRAWING
- FOR STATUTORY SIGNAGE, REFER TO ALDI STANDARD DOCUMENTS PRODUCED BY SIGNMANAGER



ALDI SIGNAGE DETAIL



ALDI SIGNAGE - MAIN STREET

Revisions	27.09.17 D.A. Submission	AK
	10.10.17 D.A. Submission: Notes Added Regarding Signage	AK
P5	05.02.18 To Planners for D.A. re-submission	JM
P6	28.02.18 D.A. Re-submission	JM

28/02/2018 4:08:07 PM

Project MERIMBULA ALDI

Drawing SIGNAGE PLAN

Project No. 216142

Date 09/13/17

Author JN

Scale: @ A1

As indicated

Drawing No. TP04.03 P6



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ALDI Merimbula

103 Main St, Merimbula, NSW 2548

Development Application

DRAWINGS

DWG NO.	DRAWING TITLE	SCALE
000	COVER SHEET	
101	LANDSCAPE PLAN	1:150
501	LANDSCAPE DETAILS	AS SHOWN

PROPOSED LANDSCAPE AREAS

307m²	REVISED SUBMISSION
(REV D)	
284m²	PREVIOUS DA SUBMISSION
(REV B)	

PLANT SCHEDULE							
Symbol	Botanical Name	Common Name	Height Metres	Width	Pot Size	Spacing	Quantity
Trees							
TI	<i>Tristaniopsis laurina</i>	Water Gum	8	5	100L	As Shown	13
Shrubs and Accents							
Pc	<i>Phormium cookianum</i>	Mountain Flax	1	1	300mm	As Shown	60
PgR	<i>Photinia glabra</i> 'Rubens'	Photinia Rubens	3	2	300mm	As Shown	81
Groundcovers							
DB	<i>Dianella caerulea</i> 'Breeze'	Dianella Breeze	0.6	0.6	150mm	5/m2	723
Gt	<i>Gazania tomentosa</i>	Silver Leaf Gazania	0.2	0.5	150mm	5/m2	512

NOT FOR CONSTRUCTION

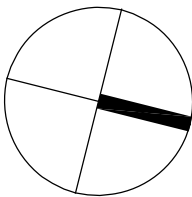
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The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

D	Architectural Coordination	LM	NM	01.03.2018
C	Architectural Coordination	JM	NM	09.02.2018
B	Architectural Coordination	JW	NM	26.09.2017
A	For Comment	JW	NM	28.08.2017
Issue	Revision Description	Drawn	Check	Date

LEGEND

Key Plan:



Client:
ALDI STORES

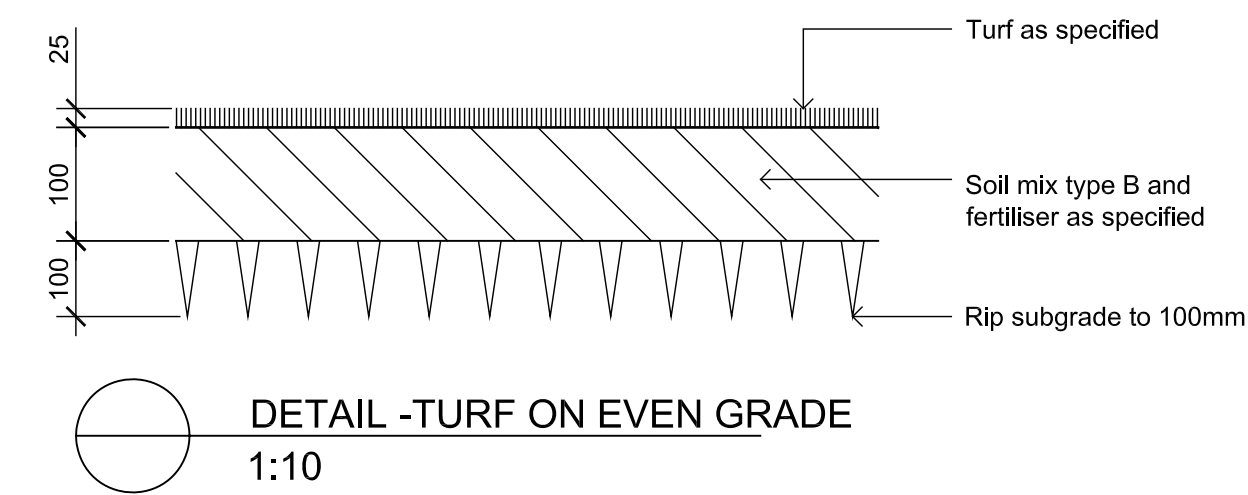
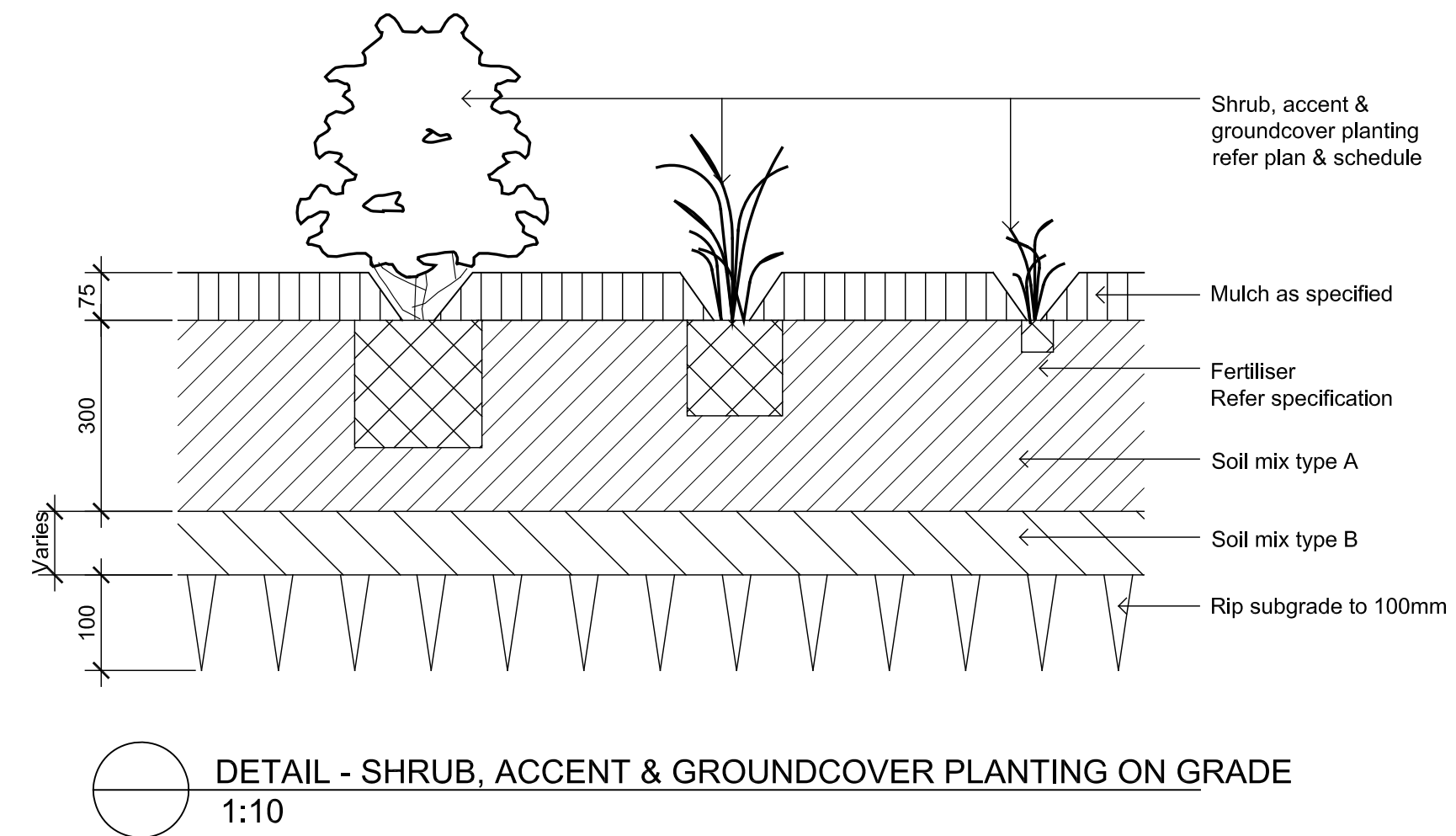
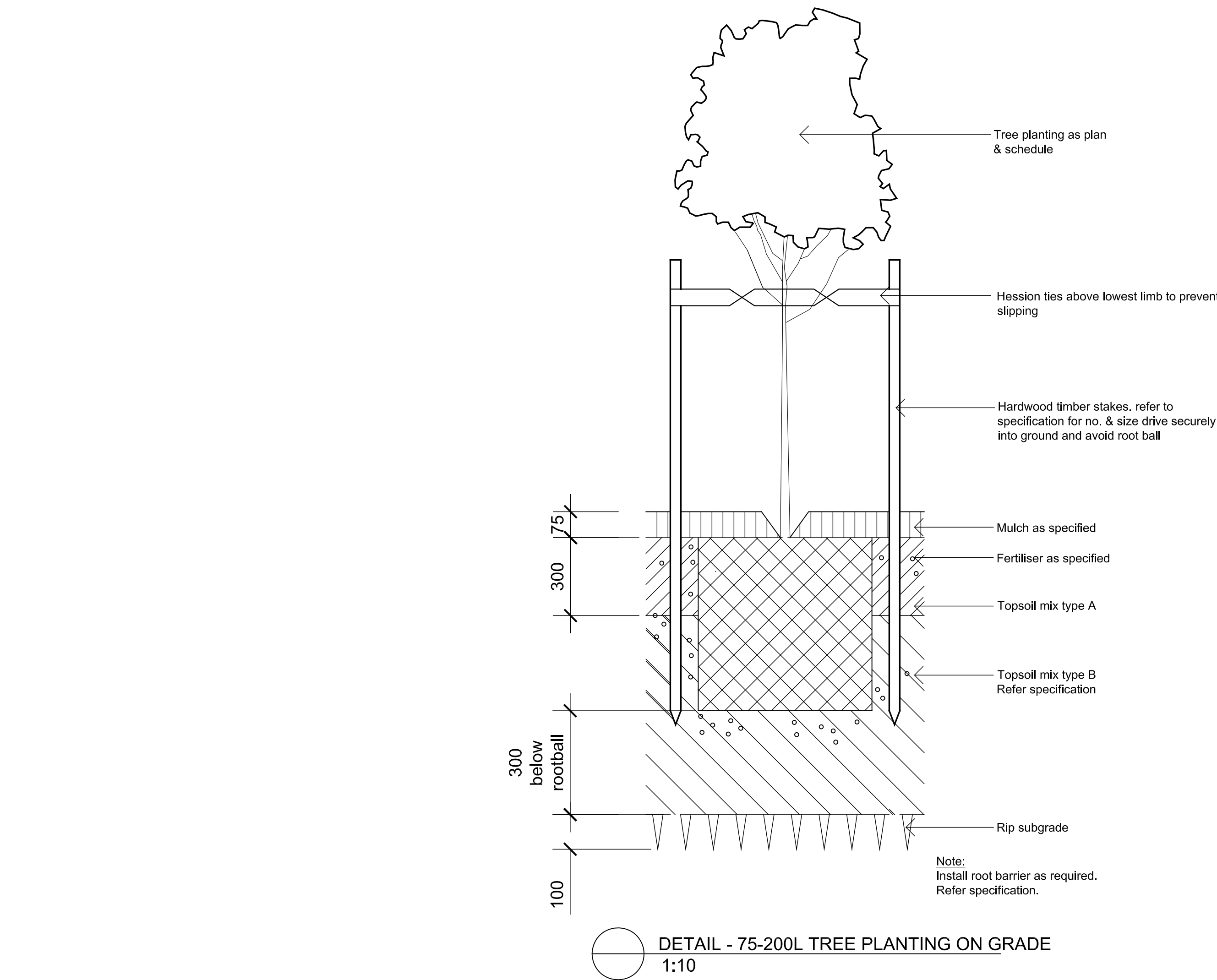
Project:
ALDI Merimbula
103 Main St
Merimbula NSW 2548

Drawing Name:
Cover Sheet

DEVELOPMENT APPLICATION

Scale:
Job Number: **SS17-3622**

Drawing Number:
Issue: **000 D**



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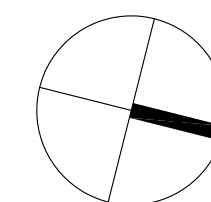
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B	Architectural Coordination	JW	NM	26.09.2017
A	For Comment	JW	NM	28.08.2017
Issue	Revision Description	Drawn	Check	Date

LEGEND

Key Plan:



SITE IMAGE
Landscape Architects
Level 1, 3-5 Baptist Street
Redfern NSW 2016
Australia
Tel: (61 2) 8332 5600
Fax: (61 2) 9698 2877
www.siteimage.com.au

Client:
ALDI STORES
Project:
ALDI Merimbula
103 Main St
Merimbula NSW 2548

Drawing Name:
Landscape Details

PRELIMINARY
Scale:
Job Number: **SS17-3622**
Drawing Number:
Issue: **501 B**

- Construction of a new awning projecting along the southern and western building elevations of the building;
- Construction of a lift and associated lift overrun;
- Construction of retaining walls along the western and southern site boundary;
- One (1) vehicular access via the existing driveway 105-107 Main Street;
- Two (2) new vehicular access points from the new service road (under construction) to the north of the proposed ALDI

Store;

- 307m² of landscaping works;

Erection of a fence along the eastern site boundary shared with 101 Main Street.

- One (1) double sided pylon business identification sign located near the vehicular access off Main Street;
- Four (4) wall mounted business identification signs on the building's north, east, south, and west elevations;
- Two (2) wall-mounted signs showing car park entries on the north and south elevation; and
- One (1) lifestyle graphic on the north elevation carrying images of fresh grocery produce.

The proposed development also includes the construction of a new service road over the Merimbula-Imlay Bowling Club's land at 115-127 Main Street to the north of the subject site. The proposed service road will extend the (under construction) service road to the north (rear) of the new Woolworths Supermarket at 109-113 Main Street. The new service road will provide access to the proposed loading dock and basement car park for customers.

The proposed trading hours of the ALDI Store will be 7.00 am to 10.00 pm, 7 days a week. Notwithstanding, the ALDI Store typically trades within the following times: Monday to Sunday: 8.00 am to 8.00 pm. The loading dock will operate 24 hours per day, 7 days per week.

State Environmental Planning Policies

Section 79C (1)(a)(i)&(ii)

Which of the following SEPPs are relevant to this development?

<input type="checkbox"/>	14	Coastal wetlands	<i>N/A. No wetlands within or adjacent to the site.</i>
<input type="checkbox"/>	21	Caravan parks	<i>N/A</i>
<input type="checkbox"/>	30	Intensive agriculture	<i>N/A</i>
<input type="checkbox"/>	32	Urban consolidation (redevelopment of urban land)	<i>N/A</i>
<input type="checkbox"/>	33	Hazardous and offensive development	<i>N/A</i>
<input type="checkbox"/>	36	Manufactured home estates	<i>N/A</i>
<input type="checkbox"/>	44	Koala habitat protection	<i>No Koala habitat on-site.</i>
<input type="checkbox"/>	50	Canal estates	<i>N/A</i>
			<i>SEPP 55 requires that Development should minimise impact to human health or the environment as a result of developing contaminated land.</i>
			<i>The history of the site has seen the land used for a Child care centre, Council administration centre and carpark. The site is not located within a contamination investigation area and is not listed on the NSW Contaminated Sites register maintained by the NSW Environmental Protection Authority (as of 29 September 2017). An Asbestos Audit and Risk Assessment Report (dated August 2015) was prepared by South Coast Asbestos Consulting (dated November 2015). The report concluded "all existing items of asbestos containing materials were found to be in satisfactory condition and present negligible health risk."</i>
<input checked="" type="checkbox"/>	55	Remediation of land	<i>The site is suitable for the proposed development and is therefore able to achieve compliance with SEPP 55.</i>
			<i>(1) Before determining a development application for any development, a consent authority:</i>
<input checked="" type="checkbox"/>	62	Sustainable aquaculture	<i>(a) must consider whether, because of its nature and location, the development may have an adverse effect on oyster aquaculture development</i>

or a priority oyster aquaculture area, and
(b) if it suspects that the development may have that effect, must give notice of the application to the Director-General of the Department of Primary Industries.

The proposed extent of soil erosion and sedimentation measures to be provided during construction and upon completion of the site works is considered to be satisfactory, and it is concluded that the proposal would not have an adverse effect on oyster aquaculture development or a priority oyster aquaculture area within the downstream catchment of the development site

A total of five (5) business identification signs are proposed on the site:

- ALDI Pylon Sign: one (1) double-sided pylon business sign is proposed to be located to the west of the existing Right of Way along the Main Street frontage.

The pylon has a maximum height of 5 metres. The pylon sign is internally illuminated measuring 2,400mm (h) x 2,000mm (w). The pylon sign also includes one smaller sign carrying characters of car park and arrow, mounted beneath the ALDI logo, measuring 350 mm (h) x 2,000 mm (w) showing the car park entry.

- ALDI Wall-Mounted Signs: four (4) internally illuminated wall-mounted business identification signs located on the south, west, north, and east elevations of the proposed ALDI Store. The wall-mounted business identification signage has dimensions of 2,400mm (h) x 2,000mm (w).

A lifestyle graphic applied to the north façade of the proposed ALDI Store along the new service road frontage is also proposed. The lifestyle graphic includes images of fresh grocery produce which would provide interest and reinforce the retail use of the site.

The proposal also comprises two (2) wall-mounted wayfinding signs located on the north and south elevations above the basement car park entries showing the standard car park symbol which will be used to direct customers to the basement car park.

The following were considered in respect to the proposed signage.

1 Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

There are few recent new signs within the Merimbula CBD area with a majority of business signs in the immediate area affixed to facades. The proposed design, materials and placement of these signs is consistent in this regard. The number of signs is suitable to the shop and footpath area.

2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

The site is not located within a Special area. The sign does not detract from the visual quality or amenity of the Main Street commercial area.

3 Views and vistas

- Does the proposal obscure or compromise important views?

No. Signage will be behind the proposed new Woolworths building and setback to the Club Sapphire building, therefore, not dominating the Main Street Streetscape.

- Does the proposal dominate the skyline and reduce the quality of vistas?

No they will sit lower than the proposed new Woolworths building currently under construction.

- Does the proposal respect the viewing rights of other advertisers?

Yes. This is achieved through appropriate setbacks to street frontages with a majority affixed to wall facades. The placement of the pylon sign will be located approximately 9.5 metres from the adjoining small businesses identification signs. Views to those signs would be only moderately affected by the pylon sign when viewed by motorists travelling east along Main Street. However, they would not affect pedestrians utilising the footpath.

☒ 64 Advertising and signage

4 Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?

Yes.

- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?

Yes

- Does the proposal reduce clutter by rationalising and simplifying existing advertising?

Yes, through the removal of redundant signage on the existing building fronting Main Street.

- Does the proposal screen unsightliness?

No.

- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

The majority of signs are affixed to wall facades and therefore do not protrude above roof or tree lines. The only sign that has the potential to protrude above roof lines is the pylon sign which is proposed to be 5 metres high and set 1.68 metres in from the Main Street frontage. Side elevations indicate that the sign would be below the adjoining Woolworths Store currently under construction and below the pitch the adjoining small shops which are also below the current ground level of the site. The pylon sign provides appropriate identification while minimising height.

- Does the proposal require ongoing vegetation management?

No.

5 Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?

Yes, the adjoining site is currently under construction for a separate supermarket development and signage is consistent with the proposed store and that of the adjoining site.

- Does the proposal respect important features of the site or building, or both?

Yes. There are no important features of the site and signage is reflective of the proposed building.

- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

The signage is consistent with Aldi branding.

6 Associated devices and logos with advertisements and advertising structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

Yes, the all signs incorporate the Aldi logo with appropriate lighting features.

7 Illumination

- Would illumination result in unacceptable glare?

No, however conditions relating to glare to be included.

- Would illumination affect safety for pedestrians, vehicles or aircraft?

No as pylon sign appropriately setback from Main Street and would not interfere with traffic entering and exiting the site from Main Street.

- Would illumination detract from the amenity of any residence or other form of accommodation?

No as there is no residential accommodation adjoining or in close proximity to the site.

- Can the intensity of the illumination be adjusted, if necessary?

No.

- Is the illumination subject to a curfew?

Yes, the illumination would be turned on at the beginning of the day and turned off when the shop is closed.

8 Safety

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children,

by obscuring sightlines from public areas?
No.

The proposed signage is considered to meet the objectives and provisions of the SEPP by providing signage that is compatible with the desired and visual character of the Merimbula Commercial area, by providing effective communication in suitable locations, and that is of high quality design and finish. Standard conditions relating to their operation and ongoing maintenance is recommended.

<input type="checkbox"/>	65	Design quality of residential flat development	N/A
<input checked="" type="checkbox"/>	71	Coastal protection	The site is located within the coastal zone as defined by the Coastal Protection Act 1979. Matters for consideration to be completed over page
<input type="checkbox"/>		SEPP (Housing for Seniors or People with a Disability) 2004	N/A
<input type="checkbox"/>		SEPP (Building Sustainability Index: BASIX) 2004	The development achieves the water and energy efficiency targets of BASIX <input type="checkbox"/> N/a <input type="checkbox"/> Y <input type="checkbox"/> N
<input checked="" type="checkbox"/>	x	SEPP (State and Regional Development) 2011	The development qualifies as Regional Development, based on the proposal having a capital investment value of more than \$5 million and is proposed to occur on land currently owned by Council (Clause 4 of Schedule 4A under Environmental Planning and Assessment Act, 1979). Consequently, the Southern JRPP exercises the consent functions of Bega Valley Shire Council.
<input checked="" type="checkbox"/>		SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No quarries in the vicinity of the site.
<input type="checkbox"/>		SEPP (Infrastructure) 2007	N/A
<input type="checkbox"/>		SEPP (Rural Lands) 2008	Matters for consideration to be completed over page
<input type="checkbox"/>		SEPP (Affordable Rental Housing) 2009	N/A

Matters for consideration

SEPP 44 Koala Habitat Protection

The SEPP applies to land that has an area of more than one hectare; or has, together with any adjoining land in the same ownership, an area of more than one hectare

Potential koala habitat is defined as '...areas of native vegetation where the trees of types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.'

STEP 1: Is the land potential koala habitat?

☐ Yes ☐ No ☐ N/A

Core koala habitat is defined as '...an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is females with young) and recent sightings or historical records of a population.'

STEP 2: Is the land core koala habitat?

☐ Yes ☐ No ☐ N/A

A plan of management is required to be prepared in accordance with Part 3 of SEPP 44 before a council can grant consent if the land is identified as core koala habitat.

In the Bega Valley Shire there are two scheduled trees that occur. They are *Eucalyptus tereticornis* and *E. viminalis*.

STEP 3: Can development consent be granted in relation to core koala habitat?

☐ Yes ☐ No ☐ N/A

SEPP 71 Coastal Protection

In determining this DA in the coastal zone, the following matters under Clause 8 have been considered:

- | | |
|---|--|
| a) The development is consistent with the aims of the SEPP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| b) Existing public access to coastal foreshore is retained, and where possible improved? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| c) The proposal is able to provide new public access to/along foreshore? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |
| d) The development is suitable in type, location, design and surroundings? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| e) Any detrimental impact on amenity of coastal foreshore (eg overshadowing, loss of significant public views) is negligible or mitigated. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| f) The scenic qualities of the NSW coast are protected and enhanced by this development? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| g) The development provides suitable measures to conserve animals and plants (see <i>Threatened Species Conservation Act</i>)? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No impact/N/A |
| h) The development provides suitable measures to conserve fish and marine vegetation (see <i>Fisheries Management Act</i>)? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No impact/N/A |
| i) Wildlife corridors and any impact on such has been considered and development is satisfactory? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |
| j) The likely impacts of and on coastal processes and hazards and the development have been considered and the development is satisfactory? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| k) The development provides suitable measures to reduce the potential for conflict between land-based and water-based coastal activities? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |

l) The development provides suitable measures to protect cultural places, values, customs, beliefs, and traditional knowledge of Aboriginals?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
m) Likely impacts of the development on the water quality of coastal water bodies have been considered and the development is satisfactory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
n) The development conserves and preserves items of heritage, archaeological or historic significance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
o) Cumulative impact of the development on the environment has been considered and the proposal is satisfactory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
p) The development provides suitable measures to ensure that water and energy usage by the proposed development is efficient?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<input checked="" type="checkbox"/> N/A? SEPP (Rural Lands) 2008	
In determining this DA for a dwelling or subdivision for a dwelling in either rural, rural residential or an environmental protection zone, the following matters under Clause 10 have been considered:	
a) – c) The development is compatible with existing, approved, predominant or preferred land uses in the vicinity of the development without having a significant impact.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
d) The development (other than development within a rural residential zone) is compatible with land uses within an adjoining rural residential zone.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
e) Suitable measures are proposed by the applicant to avoid or minimise any incompatibility.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Comments:	

Other Environmental Planning Policies (EPIs)		Section 79C (1)(a)(ii)
Bega Valley Local Environmental Plan 2013		
The subject land is zoned:	B2	
The land use is defined as:	Commercial premises	
The land use permissible in the zone:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Comment (where necessary)	<p>The site is located within the B2 Local Centre Zone under LEP 2013 and the proposed ALDI Supermarket with ancillary facilities falls within the definition of a Shop under the Plan. Shop is defined as: “premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.”</p> <p>Note: shops are a type of retail premises. Retail premises are a type of commercial premises.</p> <p>Pursuant to Clause 3 of B2 Local Centre Zone, the following uses of the site are permissible with consent: “Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4”</p> <p>The proposed service road over the Merimbula-Imlay Club’s land at 115-127 Main Street is located within the B4 Mixed Use Zone. The new service road is defined as a road in LEP 2013 as follows: “road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.”</p> <p>The proposed excavation and retaining walls are defined as “earthworks”: “earthworks means excavation or filling”.</p> <p>Clause 3 of B4 Mixed Use Zone stipulates following uses as permissible with consent: “Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport</p>	

facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; **Roads**; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4"

The proposed ALDI Store, ancillary works, and the construction of a new service road are permissible with Development Consent in the B2 zone.

An assessment of the proposal has been undertaken in accordance with the provisions of the LEP and the following clauses are relevant to the development. CROSS ☒ WHICH CLAUSES APPLY.

PART 1		Preliminary
Clause 1.2	Aims of the Plan – The proposal has been assessed in accordance with the aims of the LEP and was found to be satisfactory.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comment (where necessary)	<p>The proposal is considered to be consistent with the Aims of the LEP in maintaining a compact urban settlement through the placement of the supermarket within the main shopping precinct of Merimbula.</p> <p>The principles of Ecologically Sustainable Development have been considered throughout the assessment of the development and suitable measures incorporated into the development to ensure a sustainable development is achieved (including rainwater harvesting, energy efficiency measures, appropriate siting and design, stormwater treatment and the provision of appropriate landscaping).</p> <p>The development will contribute to employment opportunities in the short term construction phase and over the longer term during the operational phase.</p> <p>The design and siting of the development has also taken into consideration the natural landscape and surrounding built forms by keeping the building predominantly single storey, excavating into the site to minimise height and bulk and through appropriate use of building materials and colours.</p>	
PART 2		Permitted or Prohibited Development
Clause 2.3	Zone objectives and Land Use Table – The proposal has been assessed in accordance with the objectives of the zone and was found to be satisfactory.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comment (where necessary)	<p>The objectives of the B2 Zone are;</p> <ul style="list-style-type: none"> • 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. • To encourage employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling. • To enable other land uses that are complementary to, and do not detract from, the viability of commercial uses within the zone. • To minimise conflict between land uses on land in the zone and land uses on land in adjoining zones. • To strengthen the viability of existing business centres as places for investment, employment and cultural activity. <p>It is considered that the development is consistent with the zone objectives by providing an additional supermarket that would service the people who either live or work in the Merimbula area and also the large number of visitors to the area each year. The development has the opportunity to encourage employment opportunities with its location close to existing bus transport links. As detailed throughout this assessment report, the proposal can minimise impacts to the surrounding land uses and strengthen the viability of the Merimbula business centre as a place to invest and provide employment activity.</p>	
<input type="checkbox"/>	Clause 2.4	Unzoned land
<input type="checkbox"/>	Clause 2.5	Additional permitted uses for particular land
<input type="checkbox"/>	Clause 2.6	Subdivision – consent requirements (NB: includes special requirements for subdivision of secondary dwellings)
<input checked="" type="checkbox"/>	Clause 2.7	Demolition requires development consent (other than where exempt)
		The application seeks to demolish all existing structures on site. The plan of demolition included the following; demolition of two buildings, driveways, paths, retaining walls and the power pole to be removed from Main Street. A detailed Construction


Management Plan nominating method of demolition needs to be prepared and conditions of Consent are recommended.

The applicant undertook a preliminary Waste Management Plan covering demolition, construction, and operation phases and has considered general requirements to mitigate impacts associated by demolition works.

☐ Clause 2.8 Temporary Use of Land

PART 4		Principal Development Standards	Comment (where necessary)
<input type="checkbox"/>	Clause 4.1	Minimum subdivision lot size (check Minimum Lot Size Map)	Min. lot size permitted Min. lot size proposed
<input type="checkbox"/>	Clause 4.1AA	Minimum subdivision lot size for community title schemes	
<input type="checkbox"/>	Clause 4.1A	Minimum lot sizes for dwelling houses, dual occupancies, multi dwelling housing and residential flat buildings	
<input type="checkbox"/>	Clause 4.1B	Lot averaging subdivision in Zone R5, Zone E3 and Zone E4	
<input type="checkbox"/>	Clause 4.2	Rural subdivision	
<input type="checkbox"/>	Clause 4.2A	Erection of dwelling houses on land in certain rural, residential and environmental protection zones	
<input type="checkbox"/>	Clause 4.2B	Exceptions to minimum lot sizes for certain rural subdivisions (check Minimum Lot Size Map)	
<input type="checkbox"/>	Clause 4.2C	Erection of rural workers' dwellings	
<input type="checkbox"/>	Clause 4.2D	Erection of dual occupancies (detached) in Zone RU1 & Zone RU2	
<input type="checkbox"/>	Clause 4.2E	Exceptions to minimum subdivision lot size for boundary adjustments	
<input type="checkbox"/>	Clause 4.2F	Exceptions to minimum subdivision lot sizes for resulting lots	
<input checked="" type="checkbox"/>	Clause 4.3	Height of buildings (check Height of Buildings Map)	The site is subject to a maximum building height of 16 metres. The maximum building height (measuring from the basement car park entry on the northern side of the building to the highest point of the proposed lift overrun) is 15.32 metres. The design generally provides for a low set building form when viewed from Main Street, though this cannot be achieved to the rear of the site as the land slopes away quite quickly. The development is compliant with this Clause.
<input type="checkbox"/>	Clause 4.4 & 4.5	Floor space ratio (check Floor Space Ratio Map)	The site is not subject to an FSR control pursuant to LEP 2013
<input type="checkbox"/>	Clause 4.6	Exceptions to development standards	
Comment			

PART 5		Miscellaneous Provisions	Comment (where necessary)
<input type="checkbox"/>	Clause 5.1 & 5.1A	Development on land intended to be acquired for public purposes (check Land Reservation Acquisition Map) - Is the development satisfactory?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Clause 5.3	Development near zone boundaries	
<input type="checkbox"/>	Clause 5.4	Controls relating to miscellaneous permissible uses (eg Home Businesses, B&B's, Kiosks, Secondary dwellings)	
<input checked="" type="checkbox"/>	Clause 5.5	Development within the coastal zone (applies to land wholly or partly within the Coastal Zone) The provisions of Clause 5.5(2) and (3) have been considered and the proposal is satisfactory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comment	<p>The proposal has been assessed with consideration of the objectives of Clause 5.5. The following matters are relevant;</p> <ul style="list-style-type: none"> Existing public access to the foreshore is not affected by this development. The development's design, location, external façade treatment, bulk, scale and overall built form is generally sensitive to the coastal location in which it will be placed. It is recommended that the use of the colour "fluorescent red" in the Main Street elevation be reduced with an additional timber treatment between the entrance and underground carparking. The use of natural timber cladding is considered to be more reflective of the "Coastal" location and is consistent with the adjoining Woolworths store under construction that utilises timber treatments to reduce expansive wall surfaces. Views from public places, namely adjoining roads and footpaths and recreational sporting fields to the north of the site would not be detrimentally affected. No overshadowing of any coastal foreshore would result from this development. Subject to compliance with conditions of consent, no impact on coastal vegetation or ecosystems is envisaged. All stormwater will be appropriately captured with appropriate removal of gross pollutants and sediment required through conditions of consent The cumulative impacts of development in the coastal zone have been considered and the proposed development within the commercial zone of Merimbula would be reasonable. The development site is not likely to be affected by coastal hazards. 		
<input type="checkbox"/>	Clause 5.7	Development below mean high watermark	Removal of vegetation from the property has been assessed as part of this application with no significant vegetation located on-site or on adjoining properties.
x	Clause 5.9AA	Trees or vegetation not prescribed by development control plan	
<input checked="" type="checkbox"/>	Clause 5.10	<p>Heritage conservation Is the property listed and described in Schedule 5 as: Heritage Item? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Heritage Conservation Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Aboriginal Place of Heritage Significance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, does the proposal satisfy the objectives and requirements of Clause 5.10? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is the property within the vicinity of a heritage item or heritage conservation area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, is the proposal satisfactory having consideration to the heritage significance of the adjoining development? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
Comment	<p>The Old School Museum located at 85-87 Main Street, Merimbula (Lot 670 DP1048136), approximately 150 metres to the east of site, is a local heritage listed item. The proposed development will not detrimentally impact the significance of this heritage item given intervening topography and the built environment.</p>  <p>The development application was referred to the Bega Local Aboriginal Land Council with no comments provided. The site has been extensively disturbed with excavations and construction works undertaken over the site. The proposed works would require further excavations required for the proposed development. A review of AHIM's has identified a</p>		

number of artefacts identified in the surrounding area, namely in closer proximity to Merimbula Lake. Given that excavation works are proposed, a suitable notation regarding Aboriginal relics is required to alert the applicant to their legal responsibilities regarding the discovery of an Aboriginal relic, should it occur over the site.

- ☐ Clause 5.12 Infrastructure development and use of existing buildings of the Crown
- ☐ Clause 5.13 Eco-tourist facilities

PART 6

Additional Local Provisions

Comment (where necessary)

Acid sulfate soils (check the Acid Sulfate Soils Map) - Site not mapped

- ☐ Clause 6.1



x Yes – The application seeks Council's consent for excavation works across the northern part of the site to accommodate sub floor parking. As the proposal seeks consent for a finished ground floor level of SFL 15.645, excavation up to a maximum of 6.845 metres below existing surface levels is required.

A detailed excavation methodology will be developed in conjunction with suitably qualified geotechnical and structural engineers during the site preparation phase. Excavation procedures will be prepared prior to the commencement of the demolition and excavation phase in order to determine the most appropriate equipment to be used and to identify the state of adjoining structures ahead of construction work.

- x Clause 6.2 Earthworks
The provisions of Clause 6.2(3) have been considered and the proposal is satisfactory?

A geotechnical investigation was carried out by Aitken Rowe Geotechnical Engineering. The investigation report has been reviewed and considered to be satisfactory.

It is recommended as a condition of consent that dilapidation reports be undertaken on adjoining premises prior to excavation commencing on-site.

Suitable erosion & sedimentation controls will be required to be installed (as per condition of consent), there will be minimal effect on adjoining properties and adequate stormwater controls will also be designed into the final project (as per consent conditions). Any excess material will be removed from site to an approved disposal location.

- ☐ Clause 6.3 Flood planning
The provisions of Clause 6.3(3) have been considered and the proposal is satisfactory?

The site is not identified as being within, or within proximity to any flood liable land as detailed under the Merimbula Flood Study.

- ☐ Clause 6.4 Coastal risk planning
The provisions of Clause 6.4(3) have been considered and the proposal is satisfactory?

The site is not identified as being located within or in close proximity to coastal risk identified areas.

- ☐ Clause 6.5 Terrestrial biodiversity (check the Biodiversity Map) – SITE NOT MAPPED



Riparian land and watercourses (check the Riparian Lands & Watercourses Map – specifically any land identified as ‘Watercourse’) – SITE NOT MAPPED



x Clause 6.6

The application was integrated with the NSW DPI Office of Water as works were within 40 metres of Merimbula Creek and therefore triggered approval under the Water management Act 2000. The Office of Water provided there General terms of Approval and are required to be condition of consent. The Office of Water made two further comments on the proposal, the first requiring that the service road identified on the plans should be limited to ensure that there are no further works are required within the 40 metre buffer. It is recommended that a condition be placed on the approval limiting the extent of the proposed service road.

The second comment was that the riparian corridor along Merimbula Creek adjoining the proposed service road be enhanced to offset the encroachments into the Merimbula Creek corridor in accordance with the DPI Water Riparian Corridor Guidelines. Rehabilitation works should include the suitable revegetation of the service road embankment to replace the existing vegetation that will need to be removed and to compliment the adjoining riparian corridor. This is recommended that a condition be placed requiring the rehabilitation of the Merimbula Creek riparian corridor including the service road embankment.



Clause 6.7

Environmentally sensitive areas – (check the Natural Resource Land Map – specifically any land identified as ‘Constrained Land’) – SITE NOT MAPPED



	<p>Airspace operations (applies where development will penetrate the Limitation or Operations Surface for the Merimbula Airport – check the Obstacle Limitation Surface Map)</p> <p>The relevant Commonwealth body has been consulted about the application and the proposal is considered to be satisfactory? The proposed building does not exceed to specified height limitation for the Merimbula Airport. Given the potential for cranes to be utilised in the construction of the development he following condition is recommended.</p> <p>“A minimum of 48 hours notice to the Merimbula Airport Agencies is required for the operation or placement of any obstruction into the approach surface or the transitional surface of the Merimbula airport. Obstacles operating on the site (crane or concrete pump) shall be fitted with a strobe light on the top of the obstacle to ensure its visibility to approaching and departing aircraft.” <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<input type="checkbox"/>	<p>Clause 6.8</p>
<input type="checkbox"/>	<p>Clause 6.9 Development at Kalaru Racecourse</p>
<input type="checkbox"/>	<p>Clause 6.10 Development of certain land at Sapphire Coast Drive and Tura Beach Drive, Tura Beach</p>
<input type="checkbox"/>	<p>Clause 6.11 Short-term rental accommodation</p>

Any draft Environmental Planning Policies (EPIs)

Section 79C (1)(a)(ii)

Are there any draft EPIs relevant to this development?

<input checked="" type="checkbox"/> No	Draft LEP (exhibited) SPECIFY:	
	What is the proposed zoning of the subject development site?	
	What is the land use definition for the proposal?	
	Is the proposed development permissible in the draft LEP?	<input type="checkbox"/> No <input type="checkbox"/> Yes
	Comment:	
<input checked="" type="checkbox"/> Yes	Draft SEPP (eg. Coastal Management SEPP) SPECIFY:	Coastal Management SEPP
	Comment:	<p>The site is located within the Draft Coastal Management Zone. The site is also mapped within the Coastal Environment and Use Area and therefore assessment against Division 3, 4 and 5 is required.</p> <p><i>Division 3 Coastal environment area</i></p> <p><i>14 Development on land within the coastal environment area is applicable</i></p> <p>The proposed development has adequately considered the matters under Clause 14. The development has adopted Water Sensitive Urban Design methods that would protect the biophysical, hydrological (surface and groundwater) and ecological environment, with detailed civil engineering designs</p>

and geotechnical investigations ensure the proposal has no detrimental impact on the coastal environment.

Division 4 Coastal use area

15 Development on land within the coastal use area

The objectives of the relevant zones/area generally relate to the protection of environmental and waterway values, and ensuring development does not have an adverse scenic impact.

As detailed throughout this assessment report, the development is considered to provide acceptable environmental outcomes with no adverse scenic impact when viewed from waterways, namely Merimbula Creek. To further protect views from Merimbula Creek into the future, it is recommended that street tree plantings be undertaken within the new service road reserve to mature over time. The proposal is considered consistent with the provisions of the draft Clause.

Division 5 General

16 Development in coastal zone generally—development not to increase risk of coastal hazards

There will be no increase in coastal hazards as a result of this development.

17 Development in coastal zone generally—coastal management programs to be considered

There are no coastal management programs or plans applying to the subject land.

No other draft EPI's apply to the development site and/or proposed development.

At the time of completion of this assessment, was the making of the draft EPI certain or imminent?

☒ No ☐ Yes

Any Development Control Plans (DCPs)

Section 79C (1)(a)(iii)

The development has been considered in accordance with Development Control Plan 2013 and was found to be satisfactory. In undertaking this assessment the following sections of DCP 2013 have been considered (where applicable).

		Comment (where necessary)		
		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Commercial & Industrial Development	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<input type="checkbox"/>	Residential Development	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
<input type="checkbox"/>	Rural Development	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
x	General Development Requirements	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
x	Engineering Requirements	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<input type="checkbox"/>	Site Specific Requirements	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A

Are any variations to DCP proposed?

x Yes No

PROVIDE YOUR ASSESSMENT NOTES HERE:

Comment

Section 2 Commercial Development

Clause 2.4 provides development controls specific to Merimbula Town Centre. The following statement is provided in relation to the Desired Future Character for Merimbula: 'The strong desire is for Merimbula to retain its 'coastal village charm'. The challenge is to try to

blend that style and character into a district service centre within an anticipated resident 'shopper' catchment population in the order of 11,000 persons by 2025. This population of 'shoppers' more than doubles in the peak tourist season."

The site sits in Precincts 5 (Market Street Village) and 6 (Main Street) of the Merimbula Town Centre as defined by DCP 2013.



Merimbula Town centre precincts

The design is consistent with the Desired Future Character of Merimbula and design principles for Precincts 5 and 6 which seek to achieve desirable buildings and a quality urban design that complements the amenity of the area making pedestrians feel at ease. The proposed development will improve vehicular and pedestrian access through the extension of the Service road currently under construction for the adjoining Woolworths supermarket and through the formalisation of a pedestrian linkage through the site from the Berrambool oval area to Main Street.

The applicant identified that the proposed development will make a positive contribution to achieving these requirements as follows:

- The proposal comprises a designated pedestrian pathway between Main Street and the proposed ALDI Store entry.
- Public art can be accommodated along the Main Street frontage area or elsewhere in the Town Centre, which will make a positive visual and interesting contribution to the streetscape.
- The proposal will not result in signage cluster. A total of five (5) business identification signs are proposed, including four (4) wall-mounted signs and one (1) pylon sign.
- A total of 89 car parking spaces are proposed, including 38 car parking spaces in the basement level and 51 spaces in the at-grade car park.
- All plant and the lift overrun is incorporated within the architecture of the building and concealed from view.

These design provisions are considered consistent with the design requirements for Merimbula. The plans detail a new electrical substation near the front setback with Main Street. To ensure that the visual amenity of the site when viewed from Main Street is maintained, **it is recommended that a visual treatment be erected between the Main Street boundary and the electrical substation to screen it.**

2.4.5 General requirements

2.4.5.1 Setbacks

BVDCP 2013 has an applicable minimum setback for the site for the ground and first floor as zero. The proposed setbacks are:

- Main Street boundary: 60.475 metres
- Northern boundary: 1.406 – 9.608 metres
- Eastern boundary: 0 metres
- Western boundary: 7.338 metres.

The development complies with the requirements for zero setbacks to the eastern boundary. A greater setback is provided to the Main Street frontage and the northern and western boundaries. The applicant identified that the footprint and setbacks of the proposed development balance the operational requirements of the proposed ALDI Store, the site topography, the amenity of adjoining properties, pedestrian and vehicle access requirements and the relationship of the site with the surrounding area.

Although the development is not consistent with the zero setback to Main Street, it is considered appropriate as the setback would assist in removing any overshadowing onto the public footpath and

appropriate street activation has been provided through landscaping, defined pedestrian and vehicle entrances and reducing the bulk and scale of the building when viewed from Main Street and be consistent with the following objectives of precinct 6 being;

- Ensure development facing Main Street provides a streetscape that is comfortable for pedestrians.
- Ensure development is well connected to the street and provides easy access to public areas.
- Ensure that development is well connected to other areas in the centre via safe and, interesting pathways.
- Ensure that building designs do not detract from view of Merimbula as a whole, when viewed from lower areas and Fishpen.
- Minimise the impact of roofs and their potential for overshadowing and
- Integrate the location and design of car parking with the design of the site and the building'.

2.4.5.2 Height

The proposed structure meets the objectives and requirements for height limits in the Merimbula Town Centre. The site falls within a 16 metre height limit. The majority of the building is generally well below the maximum height and would be consistent with the building heights of buildings already and currently under construction along Main Street.

2.4.5.3 Building form

When viewed from Main Street, the supermarket would be broken up with an awning and minor variation to wall height at its entrance. When viewed from the proposed new rear access road, the supermarket would be multi storey and contains articulated façade elements due the placement of loading dock treatments and change in external colour treatments.

The design when viewed from Main Street reinforces the design principle that the Merimbula town centre is based on a built form that is designed to a lower scale, however, the materials utilised in the facades are not considered to be reflective of the "Coastal" character unique to Merimbula. **It is recommended that the use of the colour "fluorescent red" in the Main Street elevation be reduced with an additional timber treatment between the entrance and underground carparking. The use of natural timber cladding is considered to be more reflective of the "Coastal" location and is consistent with the adjoining Woolworths store under construction that utilises timber treatments to reduce expansive wall surfaces.**

2.4.5.4 Public Domain

The proposed development has considered the public domain and how it functions with the existing environment. It achieves a positive contribution through the following design elements:

- The proposal comprises a designated pedestrian pathway between Main Street and the proposed ALDI Store entry.
- Public art/smaller tree planting can be accommodated along the Main Street frontage area which would provide a positive visual and interesting contribution to the streetscape. The plans provide a location for an optional public art installation. **In accordance with Council's DCP 2013, a condition requiring the provision of public art is recommended.**
- The proposal will not result in signage cluster. A total of five (5) business identification signs are proposed, including four (4) wall-mounted signs and one (1) pylon sign and one lifestyle image to the rear façade and appropriately located way finding signs.
- A total of 89 car parking spaces are proposed, including 38 car parking spaces in the basement level and 51 spaces in the at-grade car park.
- All plant and the lift overrun is incorporated within the architecture of the building and concealed from view.

2.4.5.6 Traffic and access

The development would include the continuation of a new service road running along the northern boundary of the site to permit service vehicles to access the site via Sapphire Coast Drive and not Main Street, thus removing trucks entering the main CBD of Merimbula. Vehicular access would also be available through the site, including to the basement parking. The proposed pedestrian access, carparking layout and location of access driveways are considered appropriate.

2.6 General Commercial Development

2.6.1 – Design

The design complies with roof and retaining walls/fencing requirements for the precinct. The proposed roof form is consistent with the existing larger retail and commercial buildings' roof forms in the area. Lift overruns and equipment are appropriately screened to minimise visual impacts when viewed from streets with the design mitigating any overshadowing on public areas including footpaths.

The application proposes the erection of a fence along the eastern boundary shared with 101 Main Street. The adjoining premises at 99 Main Street have sought that their property also be fenced to ensure security to this premise is maintained. The applicant has confirmed that fencing along the rear side boundary shared with "Top Fun" will be fenced. **A condition requiring a maximum height of 1.8 metres for this fence is recommended.**

2.6.2 – Amenity

The applicant identified that the proposed Main Street setback does not comply with Figure 2.8 of DCP 2013 for the following reasons:

1. To efficiently utilise the sloping topography at the rear of the site by developing a basement car park; and
2. To allow a commercially feasible and efficient floorplate accommodating a five-aisle ALDI Store and associated facilities, which sits above a basement level requiring access from the rear service road.

The non-compliance in this instance can be supported as it is considered that a positive streetscape would be provided to Main Street.

Appropriate pedestrian and at grade access for people with a disability can be gained from Main Street and from the internal carparking arrangements.

The proposal has taken into consideration of the traffic conflicts between the pedestrian and vehicular movements by providing separate and designated vehicular and pedestrian egress/ingress points on both Main Street and along the proposed new service road.

It is considered that the design of the development is consistent with the existing amenity of Main Street.

2.6.3 – Environment

The building will comply with energy conservation and solar access requirements. The Applicant submitted a Sustainability Design Principles Report prepared by Rothelowman Architects that identified that the design includes a roof pitch and orientation that would be suitable for the installation of solar collectors in the future.

Landscaping has been provided along the Main Street frontage and along the eastern boundary. The proposed landscaping treatments provide areas for deep soil planting zones to help minimise stormwater runoff and stormwater pollutants. Refer to the submitted landscape plans for further details of extent of landscaping.

The landscape plan complies with the requirements of DCP 2013 for all outdoor at-grade car parking areas to be provided with 1 tall branching mature shade tree for every 10 linear car spaces.

The landscape plan provides for 9 tall branching mature shade trees in the at-grade car park. The applicant has sought reduction to the planting adjacent to the Woolworths supermarket under construction citing that tree planting located adjacent to the proposed Woolworths Supermarket is set approximately 2 metres back from the eastern boundary, which would not permit the location of mature trees along that boundary.

It is recommended that two additional trees be planted within the road reserve that are consistent with the provisions of the Merimbula CBD landscape plan with a further 4 trees planted within the road reserve of the new rear access road to improve shading to pedestrian paths and reduce bulk and scale of the building when viewed from the new service road.

The proposed development is accompanied with a waste management plan to ensure waste avoidance, reuse and recycling during the demolition, construction, and operation stages of the development. The proposed ALDI Store would have a designated bin storage area in the loading dock that would be easily accessible for waste collection vehicles.

The proposed development provides an integrated system for collecting, flood controlling and treating stormwater runoff via the use of On Site Detention and stormwater pits/grated drainage devices.

A Soil Erosion and Sediment Control Plan was included with the Civil Engineering Works Plans prepared by Henry and Hymas dated 28 September 2017 and submitted with the development application. The plan has been assessed by Council staff who are satisfied that the requirements of this Clause have been met.

2.7 Specific Requirements

Clause 2.7.1.1 Context and articulation

The plans propose a colour schedule including the use of “fluorescent red”, “drive time”, and “basalt grey” on all elevations. Concerns were raised with the applicant with the use of fluorescent red as possibly being an overt colour for the building and area. The applicant provided a more indicative sample to those submitted with the Architectural Plan report. The proposed colour schedule including the use of fluorescent red is supported, however, it is recommended that the use of the colour “fluorescent red” in the Main Street elevation be reduced with an additional timber treatment between the entrance and underground carparking. The use of natural timber cladding is considered to be more reflective of the “Coastal” location and is consistent with the adjoining Woolworths store under construction that utilises timber treatments to reduce expansive wall surfaces. **Standard condition to be applied requiring all external finishes to be finished in accordance with the submitted schedule with the addition of timber cladding in the main Street facade.**

2.7.1.2 Built form

The proposed structure generally provides for appropriate modulation and articulation in the facades. The size of the structure and setbacks to existing, and under construction buildings provide well-proportioned elevations when viewed from Main Street. The site slopes down and away to the north and therefore the bulk and scale of the building would be greater when viewed from the rear of the site including Berrambool Oval. However, this elevation would be screened from Berrambool Oval due to existing intervening vegetation located along Merimbula Creek. The design would be similar to the existing large bulky buildings of Top Fun, Club Sapphire and also the Woolworths building currently under construction, therefore, the proposed building would not be out of scale or context with these existing developments.



Photo: View from Berrambool Oval carparking area looking towards the site.



Photo: Elevated view from Mirador looking towards the site with wider Merimbula commercial precinct.

The proposed loading dock is not directly fronting the service road and is located in a recess along the northern building elevation. It is considered that the building complies with the specific requirements of built form being, to provide buildings and structures that would be appropriately modulated and articulated in their façade and adjoining walls to provide well-proportioned elevations and human scale.

2.7.1.3 Building height

The building complies with the height limits for the site with a maximum building height of 15.32 metres being below the maximum permitted height limit of 16 metres.

2.7.1.4 Awnings

A continuous awning is mounted on the south and west elevations of the proposed ALDI Store to provide weather protection. The proposed awning is considered appropriate for the design of the building and use of the site.

2.7.1.7 Street frontages

The proposal provides a forecourt in front of the ALDI Store entrance which will be connected to Main Street via a dedicated pedestrian pathway with a clear view line.

The design activates the ALDI Store Main Street frontage and allows direct visual and physical contact between the Store and Main Street.

2.7.2.1 Views

Adjoining properties are utilised for commercial purposes with side boundaries constructed of solid brick work with no windows. The proposed building location will not obscure or lead to any detrimental impacts on views and vistas.

2.7.2.2 The public domain

The proposal ensures there will be a clear boundary between the public and private domains by proposing landscaping and public art within the Main Street setback area to define the boundary.

One (1) pylon sign is proposed along Main Street to show the ALDI Stores standard business text and logo, car park symbol and provide directions for customers to the ALDI Store and basement car park.

The future public art work can be provided on-site and would need to be designed in accordance with Council's Public Art Policy. Refer to the architectural plan No TP01.04 for details. **A condition requiring the provision of a public art be included as a condition of consent is recommended.**

Section 5 General Requirements

5.2 Non Aboriginal Heritage

There are no heritage items in the area that would be impacted by the development.

5.3 Access and Mobility

Clause 5.3 of DCP 2013 requires a Development Application to be accompanied with an Access and Mobility Impact Assessment and an Access Management Plan.

ABE Consulting has prepared an Accessibility Review Report addressing development standards of Clause 5.3 of the DCP. The assessment concludes that “the Development Application documentation can readily achieve compliance with the Part D3, Clause E3.6 and Clause F2.4 ‘deemed-to-satisfy’ (DtS) requirements of the Building Code of Australia 2016 (BCA), The Disability (Access to Premises – Buildings) Standards 2010 and the pertinent Australian Standards.”

The report has been assessed by Council staff who concur with the recommendations in the report.

5.4 Social and Economic Impacts

The purpose of this section is to ensure the impacts of certain developments on social and economic factors are considered. This Section applies as the development exceeds the minimum 1500m² gross floor area required for an assessment.

The applicant, through Deep End Services, prepared a Retail Impact Report for the proposal and the assessment concludes that;

- The ALDI development presents a range of positive benefits to residents of Merimbula and its wider catchment.
- ALDI will be well-received by the community whose demographic profile is suited to ALDI’s small but efficient layout and competitive pricing;
- The expected trading impacts will be largely confined to the existing Woolworths stores who dominate the local market with no effective competition;
- The site is well located and will reinforce and increase activity levels in the Town Centre to the benefit of existing businesses;
- In all respects, the proposal will deliver positive economic outcomes for the residents and business community of Merimbula.”

A demand-supply analysis was undertaken by Deep End Service which concluded the following:

- “Merimbula will receive a significant increase in supermarket space with the replacement Woolworths and new ALDI within two years.
- This will raise the effective rate of supermarket floorspace to a relatively high level, however there are examples on the south coast (and other regional areas) with higher rates than Merimbula.
- The rate of provision is almost entirely due to Woolworth’s dominance of the market. Outside of Merimbula, Coles has only a small supermarket at Eden within the catchment area while ALDI has no stores in the Bega Valley Shire.
- The effect of the higher floorspace provision will be most keenly felt by Woolworths who will cannibalise their own sales between Merimbula and Tura Beach – with or without ALDI’s presence.
- The proposed ALDI store will represent about 14% of total supermarket floor space within a 10 km radius of Merimbula (including the relocated Woolworths).”

When the application was advertised, no concerns were raised by the community in respect to the Social and economic impacts of the development. It is considered that the development would provide a positive social and economic impact on the Merimbula community.

5.5 Sustainable Design Principles

The applicant identified the following Environmentally Sustainable Development measures in the building design and during operation to reduce energy consumption in accordance with Section 2.6.3.1 and Section 5.5 of DCP 2013:

- Glazing is proposed to the south elevation to provide maximum natural light whilst minimising direct sunlight and the associated heat load.
- Use of high efficiency lighting for the entire building to reduce electricity consumption and air conditioning load.
- Use of entry/exit airlocks within the ALDI Store to minimise air loss and energy consumption.
- Installation of store freezer lids within the ALDI Store to minimise loss of chilled air.
- The landscaped area will incorporate drought resistant native plants.
- Outdoor lighting, signage and external lighting are controlled by automatic time switches and will be switched off during the daylight hours when not required.
- There would be limited lighting outside retail trading hours to prevent overuse and to minimise electricity usage.
- Use of water efficient fittings.
- Dedicated recycling storage area and staff training to advise of proper waste and recycling procedures.
- Installation of stormwater detention and treatment facilities.
- The site is accessible by public transport and the existing bus stop is located on Main Street with direct connection to the proposed ALDI Store via the proposed pedestrian pathway which will minimise dependence on private motor vehicle trips.

- Provision of eight (8) bicycle parking spaces on site encouraging bicycle use as transport.

These works are considered to be consistent with the aims and objectives of this Section.

5.6 Tree and Vegetation Preservation

The applicant has provided relevant details for the removal of four trees from the site, and detailed proposed landscaping of the site. The development is consistent with this Section.

5.8 Planning for Hazards

The subject site is not considered to be affected by any coastal hazards or flooding. Site contamination has been considered and preliminary assessments undertaken. No hazards were identified for the site and therefore the site does not require remediation. The site is not designated as bushfire prone land. Climate change and sea level rise considerations have also been considered further below in this 79C assessment.

5.9 Off-street Car and Bicycle Parking

For Commercial premises the following parking requirements are needed – Car spaces: 1 parking space per 25m² gross floor area ground floor – Bicycle parking: 1 space per 200 sqm of gross floor area for development. The proposed total gross floor area is 1,685.8m². Therefore, a minimum of 67.4 car parking spaces and 7 bicycle parking spaces are required. The proposal provides:

- 89 car parking spaces
- 8 bicycle parking spaces

Of the car parking spaces required, a minimum of one disabled persons space is to be provided per development, plus 1 per 25 spaces designed in accordance with the Australian Standard 2890.6. The proposal comprises a total of 89 car parking spaces. Thus, a total of 3.5 accessible car parking spaces are required. The proposal comprises a total of six (6) accessible car parking spaces.

The development complies with the provisions of this Section by providing Parking spaces for designated for accessible car parking spaces are located immediately to the west and south of the building's main entrance. Accessible car parking spaces at the basement level are located adjacent to the lift lobby with the shortest travel distance.

The proposal comprises barrier free pathways between accessible car parking spaces and the ALDI Store entrance, as well as the lift lobby in the basement level.

A designated pedestrian pathway providing direct access between the proposed ALDI Store forecourt and the footpath along Main Street is detailed. This pathway would be adequately lit at night. The proposed at-grade car parking spaces line up along this pathway that will be readily accessible to customers. **A standard condition relating to appropriate lighting is recommended.**

5.11 Signage and Advertising

The proposed signage is consistent with Section 5.11.1 of DCP 2013. It is considered that the extent of signage proposed for the site is suitable to the site's location within a business zone. The ALDI Store standard logo and text will be shown on four (4) wall-mounted signs and one (1) pylon sign. These signs are modest in scale with a dimension of 2,400mm (h) x 2,000mm (w) and are entirely located within the site boundary and are integrated with the supporting façades and structures.

The proposed signage covering walls are calculated as follows; North and South elevation: Approximately 3.8% of the elevations will be covered by signage, and East and West elevation: Approximately 4.8% of the elevation will be covered by signage.

The applicant has undertaken an assessment of the signage under State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) which sets out matters for consideration that must be addressed before Council can approve a development application for any signage.

The assessment concludes that the proposed number of signs is suitable for the scale of the proposed development, the site location and will not create visual clutter when viewed from public vantage points, namely from surrounding roads of Main and Market Streets and their adjoining pedestrian sidewalks. The proposed signs would not dominate or detract from the appearance of the new building and other businesses located in the vicinity of the site due to the setback of the building to Main Street. The proposed signage will positively contribute to the character of the Merimbula Town Centre as a major retail centre in the Bega Valley Shire area and be consistent with adjoining commercial and retail premises that retain a range of associated signage in a range of colours. The proposed signs are compatible with the site context.

The proposed signs are to be internally illuminated. The signage proposed is considered to be

satisfactory for the scale and type of commercial development. **A Condition is recommended to ensure that excessive illumination will not impact on passing traffic and residences located near the site and that the signs are maintained into the future.**

6 Engineering Requirements

6.1 Roads and Easements

The application seeks the extension of the proposed new service road along the Northern boundary and provided conceptual plans for its design.

The development application has been assessed by Council's Development Engineer with no concerns identified with the submitted plans. **Standard and specific engineering conditions are recommended to ensure the development complies with Councils engineering requirements and specifications.**

6.2 Parking and Driveways

The proposed development comprises separate and dedicated vehicular and pedestrian access points off Main Street and along the proposed new service road and provide positive safety outcomes.

The final construction standards for driveways and parking areas will be addressed during the detailed road design and construction phase. The development application has been assessed by Council's Development Engineer with no concerns identified with the submitted plans. **Standard conditions are recommended to ensure that final construction standards for driveways and parking areas are compliant with Council's Development Design and Construction Specifications.**

6.3 Soil and Stormwater management

The applicant has provided sediment and erosion control notes and conceptual stormwater management for the site.

The development application has been assessed by Council's Development Engineer with no concerns identified with the submitted plans. Standard conditions are recommended to ensure that final construction standards for driveways and parking areas are compliant with Council's Development Design and Construction Specifications.

Clause 8 – Notification and advertising

The DA was advertised in accordance with the provisions of the DCP.

DISCUSS WITH YOUR MANAGER. MAY NEED TO REPORT TO COUNCIL.

Any planning agreement a developer may have entered into Section 79C (1)(a)(iia)

Has the developer entered into (or proposed) any planning agreements?

☒ No

☐ Yes

SPECIFY:

Any regulations that may apply to the land

Section 79C (1)(a)(iv)

Are there any regulations that may apply to this land?

☒ No

☒ Yes

SPECIFY:

NSW Coastal Policy

☐ N/A?

The NSW Coastal Policy 1997 has been considered in the assessment of this application. The objectives of Clause 5.5 of the Bega Valley LEP 2013 provide a framework for the implementation of the principles of the Coastal Policy, and have been considered previously in this Section 79C Assessment Report.

Coastal Management

Section 79C (1)(a)(v)

Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)?

☒ No

☐ Yes

SPECIFY:

Development impacts and site suitability

Section 79C (1)(b) & (c)

What are the likely impacts of the development and suitability of the site?

Environmental impacts

NATURAL

SECTION 5A EP&A Act ASSESSMENT OF SIGNIFICANCE

- a) **Threatened species:** is the proposal likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction? ☐ Yes ☒ No ☐ N/A

Consider:

- | | |
|--|--|
| <input checked="" type="checkbox"/> displacement / disturbance of threatened species / populations | <input checked="" type="checkbox"/> Effect on migration / dispersal ability |
| <input checked="" type="checkbox"/> disruption to breeding cycle | <input checked="" type="checkbox"/> Disturbance to seedbanks |
| <input checked="" type="checkbox"/> disturbance to dormancy period | <input checked="" type="checkbox"/> Germination and establishment of plants |
| <input checked="" type="checkbox"/> disturbance to roosting behaviour | <input checked="" type="checkbox"/> effect of interaction between species (eg pollinators, host species) |
| <input checked="" type="checkbox"/> changes to foraging behaviour | |

- b) **Endangered population:** is the proposal likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction? ☐ Yes ☒ No ☐ N/A

Consider:

- | | |
|---|--|
| <input checked="" type="checkbox"/> disturbance to seedbanks | <input checked="" type="checkbox"/> effect of interaction between species (eg pollinators, host species) |
| <input checked="" type="checkbox"/> germination and establishment of plants | |

- c) **Endangered ecological communities:** is the proposal likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction **OR** likely to substantially and adversely modify the composition of the EEC that its local occurrence is likely to be placed at risk of extinction? ☐ Yes ☒ No ☐ N/A

Consider:

- ☒ whether any EECs are known or likely to occur within the study area

- d) **Habitat:** is the proposal likely to remove or modify the habitat of a threatened species, population or ecological community? ☐ Yes ☒ No ☐ N/A

Consider:

- | | |
|--|---|
| <input checked="" type="checkbox"/> disturbance of any permanent, semi-permanent or ephemeral water bodies | <input checked="" type="checkbox"/> introduction of weeds, vermin or feral species |
| <input checked="" type="checkbox"/> degradation of soil quality | <input checked="" type="checkbox"/> removal of trees with hollows, caves and rock crevices |
| <input checked="" type="checkbox"/> clearing or modification of native vegetation | <input checked="" type="checkbox"/> effect of natural revegetation and recolonisation of existing habitat |

Is the proposal likely to fragment or isolate an area of habitat from other areas of habitat?

IF YES, assess the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality. ☐ Yes ☐ No ☒ N/A

- e) Is the proposal likely to have an adverse effect on critical habitat (either directly or indirectly)? ☐ Yes ☒ No ☐ N/A

- f) Is the proposal consistent with the objectives or actions of a recovery plan or threat abatement plan? ☐ Yes ☐ No ☒ N/A

- g) Does the proposal constitute a key threatening process or is likely to result in the operation of, or increase the impact of a key threatening process? ☐ Yes ☒ No ☐ N/A

Is this proposal satisfactory, having consideration to the impact on the environment in terms of:

Landforms	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Water quality	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Drainage/hydrology/watercourses	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Vegetation	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Fauna	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Flora	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Habitat	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Erosion/sedimentation	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Marine environment (eg Batemans Bay Marine Park)	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Is the proposal satisfactory having regard to:

Provision for landscaping on the site? (including screening or fencing)	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Preservation of existing vegetation?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Setbacks to watercourses/riparian buffers?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Provisions of any Property Vegetation Plan (PVP)?	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Comment

The site has been extensively modified and retains minimal vegetation. The application seeks approval for the removal of 4 trees. A review of the trees for removal identified that they do not have any significant habitat potential and consider reasonable for removal. These trees are separated from any significant stands of vegetation and would be replaced with 9 trees within the proposed car parking area facing Main Street.

The plans provide a conceptual landscape and tree plantings. It is considered that the landscape design is consistent with Council's provision in DCP 2013 and the landscaping improves the visual amenity and softening of the proposed built form when viewed from public vantage points, namely Main Street, through enhancing the site's presentation and providing a visual "green" buffer along Main Street and the perimeter of the site.

It is recommended that a further four street trees be planted adjacent the proposed new service road. This would help soften the building when viewed from the north and provide shade along the new pedestrian path.

Matters relating to landforms, drainage, stormwater and soil erosion/sedimentation have been addressed under considerations under Bega Valley DCP 2013.

Environmental impacts

HAZARDS

Is this proposal satisfactory, having consideration to:

Soil instability/subsidence/slip/mass movement, uncompacted fill?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Flooding or tidal inundation?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Contaminated land provisions or listings?	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Acid sulphate soils?	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the land Bushfire prone land?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Is the proposal integrated development? 	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes ¹	<input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ¹ If YES, has a S100B been issued by NSW RFS? 	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes ²	<input type="checkbox"/> No ³
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ² If YES, attach to consent. 			
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ³ If NO, refuse application as per EP&A Act requirements. 			
<ul style="list-style-type: none"> Is the proposal consistent with Planning for Bushfire Protection? 		<input type="checkbox"/> Yes ²	<input type="checkbox"/> No ³
<ul style="list-style-type: none"> Has the proposal been considered by the local RFS? 	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes ²	<input type="checkbox"/> No ³
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ¹ If YES, include any requirements of NSW RFS as conditions of consent 			
Is the proposal subject to any other hazards?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Comment

The site is located outside areas considered to be affected by flooding or tidal inundation or be subject to soil instability/slip or mass movement. The site is not listed as being contaminated, as being bushfire prone or any other hazards.

Environmental impacts

BUILT

Is this proposal suitable having regard to the following:

Impact on adjoining land and the locality?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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The amenity of the area?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Appearance from public spaces?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Noise/lighting impacts on adjoining developments or roads etc?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Existing noise sources?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
The scenic qualities and features of the landscape and streetscape?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
The design, scale and character of the area?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Sunlight and overshadowing?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Visual impact?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
View sharing?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
The positioning of buildings?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Boundary treatments, retaining walls and impact on neighbouring buildings?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Comment

The development responds to the topographic conditions and provides in part a one storey building to Main Street and a two storey building to the proposed new service road at the rear.

The building frontage to Main Street incorporates glazed entrances, windows, painted concrete in colours of “fluorescent fire” and “drive time”, and powder coated aluminium in “basalt grey” colour which provides architectural interest. The proposed lift overrun is entirely integrated with the architectural features of the roof which achieves a uniformed built form visible from public vantage points and reduces the overall visual bulk from Main Street.



The loading dock and loading bay area for the ALDI Store is located at the rear, along the north boundary with two designated driveways serving the proposed loading dock and basement car park respectively.



The at-grade car park and ALDI Store forecourt will be lit at night for the visibility and safety of customers. The proposal includes ten (10) LED lighting mounted on seven (7) columns designed to maintain even light within the car park and comply with relevant Australian Standards. The ALDI Store forecourt will be facilitated with lighting to minimise black spots and ensure the safety of customers. For the new service road, electricity infrastructure including street lighting will be installed to comply with Council, RMS, and authority requirement.

The proposed lighting associated with all external signage will be turned off after the closure of the ALDI Store. **Full details of lighting are required prior to the issue of the Construction Certificate stage and Council standard conditions relating to lighting is recommended.**

The proposal seeks delivery hours for the proposed ALDI Store as 24 hours per day, 7 days per week. The proposed schedule ensures that the delivery of fresh produce and grocery goods are available to customers when the supermarket commences trade each day. The proposed trading hours of the ALDI Store will be 7.00 am to 10.00 pm, 7 days a week. Notwithstanding, the ALDI Store typically trades within the following times: Monday to Sunday: 8.00 am to 8.00 pm. The trading and delivery hours are considered appropriate within the commercial centre of Merimbula.

An Operational Noise Impact Assessment was prepared by Wilkinson Murray Pty Ltd and submitted with the DA and assessed the potential impacts of the proposed development on the nearest affected receivers. It concluded that the proposed delivery hours are acceptable for the site and will not result in any significant adverse noise related amenity impacts.

Construction activities will be limited to the Council's standard hours of 7am-6pm Monday to Friday and 8am-1pm Saturdays, with no audible work on Sundays and/Public Holidays.

It is considered that the proposed development has been designed to minimise potential impacts on the surrounding built environment and it is considered to be consistent with the current commercial land uses located immediately adjoining and surrounding the site.

Is the road system adequate to cater for any increase in traffic movements generated by the proposal?

☐ N/A ☒ Yes ☐ No

Is vehicular access satisfactory?

☐ N/A ☒ Yes ☐ No

Is carparking provided and adequate?

number of spaces required? 89

number of spaces proposed? 89

surplus 0

contribution for car parking appropriate?

☐ Yes ☒ No

Has the assessment of this proposal included input from the Traffic Committee (local or regional) and/or any other relevant road authority (eg RTA)?

☐ N/A ☒ Yes ☐ No

Has the availability, accessibility and adequacy of public transport been considered in the assessment of this proposal?

☐ N/A ☒ Yes ☐ No

Is pedestrian access satisfactory?

☐ N/A ☒ Yes ☐ No

Comment

Vehicular access is proposed to be provided as follows:

- Main Street: one (1) left in/left out access via the driveway; and
- Proposed service road: two (2) vehicle access points, one is exclusively for customer vehicles providing entry to the basement car park and western driveway is for service vehicles.

At-grade car parking will be located at the southern part of the site providing a total of 51 car parking spaces including four (4) accessible.

Customer car parking is also provided at the basement level with a total of 38 spaces, including two (2) accessible spaces.

Total on-site car parking spaces 89. This would accommodate the existing 18 spaces currently provided on-site for public carparking and the removal of up to 4 on street spaces for the provision of the wombat crossing.

The application proposes 6 accessible parking spaces. The application also provides Bicycle parking racks to accommodate 8 bikes.

The loading dock is located at the northern end of the building fronting the new service road. Flexibility is sought to enable loading and unloading at the proposed loading dock to occur 24 hours per day, 7 days per week. Due to the distance of the site from the warehouse and distribution centre at Prestons in Sydney, a delivery schedule of 24 hours per day, 7 days per week is essential to ensure fresh produce can be available at the store.

All 19m service vehicle movements will be in accordance with AS 2890.2-2002 and the proposed manoeuvring areas provided for service vehicles to enter the proposed loading dock on the site in a reversing movement and exit the site in a forward direction (refer to Vehicle Swept Path Diagram prepared by PTC Consultants for further details).

The application was considered by Council's Traffic Development Advisory Committee Meeting who provided the following comments/recommendations;

The type of pedestrian treatment was discussed and a wombat crossing was agreed upon as it:

- ☐ provides a significant decrease in pedestrian/ vehicle accident rates when compared to alternative pedestrian treatments,
 - ☐ is raised and so reduces the speed environment in an area with high pedestrian traffic and,
 - ☐ is level with the kerb and so provides an easier path of travel for disabled people as compared to a conventional crossing with pram ramps.
- Recommend
- ☐ Wombat crossing of Main Street located between the existing Woolworths and Best and Less car park entrances,
 - ☐ pedestrian fencing or other treatment as required at the intersection of Market and Main Streets to direct pedestrians to use the crossing,
 - ☐ raised median strip within Main Street along the frontage of the proposed ALDI development.

Social and economic impacts

Is the proposal satisfactory having regard to the social and economic effects on the locality, town or shire?

☐ N/A

☒ Yes

☐ No

Comment

The proposed development achieves a good level of building security and public safety through a combination of passive and active systems. The proposed development includes glazed shopfronts that will provide passive surveillance into the retail floor area of the proposed supermarket and views out to Main Street. The site layout enables clear line of sight within the car park and entrances to the building and is free of any entrapment zones or concealed spaces. These design elements are consistent with the objectives of Crime Prevention Through Environmental Design.

The application includes clear signage that would be provided to delineate staff and back of house areas from customers. All staff only access areas will be secured via physical barriers such as solid doors and double locks. In addition, all staff will be trained in the management of all security and emergency related operational procedures.

Economic impacts have also been considered in this assessment. A Retail Impact Assessment was prepared by Deep End Services. The overall conclusions of that assessment are:

- "The ALDI development presents a range of positive benefits to residents of Merimbula and its wider catchment. ALDI will be well-received by the community whose demographic profile is suited to ALDI's small but efficient layout and competitive pricing;
- The expected trading impacts will be largely confined to the existing Woolworths stores who dominate the local market with no effective competition;
- The site is well located and will reinforce and increase activity levels in the Town Centre to the benefit of existing businesses;
- In all respects, the proposal will deliver positive economic outcomes for the residents and business community of Merimbula."

In relation to the potential economic impacts of more supermarket floor space within Merimbula, it is considered that the retail impact analysis undertaken by Deep End Service's is supported in that "the proposed ALDI Store will not result in significant trading impacts" for the following reasons:

- A small provision of floor space.
- It is only for a Supermarket.
- Impacts will only be on larger supermarkets.
- No speciality shops are proposed.
- Only redirect supermarket sales within Merimbula.
- be accommodated by population growth.

It is considered that the development would have a positive social and economic effect for the township of Merimbula. Refusal of the application on economic grounds is not considered to be warranted.

Was the proposal notified or advertised?	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Were any submissions received?	If YES, How many? 1	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Summary of issues / conditions recommended to address issues

The development application was notified in accordance with Council's Notification requirements under DCP 2013 and was placed on exhibition between 8 November 2017 and 22 November 2017 with one public submission received. The submission did not object to the development, however raised issues in relation to the design of the development and those issues are summarized as follows;

1. The depth of up to 6.8 metres of the excavation could affect our building, what measures will be taken to safeguard the integrity of our building.

Comment: The applicant has detailed that prior to commencement of construction, the nominated builder will undertake a dilapidation report on the adjoining neighbours existing buildings. The design for the protection of the structural integrity of all adjoining buildings will be undertaken by the structural engineers for the project. It is recommended that a condition requiring dilapidation reports be undertaken for adjoining premises prior to and on completion of construction works. It is recommended that a further condition requiring any remediation works for damaged items be undertaken by the applicant/owner of the development.

2. If Aldi is to build right up against our building we request that appropriate drainage be installed.

Comment: The applicant identified that the civil engineers drawings which are in accordance with Australian Standards ensures that there will be appropriate drainage to be installed. These have been reviewed by Council staff and are considered appropriate.

3. That a suitable high wall is constructed between the back of our building and the corner boundary next to our mini golf area. This is required for security and privacy of our patrons. The plans indicate there will be a drive going under the Aldi building which gives us concern in this regard. We are quite prepared to allow the removal of "some" of the trees on our boundary line with our consultation and the developer replace plants and repair any damage to gardens.

Comment: The applicant identified that the eastern boundary will be fenced. Council staff recommend that a 1.8 metre high fence be erected and this is included as a condition in the draft consent.

4. We have, on our roof, approximately 100 solar panels. We are concerned that the proposed building may shade these panels at certain times of the day and certain times of the year. As we went to a lot of expense with the installation of these panels we request that the council look closely to ensure that the shade does not cover the solar panels at any time.

Comment: The applicant provided shadow diagrams as a part of the development application. A review of the plans indicate that the roof of Top Fun would not be overshadowed between the hours of 9am to 3pm (winter solstice) which is the standard under DCP 2013.

5. Car Parking. We ask that the Council look closely at the car parking requirements for this development. As discussed in our meeting there are 43 car parking spaces that are existing on this parcel of land. Michael Britten did this car park as a trade-off for his development in Merimbula Drive some years ago. We believe these spaces should not be counted in the proposed development.

Comment: There is a restriction on the title of Lot 949 DP810986 requiring the provision of 18 public car parking spaces to be provided on the land, not 43. The site currently does retain approximately 43 with many spaces non-compliant due to the slope of the land.

The proposed development has been assessed in accordance with DCP 2013 and the application has maintained the 18 car spaces required by the existing restriction on the title of Lot 949 DP810986, on top of the required 67 car spaces required for the supermarket and the four on-street parking spaces that would be lost with the creation of the wombat crossing in Main Street. The development is consistent with the parking requirements required under Bega Valley DCP 2013 and the existing restriction on the title of Lot 949 DP810986.

6. Possibility of the Council to consider and utilise some of the area around the service road which is being used by Woolworths and the Aldi development to install extra car parking at that level which, in our opinion, could be used by staff at both facilities. These carparks to have unrestricted times to allow staff to park away from the public carparks or under both buildings leaving more space for

customers. As Merimbula suffers from shortage of car spaces we believe this is a good idea. These proposed spots could be sign posted for "staff only".

Comment: This is not a consideration of this application.

Concerns raised in the submission were detailed with the applicant and support was provided that matters relating to fencing with the affected property could be accommodated, that appropriate dilapidation reports be undertaken of affected properties prior and following construction works, and the removal of vegetation as a result of the construction works can be adequately addressed in conditions of consent.

The above matters were further clarified with that person who lodged the submission including recommended conditions for the dilapidation reports before and after construction works commence, the provision of carparking for the development, and overshadowing. Following those discussions, they raised no further concerns to their original submission and provided further comments in relation to the potential loss of vegetation and fencing detailed below;

"1. We have no concerns regarding loss of trees along our boundary but is there some sort of recompense with regards to replanting to cover wall?"

2. The wall along our boundary as long as it was high enough and gave our patrons some privacy, i.e., a wall high enough for security and not able to be seen through, such as brick or some like material. There is still no assurance what material is going to be.

Those were our main concerns, also was there going to be interruption to our patrons being able to play golf at any time due to building along said wall along our boundary."

Comment: It is recommended that conditions be included in regards to the removal of trees from 99 Main Street and the provision of fencing with their property. As detailed in their original submission, they did not object to the development. It is considered that all concerns raised in their submission have been adequately addressed in this report and with the imposition of conditions in the draft consent.

NSW DPI Office of Water

The application was integrated with the NSW DPI Office of Water as works were within 40 metres of Merimbula Creek and therefore triggered approval under the Water management Act 2000. The Office of Water provided there General terms of Approval and are required to be condition of consent. The Office of Water made two further comments on the proposal, the first requiring that the service road identified on the plans should be limited to ensure that there are no further works are required within the 40 metre buffer. It is recommended that a condition be placed on the approval limiting the extent of the proposed service road.

The second comment was that the riparian corridor along Merimbula Creek adjoining the proposed service road be enhanced to offset the encroachments into the Merimbula Creek corridor in accordance with the DPI Water Riparian Corridor Guidelines. Rehabilitation works should include the suitable revegetation of the service road embankment to replace the existing vegetation that will need to be removed and to compliment the adjoining riparian corridor. It is recommended that a condition be placed requiring the rehabilitation of the Merimbula Creek riparian corridor including the service road embankment.

<input checked="" type="checkbox"/> Integrated Development – Refer copy of submissions to Approval Body – Office of Water	Completed: date 4 / 5 / 2018
<input type="checkbox"/> Designated development – Refer copy of submissions to Director-General of DoP (see s.80(9) of EP&A Act)	Completed: date / / 20

Public interest

Section 79C (1)(e)

Would approval of the development be in the public interest?	It is considered that the development is in the public interest. The development application provides a development that is consistent with the zoning of the land, DCP 2013 and existing development in the Merimbula CBD.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have the principles of ecologically sustainable development been considered in the assessment of this development under the Environmental Planning &		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Public interest

Section 79C (1)(e)

Assessment Act 1979?

Has the precautionary approach been considered in the assessment of this development?

☒ Yes

☐ No

Have the potential impacts of sea level rise been considered in the assessment of this development?

☒ Yes

☐ No

CONCLUSION

Having consideration to all relevant matters, the proposal is considered to be: ☒ Satisfactory ☐ Unsatisfactory

and permissible under Clause 2.3, 2.7, 4.3 and 6.2 of Bega Valley Local Environmental Plan 2013

Assessing officer

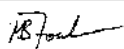
Print name

Mark Fowler

Date

29/5/2018

Signature X





STATEMENT OF ENVIRONMENTAL EFFECTS

**ASSOCIATED EARTHWORKS AND CONSTRUCTION AND
FITOUT OF PROPOSED BUILDING COMPRISING AN ALDI
STORE WITH ASSOCIATED BUSINESS IDENTIFICATION
SIGNAGE, LANDSCAPING AND CAR PARKING**

**103 AND 105-107 MAIN STREET, MERIMBULA
(LOT 949 DP 810986 AND LOT 946 DP 604076)**

OCTOBER 2017

Prepared by
Milestone (AUST) Pty Limited

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STATEMENT OF ENVIRONMENTAL EFFECTS



**103 AND 105-107 MAIN STREET, MERIMBULA
(LOT 946 DP 604076 and LOT 949 DP 810986)**

**ASSOCIATED EARTHWORKS AND CONSTRUCTION AND FITOUT OF PROPOSED BUILDING
COMPRISING AN ALDI STORE WITH ASSOCIATED BUSINESS IDENTIFICATION SIGNAGE, LANDSCAPING
AND CAR PARKING**

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APPENDICES

Appendix A:	Survey Plan prepared by Caddey Searl & Jarman
Appendix B:	Architectural Plans prepared by Rothelowman Architects
Appendix C:	Architectural Town Planning Submission Report prepared by Rothelowman Architects
Appendix D:	Landscape Plan prepared by Site Image Landscape Architects

Appendix E: State Environmental Planning Policy No 64 – Assessment prepared by Milestone (AUST) Pty Limited

Appendix F: Waste Management Plan for use prepared by Milestone (AUST) Pty Limited

1. INTRODUCTION

1.1 Introduction

This Statement of Environmental Effects has been prepared for ALDI Stores by Milestone (AUST) Pty Limited (Milestone) to accompany a development application (DA) to Bega Valley Shire Council (Council) for the subject land at Nos 103 and 105-107 Main Street, Merimbula. The proposed development includes construction and fitout of a new building for the purposes of ALDI Store with associated earthworks, business identification signage, landscaping, and car parking. The proposal also includes the construction of a service road to the rear of the site (outside the site's boundary).

This report has been prepared with reference to the following:

- Survey Plan (dated November 2003) prepared by Caddey Searl & Jarman (**Appendix A**);
- Architectural Plans prepared by Rothelowman Architects (**Appendix B**) including:
 - Cover Sheet, Drawing No TP00.00, Revision P7, dated 14 August 2017.
 - Site Plan, Drawing No TP00.01, Revision P11, dated 1 May 2017.
 - Existing Conditions, Drawing No TP00.02, Revision P7, dated 14 August 2017.
 - Demolition Plan, Drawing No TP00.03, Revision P4, dated 12 September 2017.
 - Level New Services Road Plan, Drawing No TP01.01, Revision P8, dated 14 August 2017.
 - Level Basement Plan, Drawing No TP01.02, Revision P12, dated 3 May 2017.
 - Level Dock Plan, Drawing No TP01.03, Revision P8, dated 14 August 2017.
 - Level Store Plan, Drawing No TP01.04, Revision P12, dated 1 May 2017.
 - Roof Plan, Drawing No TP01.05, Revision P8, dated 29 June 2017.
 - Elevations Plan, Drawing No TP02.01, Revision P11, dated 3 May 2017.
 - Elevations Plan, Drawing No TP02.02, Revision P3, dated 18 September 2017.
 - Sections Plan, Drawing No TP03.01, Revision P10, dated 1 May 2017.
 - Shadows Plan, Drawing No TP04.01, Revision P8, dated 3 May 2017.
 - GFA & NLA Plan, Drawing No TP04.02, Revision P4, dated 12 September 2017.
 - Signage Plan, Drawing No TP04.03, Revision P4, dated 13 September 2017.
 - Notification Plan, Drawing No TP06.01, Revision P4, dated 12 September 2017.
 - Development Summary Plan, Drawing No TP07.01, Revision P4, dated 18 September 2017.
- Architectural Town Planning Submission Report (dated September 2017) prepared by Rothelowman Architects (**Appendix C**);
- Landscape Plan prepared by Site Image Landscape Architects (dated 26 September 2017) (**Appendix D**);
- State Environmental Planning Policy No 64 – Signage and Advertising Assessment prepared by Milestone (**Appendix E**);
- Waste Management Plan prepared by Milestone (**Appendix F**);
- Cost Plan (Version 2, dated June 2017) prepared by Donald Cant Watts Corke;
- Accessibility Review Report (dated 26 September 2017) prepared by ABE Consulting;
- Building Code of Australia 2016 Design Review and Capability Statement (dated 25 September 2017) prepared by Phillip Chun;
- Civil Engineering Works Plan (Revision 1, dated 28 September 2017) prepared by Henry and Hymas;
- Geotechnical Investigation and Pavement Design Report (dated 29 September 2017) prepared by Aitken Rowe Geotechnical Engineering;
- Hydraulic Certification of Design (dated 28 August 2017) prepared by Michael Frost and Associates;
- Operational Noise Impact Assessment Report (Version A, dated September 2017) prepared by Wilkinson Murray Pty Limited;
- Retail Impact Report (dated 21 September 2017) prepared by Deep End Services;
- Sustainable Design Principles report (dated 27 September 2017) prepared by Rothelowman Architects;
- Articulated vehicle (19m)-Swept Path Diagram (Revision 1, dated 20 September 2017) prepared by PTC Consultants; and
- Traffic Impact Review Report (dated September 2017) prepared by Christopher Hallam and Associates Pty Ltd.

This report provides an overview of the site and its context, a detailed description of the proposed development, the planning framework and a comprehensive environmental assessment of the development.

1.2 Background

1.2.1 Planning Approval History

A review of Council's records does not indicate any recent development history at the subject site. Council's records however provide the following recent relevant approvals to the surrounding sites:

109, 111-113 Main Street, Merimbula (immediately adjoin site to the west)

Development Application **2008.629** was approved by Council on 31 August 2010. A Section 96 Modification Approval was granted on 24 November 2016. The approved development is a new Woolworths Supermarket in two stages:

Stage 1 – Excavation works

Stage 2 – Construction of supermarket and associated works.

Merimbula-Imlay Bowling Club: 115-127 Main Street, Merimbula (Lot 912, DP 855433)

Development Application **2016.6** was approved by Council on 16 March 2016 for '*1 into 3 lots subdivision and ancillary earthworks*'. The development is staged as:

Stage 1 – 3 lots subdivision (Lots A-C) and Filling of Land

Stage 2 – Earthworks and filling of land for Lot C

Stage 3 – Minor filling of land.

A modification application to amend Conditions 14 and 16 of DA 2016.6 was lodged with Council on 21 February 2017 and was granted by Council on 12 May 2017.

Development Application **2016.186** was lodged with Council on 18 May 2016 seeking approval for '*car park ancillary to existing club*'. This application was approved by Council on 31 May 2016, subject to conditions.

Development Application **2017.334** was lodged with Council on 24 August 2017 seeking consent for '*change of use – bowling green to community garden*'. As of the date of this report, this application is under assessment.

1.2.2 Pre-Lodgement Meeting

On 25 May 2017, representatives from ALDI Stores, Corim Properties, and Rothelowman Architects met with the Bega Valley Shire Council officers for a Pre-Lodgement Meeting to discuss the proposed development of an ALDI Store at the property known as 103 and 105-107 Main Street, Merimbula. The key issues discussed at this meeting related to:

- The extension of the road (currently under construction) over the Merimbula-Imlay Bowling Club (being Lot 912, DP 855433) at the rear of the subject land.
- Details of the proposed earthworks (cut and fill) for the development site and road extension.
- Access arrangement from Main Street.
- Location of the waste storage area and loading dock.
- Potential approval from the NSW Office of Water for works on 'waterfront land'.
- Height of the proposed Main Street pylon sign.
- Other public domain design matters.

Council officers raised no objection to the proposed development of the site subject to the completion of satisfactory expert supporting plans and reports and all building and public domain design issues being addressed.

2. THE SITE

2.1 Site Description

The subject site is located at the property known as Nos 103 and 105-107 Main Street in Merimbula and comprises two allotments, being Lot 949, DP 810986 and Lot 946, DP 604076 respectively. The owner of the site is Bega Valley Shire Council.

103 Main Street is rectangular in shape with a total area of 1,350m². 105-107 Main Street has a rectangular shape with a total area of 3,567m². In total, the subject site area is 4,917.2m² (refer to **Figure 1**).



Figure 1: Locality Map
Source: NSW LPI, SIX Maps, 2017

Existing Development

103 Main Street is currently used as a bitumen sealed car park. 105-107 Main Street accommodates two unoccupied buildings. The building in the southern part of 105 Main Street was previously used as Merimbula Library accommodating offices, library, and two (2) squash courts, whilst the building in the northern part of 105 Main Street was used as a child care centre. 105 Main Street also comprises at-grade car park and retaining walls along Main Street.

A Survey Plan prepared by Caddey Searl & Jarman is held at Appendix A and provides full details of the existing site conditions.

Topography

103 Main Street is relatively flat in topography. The northern part of the property (rear) at 103-105 Main Street falls steeply from 19 metres to 13 metres in a distance of 11 metres. Refer to the Site Survey Plan at **Figure 2** and **Appendix A**, the Site Plan held at **Appendix B**.

Vehicular and Pedestrian Access

Vehicular access to 103 Main Street is obtained from a shared right of way traversing the property at 101 Main Street (SP 41712) to the south. 105-107 Main Street has a vehicular crossover at Main Street in the eastern corner.

Property Rights

The site is subject to a number of easements including:

- Right of Carriageway (6.98 metres wide) (DP 810986) benefiting 103 Main Street;
- Easement of drain sewage (6.98 metres wide) (DP810986) burdening 103 Main Street; and
- Easement of Services (6.98 metres wide) (DP810986) benefiting 103 Main Street.

Lot 949 (103 Main Street) is subject to an encumbrance as follows:

"The car parking easement/restriction is to provide 18 public car parking spaces on the property."

Heritage

The site is not listed as a heritage item or an interim heritage item and is not located within a heritage conservation area under the Bega Valley Local Environmental Plan 2013.

Vegetation

Remnant vegetation consisting of trees and shrubberies are located adjacent to the northern and eastern boundaries. The on-site trees are not identified to be significant under the Bega Valley Local Environmental Plan 2013 and Bega Valley Development Control Plan 2013.

Geotechnical Conditions and Contamination Analysis

A Geotechnical Investigation Report has been prepared by Aitken Rowe Geotechnical Engineering. A field work investigation and a laboratory testing was undertaken to obtain site soil and geotechnical information pertaining to the surface conditions. The 1:250,000 Geological Series Sheet for Bega-Mallacoota (SJ/55-4 and part of SJ/55-8) indicates the area is underlain by "late Devonian Palaeozoic aged undifferentiated sandstone and conglomerate as part of the Merimbula Group (DM)".

Aitken Rowe Geotechnical Engineering also conducted site contamination analysis on recovered samples at the site. The samples were analysed for the following by EnviroLab Services:

- Metals – Mercury, Cadmium, Lead, Arsenic, Chromium (total), Copper Nickel and Zinc
- Electrical Conductivity
- Ph
- Total Polycyclic Aromatic hydrocarbons (PAH)
- Benzo(a)pyrene
- Benzene
- Toluene
- Ethyl-benzene
- Xylene
- Total Recoverable Hydrocarbons C₁₀-C₃₆ (TRH)

The detailed analysis and results are held at the submitted Geotechnical Investigation Report.



Figure 2: Site Survey Plan
Source: Caddey Searl & Jarman, 2017



Photo 1: 105 Main Street viewed from Main Street frontage



Photo 2: 105 Main Street viewed from 109 Main Street to the west

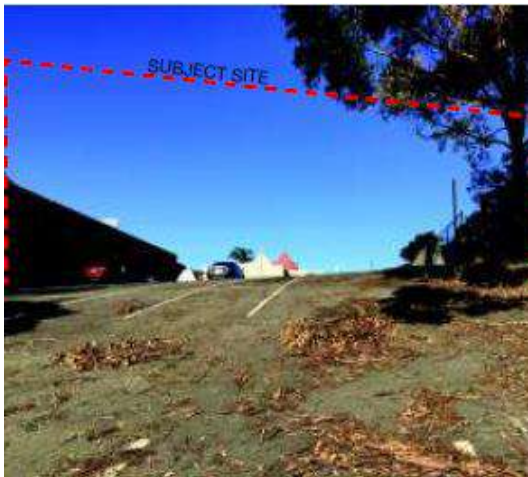


Photo 3: Rear of the site
Source: Rothelowman Architects



Photo 4: Front of the site on Main Street
Source: Rothelowman Architects

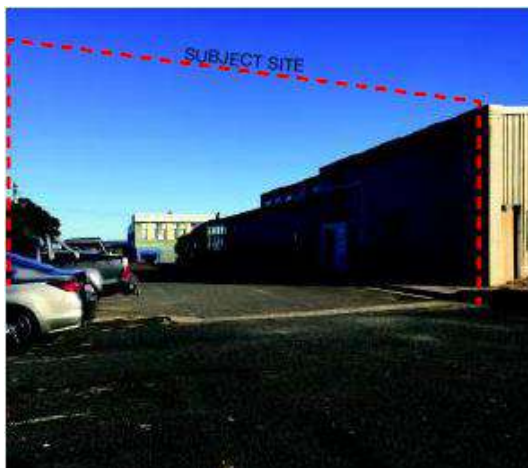


Photo 5: View towards Main Street from the site
Source: Rothelowman Architects



Photo 6: Rear of the site – looking towards the proposed new service road and bushland on Merimbula Creek bank
Source: Rothelowman Architects

2.2 Site Context

The site is located in the B2 – Local Centre Zone with the surrounding locality characterised by a range of commercial and retail developments. The site sits on the northern edge of the Merimbula Town Centre which is generally focussed along Market Street and Merimbula Drive to the south of the subject site.

The site is located approximately 40 metres north of the intersection of Main Street and Market Street. The northern boundary of the site adjoins the Merimbula-Imlay Bowling Club landholding (Lot 912, DP 855433) where a three lots land subdivision is occurring in accordance with DA No 2016.6 (refer to **Photo 10**).

Adjoining the site to the east is an entertainment venue, known as Top Fun, with an access from Main Street (refer to **Photo 11**). Further east, a local heritage item (No I057), Old School Museum, is located at 85-87 Main Street (refer to **Photo 12**).

101 Main Street is located directly to the south of 103 Main Street. This site accommodates a single storey building occupied by an accountant's office, a hair and beauty salon, and a pizza restaurant. A right of way is located along the western boundary, providing shared access for Nos 101 and 103 Main Street.

The land directly to the west, on the northern side of Main Street, contains a bitumen car park which will be developed into a Woolworths Supermarket with a total floor area of 4,020m² under the DA No. 2008.629 approved on 31 August 2010 and the subsequent modification granted on 24 November 2016 (refer to **Photo 8**). The development will have both grade parking and a basement parking level across the site. Each parking level has a separate egress/ingress point to Main Street and an entry to the basement level at the new rear service road.

The township of Berrambool is located to the north of Merimbula Creek, where the streetscape is dominated by single to double storeys detached dwellings. The major sporting facility serving Merimbula, Berrambool Sporting Complex and associate oval, is also located to the north of Merimbula Creek, with access from Sapphire Coast Drive to the west.

Merimbula is one of the main settlements within the Bega Valley Shire and is also one of the few centres on the NSW South Coast served by its own regional airport with daily Regional Express services to Sydney and Melbourne. The town is in the "Sapphire Coast" which includes the main towns of Bega, Bermagui, Eden and Marimbula. The Sapphire Coast is an increasingly popular tourist destination and the population of some towns such as Eden increases during the peak tourist season by an average 30-40% as a result of the tourist influx.

Bus stops exist on Main Street and Market Street and are served by Sapphire Coast Buslines routes 705, 786, 790, 791, and 792. These bus routes provide access to Bega, Merimbula, Pambula Beach, and Eden.

Princes Highway is located approximately 5 kilometres to the west of the site and is accessed via Merimbula Drive.



Photo 7: 101 Main Street, Merimbula



Photo 8: 109 Main Street – Site of the proposed Woolworths Supermarket



Photo 9: Existing Woolworths Supermarket at 68 Main Street, Merimbula



Photo 10: Land subdivision at 127 Main Street, Merimbula



Photo 11: Top Fun at 99 Main Street, Merimbula



Photo 12: Old School Museum at 85 Main Street, Merimbula

3. DESCRIPTION OF THE PROPOSAL

3.1 Overview

The proposal seeks Council's development consent for the demolition of all existing structures, ancillary earthworks, construction and fitout of a new ALDI Store with associated business identification signage, car parking, and landscaping at the property known as Nos 103, 105-107 Main Street, Merimbula. The proposal also includes the construction of a service road to the rear outside the site boundary at 115 Main Street.

The main elements of the development proposal relevant to the subject site are:

- Demolition of existing buildings and site earthworks including cut and fill to prepare the site for the proposed development;
- Removal of four (4) trees;
- Construction of a building containing a new ALDI Store with associated office, staff room, parents room, toilets, and facility rooms;
- Construction of 101 car parking spaces, including six accessible parking spaces (63 spaces in the at-grade car park and 38 spaces in the basement floor car park);
- Loading dock at the northern side of the building to accommodate up to 19m delivery vehicles;
- Construction of a new awning projecting along the southern and western building elevations of the building;
- Construction of a lift and associated lift overrun;
- Construction of retaining walls along the western and southern site boundary;
- One (1) vehicular access via the existing Right of Way at 101 Main Street;
- Two (2) new vehicular access on the proposed new service road to the north of the proposed ALDI Store;
- Landscaping works;
- One (1) double sided pylon business identification signage located near the vehicular access off Main Street;
- Four (4) wall mounted business identification signs on the building's north, east, south, and west elevations;
- Two (2) wall-mounted signs showing car park entries on the north and south elevation; and
- One (1) lifestyle graphic on the north elevation carrying images of fresh grocery produce.

The key development statistics include:

• Total site area:	4,917.2 m ²
• Total Supermarket GFA	1,286.5 m ²
• Floor Space Ratio	0.26:1
• Total on-site car parking spaces	101
• Accessible on-site car parking spaces	6
• Bicycle parking racks	8

The proposed development also includes the construction of a new service road over the Merimbula-Imlay Bowling Club's land at 115-127 Main Street to the north of the subject site. The proposed service road will extend the (under construction) service road to the north (rear) of the new Woolworths Supermarket at 109-113 Main Street.

The new service road will provide access to the proposed loading dock and basement car park for customers.

3.2 Demolition and Excavation

Demolition

The proposal seeks to demolish all existing structures on site. A detailed Construction Management Plan nominating method of demolition will be prepared in accordance with relevant Development Consent conditions, applicable Australian Standards and Occupational Health and Safety Requirements, and will make specific reference to the quantities of materials generated during the demolition and construction phase.

A preliminary Waste Management Plan covering demolition, construction, and operation phases of the development has been prepared by Milestone and is held at **Appendix F** of this report.

Excavation and Earthworks

The proposal seeks Council's consent for excavation works across the northern part of the site which are necessitated due to the sloping topography. As the proposal seeks consent for a finished ground floor level of SFL 15.645, excavation up to a maximum of 6.845 metres below existing surface levels is required in the northern portion of the site.

The detailed excavation methodology will be developed in conjunction with suitably qualified geotechnical and structural engineers during the site preparation phase.

Excavation procedures will be prepared prior to the commencement of the demolition and excavation phase in order to determine the most appropriate equipment to be used and to identify the state of adjoining structures ahead of construction work.

3.3 ALDI Store Design and Finishes

The development comprises a five-aisle ALDI Store with at-grade and basement level customer car parks. The proposal separates the pedestrian and vehicular entries by developing a designated pedestrian pathway with direct access to the ALDI Store forecourt from Main Street. An awning is provided along the southern and western elevation to demarcate the entry point and enhance pedestrian amenity.

Two (2) separate new driveways are provided along the proposed service road to serve the loading dock and basement level car park. Loading and unloading is proposed to occur 24 hours per day, 7 days per week. The proposal also comprises a ramped pedestrian pathway adjacent to the service road frontage. This pathway will provide direct access to the pedestrian footpath and lift lobby within the basement level from the proposed new service road, the township of Berrambool, Berrambool Sporting Complex, and the future residential area within the approved land subdivision development on the Merimbula-Imlay Bowling Club's land to the north.

The development responds to the topographic conditions and provides a part one storey building to Main Street and part two storey building to the proposed new service road.

The building frontage to Main Street incorporates glazed entrances, windows, painted concrete in colours of "fluorescent fire" and "drive time", and powder coated aluminium with "basalt grey" colour which provides architectural interest. The proposed lift overrun is entirely integrated with the architectural features of the roof which achieves a uniformed built form visible from public vantage points and reduces the overall visual bulk.

The entrance to the proposed supermarket is via airlock doors from the forecourt on the southern building elevation. Awnings are provided over the building entrance points to demarcate the entry points and enhance customer amenity. The key storage/back of house of the proposed retail uses including bin storage area sits at the north end of the building. The loading dock and loading bay area for the ALDI Store is located at the rear, along the north boundary with two designated driveways serving the proposed loading dock and basement car park respectively.

The proposed supermarket will be designed to comply with the applicable sections of:

- The Building Code of Australia;
- Australian Standards for the Fitout of Food Premises;
- Chapter 3 Food Safety Standards (Australia Only) of the Australian and New Zealand Food Standards Code;
- NSW Food Act 2003; and
- NSW Food Regulation 2015.

The proposed building will have a contemporary character with a coordinated external materials, textures and colour scheme. Refer to the proposed colours and materials annotated on the Architectural Town Planning Submission Report held at **Appendix C** of this report.

Photomontages of the proposed development are shown at **Figure 3** and **Figure 4**.



Figure 3: The south elevation of the proposed development, viewed from Main Street
Source: Rothelowman Architects, 2017



Figure 4: The north elevation of the proposed development, viewed from the proposed new service road
Source: Rothelowman Architects, 2017

3.4 Hours of Operation

The proposed trading hours of the ALDI Store will be 7.00 am to 10.00 pm, 7 days a week. Notwithstanding, the ALDI Store typically trades within the following times:

Monday to Sunday: 8.00 am to 8.00 pm.

The loading dock will operate 24 hours per day, 7 days per week.

3.5 Signage Details

A total of five (5) business identification signs are proposed on the site:

- **ALDI Pylon Sign:** one (1) double-sided pylon business sign is proposed to be located to the west of the existing Right of Way along the Main Street frontage.
The pylon has a maximum height of 5 metres. The pylon sign is internally illuminated measuring 2,400mm (h) x 2,000mm (w). The pylon sign also includes one smaller signs carrying characters of car park and arrow, mounted beneath the ALDI logo, measuring 350 mm (h) x 2,000 mm (w) showing the car park entry.
- **ALDI Wall-Mounted Signs:** four (4) internally illuminated wall-mounted business identification signs located on the south, west, north, and east elevations of the proposed ALDI Store. The wall-mounted business identification signage has dimensions of 2,400mm (h) x 2,000mm (w).

All proposed business identification signs will carry the standard ALDI Store text and logos and will relate directly to the use of the site. The signs are used for identification purposes and for directing the public to the ALDI Store and basement car park.

Complementing the signage will be a lifestyle graphic applied to the north façade of the proposed ALDI Store along the proposed new service road frontage. The lifestyle graphic includes images of fresh grocery produce which provides interest and reinforces the retail use of the site.

The proposal also comprises two (2) wall-mounted wayfinding signs located on the north and south elevations above the basement car park entries showing the standard car park symbol which will be used to direct customers to the basement car park.

Details of the proposed signage and their locations are shown on the architectural drawings (Nos TP02.01, TP02.02, and TP04.03) held at **Appendix B** to this report. The photomontages of the proposed development (as shown in **Figure 3 and Figure 4**) also provides an indicative visual representation of the proposed signage in context of the site and the proposed development.

3.6 Access and Parking and Traffic

Vehicular access is proposed to be provided as follows:

- **Main Street:** one (1) left in/left out access via the existing Right of Way at 101 Main Street; and
- **Proposed service road:** two (2) vehicle access points, one is exclusively for customer vehicles providing entry to the basement car park and western driveway is for the service vehicles.

At-grade car parking will be located at the southern part of the site providing a total of 63 car parking spaces including four (4) accessible spaces (Refer to Level Store Plan, Drawing No T01.04 held at **Appendix B**). Customer car parking is also provided at the basement level with a total of 38 spaces, including two (2) accessible spaces (refer to Level Basement Plan, Drawing No TP01.02 held at **Appendix B**).

A Traffic Impact Assessment Report prepared by Christopher Hallam & Associates Pty Ltd is included with the DA. The peak traffic generated by the development is anticipated to be during weekday afternoons and Saturday morning peak when it combines with other retail and commuter traffic. An assessment of the impact of the traffic generated by the proposed development has found it to be acceptable in the context of the surrounding road network.

Service vehicles accessing the site will manoeuvre into the proposed rear loading dock within the on-site driveway pavement along the northern boundary of the site. The Vehicle Swept Path Diagram prepared by PTC Consultants demonstrates the proposed width of vehicle access point from the new service road and the manoeuvring area will be sufficient to cater for the movement of 19m service vehicles. As the proposal separates the customer car park entry from the delivery vehicle access point, the movement of service vehicles to and from the loading dock will not impact the movement of customer vehicles on the site.

The proposal comprises eight (8) bicycle parking racks. Four (4) racks are located at the eastern end of the proposed ALDI Store forecourt (Refer to Level Store Plan, Drawing No T01.04 held at **Appendix B**). Four (4) racks are located within the basement car park level, adjacent to the southern vehicular access ramp (refer to Level Basement Plan, Drawing No TP01.02 held at **Appendix B**).

Refer to the Traffic Impact Assessment Report prepared by Christopher Hallam & Associates Pty Ltd and Vehicle Swept Path Diagram prepared by PTC Consultants.

3.7 Service Operations

ALDI Stores adopt a unique approach to the delivery of goods which minimises the impact of service vehicles on the surrounding community. All products, including general groceries, dairy, meat and fresh produce, are delivered by independent suppliers to the main warehouse and distribution centre in Prestons, Sydney. At the warehouse and distribution centre, all products (with the exception of fresh bread) are packaged into pallets and loaded onto trucks. Deliveries are consolidated and reduced by eliminating the need for independent suppliers to make deliveries to the site.

Service vehicle access is proposed from the vehicular egress/ingress point off the proposed service road. The proposed development seeks a typical delivery schedule of 2 to 4 service vehicle movements per day. Generally, it is anticipated that up to two deliveries will be made to the site each day comprising 19m truck deliveries. Deliveries undertaken by small trucks and vans having a maximum length of 12.5 metres will also be made daily for fresh bread and will be dependent on the stock requirements and performance of the supermarket.

The loading dock is located at the northern end of the building fronting the new service road. Flexibility is sought to enable loading and unloading at the proposed loading dock to occur 24 hours per day, 7 days per week. Due to the distance of the site from the warehouse and distribution centre at Prestons in Sydney, a delivery schedule of 24 hours per day, 7 days per week is essential to ensure fresh produce can be available at the store.

All 19m service vehicle movements will be in accordance with AS 2890.2-2002 and the proposed manoeuvring areas provided for service vehicles to enter the proposed loading dock on the site in a reversing movement and exit the site in a forward direction (refer to Vehicle Swept Path Diagram prepared by PTC Consultants for further details).

3.8 Waste Management

ALDI Stores aim to minimise waste generation and promote reduction in the use of non-recyclable materials. ALDI Stores are designed to be facilitated with designated spaces for storing waste and recycling. A Waste Management Plan (WMP) has been prepared by Milestone which addresses the waste management during demolition, construction, and operation phases of the development. The WMP aims to reduce waste generation and promote waste recycling on site in accordance with the Federal and NSW Governments'

waste reduction targets, the *Waste Avoidance and Resource Recovery Act 2001*, and the principles of the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021.

Demolition and construction phases

Demolition and construction waste will be managed by the building contractor and an approved waste management company and transported to an approved waste disposal site where it will be processed.

Operation phase

ALDI products are assembled onto pallets in the ALDI Stores Warehouse and Distribution Centre in Prestons, Sydney. The pallets are delivered to the ALDI Stores by delivery trucks in accordance with the delivery schedule. This unique process limits waste generation and limits the requirement for stocking shelves. The pallets themselves are returned to the ALDI Stores Warehouse and Distribution Centre in the empty delivery vehicle for re-use.

The waste produced at the site will be primarily packaging from grocery items, some foodstuffs (such as damaged stock) and general office waste such as paper and cardboard. Waste will be stored on site within the designated bin storage area located at the rear of the site near the loading dock area until removal by waste contractors.

Unlike other major retailers, ALDI Stores do not include kitchens, delicatessens, bakeries, or the like where fresh food is processed for sale on the premises. The majority of goods are pre-packaged at the ALDI Stores Warehouse and Distribution Centre in Prestons. Putrescible waste generated by the proposed development is generally limited to staff and customer waste. Cleaning contractors will empty the small bins placed within the staff amenity and office, supermarket lobby and forecourt into the larger bins within the bin storage area located adjacent to the loading dock. These larger bins are emptied by an approved contractor on a regular basis.

It is proposed to locate a waste compactor within the loading dock area of the building. The bin storage area will include separate bins for waste and recyclable materials. Appropriate signage will be placed within the site advising of the bin locations and to advise staff and visitors of the requirements to separate waste and recyclable materials. Additionally, the proposed ALDI Store incorporates the following measures during operation to reduce general waste output:

- refusal to offer free plastic bags to encourage the use of reusable shopping bags;
- installation of coin deposit system for trolleys to reduce theft and illegal dumping; and
- use of recyclable plastic crates of certain goods from suppliers to reduce packaging.

Please refer to the Waste Management Plan held at **Appendix F** of this report.

3.9 Lighting

The at-grade car park and ALDI Store forecourt will be lit at night for the visibility and safety of customers. The proposal includes ten (10) LED lighting mounted on seven (7) columns designed to maintain even light within the car park and comply with relevant Australian Standards. The ALDI Store forecourt will be facilitated with lighting to minimise black spots and ensure the safety of customers. For the new service road, electricity infrastructure including street lighting, will be installed to comply with Council, RMS, and authority requirement.

The proposed lighting associated with all external signage will be turned off after the closure of the ALDI Store. Full details of lighting will be provided at the Construction Certificate stage.

3.10 Trolley Management

A trolley bay is proposed to be installed along the southern elevation of the new ALDI Store, within the forecourt to the east of the lift. The proposal also includes two (2) trolley bays within the basement car park level, including one trolley bay located directly opposite the lift lobby and another trolley bay located within the pedestrian pathway at the north-western corner of the basement car park (refer to Drawings TP01.02 and TP01.04 held at **Appendix B**).

It is proposed to implement the standard coin-operated trolley system which will ensure that all trolleys are returned to the designated trolley bay and not be illegally dumped. This system is adopted globally across all ALDI stores.

As part of the trolley management for the site, the following measures will be undertaken:

- ALDI Stores will monitor trolley movements on the site and within the car park areas periodically throughout the day, and upon cease of trade each day.
- Store management will peruse the car park and basement level to ensure all the trolleys have been returned to the trolley collection bay, prior to leaving the store.

These successful systems will be operated and managed by the ALDI Stores staff and management.

3.11 Reticulated Services

Details of reticulated services required for the proposed development are included in the Hydraulic Certification prepared by Michael Frost and Associates and submitted with this DA. The certification provides details of required services relating to fire hydrants, fire hose reel service, plumbing, downpipes, and gutters.

3.12 On-Site Retention

A sediment basin with a volume of 71.25 m³/ha is proposed for the ALDI Store. This sediment basin is located below the proposed vehicle access point on the service road to collect stormwater.

Further details of the proposed sediment basin are provided in the Civil Engineering Works Plans prepared by Henry and Hymas, Drawing Number 17623_DA_SE02, Revision 01, dated 28 September 2017.

3.13 New Landscaping

The proposed development requires the removal of four (4) trees, including three (3) trees located along the existing boundary between Nos 103 and 105-107 Main Street and one (1) tree located within the Merimbula-Imlay Bowling Club's land (115-127 Main Street) outside the northern boundary of 103 Main Street (refer to demolition plan, Drawing No TP00.03 held at **Appendix B**). None of these trees are registered as of significance under the LEP 2013 and DCP 2013.

New landscaping on the site is proposed in accordance with the details on the Landscape Plan submitted with the DA. The proposed landscaping including Water Gum Trees achieves the following positive design outcomes:

- Improving the visual amenity and softening of the proposed built form;
- Improving the site's overall appearance and enhance the site's presentation;
- Providing a visual "green" buffer along Main Street and the perimeter of the site;
- Providing a visual demarcation of the car parking to enhance pedestrian safety and minimise potential conflict between pedestrians and vehicles;
- Enabling passive surveillance of the site to avoid anti-social behaviour;
- Facilitating species of low to medium water demands; and
- Maintaining necessary safety sightlines for pedestrians and vehicles.

For further details refer to the landscape plan prepared by Site Image Landscape Architects submitted with the DA.

4. DESIGN RESPONSE

The siting, layout and design of the proposal has been developed taking into consideration:

- An analysis of the site context;
- The opportunities and constraints existing on the site;
- Potential impacts of the proposed development on surrounding development; and
- The planning framework applying to the site.

The proposal incorporates a range of high quality urban design and operational measures to improve the amenity of the site and surrounding area, some of which will include:

1. The proposal will enhance the existing Merimbula Town Centre by proposing a high quality, architecturally designed development that will activate a large commercial site. Furthermore, the proposal provides an appropriate design solution for a currently underutilised large parcel of land within the Merimbula Town Centre, respecting the topography of the land.
2. Well-articulated treatment of the proposed building overall, in particular, the elevations visible from Main Street and the new service road. The proposal includes a modulated and integrated roof form that includes higher roof form features in the south west corner of the building to accommodate the lift overrun which provide an appropriate elevational treatment and architectural interest.
3. The detailing and external materials ensure that the finished appearance of the building will positively contribute to the streetscape and present an appropriate urban design outcome of high architectural integrity consistent with the desired future character for Merimbula Town Centre.
4. The inclusion of a new supermarket will promote the viability of the Merimbula Town Centre through increased choice, economic, and employment activities. The proposed ALDI Store will provide increased grocery offering and price competition to residents and tourists and strongly supports the principles of sustainable development by facilitating shorter shopping trips and the ability to undertake “top up” grocery shopping by foot, bicycle or public transport.
5. Provision of a density, building height and intensity of commercial development which preserves the amenity to surrounding uses.
6. Development of two (2) driveways for service and customer vehicles respectively along the proposed service road which will provide positive safety outcomes
7. Design of the business identification signage as an integrated part of the development, consistent with the desired future character of the locality, appropriate for the site location and will not detract from the streetscape amenity.
8. Highly visible site entrances and opportunities for passive surveillance of the local area will contribute to improved community use of the site and thereby enhance the safety within the locality.
9. Provision of a designated pedestrian pathway between the ALDI Store forecourt and Main Street footpath to provide convenient and safe access for residents, workers, and visitors approaching the new ALDI Store from the Merimbula Town Centre and broader catchment to the south of the site. A ramped pedestrian path connecting the basement car park with the proposed new service road is also proposed. The design provides direct pedestrian access for residents living in the township of Berrambool to the north of Merimbula Creek; users of the Berrambool Sporting Complex and sports field; and future residents living in the newly created subdivision lots within the Merimbula-Imaly Bowling Club's land.
10. Respectful building design having regard to the site's topographic constraints. The building design responds to the unique sloping topography positively.

5. STRATEGIC AND STATUTORY PLANNING FRAMEWORK AND ENVIRONMENTAL ASSESSMENT

In accordance with section 79C (1) of the Environmental Planning and Assessment Act 1979, as amended (the Act) the following section provides an assessment of the proposed development having regard to the strategic and statutory planning instruments that apply to this site.

5.1 South East and Tablelands Regional Plan 2036

In July 2017, the NSW State Government released the *South East and Tablelands Regional Plan 2036* (South East and Tablelands Regional Plan). The vision for the Region is 'a borderless region in Australia's most geographically diverse natural environment with the nation's capital at its heart'.

Goals, key directions, and actions that are relevant to the proposed ALDI Store are as follows:

Goal: a connected and prosperous economy

Direction 5: promote agricultural innovation, sustainability and value-add opportunities.

Action: Promote commercial, tourism and recreational activities that support the agricultural activities that support the agricultural sector.

Direction 12: Promote business activities in urban centres

Actions:

- 12.2 Encourage mixed use development that cater for commercial, retail, residential and tourism uses through local planning controls.
- 12.3 Reinforce the role and function of centres as the primary places for commerce, retail, social activity and regional services through local strategies and local environmental plans.
- 12.4 Focus future commercial and retail activity in existing commercial centres.
- 12.5 Require proposals for new retail development to demonstrate how they:
 - Respond to retail supply and demand needs;
 - Respond to innovations in the retail sector;
 - Maximise the use of existing and planned infrastructure (including public transport and community facilities) commensurate with the scale of the proposal; and
 - Enhance the value of the public realm.

In accordance with *Local Government Narratives of the South East and Tablelands Regional Plan*, Merimbula is identified as a major coastal town within the Bega Valley Shire (**Figure 5**).

Merimbula and other major coastal towns within the Shire "experience a three-fold boost in their populations during the summer peak."

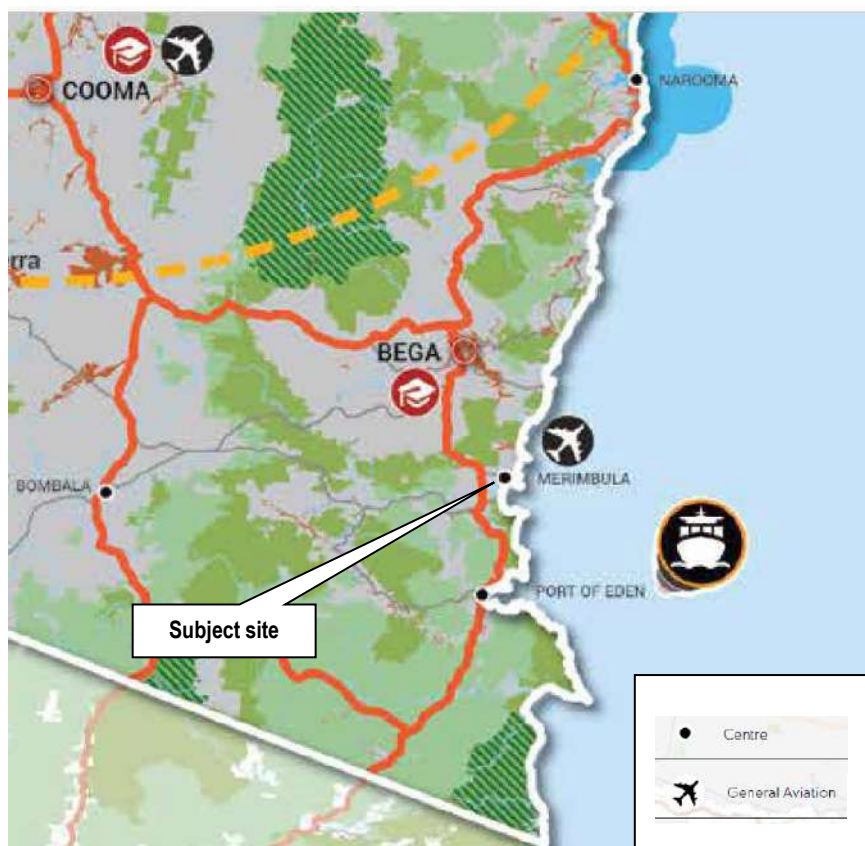


Figure 5: South East and Tablelands Regional Map

Source: Department of Planning and Environment, South East and Tablelands Regional Plan 2036 (2017)

The proposed development will support the continued growth of Merimbula as a major coastal town in accordance with the *South East and Tablelands Regional Plan* as follows:

- “Create new employment opportunities for the surrounding population.
- Provide new retail development within an existing town centre accessible to the local population.
- Support the growth of Merimbula and the increasing role of the region for tourism.
- Preserve and support the role of Merimbula as the secondary retail and commercial centre in Bega Valley Shire.
- Implement a high quality development on an underutilised business zoned site.
- Enhance urban consolidation in an existing centre to minimise environmental impacts.”

The subject site sits in a commercial zoned precinct within an existing town centre and enjoys good accessibility via existing roads, public transport services, and pedestrian access. The proposal will support the increased provision of retail services to the surrounding area. The new supermarket will provide an important retail premise to the growing tourism market that visits Merimbula and the region during the peak tourist seasons.

The proposal is consistent with the direction of the *South East and Tablelands Regional Plan* in terms of encouraging commercial and retail developments in urban centres. The proposed ALDI Store alongside the approved new Woolworths Supermarket will reinforce the role of Merimbula as an important commercial centre in its regional context.

The proposed development responds to a growing demand of retail floorspace brought by the continuous population growth and influx of tourists by delivering an additional 1,286.5m² supermarket floorspace. Estimation provided by Deep End Services shows that “the adjusted population divided into the supermarket

floorspace yields an average of 0.36 sqm of supermarket floorspace per capita, which is 12% below the regional NSW average of 0.41 sqm per capita.”

5.2 State Environmental Planning Policies

5.2.1 Integrated Development

Pursuant to Section 91 of the EP&A Act 1979, the proposed development is not classified as integrated development. The subject site is 60 metres south of Merimbula Creek. Given the proposed service road is 16 metres in width, the northern road alignment is therefore approximately 44 metres south of Merimbula Creek bank. Thus, no consent is required from the WaterNSW for this project.



Figure 6: Distance between the site and Merimbula Creek bank
Source: NSW LPI, SIX Maps, 2017

5.2.2 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) states that a Council cannot consent to development on the land unless:

- “it has considered whether the land is contaminated;
- if contaminated, it is satisfied that the land in its contaminated state, or after remediation, is suitable for the proposed purpose; and
- If remediation is required, it is satisfied that remediation will be undertaken before the land is used for the proposed purpose.”

The previous uses of the site included an office building, child care centre, and at-grade car park. The site is not located within a contamination investigation area and is not listed on the NSW Contaminated Sites register maintained by the NSW Environmental Protection Authority (as of 29 September 2017). Further Council did not raise any issues regarding the suitability of the site for commercial retail development in the Pre-DA Meeting Minutes dated 13 June 2017.

An Asbestos Audit and Risk Assessment Report (dated August 2015) prepared by South Coast Asbestos Consulting (dated November 2015) has been reviewed. This report concluded “all existing items of asbestos-containing materials were found to be in satisfactory condition and present negligible health risk.”

The site is therefore suitable for the proposed development and is therefore able to achieve compliance with SEPP 55.

5.2.3 State Environmental Planning Policy No 64 – Advertising and Signage

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) aims to ensure that outdoor signage is compatible with the desired and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish.

The proposal includes one (1) double-sided pylon sign carrying the standard ALDI Store text and logo alongside a wayfinding sign directing customers to the basement car park. The pylon sign is modest in scale and is designed to provide clear identification of the retail use and offer to the public.

There are also four (4) wall-mounted business identification signs on the building north, east, south, and west elevations which are fully integrated with the building façade design.

The total proposed signage meets the overall objectives of SEPP 64. A full assessment of the proposed signage against the assessment criteria listed in Schedule 1 to SEPP 64 has been undertaken and is attached at **Appendix E**. The assessment shows that there is no impediment under SEPP 64 to Council approving the proposed signage.

5.2.4 State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71)

The site is located within the coastal zone as defined by the *Coastal Protection Act 1979* (refer to **Figure 7**).

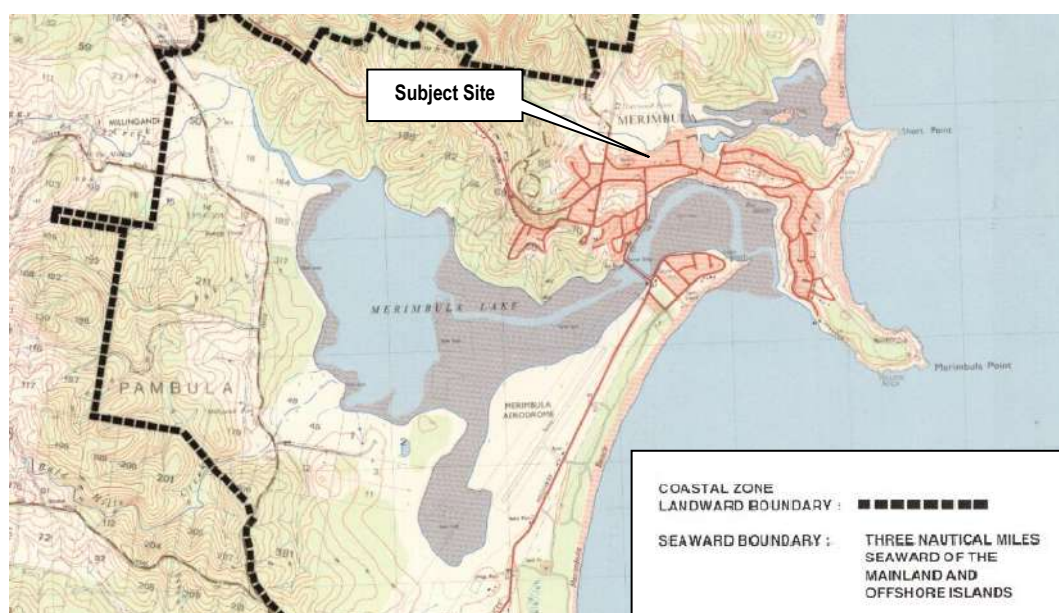


Figure 7: Coastal Zone Map denoting the site

Source: Department of Planning and Environment, NSW Coastal Policy 1997

The proposed ALDI Store is consistent with the aims of SEPP 71:

- (a) “to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and

- c) *Is not likely to have an adverse impact on the water quality of the marine estate, in particular, having regard to the cumulative impacts of the proposed development on the marine estate including sensitive coastal lakes, and*
- d) *Is not likely to have an adverse impact on native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, and*
- e) *Will not adversely impact Aboriginal cultural heritage and places, and*
- f) *Incorporates water sensitive design, including consideration of effluent and stormwater management, and*
- g) *Will not adversely impact on the use of the surf zone."*

The proposed development has taken careful consideration to the above matters by adopting WSUD approaches, detailed civil engineering designs, and geotechnical investigations to ensure the proposal has no detrimental impact on the coastal environment.

5.3 Bega Valley Local Environmental Planning Policy 2013

5.3.1 Aims

The Bega Valley Local Environmental Plan 2013 (LEP 2013) is the comprehensive planning instrument for Council. The proposed development is consistent with the relevant principle objectives of LEP 2013 which are as follows:

- (a) *"to protect and improve the economic, natural and social resources of Bega Valley through the principles of ecologically sustainable development, including conservation of biodiversity, energy efficiency and taking into account projected changes as a result of climate change,*
- (b) *to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, that respond to lifestyle choices, emerging markets and changes in technology,*
- (c) *to conserve and enhance environmental assets, including estuaries, rivers, wetlands, remnant native vegetation, soils and wildlife corridors,*
- (d) *to encourage compact and efficient urban settlement,*
- (e) *to ensure that development contributes to the natural landscape and built form environments that make up the character of Bega Valley,*
- (f) *to protect agricultural lands by preventing land fragmentation and adverse impacts from non-agricultural land uses,*
- (g) *to ensure that development has minimal impact on water quality and environmental flows of receiving waters."*

5.3.2 Zoning and Permissibility

The site is located within the **B2 Local Centre** Zone under LEP 2013 and the proposed ALDI Store with ancillary facilities is classified as a **shop** in LEP 2013 (refer to **Figure 9**). Shop is defined in LEP 2013 as follows:

"shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises."

Note: shops are a type of retail premises. Retail premises are a type of commercial premises.

The proposed service road over the Merimbula-Imlay Club's land at 115-127 Main Street is located within the **B4 Mixed Use** Zone. The new service road is defined as a **road** in LEP 2013 (refer to **Figure 9**) as follows:

"road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road."

The proposed excavation and retaining walls are defined as **"earthworks"**:

"earthworks means excavation or filling".

Note:

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage.

fill means means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

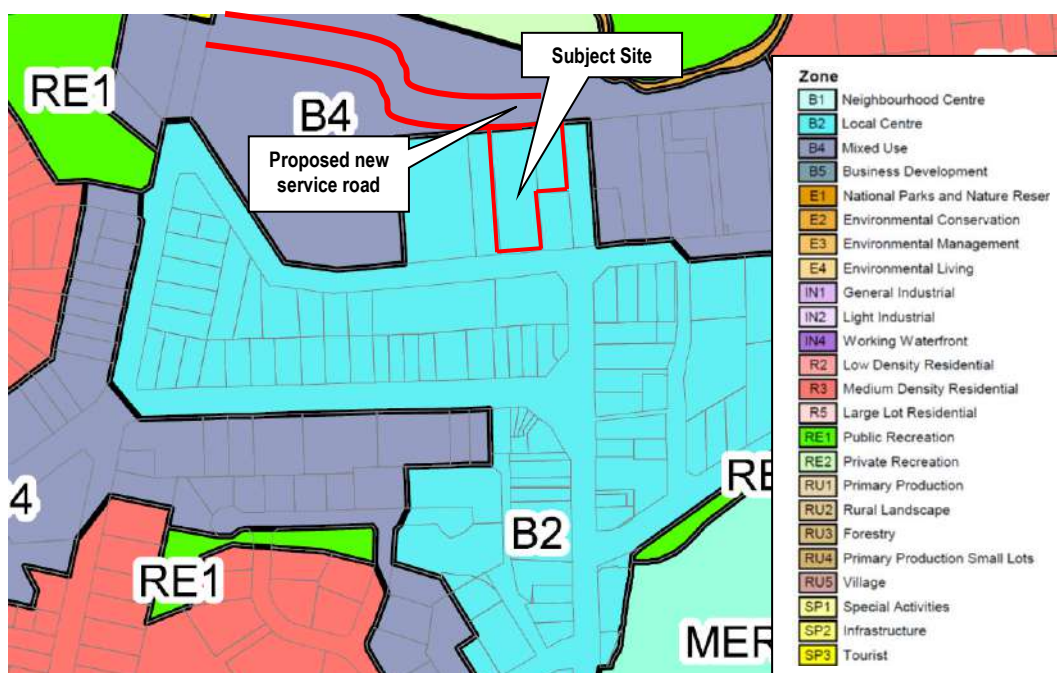


Figure 9: Zone Map
Source: LEP 2013

Pursuant to Clause 3 of **B2 Local Centre** Zone, the following uses of the site are permissible with consent:

*"Boarding houses; Centre-based child care facilities; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; **Any other development not specified in item 2 or 4**"*

Clause 3 of **B4 Mixed Use** Zone stipulates following uses as permissible with consent:

*"Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; **Roads**; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4"*

The proposed ALDI Store, associated earthworks, and the construction of a new service road are permissible with Council's Development Consent.

The proposed development will directly support the achievement of the B2 Local Centre Zone objectives which are:

- *"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."*

- *to encourage employment opportunities in accessible locations.*
- *to maximise public transport patronage and encourage walking and cycling.*
- *to enable other land uses that are complementary to, and do not detract from, the viability of commercial uses within the zone.*
- *to minimise conflict between land uses on land in the zone and land uses on land in adjoining zones.*
- *to strengthen the viability of existing business centres as places for investment, employment and cultural activity."*

5.3.3 Building Height

The site has a maximum building height control of 16 metres pursuant to LEP 2013. The maximum building height (measuring from the basement car park entry on the northern side of the building to the highest point of the proposed lift overrun) is 15.32 metres.

The proposed development, therefore, complies with this development standard.

5.3.4 Floor Space Ratio

The site is not subject to an FSR control pursuant to LEP 2013. The proposed development has an FSR of 0.26:1. The objectives of Clause 4.4 Floor Space Ratio are:

- (a) *"to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic that the development will generate,*
- (b) *to ensure that buildings are compatible with the bulk and scale of the locality."*

The proposed development meets the objectives of Clause 4.4 of LEP 2013. The proposal has been designed to account for the availability of infrastructure to service the site and the vehicle and pedestrian traffic that the development will generate. The proposed development is compatible with the bulk and scale of existing development within the locality.

5.3.5 Development in the Vicinity of a Heritage Item

Clause 5.10 of LEP 2013 relates to heritage and requires Council to make an assessment of the effect the carrying out of the proposed development will have on the heritage significance of heritage items in the vicinity of the site.

The site is not listed as a heritage item in Schedule 5 – Environmental Heritage in LEP 2013 nor is the site located within a heritage conservation area.

The Old School Museum located at 85-87 Main Street, Merimbula (Lot 670 DP1048136), approximately 150 metres to the east of site, is a local heritage listed item. The proposed development will not detrimentally impact the significance of the heritage item building by virtue of the high quality architectural design and finishes of the proposed building and the low scale nature. The subject site is not located within the visual catchment of this heritage item, and the curtilage of the Old School Museum is remained intact.

5.3.6 Earthworks

Pursuant to Clause 6.2 of the LEP 2013, development consent is required for earthworks. A geotechnical investigation is carried out by Aitken Rowe Geotechnical Engineering. The investigation report is submitted with this DA.

5.3.7 Flood planning

The site is not identified as being within, or within proximity to any flood liable land pursuant to Clause 6.3 of the LEP 2013.

5.4 Development Control Plans

5.4.1 Bega Valley Development Control Plan 2013

Bega Valley Development Control Plan 2013 (DCP 2013) provides detailed guidelines and environmental standards for new development within the Bega Valley LGA and is applicable to the proposed development.

The following sections provide detailed assessments of the proposal against the relevant DCP controls.

1 Preliminary

Purpose of this Plan

The proposed development achieves a high level of compliance with DCP 2013 and is consistent with the key purpose of DCP 2013 which is:

'This plan supplements the LEP by providing detailed reasoning, guidelines, requirements and general information relating to the decision-making process and ensures that future development is consistent with the desired future character and community vision for the Bega Valley Shire's towns, villages, urban settlements and rural areas'.

2 Commercial and Industrial Development

2.4 Merimbula Town Centre

Section 2.4 of DCP 2013 provides development controls specific to Merimbula Town Centre. The site sits in the Precincts 5 (Market Street Village) and 6 (Main Street) of the Merimbula Town Centre as defined by DCP 2013 (refer to **Figure 10**).

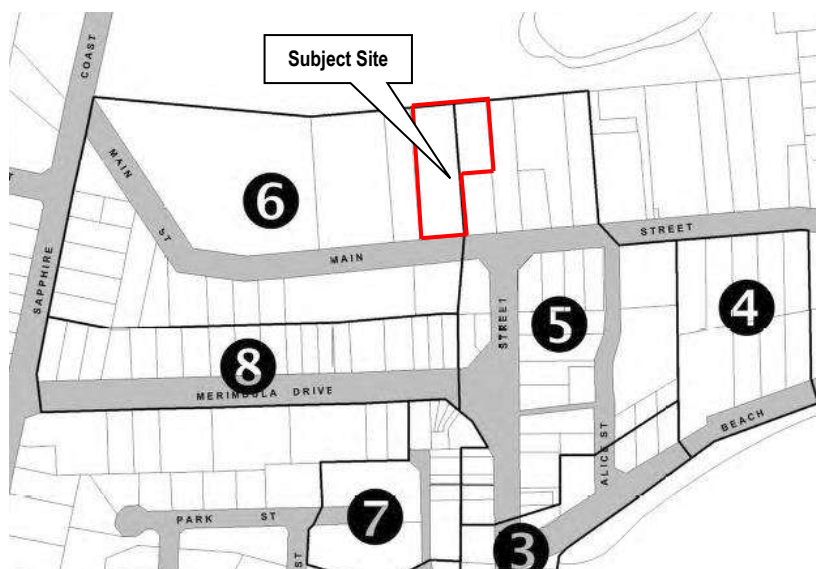


Figure 10: Merimbula Town Centre Precincts
Source: DCP 2013

The following statement is provided in relation to the Desired Future Character:

'The strong desire is for Merimbula to retain its 'coastal village charm'. The challenge is to try to blend that style and character into a district service centre within an anticipated resident 'shopper' catchment population in the order of 11,000 persons by 2025. This population of 'shoppers' more than doubles in the peak tourist season.

The theme for Merimbula is to function as a large coastal village providing district level commercial services for the section of the Shire from Tura Beach to South Pambula’.

The Specific Objective for Precinct 5 is: *‘Continue to develop as the main retail centre in Merimbula’.*

The Specific Objective for Precinct 6 is: *‘Continue to develop as the main daily shopping and retail centre in Merimbula, providing a mix of large and small retail outlets and uses that enhance the retail focus’.*

The proposed development is a discount supermarket that will satisfy the requirements of the relevant Objective and Desired Future Characters for Precincts 5 and 6. Section 2.4.6.6 of DCP 2013 lists the following Specific Requirements for Precinct 6.

- *‘Ensure development facing Main Street provides a streetscape that is comfortable for pedestrians.*
- *Ensure development is well connected to the street and provides easy access to public areas.*
- *Ensure that development is well connected to other areas in the centre via safe and, interesting pathways.*
- *Ensure that building designs do not detract from view of Merimbula as a whole, when viewed from lower areas and Fishpen.*
- *Ensure building designs divide the buildings into clear divisions of bottom, middle and top.*
- *Ensure that building materials or treatment of materials are appropriate for a coastal setting.*
- *Wholly contain any lift overruns and service plant equipment within roof structure or rooflines.*
- *Minimise the impact of roofs and their potential for overshadowing.*
- *Relate roofs to the size and scale of the building, the building elevation and three-dimensional form.*
- *Ensure that signage is kept to a minimum.*
- *Integrate the location and design of car parking with the design of the site and the building’.*

The proposed development will make a positive contribution to achieving these requirements as follows:

- The proposal comprises a designated pedestrian pathway between Main Street and the proposed ALDI Store entry.
- Public art can be accommodated along the Main Street frontage area or elsewhere in the Town Centre, which will make positive visual and interesting contributions to the streetscape.
- The proposal will not result in signage cluster. A total of five (5) business identification signs are proposed, including four (4) wall-mounted signs and one (1) pylon sign.
- A total of 101 car parking spaces are proposed, including 38 car parking spaces in the basement level and 63 spaces in the at-grade car park.
- All plant and the lift overrun is incorporated within the architecture of the building and concealed from view.

2.4.5 General Requirements

Overall Building Setbacks

According to the Figure 2.8 Merimbula setbacks of DCP 2013, the applicable minimum setbacks to all boundaries for the ground and first floor is zero.

The footprint and setbacks of the proposed development balance the operational requirements of the proposed ALDI Store, the site topography, the amenity of adjoining properties, pedestrian and vehicles access requirements and the relationship of the site with the surrounding area. The proposed development provides a positive streetscape outcome, whilst providing a setback to Main Street.

Building Height

The proposed development complies with the 16m building height control. The proposed maximum building height is 15.32 metres which complies.

Building Form and Awnings

The proposed building incorporates a coordinated mix of external materials and finishes that complement the existing and desired future streetscape and character of the Merimbula Town Centre. The proposed building has been designed to provide a well-proportioned and high quality elevational treatment to the street frontages. The proposed building has an appropriate bulk and scale for the site which is zoned for commercial purposes. The proposed façade treatment contains glazing and windows, awning and roof structures with various materials, textures, and colours that clearly defines the 'base', 'middle', and 'top' sections of the façade.

The proposed development has a low scale built form and will sit comfortably as a new building within the streetscape. The proposed building is setback from the street frontages and the inclusion of awnings above the entrances to the supermarket on the western and southern elevations reinforce the "human scale" of the development and will provide a high level of comfort to customers.

Building Design – Context and Articulation

The proposed external building colours are consistent with the preferred colours/palette outlined in DCP 2013. The proposed development has a high quality architectural presentation and may act as a catalyst for further development of other underutilised sites within the Merimbula Town Centre. The proposal will have a positive impact on the streetscape as demonstrated in the photomontages of the proposal (refer to **Figure 3** and **Figure 4**).

Building Design – Street Frontages

The proposed development complies with the building frontage provisions of DCP 2013 as follows:

- The proposed building provides a clear delineation between private and public land and will provide good sightlines for pedestrians on the site.
- The proposed development addresses both street frontages of the site.
- Use of large glazed entrance that activates the ground floor and provides views into the retail floor area from the public domain.
- Awnings are provided to provide weather protection to customers entering/exiting the building from the at-grade car park.
- The ALDI Store building comprises an internal forecourt/foyer area to enable customers to open umbrellas and prepare for an exit from the premises with trolleys and shopping bags.
- The entrances to the retail tenancies are clearly delineated and legible for visitors to the site.

Public Domain

The proposed development includes a high quality architectural design that incorporates a coordinated use of external finishes and façade detailing that reflects the desired character of Precincts 5 and 6 of Merimbula Town Centre. The proposal includes articulated façade treatments and provides an appropriate interface between private and public domains through a high quality architectural designed building with business identification signage, clearly defined car parking areas and an uncluttered site layout with distinct customer and service/staff areas.

2.6 General Commercial and Industrial Development

Table 1: Section 2.6 General Commercial and Industrial Development Provision Assessment

2.6 General Commercial and Industrial Development		
Control	Provision	Comment
2.6.1 – Design		
2.6.1.1 Roofs	Buildings are to include distinctive roof forms that contribute to the architectural design of a building. Elements such as parapets, skillion roofs, eaves must be utilised where appropriate.	Complies The proposed roof form is consistent with the ALDI Store building design details, in relation to the form, materials, and finishes. The proposed roof form is also in line with the existing retail and commercial buildings' roof forms in the site locality.
	Roof forms must not result in excessive bulk and overshadowing.	Complies With the exception of the proposed lift overrun, the proposed roof is relatively flat, limiting the overall bulk and overshadowing consequences.
	The design of the roof will be integrated into the overall façade and building composition.	Complies The proposed roof is entirely integrated with the building elevations with a coordinated and uniform built form, materials, and finishes.
	All plant and equipment and any other potentially intrusive elements are to be concealed within roof forms to minimise visual impact.	Complies The lift overrun and plant deck is concealed within the roof from. The proposal has no adverse visual impacts.
2.6.1.2 Fencing and retaining walls	Screen walls which face a road, pedestrian walkway, reserve or public place will be constructed from high quality materials. Consideration is to be given to sight lines for vehicles.	Not applicable
	Large expanses of continuous masonry or timber fencing having frontage to a street, public reserve or other public place is not permitted.	Not applicable
	Bonded sheet metal fencing is not permitted at any location other than alongside and rear boundaries shared with other private property, where such fencing is not directly visible from the street, public reserve or other public place.	Not applicable The proposed development does not comprise bonded sheet metal fencing.
	Fencing to rear and side boundaries (behind the building alignment) will be a maximum 1.8m in height.	Not applicable The proposal does not seek to construct fences along the rear and side boundaries.
	Security fencing must be of high quality materials, integrated with walking and appropriate low-scale landscaping to reduce visual impact.	Not applicable
	No barbed wire, razor wire (or the like) fencing will be placed on any land where such fencing is visible from a public place.	Complies The proposed development does not comprise barbed wire, razor wire or the like.
	Fencing will not obstruct power, water, sewer, gas or telephone services, drainage systems (including overland flow paths) or any easements or rights of way.	Not applicable

2.6 General Commercial and Industrial Development		
Control	Provision	Comment
	Cut and fill and the associated use of retaining walls will be minimised.	Complies The proposed retaining wall and earthworks are required due to the steep topography. The proposal has taken careful consideration to limit the scope of such works without detrimental amenity impacts.
	Any retaining wall visible from a public place will be sited, designed and constructed in materials and colours to ensure that the retaining wall complements the development as well as the character and quality of the streetscape.	Complies The proposed retaining wall along the western and southern boundaries will have a same colour scheme of the proposed ALDI Store façade to provide a uniformed appearance visible from public vantage points.
2.6.2 – Amenity		
2.6.2.1 Setbacks	Refer to Section 2.7.2.3 of this plan for the requirements for setbacks in the B2 and B4 zones.	Refer to the Section 2.7.2.3
2.6.2.2 Access and Equity	Access is to be provided for people with a disability in accordance with the requirements of Section 5.3 of this plan.	Complies The proposed development complies with the requirements of Section 5.3 of the DCP 2013. The submitted Accessibility Review Report prepared by ABE Consulting provides a detailed assessment of the proposal against the Building Code of Australia 2016 in relation to the access for customers with a disability.
	Any new development must be designed to allow equitable access to all people, including people with disability by ensuring an accessible path of travel from the footpath.	Complies The development incorporates equitable access for all people with disability. Refer to the Accessibility Review Report prepared by ABE Consulting for further details.
	Integrated and shared access ramps for adjoining sites will be provided wherever possible.	Not applicable
	Accessible paths of travel will be provided linking public buildings, open space and accessible car parking.	Complies The proposal includes a pedestrian pathway between the Main Street and the ALDI Store entrance. The proposal also comprises a ramped pedestrian path providing direct access from the proposed new service road to the ALDI Store basement car park and lift lobby. Moreover, accessible car parking spaces are located along this pathway.
	The cross fall of footpaths across driveways will not exceed 2.5%.	Complies The proposed pedestrian footpath across the at-grade car park has a cross fall of approximately 2.08%. The proposed pedestrian footpath along the proposed new service road has a cross fall of 2.5%. Refer to Section 5 on Civil Works Drawing

2.6 General Commercial and Industrial Development		
Control	Provision	Comment
		No 17623_DA_C110 for further details.
	A centrally located power point for recharging electric wheelchair or scooter batteries shall be provided in every large commercial development.	Noted. The required power point details will be provided during the construction specification stage.
	One well-located accessible public payphone, designed by signage, must be provided in every large commercial development.	Not applicable Notwithstanding that the proposed development does not include a public payphone, but the subject site is located within 100m walking distance to the nearest payphones on the Market Street, near the Target Merimbula Store. In case of emergency, the ALDI Store staff will follow the store procedures to ensure public safety.
	Where an accessible lift is required by the BCA, Council require that the lift be a passenger lift designed to provide for the turning of wheelchairs and prams and independent operation by people with disabilities.	Complies The proposal comprises a passenger lift. This proposed lift is able to comply with the Building Code of Australia 2016 in relation to handrail, lift floor dimensions, minimum clear door opening, passenger protection system, lift landing doors, lift car and landing control buttons, lighting, automatic audible/visual information, and emergency hands-free communication. Refer to the submitted Accessibility Review Report for details.
	Council prefer that designated accessible toilets are unisex and include baby changing facilities that do not impact on the circulation space and are raised to the highest level (approximately 480mm. Electronic sliding doors operated by a toggle switch are preferred or inward facing doors).	Complies The proposed ALDI Store is facilitated with an accessible unisex toilet at the back of the store. The ABE Consulting's assessment shows that this facility readily complies with the Building Code of Australia 2016. Refer to the submitted Accessibility Assessment Report for details.
2.6.2.3 Traffic and access	New streets, laneways and pathways through large blocks, must be incorporated into development designs where this can improve access and function of the centre.	Not applicable
	Footpath will be provided along all street frontages.	Complies New footpaths will be provided if required.
	Street and public lighting will be provided at the cost of the developer along key pedestrian routes and adjoining the development in accordance with Council specifications.	Noted
	Pedestrian and vehicle access to buildings will be separated where achievable.	Complies The proposed development includes a designated pedestrian pathway between the Main Street and the ALDI Store entrance forecourt. There is also a ramped pedestrian path providing direct access from the proposed new service road to the ALDI Store basement car park being proposed.

2.6 General Commercial and Industrial Development		
Control	Provision	Comment
		The at-grade car park and the lower ground floor car park entry is provided via the existing right of way along the western boundary of 101 Main Street.
	Access to parking and loading facilities will be provided from secondary streets or laneways where possible to protect the amenity of the public domain and reduce conflicts.	Complies The proposed car park entries are located along the proposed service road and Main Street. The proposal has taken consideration of the traffic conflicts between the pedestrian and vehicular movements by providing separate and designated vehicular and pedestrian egress/ingress points on both Main Street and along the proposed service road.
	Finished levels for all external and internal pedestrian spaces surrounding and within buildings will connect directly with the natural ground floor level of any development and adjoining footpath space.	Complies The proposal comprises barrier free access and building design. Refer to the submitted architectural plans and Accessibility Review Report for details.
	Service lanes and access ways can either be in the form of a public road or as a private road but must have the appearance of a 'public road' with street planting, pedestrian footpaths and appropriate directional signage.	Complies The proposed design satisfies this requirement.
	All service and delivery activities are to be accessed from an access way where one is required.	Complies Under the proposal, there is one designated access for the delivery vehicles located along the proposed service road.
2.6.3 – Environment		
2.6.3.1 Energy conservation and solar access	The design of buildings will have regard to siting, layout and construction methods that minimise the need for fossil fuel based heating, cooling and lighting, and encourage the use of water saving features and energy efficient heating systems.	Complies The building will comply with energy conservation and solar access requirements. Refer to the submitted Sustainability Design Principles Report prepared by Rothelowman Architects.
	Roof pitch and orientation of all buildings will be suitable for the installation of solar collectors.	Complies The roof pitch is 2 degrees which is relatively flat and suitable for future installation of solar collector.
	All development must demonstrate how sustainable design principles and features have been incorporated into the proposed development in accordance with Section 5.5 of this plan.	Complies Rothelowman Architects has prepared a Sustainability Design Principles Report addressing development standards set out in the Section 5.5 of the DCP 2013. Refer to the submitted Report for further details.
2.6.3.2 Landscaping	Landscaping is to be appropriately scaled and located relative to building bulk.	Complies Landscaping design is an integral part of the proposal. Site responsive landscaping treatments are proposed. Refer to the submitted landscape plans for further details.

2.6 General Commercial and Industrial Development		
Control	Provision	Comment
	All landscaping work is to enhance the existing natural features of the site and adjoining unfenced areas.	Complies The landscaping treatment is proposed to improve visual amenity and enhance the urban character, promoting a safer and more liveable environment by demarcating the parking and loading areas from the pedestrian pathway. In this regard, the proposed development complies with the relevant Development Principles in Section 2.6.3.2 of DCP 2013.
	All parts of the site not built-upon or paved are to be landscaped with grass, trees, shrubs and/or other vegetation. As many trees as possible are to be retained on the site.	Complies All non-built areas within the site boundary are facilitated with well-designed landscaping.
	Development is to contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management.	Complies The proposed landscaping is integrated with the stormwater management as it comprises pervious areas that will accommodate plantings and mature trees to minimise stormwater runoff and stormwater pollutants.
	Active rooftop spaces will be landscaped.	Not applicable The proposed ALDI Store does not include an active rooftop space.
	Deep soil planting zones, where available, are required within development sites to facilitate the accommodation of mature tree planting.	Complies Deep soil planting zones are provided on site. Refer to the Landscape Plan for further details.
	Any portion of a development site that remains unused or vacant following development will be landscaped or turfed and maintained.	Not applicable
	Planting adjacent to intersections and driveways will be less than 900mm high (to maintained).	Complies
	All outdoor at-grade car parking areas must be provided with 1 tall branching mature shade tree for every 10 linear car spaces.	The proposed at-grade car park has 17 linear parking spaces along the western boundary, 1 tall branching mature shade tree therefore is required. The proposal generally complies. There will be 5 tall branching mature shade trees in the at-grade car park along the eastern boundary. The non-compliance of the tree planting location is due to the proposed Woolworths Supermarket is set approximately 2 metres back from the eastern boundary of 109 Main Street, which results the infeasibility of locating the mature trees along the western boundary where the linear car parking spaces locate.
	In streetscape works, trees will be tall branching, and ground covers and shrubs will have a maximum height of 0.6m to maintain clear pedestrian, resident and vehicle sightlines.	Noted
	The provision of street trees and public area landscaping must be consistent with the themes and strategy adopted for the place.	Complies

2.6 General Commercial and Industrial Development		
Control	Provision	Comment
2.6.3.3 Waste Management	Development will demonstrate appropriate resource recovery and recycling strategies and actions.	Complies The proposed development is accompanied with a waste management plan to ensure waste avoidance, reuse and recycling during the demolition, construction, and operation stages of the development. Refer to the submitted Waste Management Plan for details.
	Waste and recycling systems are to be easy to use and, where necessary, collection vehicles are able to safely access buildings to remove waste and other resources.	Complies The proposed ALDI Store is facilitated with a designated bin storage area in the loading dock with direct access to the warehouse and the supermarket and is easily accessible for waste collection vehicles using the designated egress/ingress point located at the proposed new service road.
	Practices for the storage, handling and collection of waste and recycling materials are healthy and safe.	Complies
	Stormwater pollution that may occur as a result of poor waste storage and management arrangement is prevented.	Complies The proposed development is integrated with comprehensive stormwater design and management measures.
2.6.3.4 Potable water and stormwater	Development are to incorporate the principles of water sensitive urban design. These include minimisation of impervious surfaces, and use of integrated systems that are used for collecting, reusing, flood controlling and applying treatment to stormwater runoff. Internally, water minimisation measures that reduce the demand on portable supplies are to be incorporated.	Complies
	All developments are required to demonstrate that they will not have an adverse impact on the stormwater flows/flooding of any adjoining properties.	Complies
	Development must incorporate water efficient fixtures such as taps, showerheads and toilet suites. The fixtures must be rated to at least AAA under the National Water Conservation Rating and Labelling Scheme.	Complies
	Where a site proposed for development is unable to discharge stormwater to the street frontage and on site detention is not practical, the DA must include the written agreement from all downstream property owners stating that they have no objection to the discharge of stormwater through their properties to reach Council's drainage system nor do they have objection to the creation of necessary easements over the pipelines.	Complies

Potable Water and Stormwater

Appropriate erosion and sediment control measures will be implemented during the construction of the proposed ALDI Store. The proposed stormwater plan includes the use of grated drains, traditional stormwater

pits and sag pits to control stormwater runoff and minimise pollutant impact on the catchment. The proposed development provides an integrated system for collecting, flood controlling and treating stormwater runoff via the use of OSD and stormwater pits/grated drainage devices.

A Soil Erosion and Sediment Control Plan is included with the Civil Engineering Works Plans prepared by Henry and Hymas dated 28 September 2017 submitted with this DA. The plan satisfies the requirements of DCP 2013 and will be implemented in accordance with any relevant conditions of consent imposed by Council on the Development Consent.

2.7 Specific Requirements – Commercial and Retail Development

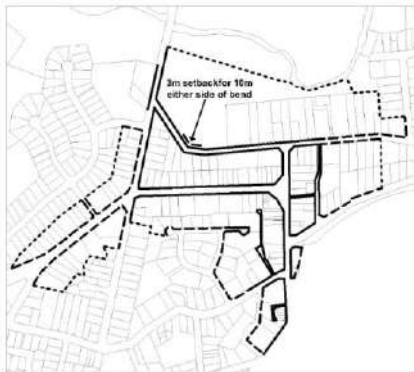
Table 2: Section 2.7 Specific Requirements – Commercial and Retail Development Assessment

2.7 Specific Requirements – Commercial and Retail Development		
Control	Provision	Comment
2.7.1 – Design		
2.7.1.1 Context and articulation	Overt (strong) non-complimentary colours or buildings painted a specific non-complementary colour to suit advertising requirements will not be supported.	Complies The proposed paint scheme is complementary to the locality and streetscape along a main shopping street.
	A palette of roof colours ranging from red to subtle greens, greys and off white or natural galvanised iron must be considered in new development.	Complies The proposed colour scheme includes “fluorescent red”, “drive time”, and “basalt grey”. Refer to the material palette in the Architectural Design Report prepared by Rothelowman Architects held at Appendix C of this report.
	Alterations and additions to existing façades must have consideration for the existing style, materials and finishes.	Not applicable All existing on-site structures will be demolished.
2.7.1.2 Built form	Buildings and structures will be appropriately modulated and articulated in their façade and adjoining walls to provide well-proportioned elevations and human scale.	Complies The proposal comprises a well-articulated building façade highly visible from public vantage points. The proposed building façades are designed to minimise continuously blank walls and excessive height to provide a human scale. The proposed south elevation is facilitated with a range of materials, finishes and colours to increase the visual amenity and architectural interest. The proposed ALDI Store entrance is integrated with the forecourt that defines the built form and will provide weather protection and a welcoming environment as a communal space permitting social interaction. The proposed north elevation incorporates with vertical and horizontal portions in different materials, finishes, and colours. In particular, the proposed lifestyle graphic will enhance the retail land use and provide visual interest.
	Buildings will demonstrate continuity with the streetscape and surrounding buildings through the use of similar floor/ceiling and awning heights, materials, colours, building elements and architectural styles.	Complies The proposed ALDI Store is located within an established retail precinct within the Merimbula Town Centre. The proposed built form, regarding the ceiling and awning height, materials, colours, building elements and architectural styles, is

2.7 Specific Requirements – Commercial and Retail Development		
Control	Provision	Comment
		consistent with the surrounding commercial and retail uses.
	Large expanses of blank, featureless walls and curtain walling will be avoided.	Complies The proposed façades are broken into sections with different forms, materials, finishes, and colours to avoid large expanses of blank, featureless walls.
	Garage doors/loading docks will be recessed so that they are not the dominant element in the overall presentation of the development.	Complies The proposed loading dock is not directly fronting the service road and is located in a recess along the northern building elevation.
	The visibility, functionality and safety of building entrances must be optimised by: <ul style="list-style-type: none"> • Facing entrances towards the public street • Providing clear lines of sight between entrances, foyers and the street • Providing direct and well-lit access between car parks and lift lobbies and to all entrances • Designing buildings to overlook streets and public and communal spaces to provide casual surveillance 	Complies <ul style="list-style-type: none"> • The proposed ALDI Store entrance is oriented towards Main Street. • The proposed ALDI Store entrance and foyer is directly facing Main Street and is located at the end of a proposed pedestrian pathway providing a clear line of sight. • The proposal seeks to develop a pedestrian pathway between the proposed ALDI Store entrance forecourt and the pavement along Main Street. <p>The proposed development also comprises a pedestrian ramp to the north of the building providing direct access from the new service road to the basement car park and lift lobby.</p> <p>Adequate lighting will be installed along pedestrian pathways.</p> <ul style="list-style-type: none"> • The proposed ALDI Store is designed to be orientated to Main Street and the at-grade car park. The proposed ALDI Store is facilitated with clear glazing and an active frontage to maximise casual surveillance.
	The use of roller shutters or the like is not permitted on doors and windows facing the street or public open space. Any security railings must be designed to complement the architecture of the building.	Complies There are no roller shutters or the like facing Main Street being proposed.
	Adequate lighting and directional signage is to be provided to all pedestrian and access ways, building entrances, driveways and car parks.	Complies The proposed development includes outdoor lighting within the proposed at-grade car park, forecourt, building entrance, foyer, and driveways. The proposed signage showing the business name and car park symbol will direct customers to the proposed ALDI Store entry and car park.
	All developments are to incorporate the principles of Crime Prevention through Environmental Design (CPTED).	Complies The proposed development has taken consideration of the CPTED principles during the design phase. A detailed CPTD response is provided in Section 5.5 of this report.

2.7 Specific Requirements – Commercial and Retail Development		
Control	Provision	Comment
2.7.1.3 Building height	According the LEP, the applicable maximum building height is 16m – maximum 4 storeys.	Complies The maximum building height is 15.32 metres.
2.7.1.4 Awnings	Continuous awnings are to be provided where there are ground floor retail uses and active frontages are required.	Complies A continuous awning is mounted on the south and west elevations of the proposed ALDI Store.
	Awnings are to be horizontal or near horizontal to the footpath.	Complies The propose awning is located above the proposed ALDI Store forecourt and is horizontal to the forecourt.
	Adjoining awnings are to be of a consistent height and depth, allowing for variations in the camber of roads where required.	Not applicable The proposal includes an ample setback from the Main Street frontage. The proposed alignment is away from the existing buildings and associated awnings along the northern side of Main Street.
2.7.1.5 Corner elements	<ul style="list-style-type: none"> • Provide vertical elements to the building design by concentrating the tallest portion of the building on the corner itself. Utilise design devices such as increased wall heights, splayed corner details, expression of junction of building planes and other architectural features to reinforce the way finding attributes of street corners. • Design corners to add variety and interest to the street and clarify the street hierarchy. • Present each frontage of a corner building as a main street frontage. • Shopfronts will be wrapped around corners. 	Not applicable The proposed site is not located at a street corner.
2.7.1.6 Landmark buildings	Buildings occupying corner sites, at the termination of vistas along streets, at key bends in a street will be of a larger scale and include elements such as: <ul style="list-style-type: none"> – Articulated tall elements, e.g. towers – Entrances – Balconies – Strong sense of material and colour – Roof forms – Articulated parapets or gables – Built elements encroaching on the setback of an upper level 	Not applicable The subject site is not a corner site, nor is located at the termination of vistas along Market Street or at key bends along Main Street.
2.7.1.7 Street frontages	Active street frontages must enable direct contact (visual and physical) between the street and the interior of an adjoining building.	Complies The proposal provides a forecourt in front of the ALDI Store entrance which will be connected to Main Street via a dedicated pedestrian pathway with a clear view line. The proposal therefore activates the ALDI Store Main Street frontage and allows direct visual and physical contacts between the Store and street.

2.7 Specific Requirements – Commercial and Retail Development		
Control	Provision	Comment
	Active ground floor uses are to be accessible and at the same level as the footpath.	Complies The proposed ground floor entrance and forecourt is highly accessible via a pedestrian pathway. The ALDI Store will also be accessed from the north of the site via a ramped pedestrian path at the back of the Store. This path will be connected with footpaths along the proposed new service road and will provide a direct pedestrian access for residents approaching the new ALDI Store from the north.
	An active frontage must not accommodate fire exits, service cupboards, and vehicle or service entrances unless there are no other feasible alternatives.	Complies
	Shopfronts are not to be concealed behind heavy colonnade structures that would restrict the visibility of any commercial tenant from the road, or limit natural daylight along footpaths.	Complies The proposed ALDI Store entrance is clearly visible when viewed from Main Street and provides an active frontage along the west and south elevations.
2.7.2 Amenity		
2.7.2.1 Views	Development will appropriately respond to important views and vistas.	Complies The proposed built form will not obscure or lead to any detrimental impacts on views and vistas.
	Existing landmarks/landscapes must be preserved, with established vistas to and from them protected.	Not applicable
	Views along public streets to the distant surrounding landscape or seascape will be retained and embellished through appropriate tree planting, landscaping and the like.	Complies
	Opportunities to preserve and enhance strategic plantings in the centre and immediate environs must be pursued.	Complies The proposal is accompanied with well-designed landscape treatments which have regard to sightline and safety on the site.
	The concept of “view sharing” must be considered in the design of development proposals.	Complies The proposal has taken consideration to ensure that visual amenity is preserved.
	Large-scale buildings will generally blend with other developments in the town centre when viewed from a distance.	Noted
	Buildings will generally be site responsive, stepping down slopes.	Complies The building design is site responsive and has taken careful consideration to the unique sloping topography.
	The removal, relocation and/or screening of features and buildings, which detract from the ambience and views of the centre and environs, will be promoted.	Not applicable
	Signature buildings/structures having a significant impact will be conserved and enhanced, whilst new buildings performing such functions will be encouraged and existing	Not applicable

2.7 Specific Requirements – Commercial and Retail Development		
Control	Provision	Comment
	buildings “retrofitted”.	
2.7.2.2 The public domain	Clear boundaries between the public and private domain will be provided.	Complies The proposal ensures there will be a clear boundary between the public and private domains by proposing landscaping and public art within the Main Street setback area to define the boundary.
	Public spaces will be designed to provide an appropriate interface with commercial activity, adequate opportunities for integrated public facilities, public art and relevant recreational experiences.	Complies Public art can be accommodated on the site.
	All use of public areas by business requires an Approval under the Local Government Act and compliance with Local Approvals Policy No. 1 “Use of Public Land”.	Not applicable
	Lighting and directional signage will be provided to all pedestrian paths, car park areas, building entries, and public spaces.	Complies One (1) pylon sign is proposed along Main Street to show the ALDI Stores standard business text and logo, car park symbol and provide directions for customers to the ALDI Store and basement car park.
	All development with floor area greater than 1,000m ² will provide creative, innovative, attractive and distinctive public art works in streets and public spaces in accordance with Council’s Public Art Policy.	Able to comply Any future public art works can be provided and will be designed in accordance with Council’s Public Art Policy. Refer to the architectural plan No TP01.04 for details.
2.7.2.3 Setbacks	<p>The minimum building setbacks is nominated in the Section 2.4 Merimbula Town Centre of the DCP.</p>  <p>.....Minimum 3m rear or side setback —Minimum 3m front setback or align with existing neighbouring buildings —0m front setback</p> <p>Figure 2.8: Merimbula setbacks</p>	<p>The proposal generally complies. The proposed setbacks are:</p> <ul style="list-style-type: none"> – Main Street boundary: 60.475 metres – Northern boundary: 1.406 – 9.608 metres – Eastern boundary: 0 metres – Western boundary: 7.338 metres. <p>The proposed Main Street setback does not comply with Figure 2.8 of DCP 2013 for the following reasons:</p> <ol style="list-style-type: none"> 1. To efficiently utilise the sloping topography at the rear of the site by developing a basement car park; and 2. To allow a commercially feasible and efficient floorplate accommodating a five-aisle ALDI Store and associated facilities, which sits above a basement level requiring access from the rear service road. <p>The non-compliance in this instance can be supported and a positive streetscape is provided to Main Street.</p>

5 General Development

5.3 Access and Mobility

Clause 5.3 of DCP 2013 requires a Development Application to be accompanied with an Access and Mobility Impact Assessment and an Access Management Plan.

ABE Consulting has prepared an Accessibility Review Report addressing development standards of Clause 5.3 of the DCP 2013. The assessment concludes that *"the Development Application documentation can readily achieve compliance with the Part D3, Clause E3.6 and Clause F2.4 'deemed-to-satisfy' (DtS) requirements of the Building Code of Australia 2016 (BCA), The Disability (Access to Premises – Buildings) Standards 2010 and the pertinent Australian Standards."*

Refer to the submitted Accessibility Review Report for further details.

5.4 Social and Economic Impacts

Pursuant to Clause 5.4, a socio-economic impact assessment is required for the proposed development. Sub-clause 5.4.1.1 stipulates that:

The Socio-Economic Impact Assessment will address the following:

- *"State the objectives of the development or activity proposed.*
- *Analyse any feasible alternatives to the carrying out of the development, including the consequences of not carrying out of the development.*
- *Identify the likely impacts of the development, their nature and extent, in terms of issues identified for the specific development.*
- *Evaluate the social and economic impacts by:*
 - *Scoping: identify issues and affected groups*
 - *Profiling: data collection, historic trends, assessing current social and economic context*
 - *Assessing: identify possible future impacts*
- *Consult with the community and other local agencies to determine the acceptable limits of impacts associated with the development.*
- *Justify the carrying out of the development with respect to social and economic considerations."*

Deep End Services has prepared a Retail Impact Report for the proposal and the assessment concludes that *"the proposed development will not result in significant trading impacts or the closure of multiple retailers at Merimbula or other townships for the reasons of its small floorspace, supermarket provision, impacts on larger supermarkets, no speciality shops, redirection of sales within Merimbula, and population growth."*

Refer to the submitted Retail Impact Report for further details.

5.5 Sustainable Design Principles

The proposed development provides the following Environmentally Sustainable Development measures in the building design and during operation to reduce energy consumption in accordance with Section 2.6.3.1 and Section 5.5 of DCP 2013:

- Glazing is proposed to the south elevation to provide maximum natural light whilst minimising direct sunlight and the associated heat load.
- High efficiency lighting for the entire building to reduce electricity consumption and air conditioning load.
- Use of entry/exit airlocks within the ALDI Store to minimise air loss and energy consumption.
- Installation of store freezer lids within the ALDI Store to minimise loss of chilled air.
- The landscaped area will incorporate drought resistant native plants.
- Outdoor lighting, signage and external lighting are controlled by automatic time switches and will be switched off during the daylight hours when not required.

- The site will implement limited lighting outside retail trading hours to prevent overuse and to minimise electricity usage.
- Use of water efficient fittings.
- Dedicated recycling storage area and staff training to advise of proper waste and recycling procedures.
- Installation of stormwater detention and treatment facilities.
- The site is accessible by public transport and the existing bus stop is located on Main Street with direct connection to the proposed ALDI Store via the proposed pedestrian pathway which will minimise dependence on private motor vehicle trips.
- Provision of eight (8) bicycle parking spaces on site encouraging bicycle use as transport.

A Sustainable Design Management Plan is not required to be submitted with the DA on the basis the proposed development is a commercial development that does not have a GFA that exceeds 1,500m².

5.9 Off-street Car and Bicycle Parking

Table 3: Section 5.9 Off-street Car and Bicycle Parking Provision Assessment

5.9 Off-street Car and Bicycle Parking		
Control	Provision	Comment
5.9.1 General requirements	Parking spaces must be designed in accordance with Australian Standard 2890.1 and 2890.2 for the 99 th percentile vehicle.	Complies All car parking spaces will be 2.6m wide and the aisle width will be 6.6m. The car parking space layout meets the requirements of AS/NSZ 2890.1-2004.
	The minimum vertical clearance of car parking areas is 2.3m. A larger clearance may be required for the provisions of delivery or other vehicles. Bicycle parking facilities will be designed in accordance with Australian Standard 2890.3 (1993).	Complies Refer to the Traffic Impact Review Report for further details.
5.9.2.4 Specific requirements – Commercial developments	Of the car parking spaces required a minimum of one disabled persons space is to be provided per development, plus 1 per 25 spaces designed in accordance with the Australian Standard 2890.6.	Complies The proposal comprises a total of 101 car parking spaces. Thus, a total of 3.5 accessible car parking spaces are required. The proposal comprises a total of six (6) disabled car parking spaces.
	In medium and larger sized developments, a minimum of 2 per 50 car parking spaces are to be designed for people using wheelchairs, 3 in 50 car spaces are to be designated for Seniors, and 2 in 50 car parking spaces are for parents with prams.	Not applicable
	Parking spaces designated for accessible car parking, seniors and parent with prams shall be located as near as possible to the main accessible entrance of the building and linked by an accessible path of travel.	Complies Accessible car parking spaces at the at-grade car park are located to the immediately west and south of the building's main entrance. Accessible car parking spaces at the basement level are located adjacent to the lift lobby with the shortest travel distance.
	An accessible path of travel will link accessible car parks with the development.	Complies The proposal comprises barrier free pathways between accessible car parking spaces and the ALDI Store entrance, as well as the lift lobby in the basement level.

5.9 Off-street Car and Bicycle Parking		
Control	Provision	Comment
	Pedestrian flow in car parking areas will be an integral part of the design and pedestrians must be separated from vehicular traffic wherever possible. Use of lighting must be considered where night use is involved. Parking will be located on the site of the development in places where readily accessible to principal staff and/or customer entrances and will not be located within any setback area to a street.	Complies A designated pedestrian pathway providing direct access between the proposed ALDI Store forecourt and the footpath along Main Street is proposed. This pathway will be adequately lit at night. The proposed at-grade car parking spaces line up along this pathway that will be readily accessible to customers.
5.9.3 the required number of car parking spaces	Commercial premises <ul style="list-style-type: none"> Car spaces: 1 parking space per 25 m² gross floor area ground floor Bicycle parking: 1 space per 200 sqm of gross floor area for development 	Complies The proposed total gross floor area is 1,286.5 square metres. Therefore, a minimum of 52 car parking spaces and 7 bicycle parking spaces are required. The proposal provides: <ul style="list-style-type: none"> 101 car parking spaces 8 bicycle parking spaces

5.11 Signage and Advertising

The proposed signage is consistent with Section 5.11.1 of DCP 2013. The amount of signage proposed for the site is suitable to the site's location within a business zone and will implement high quality design and materials in a coordinated manner.

The design and total amount of signage proposed appropriately reflects the business zoning of the site and provides essential business identification of the retail offer to be provided by the proposed ALDI Store in a manner that is compatible with the B2 Local Centre Zone objectives and sensitive to other uses in the vicinity of the site.

Table 4: Section 5.11 Signage and Advertising Provision Assessment

5.11 Signage and Advertising		
Control	Provision	Comment
5.11.1 Amenity	Signage must be planned and integrated to avoid the appearance of clutter, add-ons and afterthoughts. Where there is more than one shop or business within a building, signs must be coordinated in height, shape, size and colour.	Complies The proposed number of signs is suitable for the scale of the proposed development, the site location and will not create visual clutter.
	Materials, colours and placement of signage must be compatible with the existing building and streetscape.	Complies The proposed signs will not dominate or detract from the appearance of the new building and other businesses in the vicinity of the site. The proposed signage will positively contribute to the character of the Merimbula Town Centre as a major retail centre in the Bega Valley Shire Council.
	Projecting wall signs obscure the view of neighbouring buildings and dominate the streetscape and are therefore not permitted.	Not applicable
	Above awning signage can conflict with the architectural characteristics of the building and is not permitted except where the design of the	Not applicable

5.11 Signage and Advertising		
Control	Provision	Comment
	building incorporates an advertising panel.	
	Signage must be located on the land to which they refer. Pole and pylon signs will be considered where building setbacks make them appropriate.	Complies All proposed signs are located within the site boundaries.
	The use of corporate colours as advertising will be limited to an appropriate section of a building façade and not dominated the streetscape.	Complies The ALDI Store standard logo and text will be shown on four (4) wall-mounted signs and one (1) pylon sign. These signs are modest in scale with a dimension of 2,400mm (h) x 2,000mm (w) and are entirely located within the site boundary and are integrated with the supporting façades and structures.
	Colour schemes are to be compatible with the character of the adjoining and nearby buildings in the surrounding area.	Complies The site is located within an established retail precinct within the Merimbula Town Centre. Adjoining lands commercial and retail premises with associated signage of a range of colours. The proposed signs are compatible with the site context.
	When a change of use takes place, the signage of the outgoing occupant must be removed. The exception is where significant signs are fixed to and part of the building and recognisable as part of an historic building.	Not applicable
	Signage will be maintained in good structural conditions, kept clean, neatly painted and be of a professional standard of design and finish.	Noted
5.11.1.2 Illuminated Signs	Illuminated signs are not to detract from the architecture of the host building throughout the daylight hours.	Complies The proposed signs are internally illuminated without any excessive illumination that will impact detrimentally on the appearance and visual amenity of the host building during the daylight hours.
	Flashing or intermittently illuminated signs are not permitted.	Complies The proposed signage is not flashing or intermittently illuminated.
	All luminaries used to externally illuminate advertising signs will be top mounted and directed downwards.	Not applicable
	Where there is potential for light spill to adjoining properties, all illuminated signage will be fitted with a timer switch to ensure that its illumination is extinguished when the relevant business is not trading.	Not applicable
	Where it is essential for business to be operating after 11.00pm, dimmer switches may be required to reduce the potential impact on adjoining properties.	Not applicable
5.11.1.3 Bulk, scale, shape and size	Signage must conform to the desired future character of the area and not dominate the streetscape or view.	Complies The proposed signs clearly display the business name and logo, directing customers to the ALDI Store and basement car park. The proposed signs are suitable having regard the site's

5.11 Signage and Advertising		
Control	Provision	Comment
		location within a retail precinct in the Merimbula Town Centre.
	Signage must complement the character, architectural design and period of construction of the building and surrounding buildings.	Complies The proposed signage is compatible with the surrounding commercial and retail uses.
	Signage must be clear, simple and concise. In some instances, graphic symbols may be more effective than words.	Complies The proposed signs clearly display standard ALDI Store text and logo and car park symbol only.
	Signage will not extend beyond the dimensions of the building (or features they are mounted on in terms of width or length, e.g. awning fascia).	Complies All wall-mounted signs are entirely located within the proposed building and site footprint.
	Not more than 40% of any wall surface visible from a public place or reserve will be covered by signage.	Complies North and South elevation: Approximately 3.8% of the elevations will be covered by signage. East and West elevation: Approximately 4.8% of the elevation will be covered by signage.
	At least 50% of front windows will remain uncovered by signage (including lifestyle signage).	Complies No windows and/or the ALDI Store entrance will be covered by signage.
	Designated signage panels must be allocated to each tenancy on the façade of all new buildings. Such panels must be appropriately sized and placed to compliment the architectural features of the building.	Not applicable The proposed building is designed for one tenant, ALDI Store.
	The shape of the signage can be varied to create a distinctive image; however, care is needed to ensure larger signage fit rather than dominate their surroundings.	Complies The proposed signs are modest in scale and are highly integrated with the proposed development.
5.11.1.4 Number of Signs	On commercial buildings, the total number of signs, including those signs which have been identified as exempt development, will not exceed 5 per site. Of these 5 signs, a maximum of 4 are permitted at ground level or on the ground floor façade of the building, and 1 on the upper storey façade of the building.	Complies A total of five (5) signs are proposed and of these, four (4) will be installed on the ALDI Store building.
5.11.1.6 Safety	Signage must be designed and located so that they do not obscure driver's views of other cars, pedestrians, traffic signals, and signage.	Complies The proposed signs are located wholly within the site boundary and are modest in scale. These signs are not flashing, glaring, or rotating that will obscure drivers' views of other cars, pedestrians, traffic signals, and signage.
	Signage must not resemble road signs in colour, shape layout or wording in any way that may confuse motorists.	Complies The proposed signs clearly display the ALDI Store standard logo and text. These signs are located on the proposed building to maximise visibility for passing motorists and to customers pedestrians. The signage does not distract drivers or critical decision points.

5.11 Signage and Advertising		
Control	Provision	Comment
	Signs and their supporting structures need to be designed, constructed and maintained so that they are secure and safe. Suspended signage attached to existing awnings will require certification from a suitably qualified engineer.	Complies The proposed signs are entirely integrated within supporting structures. These signs will be installed to the highest standard and will be inspected during the future operation phase on a regular basis to ensure the structural stability.
	Variable message signs must comply with the Department of Infrastructure document <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> and Roads and Maritime Service document TDT2005/02b Guidelines for the location and Placement of VMS.	Not applicable

6 Engineering Requirements

Table 5: Chapter 6 Engineering Requirements of DCP 2013 Assessment

6.1 Roads and Easements		
Control	Provision	Comment
6.1.1 General Requirements	Road pavements will be designed to accommodate the predicted design traffic over a service life of not less than 25 years, taking into account the potential growth in traffic from the development of surrounding lands.	Noted This development standard will be addressed during the detailed road design and construction phase.
	Council will not accept the transfer of existing Crown Public Roads from the state unless the road is constructed to Council's current standards.	Not applicable
	Roads will be designed to limit vehicle speeds generally by the use of a "self-enforcing" speed environment. All intersections must satisfy distance criteria for the appropriate design speed environment, including Safe Intersection Sight Distance as specified in Austroads Guide to Road Design.	Noted This development standard will be addressed during the detailed road design and construction phase.
6.2 Parking and Driveways		
6.2.1 General Requirements	Access to parking areas will be designed to minimise conflict between pedestrians, cyclists and traffic. Council may require road and traffic management works to ensure safe access to parking areas. Where development front a busy road, access to rear lanes (if available) must be provided.	Complies The proposed development comprises separate and dedicated vehicular and pedestrian access points at Main Street and along the proposed new service road to provide positive safety outcomes.
	Driveways will be located to the street with the lowest traffic volume. In particular, driveways will not be located opposite a 'T' intersection or closer than 6m to an intersecting street as measured from the property boundary, but preferably 9m to an intersecting street as measured from the property boundary.	Complies
	Parking areas and driveways are to be designed, surfaced, and graded to reduce run off and allow stormwater to be controlled on site or disposed of to the Council controlled drainage system.	Noted This development standard will be addressed during the detailed road design and construction phase.
	Driveway design will make provision for service vehicles where applicable.	Complies The proposed development includes a dedicated

6.1 Roads and Easements		
Control	Provision	Comment
		driveway for service vehicles via the proposed service road.
6.3 Soil and Stormwater management		
6.3.1 General Requirements	The development will incorporate the principles of water sensitive urban design (WSUD). These include minimisation of impervious surfaces and provision for the collection, reuse and management of stormwater to reduce reliance on portable water and ensure that pre-development water quality is maintained or enhanced in post-development runoff.	Complies The development has incorporated WSUD principles. Refer to the Civil Engineering Works Plans prepared by Henry & Hymas for details.
	The management of water must address cumulative environmental impacts and be carried out in accordance with the objectives of integrated water cycle management.	Complies Appropriate management of water has been addressed in the Civil Engineering Works Plans prepared by Henry & Hymas.
	In order to minimise land degradation, water pollution and damage to infrastructure from accumulated sediment, development must be constructed in a manner which minimises erosion and sedimentation to current best practice.	Complies The proposed development comprises a detailed erosion and sediment control plan as part of the Civil Engineering Works Plan prepared by Henry & Hymas.

5.5 Section 79C of the Environmental Planning and Assessment Act 1979

Section 79C(1) of the Act requires the following matters be considered in the assessment of the proposed development.

5.5.1 *Impact of the development including the environmental impact of the development on both the natural and built environment and social and economic impacts on the locality.*

Built Form, Neighbourhood Character and Visual Bulk

The proposed development, by inclusion of high quality urban design solutions and implementation of a high-quality streetscape presentation, will provide a significant positive contribution to the streetscape and locality. The proposed development of the site will activate two commercial zoned lots within the Merimbula Town Centre and provide a high-quality retail development with a suitable built form presentation in an accessible location.

The proposed development will provide a well-designed retail facility and will not have adverse impacts on the amenity of adjoining properties in the area, nor the surrounding road network with regard to traffic generation or the amenity of the locality. The proposed development is supported by the expert reports submitted with the DA, including but not limited to, the Operational Noise Impact Assessment, Traffic Assessment Report, and Retail Impact Assessment Report.

The proposed building form of the proposal is compatible in scale to nearby existing commercial development and the detailing and external materials proposed ensure that the completed appearance of the building and diversity in elevation treatment will positively contribute to the streetscape and present an appropriate urban design outcome of high architectural integrity. The proposed development includes well-articulated treatment of elevations and a modulated roof form that will provide visual and architectural interest.

The proposed development supports the principles of urban consolidation, through the expansion and improvement of a currently unoccupied business zoned site and the use of existing public transport and roads infrastructure.

The proposed development will not have any significant adverse impacts on the amenity of surrounding land uses or pedestrian amenity within the site as a result of overshadowing. Shadowing created by the proposed building will fall primarily onto the site's car park area during the day.

Overall the proposed development has a modest building height and scale which is sympathetic to existing development within Merimbula Town Centre. The proposed building will have a contemporary character with coordinated external materials textures and colour scheme that reflects the future character of the area.

BCA Compliance

Phillip Chun Building Code Consulting has prepared an assessment of the proposed development against the deemed to satisfy provisions of the BCA, and that analysis accompanies this application. Subject to detailed design as part of the Construction Certificate process, the proposed development is capable of compliance with the relevant requirements of the BCA.

Excavation

Aitken Rowe Geotechnical Engineering has prepared a Geotechnical Investigation Report providing an assessment of the proposed development against the geological and soil conditions. This Report accompanies this application. Subject to detailed design as part of the Construction Certificate process, the proposed development is capable of compliance with the relevant requirements of excavation.

Utilities

Adequate utility services and infrastructure are available to the site and are able to meet the needs of the proposed development.

Noise

The proposal seeks delivery hours for the proposed ALDI Store is 24 hours per day, 7 days per week. The proposed schedule will ensure that the delivery of fresh produce and grocery goods are available to customers when the supermarket commences trade each day.

An Operational Noise Impact Assessment prepared by Wilkinson Murray Pty Ltd is submitted with the DA and assesses the potential impacts of the proposed development on the nearest affected receivers and concludes that the proposed delivery hours are acceptable for the site and will not result in any significant adverse noise related amenity impacts.

Construction activities will be limited to the Council's standard hours of 7am-6pm Monday to Friday and 8am-1pm Saturdays, with no audible work on Sundays and/Public Holidays.

Overall, the proposed development has been designed to minimise any noise impacts on the surrounding environment.

Natural and Cultural Environmental Heritage

The proposed development will not adversely affect any element of the natural or cultural environmental heritage.

Social and Economic Impacts

The proposed development has been designed to optimise the achievement of potential social benefits, including those related to access, employment, security and safety and community structure.

A Retail Impact Assessment has been prepared by Deep End Services. The overall conclusions are:

- *"The ALDI development presents a range of positive benefits to residents of Merimbula and its wider catchment. ALDI will be well-received by the community whose demographic profile is suited to ALDI's small but efficient layout and competitive pricing;*
- *The expected trading impacts will be largely confined to the existing Woolworths stores who dominate the local market with no effective competition;*
- *The site is well located and will reinforce and increase activity levels in the Town Centre to the benefit of existing businesses;*
- *In all respects, the proposal will deliver positive economic outcomes for the residents and business community of Merimbula."*

Specifically, a demand-supply analysis was undertaken by Deep End Service which concludes that:

- *"Merimbula will receive a significant increase in supermarket space with the replacement Woolworths and new ALDI within two years.*
- *This will raise the effective rate of supermarket floorspace to a relatively high level, however there are examples on the south coast (and other regional areas) with higher rates than Merimbula.*
- *The rate of provision is almost entirely due to Woolworth's dominance of the market. Outside of Merimbula, Coles has only a small supermarket at Eden within the catchment area while ALDI has no stores in the Bega Valley Shire.*
- *The effect of the higher floorspace provision will be most keenly felt by Woolworths who will cannibalise their own sales between Merimbula and Tura Beach – with or without ALDI's presence.*
- *The proposed ALDI store will represent about 14% of total supermarket floor space within a 10 km radius of Merimbula (**including** the relocated Woolworths)."*

In relation to the potential impacts on the multiple retailers at Merimbula or other townships, the Deep End Service's retail impact analysis shows that "the proposed ALDI Store will not result in significant trading impacts" for the following reasons:

- *A small provision of floor space.*
- *Supermarket provision.*
- *Impacts on larger supermarkets.*
- *No speciality shops.*
- *Redirection of sales within Merimbula.*
- *Population growth.*

Overall the proposed development will have a positive economic and social impact on Merimbula and the surrounding locality. The proposed development will involve the development of an underutilised parcel of land with flow on social and economic benefits related to the provision of a new modern retail offer on the site and improved viability of existing surrounding local businesses within the Merimbula Town Centre.

Safety

The public safety and security arrangements proposed for the development are of a high standard, and are specifically consistent with the objectives of Crime Prevention Through Environmental Design (CPTED), which seeks to influence the design of buildings and places by:

- Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture;
- Increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended;
- Reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'; and

- Removing conditions that create confusion about required norms of behaviour.

There are four central principles of CPTED – surveillance, access control, territorial reinforcement and space management. The proposed development achieves a good level of building security and public safety through a combination of passive and active systems. The proposed development includes glazed shopfronts that will provide passive surveillance into the retail floor area of the proposed supermarket and views out to Main Street. The site layout enables clear line of sight within the car park and entrances to the building and is free of any entrapment zones or concealed spaces.

Clear signage will be provided to delineate staff and back of house areas from customers. All staff only access areas will be secured via physical barriers such as solid doors and double locks. In addition, all staff will be trained in the management of all security and emergency related operational procedures.

Waste Management

The waste generated by the operation of the ALDI Store on the site will be stored within bins located near the loading dock area for collection by service vehicles each week or as required. The waste storage area is setback from the rear service road. The location of the waste storage area will not detract from the streetscape by virtue of its location at the rear of the site.

Waste Management for the proposed development would implement a 'reduce, reuse and recycle' methodology for the construction and operational phases. Adequate storage is provided on-site for waste and recycling generated that would be removed by an independent commercial waste contractor as required.

A Waste Management Plan prepared by Milestone is held at **Appendix F** of this report.

5.5.2 Suitability of the Site for the Development

The site is ideally suited to a retail land use as it is located in a zone identified for business development within Merimbula Town Centre. The onsite buildings are currently vacant and underutilised. The proposal will activate this large commercial site. The site enjoys a high level of both local and regional road accessibility and is located proximate to a residential and employment catchment. Bus routes run near the site and provide public transport access for the community and tourists. The proposed development is of a style and character appropriate to the locality.

5.5.3 Any submissions made in accordance with the Act or Regulation

The proposed development will be publicly notified in accordance with Council's notification provisions. On receipt of any submissions made during that exhibition period the proponent will prepare a response to those submissions.

5.5.4 The Public Interest

The proposed development is a significant investment for Merimbula Town Centre and is considered to be in the public interest as it facilitates the orderly growth and development of land zoned for business and retail purposes that is well served by existing transport and utilities infrastructure. The proposed development will enhance employment opportunities for residents and provides a high-quality development along the main shopping street on a currently underutilised site.

The proposed development has been carefully designed to accord with State and local planning policies and can provide beneficial social, economic and safety outcomes. The proposed development is of a scale and intensity that is consistent with desired future character of Merimbula Town Centre, whilst respecting surrounding residential amenity. Of particular relevance is the compliance of the development as proposed, with the aims, objectives and specific provisions of LEP 2013 and DCP 2013.

Importantly, the proposed development supports greater shopping choice for fresh food and grocery items in the local and broader community for both residents and workers. It facilitates active frontages along the south

and west elevations, and promotes social opportunities and interaction, as well as improved pedestrian amenity which are in the public interest.

6. CONCLUSION

The proposal seeks Council's development consent for the demolition of all existing structures, ancillary earthworks, construction and fitout of a new ALDI Store with associated business identification signage, car parking, and landscaping at the property known as Nos 103, 105-107 Main Street, Merimbula. The proposal also includes the construction of a service road to the rear outside the site boundary at the Merimbula-Imlay Bowling Club's land at 115-127 Main Street.

The submitted Architectural Plans, supporting expert reports and carefully resolved architectural form and site design have been influenced by the site's context, topographic conditions and the applicable planning framework. The proposed development will provide a modern retail facility and a positive economic and social impact for Merimbula. The proposal has a high quality architectural design that will contribute positively to the desired future character of Merimbula Town Centre.

The proposal includes the extension of a service road (currently under construction) to provide access for delivery vehicles into the loading dock and customer vehicles into the basement car park. The proposed development includes two designated driveways for delivery and customer vehicles to ensure positive safety outcomes during operation.

The proposed development achieves a high level of compliance with the key town planning controls within the Bega Valley LEP 2013 and Bega Valley DCP 2013 including development standards relating to building height, car parking, signage and landscaping.

This comprehensive environmental assessment of the proposed development has demonstrated that overall the proposed redevelopment will have minimal adverse environmental impacts. The proposed development demonstrates high level environmental performance and provides significant social and economic benefits. In addition, it:

- Is designed to minimise any impact on the environment and amenity of the locality;
- Contributes to the diversity of retail development of Merimbula Town Centre;
- Is consistent with the aims of the LEP 2013, the objectives of the B2 Local Centre Zone and aims and objectives of DCP 2013;
- Will ensure the Merimbula Town Centre will develop in an integrated manner that reflects community desires and development needs;
- Is an appropriate planning and urban design response that respects the character of Merimbula;
- Is a safe, accessible and commercially viable retail development; and
- Is an equitable, efficient use of highly accessible commercial land and will contribute positively to the desired future character of Merimbula Town Centre and public domain.

In light of the benefits of the proposed development and in the absence of any significant adverse environmental, social and economic impacts, Council's approval of the development is sought.

MILESTONE (AUST) PTY LIMITED