

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	3 October 2023
DATE OF PANEL DECISION	3 October 2023
PANEL MEMBERS	Alison McCabe (Chair), Tony McNamara and Roberta Ryan
APOLOGIES	Nil
DECLARATIONS OF INTEREST	David West, Alan Tickle and Kathryn Bell declared conflicts of interest as they are Councillors of MidCoast Council, which has an interest in the development.

Papers circulated electronically on 6 July 2023.

MATTER DETERMINED

PPSHCC-142 – MidCoast – MOD2022/0062 – 4 Lake St, Forster – Mixed use development – Forster Civic Precinct (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

This application is a further modification to a significant development in the Foster Commercial Precinct. The Panel has had the benefit of a number of briefings and a site inspection. The development is under construction and Stage 1 is nearly complete.

The Panel previously considered this application and a detailed assessment report and deferred the determination for additional information regarding the degree of change from the original approval on the 18th July 2023.

The applicant provided additional information and Council prepared a supplementary report addressing the:

- Comparison against the original DA approval (2017);
- Comparison against the last approved modification (2021);
- Details of the height, FSR and car parking comparison across the original and last modification;
- Details of SEPP 65 and SEPP (Housing) 2021 compliance and relevant SEPPs;
- Assessment of the degree of change;
- Assessment against CPTED principles; and
- Assessment of impacts arising from the changes, specifically, overshadowing and privacy.

Arising from the consideration of this report on the 12th of September 2023, the Panel in their deliberation sought clarification regarding:

- Calculation of GFA;
- Number of units ILU's vs residential;
- Carparking numbers and allocation;
- Separation of carparks to address CPTED issues;
- Buildability to ensure 2.7m floor to ceiling heights can be achieved without additional height; and
- Revised instrument of modification.

There are 58 residential units and 142 Independent Living Units. The proposed development involves the provision of an additional 29 carparking spaces in excess of Council requirements.

A further memo was prepared by Council addressing the above matters and received by the Panel on the 21st of September 2023. This memo included additional information provided by the applicant. The memo has been considered by the Panel and satisfactorily responded to the queries raised.

The Panel notes that the proposal results in a decrease in FSR from that originally approved and that the increase in height is compatible with the character of surrounding development.

The Panel considers that the proposed development is substantially the same development when considered against the development as originally approved.

Having regard to the context of the site the Panel is satisfied that the proposed modifications do not result in any unreasonable impacts. The proposed modification is suitable for the site.

Development application

The Panel determined to approve the modification to the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979* subject to the modification to conditions in Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:



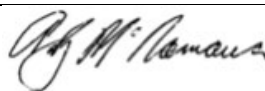
- i. The proposed development as modified is substantially the same development when compared against the development as originally approved.
- ii. The proposed changes to the development do not result in any unreasonable impacts.
- iii. The development will provide much needed housing options to the broader community.

CONDITIONS

The modification to the development application was approved subject to the changes to conditions at Schedule 2. The Panel changed condition 12b to specify minimum carparking provision for each use.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Tony McNamara	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-142 – MidCoast – MOD2022/0062
2	PROPOSED DEVELOPMENT	<ul style="list-style-type: none"> • Modifications to development staging (Stages 2, 3 and 4) • Alterations to the basement, ground, ground level floor plans • Removal of hotel use and the provision of retail space and seniors housing
3	STREET ADDRESS	34-36 West Street, Forster
4	APPLICANT/OWNER	Enyoc Pty Ltd (Applicant) Midcoast Council (Owner) Evermore Supported Living Communities Pty Ltd (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development ○ Hunter Regional Plan 2041 ○ Great Lakes Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Great Lakes Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 30 June 2023 • Supplementary assessment report circulated 6th September 2023 • Supplementary memo: 21 September 2023 • Clause 4.6 variation request: Height of Buildings • Written submissions during public exhibition: nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 1 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant and Sandra Hutton ○ <u>Applicant representatives</u>: Gavin Maberly-Smith, Mal Kukas and Coyne Graham ○ <u>Council assessment staff</u>: Bruce Moore and Kieran Woodall ○ <u>Department staff</u>: Leanne Harris and Kate McKinnon

		<ul style="list-style-type: none"> • Site inspection: 22 March 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Roberta Ryan and David West ○ <u>Council assessment staff</u>: Bruce Moore, Kieran Woodall and Pru Tucker ○ <u>Department staff</u>: Leanne Harris • Final briefing to discuss Council's recommendation: 12 September 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara and Roberta Ryan ○ <u>Council assessment staff</u>: Bruce Moore and Bailey Dark ○ <u>Department staff</u>: Leanne Harris and Holly McCann • Applicant Briefing: 12 September 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara and Roberta Ryan ○ <u>Council assessment staff</u>: Bruce Moore and Bailey Dark ○ <u>Department staff</u>: Leanne Harris and Holly McCann ○ <u>Applicant representatives</u>: Coyne Graham and Gavin Maberly-Smith <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the Council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the memo received 21 September 2022

SCHEDULE 2

INSTRUMENT OF MODIFICATION

Modification application: MOD 2022/0062 (PPSHCC-142)

Development application: 521/2017 (2017HCC012)

Land: Lots 1-6 DP1270306

Address: 34-36 West Street Forster

Proposed development: modification to approved mixed use development

In accordance with Section 4.55 of the *Environmental Planning and Assessment Act 1979*, Development Consent No. 521/2017 is to be modified by:

Amend condition 1 to read:

1. Approved Documentation

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No / Supporting Document	Reference Version	Prepared by	Dated
Traffic Impact Assessment	P5418.002R	Bitzios Consulting	27 Mar 2022
Site Waste Minimisation Plan		TVS Architects	Undated
Waste Management Plan	-	Tailored Planning Solutions Pty Ltd	Mar 2023
Site Survey	6714	Degotardi, Smith & Partners	13 Nov 2000
Stormwater Strategy Plans	S01, S02 issue 1	Coastplan Group	Mar 2017
Stormwater Drainage Quality Control Report	16148 issue 1	Coastplan Group	Mar 2017
Civic Precinct - Proposed Project Modification Stormwater Drainage Quality Control Measures	16148	Coastplan Group	11 Feb 2022
SEPP 65 Design Verification Statement	-	TVS Architects	24 Feb 2022
Statement of Environmental Effects	16104	Tailored Planning Solutions Pty Ltd	March 2023
Landscape Concept Plans	293-SD100C 293-SD110C 293-SD190B 293-SD200C 293-SD300C 293-SD700A	02LA	7 Dec 2021
Geotechnical Report	RGS01471.1-AB	Regional Geotech Solutions	31 Jan 2016
Ecological Assessment	116013_REO-001 Rev O	East Coast Environmental	31 Mar 2017

Cultural Heritage Report		Yettica Cultural Consulting Service	Undated
Economic Impact Advice	-	MacroPlan Holdings Pty Ltd	March 2023
Crime Prevention through Environmental Design Assessment	16104	Tailored Planning Solutions Pty Ltd	March 2023
Safer by Design Evaluation	Letter	NSW Police Force	14 Jul 2017
Arborist Report		TLC Tree Solutions	25 Mar 2017
Acoustic Report	M17612.01	Matric Thornton	29 Mar 2017
BASIX Certificate	810706M_03	Planning, Industry & Environment	22 Feb 2022
NATHERS certificate	001467690	Building Sustainability Assessments	26 April 2021
Access Report	AN17-208250 Rev 01	Philip Chun	30 Mar 2017
Plan of Subdivision of Lots 11, 12 and 13 in Deposited Plan 47987	Revision 6	Phillip John Chamberlain	30 April 2021
Water NSW response	Letter	Water NSW	Undated
Survey Plan	5490.82 (1)	TVS Architects	3 April 2017
Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Location Plan	18032 SP-01 Sheet 1 of 14	Phillip John Chamberlain	Undated
Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Basement Level	18032 SP-01 Sheet 2 of 14	Phillip John Chamberlain	Undated
Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Ground Floor	18032 SP-01 Sheet 3 of 14	Phillip John Chamberlain	Undated
Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Level 1	18032 SP-01 Sheet 4 of 14	Phillip John Chamberlain	Undated
Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Level 1	18032 SP-01 Sheet 5 of 14	Phillip John Chamberlain	Undated
Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Level 2	18032 SP-01 Sheet 6 of 14	Phillip John Chamberlain	Undated
Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Level 2	18032 SP-01 Sheet 7 of 14	Phillip John Chamberlain	Undated

Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Level 3	18032 SP-01 Sheet 8 of 14	Phillip John Chamberlain	Undated
Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Level 3	18032 SP-01 Sheet 9 of 14	Phillip John Chamberlain	Undated
Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Level 3	18032 SP-01 Sheet 9 of 14	Phillip John Chamberlain	Undated
Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Level 4	18032 SP-01 Sheet 10 of 14	Phillip John Chamberlain	Undated
Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Level 5	18032 SP-01 Sheet 11 of 14	Phillip John Chamberlain	Undated
Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Level 6	18032 SP-01 Sheet 12 of 14	Phillip John Chamberlain	Undated
Plan of subdivision of proposed Lot 2 in DP 1270306 (unregistered) Level 7	18032 SP-01 Sheet 13 of 14	Phillip John Chamberlain	Undated
Roof	18032 SP-01 Sheet 13 of 14	Phillip John Chamberlain	Undated
Coversheet	5490.01 (5)	TVS Architects	16 Mar 2023
Perspective Views	5490.02 (4)	TVS Architects	16 Mar 2023
Perspective Views	5490.03	TVS Architects	16 Mar 2023
Perspective Views	5490.04 (4)	TVS Architects	16 Mar 2023
Perspective Views	5490.05 (4)	TVS Architects	16 Mar 2023
Perspective Views	5490.06 (4)	TVS Architects	16 Mar 2023
Perspective Views	5490.07 (3)	TVS Architects	16 Mar 2023
Perspective Views	5490.07a (2)	TVS Architects	16 Mar 2023
Design Intent	5490.08 (3)	TVS Architects	16 Mar 2023
Development Statistics	5490.09 (6)	TVS Architects	16 Mar 2023
Site Context Diagram	5490.11 (2)	TVS Architects	16 Mar 2023
ESD Strategies	5490.12 (4)	TVS Architects	16 Mar 2023
Shadow Diagrams	5490.13 (4)	TVS Architects	16 Mar 2023
Shadow Diagrams	5490.13a (2)	TVS Architects	16 Mar 2023
Shadow Diagrams	5490.13b (2)	TVS Architects	16 Mar 2023
Shadow Diagrams	5490.13c (2)	TVS Architects	16 Mar 2023
Shadow Diagrams	5490.13d (2)	TVS Architects	16 Mar 2023
Shadow Diagrams	5490.13e (2)	TVS Architects	16 Mar 2023

Sun Penetration Design Study For Sunshading	5490.14 (4)	TVS Architects	16 Mar 2023
Sun Penetration Design Study For Sunshading	5490.15 (3)	TVS Architects	16 Mar 2023
Communal Open Space Diagrams	5490.16 (4)	TVS Architects	16 Mar 2023
Waste Management Plan	5490.17 (4)	TVS Architects	16 Mar 2023
Staging Plan	5490.18 (5)	TVS Architects	16 Mar 2023
Site Plan	5490.21 (4)	TVS Architects	16 Mar 2023
Lower Basement 2 Plan	5490.22 (6)	TVS Architects	16 Mar 2023
Upper Basement 1 Plan	5490.23 (6)	TVS Architects	16 Mar 2023
Ground Floor Plan	5490.24 (8)	TVS Architects	16 Mar 2023
Level 1 Floor Plan	5490.25 (6)	TVS Architects	16 Mar 2023
Level 2 Floor Plan	5490.26 (7)	TVS Architects	16 Mar 2023
Level 3 Floor Plan	5490.27 (10)	TVS Architects	16 Mar 2023
Level 4 Floor Plan	5490.28 (10)	TVS Architects	16 Mar 2023
Level 5 Floor Plan	5490.29 (9)	TVS Architects	16 Mar 2023
Level 6 Floor Plan	5490.30 (9)	TVS Architects	16 Mar 2023
Level 7 Floor Plan	5490.31 (9)	TVS Architects	16 Mar 2023
Level 8 Floor Plan	5490.32 (9)	TVS Architects	16 Mar 2023
Level 9 Floor Plan	5490.32a (3)	TVS Architects	16 Mar 2023
Level 10 Floor Plan	5490.33 (6)	TVS Architects	16 Mar 2023
Roof Plan	5490.34	TVS Architects	16 Mar 2023
Typical Unit Plans – Stage 2, 3 & 4	5490.40 (7)	TVS Architects	16 Mar 2023
Typical Unit Plans – Stage 2 & 3 Mirrored	5490.40a (3)	TVS Architects	16 Mar 2023
Typical Unit Plans – Stage 1 Only	5490.40b (1)	TVS Architects	16 Mar 2023
Typical Unit Plans – Stage 1 Only, Mirrored	5490.40c (1)	TVS Architects	16 Mar 2023
Typical Unit Plans – Stage 2	5490.40d (1)	TVS Architects	16 Mar 2023
Adaptable Unit Layouts	5490.40e (1)	TVS Architects	16 Mar 2023
Adaptable Unit Layouts	5490.40f (1)	TVS Architects	16 Mar 2023
Adaptable Unit Layouts	5490.40g (1)	TVS Architects	16 Mar 2023
Penthouse Unit Plans – Stage 1	5490.44 (1)	TVS Architects	16 Mar 2023
Penthouse Unit Plans – Stage 1	5490.45 (1)	TVS Architects	16 Mar 2023
Penthouse Unit Plan – C1001	5490.46 (1)	TVS Architects	16 Mar 2023
Penthouse Unit Plan – C1002	5490.47 (1)	TVS Architects	16 Mar 2023
Elevations	5490.50 (7)	TVS Architects	16 Mar 2023
Elevations	5490.51 (6)	TVS Architects	16 Mar 2023
Elevations	5490.51 (7)	TVS Architects	16 Mar 2023
Elevations	5490.53 (6)	TVS Architects	16 Mar 2023
Site Sections	5490.60 (5)	TVS Architects	16 Mar 2023

Materials & Finishes	5490.70 (3)	TVS Architects	16 Mar 2023
Materials & Finishes	5490.71 (4)	TVS Architects	16 Mar 2023
Materials and Finishes	5490.72 (4)	TVS Architects	16 Mar 2023
Survey Plan	5490.82 (2)	TVS Architects	16 Mar 2023

In the event of any inconsistency between the conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

Reason: To ensure compliance.

(DA-521/2017/E – MODIFIED 11 April 2020)

(MOD2021/0041 - MODIFIED 19 May 2021)

(MOD2021/0018 – MODIFIED 02 August 2021)

(MOD2022/0062 – MODIFIED [DATE])

Amending condition 2 Approved documentation to read:

2. Staging of Development

The development is to be undertaken in accordance with the approved ‘staging plan’ as generally described by the following:

Stage 1A
Basement carpark and transfer slab
Stage 1B
Library Visitor centre Community centre Community lounge Council Customer Service Centre Community plaza Community gardens Restaurant/café Commercial floor space Bike parking and end of trip facilities
Stage 1C
53 apartments 3 penthouses Lower common terrace for residents Stage 1 resident parking Lake Street road improvements
Stage 2A
Supermarket Retail space Restaurant Remainder of basement parking Level 1 and 2 resident parking Pedestrian plaza (West Street frontage) Service road access and driveways

Stage 2B
Residents club 64 seniors living units
Stage 3
43 seniors living units 2 penthouses Communal areas (dining room, theatre, bowling green, vegetable gardens, etc.)
Stage 4
35 seniors living units Wellness centre (hydrotherapy pool, spa, sauna, treatment/yoga rooms and change areas)

Reason: In the interests of consistency.

(DA-521/2017/C – MODIFIED 22 November 2018)

(DA-521/2017/E - MODIFIED 11 APRIL 2020)

(MOD2021/0018 – MODIFIED 02 August 2021)

(MOD2022/0062 – MODIFIED [DATE])

Amend condition 4 to read:

4. Ambit of Consent and separate application required for non-approved uses and/or differing uses and/or fit-outs

Separate development consent shall be obtained for any use and/or fitout of any tenancy that differs from that approved under this development consent, unless such work or use is exempt development or has approval as complying development.

Reason: To ensure compliance with the terms of this consent.

(MOD2021/0018 – MODIFIED 02 August 2021)

(MOD2022/0062 – MODIFIED [DATE])

Amend condition 8 to read:

8. Section 7.11 Contributions

A total monetary contribution must be paid to Council, pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979. The relevant contribution for each Stage is to be payable prior to the issue of a Construction Certificate in respect of the relevant Stage of the proposed development:

Stage 1A		
Great Lakes Wide	Headquarters Building	\$8,800.00
Great Lakes Wide	Road Haulage Levy	\$16,380.00

Stage 1B		
Great Lakes Wide	Headquarters Building	\$3,600.00
Great Lakes Wide	Road Haulage Levy	\$225,997.50

Stage 1C		
Great Lakes Wide	Library Bookstock	\$8,371.13
Great Lakes Wide	Headquarters Building	\$50,259.70
Great Lakes Wide	s94 Admin	\$23,058.60
Forster District	Major Roads Inner Zone	\$185,445.30
Forster District	Aquatic Centre	\$32,971.07
Forster District	Surf Life Saving	\$9,724.32
Forster District	Open Space	\$157,680.11
Forster District	Library Facility	\$54,559.54
Forster District	Community Facilities	\$59,554.58

Stage 2A		
Great Lakes Wide	Headquarters Building	\$8,500.00
Great Lakes Wide	Road Haulage Levy	\$27,500.00
Forster District	Major Roads Inner Zone	\$222,131.91
Total		\$230,631.91

Stage 2B		
Great Lakes Wide	Library Bookstock	\$11,386.62
Great Lakes Wide	Headquarters Building	\$68,363.52
Great Lakes Wide	s94 Admin	\$31,365.50
Forster District	Major Roads Inner Zone	\$244,101.00
Forster District	Aquatic Centre	\$44,847.30
Forster District	Surf Life Saving	\$13,226.43
Forster District	Open Space	\$214,479.30
Forster District	Library Facility	\$74,212.48
Forster District	Community Facilities	\$81,006.27
Total		\$782,988.42

Stage 3		
Great Lakes Wide	Library Bookstock	\$7,921.94
Great Lakes Wide	Headquarters Building	\$47,562.12
Great Lakes Wide	s94 Admin	\$21,821.72
Forster District	Major Roads Inner Zone	\$183,075.75
Forster District	Aquatic Centre	\$31,201.33
Forster District	Surf Life Saving	\$9,201.94
Forster District	Open Space	\$149,218.33
Forster District	Library Facility	\$51,631.38
Forster District	Community Facilities	\$56,357.98
Total		\$557,992.49

Stage 4		
Great Lakes Wide	Library Bookstock	\$6,985.54
Great Lakes Wide	Headquarters Building	\$41,940.12

Great Lakes Wide	s94 Admin	\$19,242.32
Forster District	Major Roads Inner Zone	\$158,665.65
Forster District	Aquatic Centre	\$27,513.23
Forster District	Surf Life Saving	\$8,114.24
Forster District	Open Space	\$131,580.23
Forster District	Library Facility	\$45,528.38
Forster District	Community Facilities	\$49,696.28
Total		\$489,265.99

The amount of contribution payable under this condition for Stages 1A, 1B & 1C has been calculated on the basis of the current rate as at 02 August 2021.

The amount of contribution payable under this condition for Stages 2A, 2B, 3 & 4 has been calculated on the basis of the current rate as at the date of consent (as modified <<insert date of modification>>).

The amount of contribution is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

Reason: In the public interest and pursuant to Section 7.11 of the EP&A Act 1979.

(DA-521/2017/C – MODIFIED 22 November 2018)

(DA-521/2017/E - MODIFIED 11 APRIL 2020)

(MOD2021/0018 – MODIFIED 02 August 2021)

(MOD2022/0062 – MODIFIED [DATE])

Amend condition 11 to read:

11. Waste Areas

Prior to the release of the Construction Certificate for each described Development Stage, the Certifying Authority is to be satisfied that the plans are amended to ensure the following:

Residential Units: Each waste disposal chute service area is to be designed to have capacity for at least 3 x 3 cubic metre garbage bulk bins and 3 x 1.50 cubic metre recycling bulk bins.

The access refuse collection point on Middle Street is to be increased to accommodate at least 24m² of bulk waste storage area.

Ground Level Commercial: The refuse area is to be enlarged to 22m².

Public accessible open space: Adequate dual garbage / recycling litter bins are to be placed throughout the publicly accessible areas of the development in consultation with Council's Waste Services Section.

Street level bin enclosure: The bin enclosure on Middle Street is to be amended to ensure it can accommodate a least 3 x 3 metre and 3 x 1.50 metre bulk bins.

Collection Vehicles Access: Clearance heights at contractor refuse collection points are to be a minimum of 6.2 metres.

Reason: To ensure the development can provide adequate facilities in perpetuity and in the interests of public health.

(MOD2022/0062 – MODIFIED [DATE])

Amend condition 12a to read:

12a. Vehicle Parking and Access

Prior to the issue of a Construction Certificate for each relevant Stage, plans and specifications detailing access, parking and manoeuvring on the site must be submitted to and approved by the Certifying Authority. Vehicular access, parking and manoeuvring must be in accordance with Australian Standards AS/NZS 2890.1 and AS 2890.2 in respect of the following items:

- a) Carpark and driveway layout.
- b) Pavement description (ie being concrete/ bitumen or a similar hard paved surface).
- c) Site conditions affecting the access.
- d) Suitable changes of gradient must be provided for along the critical path along each of the vehicle travel paths as recommended in:
 - AS 2890.1 for the vehicle;
 - AS 2890.2 Table 3.2 for all trucks that will access the development.
- e) Turning paths for vehicles entering/exiting the ramp and main traffic routes through the development site and carparks to comply with:
 - For cars - AS2890.1 table 2.2 and figures 2.8 and 2.9.
 - For trucks - AS2890.2 tables 3.1 and 3.2.
- f) Existing and design levels.
- g) Drainage (pipes, pits, on-site detention, etc.).
- h) Accessible car parking space/s designed in accordance with Australian Standard AS/NZS 2890.6: Parking facilities - Off-street parking for people with disabilities;
- i) Line-marking and signage.

The plan shall also identify the allocation of car parking spaces for the approved uses.

Reason: To ensure suitable vehicular access and maneuverability is provided within the development.

(MOD2021/0018 – MODIFIED 02 August 2021)

(MOD2022/0062 – MODIFIED [DATE])

Amend condition 12b to read:

12b. Parking Allocation

Carparking spaces shall be allocated as follows:

Community / civic uses: minimum 78 spaces required;
Residential component: minimum 77 spaces required;

Residential Visitor parking: minimum 12 spaces required;
Senior Housing component: minimum 168 spaces required;
Commercial / retail uses: minimum 138 spaces required.

Residential visitor parking shall not be subdivided, leased or controlled by or on behalf of any particular unit owner or resident.

Reason: To ensure suitable parking is available
(MOD2021/0018 – MODIFIED 02 August 2021)
(MOD2022/0062 – MODIFIED [DATE])

Amend condition 14 to read:

14. Bicycle parking

Full details are to be provided in documentation for a Construction Certificate detailing how bicycle storage is to be provided within each Stage as described below.

- a) Stage 1 - 1 x class 1 or class 2 bicycle enclosure for each residential unit, 8 x class 2 bicycle enclosure and 20 x class 3 bicycle rails.
- b) Stage 2A - 6 x class 2 bicycle enclosure & 6 x class 3 bicycle rails.
- c) Stage 2B, 3 & 4 - 1 x class 1 or class 2 bicycle enclosure for each residential unit.

The bicycle storage is to be designed and implemented in accordance with the Australian Standard AS/NZS 2890.3: Parking facilities - Bicycle parking facilities and Council's DCP 14.

Reason: To ensure the bicycle parking is constructed to suitable standard.
(MOD2022/0062 – MODIFIED [DATE])

Amend condition 22 to read:

22. Stormwater Quality Management Concept and Treatment measures

Prior to the issue of a Construction Certificate for Stage 1, engineering plans and specifications for the stormwater management system, shall be submitted to and approved by the Certifying Authority. Engineering plans are to be designed in accordance with the approved Stormwater Strategy Plans (Drawing numbers S01 and S02 issue 1, prepared by Coastplan Group, March 2017), the approved Stormwater Drainage Quality Control Report (ref 16148 issue 1 prepared by Coastplan Group, March 2017) and any amendments contained within these conditions.

A 1ML rainwater tank is to collect 100% of the roof water and is to be plumbed into the laundry and toilets in all of the residential and commercial units.

A 10KL rainwater tank is to collect water from the elevated terrace between building A and B and connect to the 'bioretention area A' in the Southern Eastern corner of the development. The area between the Eastern boundary and building A drains to this bioretention area.

Bioretention areas B, C, D and E are to treat stormwater runoff from ground level areas.

The bioretention basins are to be provided generally in accordance with the Stormwater Strategy Plans, the approved Stormwater Drainage Quality Control Report and meet the following criteria:

- a) Designed in accordance with Water by Design (2006), 'Water Sensitive Urban Design - Technical Design Guidelines for South East Queensland', South East Queensland Healthy Waterways Partnership.
- b) Consist of 500mm of sandy loam filter media consistent with WSUD Engineering Procedures (Melbourne Water, 2005) with minimum 200mm of depth for water detention, the top of the bioretention is to be finished a minimum of 50mm (freeboard) above the maximum water level.
- c) Sides and base must be lined with a HDPE impermeable liner or equivalent.
- d) Contain at least two species of plants selected from Great Lakes Councils Fact Sheet 15 'Local plant selection for raingardens, guidance for Water Sensitive Design DCP 54' dated 10 April 2014, planted at densities indicated in the fact sheet.
- e) Filter media shall be of uniform sandy loam texture and be consistent with the specifications contained in Adoption Guidelines for Stormwater Biofiltration Systems, Facility for Advancing Water Biofiltration, (Monash University, June 2009).
- f) Be located outside of the tree protection zone of trees that will be retained in the development

Reason: To ensure water quality requirements as contained in the Water Sensitive Design section of the Great Lakes Development Control Plan 2014 are met.

(MOD2022/0062 – MODIFIED [DATE])

Amend condition 101 to read:

101. Hours of operation

The permitted hours of operation for the proposed uses of the development must be restricted to within the hours specified below:

Use	Start	Finish Time
Supermarket	7:00am	10:00pm
Retail Shops	7:00am	10:00pm
Restaurants / Cafes	6:00am	10:00pm

Any alteration to the above hours of operation will require the further consent of Council.

Reason: To protect the amenity of adjoining premises.

(MOD2022/0062 – MODIFIED [DATE])

Amend Condition 103 to read:

103. Ground Level Food and Drink Patrons

Each ground level food and drink premises is to be restricted to providing a maximum number of customers / patrons as described below and is to include the designated outdoor areas. Each premise is to provide seating for all customers.

Location	Number of Patrons
Restaurant / Café North West corner of Building B	629
Restaurant / Café (3) North East corner of Building B	259

Reason: In the interests of protecting public amenity, to reduce anti-social behaviour, to ensure compliance with Building Code of Australia with regard to amenities.

(MOD2021/0018 – MODIFIED 02 August 2021

(MOD2022/0062 – MODIFIED [DATE])