# Council Assessment Report

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| **Panel Reference** | PPSHCC-51 |
| **DA number** | DA/954/2020 |
| **LGA** | Lake Macquarie City Council |
| **Proposed development** | Community facility and information and education facility (library) |
| **Permissibility** | Community facility and information and education facilities are permissible within the B1 Neighbourhood Centre. |
| **Street address** | 12 Lake Street, Windale NSW 2306 (Lot 1 DP 224231)  20 Lake Street, Windale NSW 2306 (Lot 359 DP 31578)  22 Lake Street, Windale NSW 2306 (Lot 360 DP 31578) |
| **Zoning** | B1 Neighbourhood Centre |
| **Applicant/Owner** | Adriano Pupilli Architects (applicant)  Lake Macquarie City Council (owner / operator) |
| **Date of DA lodgement** | 3 July 2020 |
| **Notification** | 22 July 2020 – 14 August 2020  No submissions received |
| **Integrated development** | Subsidence Advisory NSW |
| **External referrals** | Ausgrid  NSW Police |
| **Recommendation** | Approval, subject to conditions of consent |
| **Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011** | Council related development over $5 million (CIV $7.5 million) |
| **List of all relevant s4.15(1)(a) matters** | * Environmental Planning and Assessment Act 1979 * Environmental Planning and Assessment Regulation 2000 * Coal Mine Subsidence Compensation Act 2017 * State Environmental Planning Policy No. 64 – Advertising and Signage * State Environmental Planning Policy No. 55 – Remediation of Land * State Environmental Planning Policy (Infrastructure) 2007 * Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) * Lake Macquarie Development Control Plan 2014 (LMDCP 2014) |
| **List all documents submitted with this report for the Panel’s consideration** | Attachment A: Draft Conditions  Attachment B: Architectural Plans  Attachment C: Landscape Plans  Attachment D: Engineering Plans  Attachment E: Subsidence Advisory NSW General Terms of Approval  Attachment F: Ausgrid Response |
| **Clause 4.6 request/s** | N/A |
| **Report prepared by** | Jonathan Ford, Senior Development Planner |
| **Report date** | 9 December 2020 |

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| **Summary of s4.15 matters**  Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | Yes |
| **Legislative clauses requiring consent authority satisfaction**  Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? | Yes |
| **Clause 4.6 Exceptions to development standards**  If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | N/A |
| **Special Infrastructure Contributions**  Does the DA require Special Infrastructure Contributions conditions (S7.24)? | N/A |
| **Conditions**  Have draft conditions been provided to the applicant for comment? | Yes |

## Executive summary

The proposal is for demolition of existing structures on site, and construction of a single storey community facility and information and education facility (library).

The development is to comprise:

* library;
* main activity hall;
* meeting rooms;
* youth / maker space;
* office space;
* centre management office;
* kitchen with kiosk;
* male, female and accessible amenities;
* storage;
* car parking for 26 car parking spaces including one non-discriminatory space and shared zone.
* stormwater management, landscaping and a small identification sign.
* removal of all trees on site.

General Terms of Approval have been provided from Subsidence Advisory NSW as integrated development under the Coal Mine Compensation Act 2017.

Consultation with Ausgrid was undertaken during the assessment. Matters recommended (proximity to powerlines) can be addressed through conditions of consent.

The development was notified to the NSW Police and no response was received during the assessment of the application.

No submissions have been received in relation to the development.

No substantial earthworks are proposed.

The development has demonstrated the site is capable of being provided with required essential services and infrastructure including water, sewer, electricity, stormwater and vehicle access.

The site is not listed as being contaminated, and is not otherwise subject to any substantial constraints.

The minor extent of signage is consistent with the aims and objectives of State Environmental Planning Policy No. 64 – Advertising and Signage, and satisfies the assessment criteria under Schedule 1 of the SEPP.

The development has been assessed to be compliant with applicable State, Regional and Local Environmental Planning Instruments and Policies, in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979. Planning instruments addressed within this report include:

* Environmental Planning and Assessment Act 1979
* Coal Mine Subsidence Compensation Act 2017
* Environmental Planning and Assessment Regulation 2000
* State Environmental Planning Policy No. 55 – Remediation of Land
* State Environmental Planning Policy (Infrastructure) 2007
* State Environmental Planning Policy No. 64 – Advertising and Signage
* Lake Macquarie Local Environmental Plan 2014
* Lake Macquarie Development Control Plan 2014

The development is considered to be in the public interest and worthy of support subject to conditions.

## Reasons for determination

The development has been assessed against the relevant matters for consideration applicable to the land and proposed development as outlined in Section 4.15 of the Environmental Planning and Assessment Act 1979 as follows:

* the development meets the requirements of the Lake Macquarie Local Environmental Plan 2014 and other relevant environmental planning instrument;
* consideration has been given to proposed instruments which have been the subject of public consultation;
* the development generally complies with Lake Macquarie Development Control Plan 2014 with any variations to the controls outlined and justified within this assessment report;
* considering the likely impacts of the development on the natural and built environments, the development is considered to provide balanced and appropriate outcomes;
* the suitability of the site for the development, including characteristics and constraints of the land have been considered and it was found the land as being suitable for the development;
* matters of public interest have been considered in relation to social, economic and environmental outcomes.

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

## Community interest

The assessment of the proposed development under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 has considered community views. The application was notified in accordance with the Council’s Community Participation Plan as adopted by Lake Macquarie City Council.

The application was notified on one occasion following lodgement from 22 July 2020 to 14 August 2020. No submissions were received in response to the public notification of the proposed development. Community views however were taken into consideration with the development being assessed against the provisions of the Lake Macquarie Local Environmental Plan 2014 and Development Control Plan 2014, both of which have been publicly exhibited and adopted by Lake Macquarie City Council.

## Site, context and development history

### Background

The existing library and community hall are utilised by a variety of community organisations. The applicant has specified the current buildings are aged and undersized and no longer fit for purpose. The development is proposed to address the growing need for community infrastructure in Windale and the surrounding locality. The design has been informed by multiple instances of community consultation undertaken by Council since 2017.

#### Lodgement and assessment

The application was lodged with Council on 3 July 2020.

The application was presented as a briefing to the Hunter and Central Coast Regional Planning Panel (RPP) on 18 August 2020. Key items for consideration from the briefing include:

* Car parking
* Crime risk / prevention
* Zone transition
* Tree retention
* Noise
* Streetscape activation

### Site and locality

The site comprises three lots with a total area of 2850m2.

The site is zoned B1 Neighbourhood Centre. Surrounding land is zoned R3 Medium Density Residential, with R2 Low Density Residential beyond to the north and west. To the east is a local sport and recreation field, with a business park area and the Pacific Highway beyond.

The site is centrally located in Windale, adjoining the neighbourhood shops and within 300m of Windale Public School and nearby recreation facilities

No. 12 Lake Street currently houses Windale Community Hall, No. 20 contains the existing library and community offices, and No. 22 has a dwelling which Council acquired in 2017.

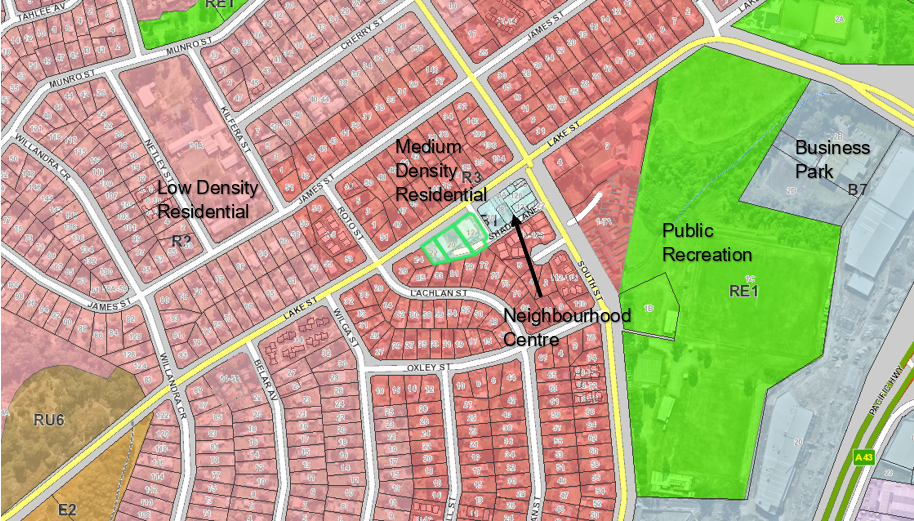
The community offices and hall are utilised by a number of local community organisations.

Access to the site is provided from Shade Lane, a one-way laneway accessible from Lake Street.

Informal parking along Shade Lane results in vehicles crossing private land when exiting via the laneway. This arrangement is proposed to be rectified as part of the development.

The site is flat and contains seven remnant trees (bottle brush, brushbox, tallowwood and exotic), all of which are proposed for removal.

Figure 1 shows the subject site bounded in green and the surrounding context.



**Figure 1 – Development site, surrounding land uses and zoning**

## Proposal

The proposal seeks consent for demolition of all existing structures and construction of a community facility and library. The development is to comprise:

* library;
* main activity hall;
* meeting rooms;
* youth / maker space;
* office space;
* centre management office;
* kitchen with kiosk;
* male, female and accessible amenities;
* storage;
* car parking for 26 car parking spaces including one non-discriminatory space and shared zone.
* stormwater management, landscaping and a small identification sign.
* removal of all trees on site.

The main building has a gross floor area of 747m2.

## Integrated Development Assessment

### Coal Mine Subsidence Compensation Act 2017

#### Section 22 Approvals for development within mine subsidence districts

The application was lodged as integrated development and the proposal was referred to Subsidence Advisory NSW (SA NSW). SA NSW provided General Terms of Approval (GTAs) dated 19 November 2020. GTA’s are included as recommended conditions of consent.

## Section 4.15: Potential matters for consideration

Applicable State, Regional and Local Environmental Planning Instruments and Policies are detailed hereunder. Where not explicitly detailed, it is considered those instruments or policies are not relevant to the proposal.

## Section 4.15 (1) (a) (i) the provisions of any EPI’s

### State Environmental Planning Policy (State and Regional Development)

The proposal is identified as regionally significant development under Part 4 Regionally significant developmentand Schedule 7 of the SEPP due to the development being Council related development with a capital investment value exceeding $5 million.

The Hunter and Central Coast Regional Planning Panel (RPP) will be the consent authority for the application.

### State Environmental Planning Policy No. 55 – Remediation of Land

Under clause 7 of the SEPP a consent authority must not consent to the carrying out of any development on land unless:

1. it has considered whether the land is contaminated, and
2. if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out, and
3. if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

#### Council records do not indicate the site is contaminated or potentially contaminated. No historically contaminating activity is known to have occurred on the site. Conditions of consent are to be imposed with respect to unexpected finds and management of any asbestos during demolition.

The land is considered suitable for the proposed use.

#### State Environmental Planning Policy No. 64 – Advertising and signage

The submitted plans indicate small business identification signs / lettering is proposed at the building entrances.

Under clause 8 of SEPP 64, a consent authority must not grant consent for any signage application unless the consent authority is satisfied the proposal is consistent with the objectives of the SEPP and the assessment criteria contained in Schedule 1.

Proposed signage is consistent with the aims and objectives of the SEPP, as it is compatible with the development, provides effective communication, is suitably located, and is modestly proportioned.

The signage is considered to be consistent with the assessment criteria contained in Schedule 1 as detailed below.

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| **Schedule 1 standard** | **Proposal** |
| 1. Character of area | Signage is of a size and scale which is consistent with the character of the locality. |
| 1. Special Area | Signage will not adversely affect the amenity of the local area and will not impact on any significant items or landforms. |
| 1. Views and Vistas | Signage will not have an unexpected impact on views or vistas in the locality. |
| 1. Streetscape, setting or landscape | Signage is of an appropriate scale for the locality, does not protruding beyond any elevation and does not result in visual clutter. |
| 1. Site and Building | Signage is proportionate to the building and does not detract from important features of the site. |
| 1. Associated devices and logos with advertising structures | N/A |
| 1. Illumination | No illumination is proposed. |
| 1. Safety | There would be not moving or flashing features of the signage and it is not considered to reduce safety for pedestrians or cyclist. |

### State Environmental Planning Policy (Infrastructure) 2007

#### Part 3, Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network

In accordance with clause 45(2) of the SEPP, the application was referred to Ausgrid for comment. Ausgrid specified the design may encroach on the required clearance area from the nearby 33KV powerlines. The applicant engaged an electrical engineering consultant, who in consultation with Ausgrid, has provided recommendations to achieve a compliant overhead clearance, including:

* modifying the existing crossarms to offset their position further away from the building, or
* adding an additional power pole mid-span, or
* installation of 33kV mains underground. This solution would also allow the proposed street planting beneath the powerlines to grow to full height.

No substantial impact on the development will arise from implementation of any of the above options. A condition of consent is recommended requiring the matter to be addressed to the satisfaction of Ausgrid prior to the release of any Construction Certificate (CC).

### Lake Macquarie Local /Environmental Plan 2014

#### Part 2 – Permitted or prohibited development

The site is zoned B1 Neighbourhood Centre. Relevant terms under LMLEP 2014 for the development are as follows:

* Community facility (community hall)
* Information and education facility (library)

Other components of the development are considered ancillary to the above land uses.

Community facilities and information and education facilities are permissible with consent in the zone.

The objectives of the B1 zone are:

* To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
* To encourage employment opportunities in accessible locations.
* To create urban centres for safe and vibrant social, cultural, recreational and community activity.
* To provide for shop top housing as part of mixed use developments.

The development is consistent with the objectives of the B1 zone, as it contributes to the supply of community uses for people in the local area.

#### Clause 4.3 Height of buildings

A 10m maximum building height applies to the site.

The building has a maximum ridge height of 6.8m from natural ground level and complies with the building height development standard.

#### Clause 7.2 Earthworks

Before granting consent, the consent authority must consider the implications of the development on the environment/locality in relation to earthworks.

Minimal earthworks are proposed, with the majority of excavation localised at the in-ground bin storage / switch room.

All earthworks are complemented with appropriate stormwater management infrastructure to ensure no impact occurs on future adjoining development. Consideration has been given to erosion prevention and sediment control, with conditions recommended.

#### Clause 7.21 Essential services

The consent authority must not grant consent unless it is satisfied the required essential services are available to serve the development.

The development has demonstrated the site is capable of being provided with required essential services and infrastructure including water, sewer, electricity, stormwater and vehicle access.

## Section 4.15 (1) (a) (ii) the provisions of any draft EPI

No draft EPI’s apply.

## Section 4.15 (1) (a) (iii) DCP’s

### Lake Macquarie Development Control Plan (DCP) 2014

#### Part 4: Development in Business Zones

#### 2.1 Site analysis

Adequate site analysis documentation has been submitted.

#### 2.2 Scenic values

#### The proposal does not warrant the provision of a visual impact assessment.

#### The building design, landscaping provisions and communal open space areas are considered appropriate and do not adversely impact upon the scenic values of the locality.

#### 2.3 Geotechnical

The site is located within geotechnical zone T6 (low risk).

A geotechnical report has been submitted and deemed satisfactory by Council’s Development Engineer.

#### 2.8 Stormwater management

The development proposes stormwater management infrastructure that captures stormwater from the building and conveys water to harvesting tanks for re-use within the development. Stormwater from hardstand areas will be captured and directed to an on-site detention. Overflow is discharged to the public stormwater network to the south-eastern side of the site.

Council’s Development Engineer has assessed the stormwater management system and deemed it appropriate for DA purposes. A condition of consent is recommended to ensure detailed engineering design plans are submitted for the system as part of the CC process.

**2.14 Preservation of trees and vegetation**

An arborist report has been submitted which assesses seven trees on the site and seven trees on adjoining properties. The arborist’s assessment was informed by the full development proposal, including stormwater and landscaping works.

All trees on site are proposed for removal as their structural root zones are expected to be totally or substantially compromised by the development. The submitted plan compensates for the proposed tree removals with the provision of 26 new native tree plantings on site and within the Lake Street road reserve.

A small cluster of trees within the blister kerb in the adjacent road reserve of shade lane is also proposed for removal. The blister kerb (and trees within) is required to be removed as their location currently results in vehicles traversing private land when exiting along shade lane.

The existing street tree fronting the development is to be removed, and replacement trees will be provided in accordance with the landscape plans.

The arborist report concludes that with sensitive construction methods and tree protection measures, adverse impacts on the large eucalypt on the adjoining southern property will be avoided. Conditions of consent to this effect are recommended.

All other trees on adjoining sites will be unaffected by the proposal.

#### 2.17 Social impact

Social impact has been addressed within the Statement of Environmental Effects (SEE).

The development will provide social benefits through the provision of additional community services, and is appropriately located to minimise negative impacts on surrounding land uses.

The development design appropriately responds to CPTED principles and provides minimal opportunities for concealment / vandalism.

The development is expected to bring about a positive social impact.

#### 2.20 Lot amalgamation

A condition of consent requiring amalgamation of the three lots is recommended.

The development does not create any isolated lot.

**2.21 Utility infrastructure**

The proposal nominates a plant room which has been appropriately integrated into the design of the building.

Space along the southern boundary has been provided for a kiosk substation and rainwater tanks. The location of this infrastructure at the rear of the site is considered appropriate.

#### 3.4 Streetscape improvements

Various streetscape improvements are proposed as detailed in the landscape plan.

Extensive landscaping provisions are incorporated at both the Lake Street and Shade Lane frontages.

The existing 2.5m width footpath is to be extended for the full Lake Street frontage, and new footpath linkages are provided from the proposed external forecourt along Shade Lane.

**3.5 Non-discriminatory access**

A BCA compliance report has been submitted, which encapsulates the Access to Premises Standard.

Compliant paths of travel are provided within the building, from the accessible car parking space and from site externalities. Compliant amenities and accessible car parking are proposed.

The development is capable of compliance with applicable non-discriminatory access standards.

**3.6 Lighting**

External lighting is proposed at the main building entrances. A condition of consent is recommended requiring the provision of lighting along the footpath and the rear car park. The condition will require lighting to comply with relevant Australian Standards.

**4.2 Ground floor levels**

Minimal level differences are displayed between the external domain and internal floor area. Where level differences are proposed (i.e. the western side of the building) they are within the allowances provided under the DCP. Viewing angles are maintained from the public domain to the building internals.

**4.3 Ground floor entries**

The building entries are clearly delineated through variation in materials. The proposed signage is modestly proportioned and appropriately integrated into the building design.

**4.4 Ground floor glazing**

Extensive glazing is provided along the Lake street frontage, which is shielded by a perforated mesh screen.

A glazed façade is also proposed along the eastern elevation facing Shade Lane.

The extent and presentation of glazing is consistent with DCP controls.

**4.5 Street awnings**

Due to the non-commercial nature of the buildings, awnings are proposed for the entryways only. This outcome is considered appropriate.

Provision of an awning for the entire Lake Street frontage is not considered necessary from a design perspective.

#### 5.1 Traffic and vehicle access

Vehicle access is provided via Shade Lane. Council Engineers have specified the existing road network is sufficient for the proposal.

Informal parking along Shade Lane results in vehicles crossing private land when exiting via the laneway. This arrangement is recommended to be rectified as part of the development with a condition of consent requiring removal of the existing blister kerb near the eastern driveway entrance.

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Figure - Aerial view showing existing kerb blister

#### 5.2 Design of parking and service areas

Car parking is provided within the site parallel to Shade Lane and adjacent to the rear building entrance.

Council’s Development Engineer has confirmed the proposed parking areas comply with AS2890. Adequate sightlines are provided for entering and exiting the car parking areas.

**5.3 Bike parking facilities**

Eight designated bicycle spaces / racks are provided adjacent to the building entrances along Lake Street and in the external forecourt. The provision complies with DCP control, and the positioning of the racks is supported.

**5.4 Motorcycle parking**

A compliant provision of one motorcycle space is proposed.

#### 5.5 Car parking rates

#### The car parking rate for a community facility requires five spaces, plus one space per 40m2.

#### There is no specific rate applicable to the library component, hence the community facility rate is applied to that floor space too.

#### A further requirement of one non-discriminatory space also applies.

In accordance with Council’s GFA definition, amenities, storage space and other areas are left out of the calculation.

The development comprises 858m2 of GFA when calculated on this basis, yielding a requirement of 26 spaces (rounded).   
The development provides 26 spaces, including one non-discriminatory space, and hence complies with the applicable rate.

**6.2 Front setbacks**

The development provides a nil front boundary setback in accordance with this control.

A 15m secondary setback is provided along Shade Lane to allow for the provision of car parking, landscaping and communal areas. Given the secondary frontage is presented to a lane, it is not considered desirable or appropriate to have a nil boundary setback on this elevation.

The proposed street setback arrangements are appropriate.

**6.4 Façade articulation and 6.5 Building exteriors**

The Lake Street façade is treated with a permeable mesh over glazing, providing an attractive finish and contributing to visual interest. Building entrances are clearly distinguishable. The façade of other elevations comprises a mixture of masonry, glazing and mesh screening.

The applicant has specified the development incorporates high quality materials and finishes, with the colour and material sample informed by local vegetation. Further articulation across Lake Street is provided via varied roof forms from the commercial area to the northwest to low density residential in the south east.

Transparency of the street-facing facades provides connection between the development and the public domain.

The development provides compliant arrangements with regard to building exteriors and façade articulation.

**6.7 Side and rear setbacks**

The development adopts the DCP requirement for a nil side boundary setback to the western boundary, increased to 1.5m after 12m depth.

A rear boundary setback in excess of 3.5m is proposed, exceeding the minimum requirement of 1.5m.

The building form adjoining the nil western boundary setback has been scaled to transition to adjoining residential land.

**6.8 Minimum landscaped area and 7.1 Landscape design**

Landscape documentation, including a detailed landscape plan, has been submitted in support of the proposal.

Total landscaping provisions for the site are approximately 582m2, or approximately 20%.

Landscaping provisions were amended prior to lodgement in accordance with direction from Council’s Landscape Architect. A variety of species, including canopy trees are proposed across the site, with generous provisions adjoining the communal open space areas. Seven street trees are provided along the Lake Street frontage.

The extent, positioning and quality of landscaping is compliant and supported.

**6.11 Setbacks from residential zoned land**

The DCP prescribes a 3m setback for development from boundaries adjoining residential zoned land. The development proposes a nil side setback along the western boundary.

The proposal is considered to comply with the objectives of this control, as issues of visual bulk and scale are effectively addressed through the tapered building design. The building is designed to match the scale and form of adjoining residential dwellings at the western boundary interface. No substantial privacy, solar access or other adverse impacts are expected to arise as a result of the reduced side setback. Variance to the 3m setback to residential land is supported in this instance.

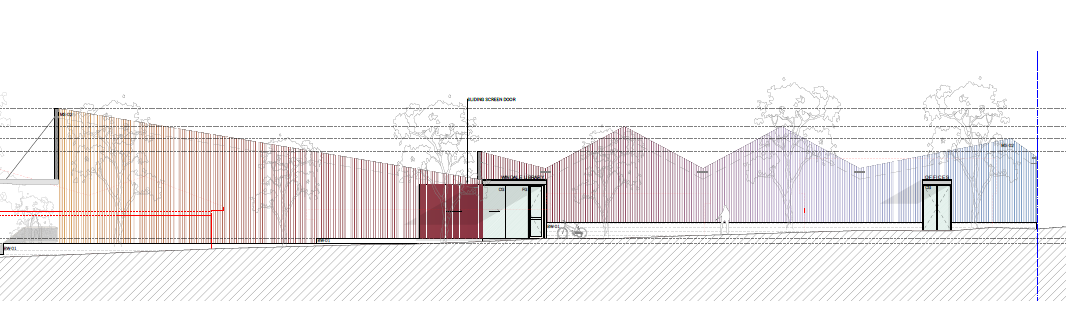


Figure - Tapered building design and scale across Lake Street frontage

**6.12 Building height**

The proposed building is single storey, and complies with the building height development standard per Clause 4.3 of LMLEP 2014.

**6.14 Floor to ceiling heights**

A 3.3m floor to ceiling height is proposed, consistent with the provisions of this control.

**6.15 Roofs**

Sections of the roof exceed the 1.5m height allowance. The applicant has argued the roof forms are a pivotal design element, being architecturally designed to provide visual interest and stagger the scale of the building from the adjoining neighbourhood shops to nearby residential land. The development displays compliance with the applicable height standard, and the design of the proposed roof forms are supported.

**6.17 Balconies and communal open space**

Communal open space areas are proposed along Shade Lane and west of the proposed car parking area. The areas are functional, accessible and generously landscaped. Communal open space provisions for the development are supported.

**6.18 Planting on structures**

Deep soil planting is proposed in lieu of planter boxes and the like, which is supported.

**6.19 Solar access and orientation**

Adequate solar access will be achieved by the development due to its orientation and extensively glazed facades.

Submitted shadow diagrams depict minor overshadowing impacts for immediately adjoining residences to the west and south. Notwithstanding, a compliant level of solar access is still achieved for the private open space and habitable areas of these residences.

**6.20 Energy efficiency and generation**

The development has been designed to achieve a minimum 4-star rating under the Green Building Council of Australia’s Green Star Rating tool. It has also been designed to comply with relevant provisions of Section J of the BCA.

A number of ecologically sustainable design initiatives including future allowance for solar panels; rainwater collection and re-use for irrigation, toilet flushing and general washdown; and use of energy efficient lighting and fixtures.

**6.21 Visual privacy**

The orientation of ‘open’ frontages is towards the public domain. Building elevations presenting to surrounding residential land provide no capacity for overlooking.

Visual privacy impacts from the existing car parking area and adjoining communal open space areas are partially mitigated through the provision of new landscaping elements.

Fencing of a sufficient height to provide visual and acoustic screening is also proposed.

The development is considered to maintain acceptable levels of visual privacy.

**6.24 Side and rear fences**

Lapped and capped timber fences in excess of the maximum 1.8m allowance are proposed along the southern and western boundaries to facilitate better acoustic shielding. 2.1m in height is proposed for the southern boundary, and 2.4m for the western.

Despite the height exceedance, it is noted the fencing will address the historic issue of noise pollution from the car park to adjoining residences. Canopy trees circulate the proposed fenced area, which will soften its presentation.

The higher fences are considered an appropriate compromise to lessen the acoustic impacts of the development on adjoining residences.

**6.25 Safety and security**

The applicant has submitted a Crime Risk Assessment Report which identifies and addresses areas of crime risk associated with the development.

The report identifies a number of strategies to mitigate risk and to ensure the proposed development is designed and constructed in accordance with CPTED principles. Council’s Community Planner has reviewed the report and concurs with the measures identified regarding surveillance, access control, territorial reinforcement, activity and space management, building design, lighting, access, car parking, fencing, landscaping.

Dead-end landscaping zones have been amended following advice from Council, with the areas filled in with low planters to prevent access.

Surveillance of the car park is provided from the building and from designated communal open space areas.

Lighting is proposed for the car park, building entrances and along Shade Lane.

The building design affords minimal opportunities for concealment.

The design is considered to satisfactorily encapsulate CPTED principles.

**7.2 Street trees**

Advanced street trees are proposed in accordance with Council’s landscape design guidelines. A condition of consent is recommended requiring adequate pot sizes and inspection periods for establishment.

**7.4 Landscaping and tree planting in car parks**

Canopy trees are provided in the car parking area in accordance with this control, as depicted by the submitted landscape plan. Landscaping provisions in the car park and rear setback area are considered appropriate.

**8.1 Demolition and construction waste management**

A demolition, construction and operational waste management plan (WMP) has been submitted. A number of building components are to be reused on site including timber, bricks and pavers. Remaining materials are to be recycled where possible, or disposed of to licensed landfill. A standard condition of consent is recommended in this regard.

**8.2 Operational waste management**

The WMP specifies a modest extent of waste will be generated by the development, generally comprising food scraps, food waste, paper and cardboard, printer cartridges, stationary, recyclable containers, residual garbage, landscape green waste and polystyrene.

Recycling, green waste and garbage are to be stored on site in 240L bins and collected weekly as part of Council’s regular collection service.

A dedicated bin storage area is provided in the plant room. Sufficient manoeuvring area is provided for the collection vehicle.

**8.5 Erosion and sediment control**

An erosion and sediment control plan has been submitted in support of the proposal. Sediment fencing for the site perimeter is proposed, as well as a temporary gravel layer at the vehicle entrance to prevent soil deposits. Council’s Erosion and Sediment Control Officer has confirmed the proposed measures are satisfactory.

#### 8.7 Noise and vibration

The submitted acoustic report stipulates the development is generally compliant with operational noise requirements, although some exceedances are expected due to the extended operating hours of the facility.

Accordingly, the report recommends provision of a lapped and capped timber fence (or other suitably presented alternative) along the boundaries southern and western boundaries. The proposed fence heights are 2.1m and 2.4m for the southern and western boundaries respectively.

A condition of consent to this effect is recommended.

#### Part 9.17 - Signage

#### 17.1 Design

Two small building identification signs are depicted on the submitted plans. The signs overhang the main entrances to the building. The signage is considered appropriate.

#### 17.2 Positioning

The signs are modestly sized and proportional to the building form. They are positioned in key areas above the respective building entrances. There would be no risk to public safety or impact on traffic control devices as a result of signage proposed.

#### 17.3 Specific sign dimensions

The signs are above awning signs and well below the height and area restrictions provided under this control.

#### Part 12.26 – Windale Precinct Area Plan

The majority of controls in the Windale Area Plan relate to residential development and are not applicable to the proposal.

The development is consistent with the desired future character statement, which identifies the importance of social and community development.

## Section 4.15 (1) (a) (iv) any matters prescribed by the regulations

Demolition works are to be carried out in accordance with relevant Australian Standards as prescribed by the Regulations.

## Section 4.15 (1) (b) the likely impacts of the development

#### The likely impacts of the development contained in this part of the Act have been detailed throughout the assessment report.

## Section 4.15 (1) (c) the suitability of the site for development

#### Does the proposal fit the locality?

The development is considered to fit the locality. The development is an intensification of an existing land use which fits into the existing character and poses no significant adverse impacts.

#### Are the site attributes conducive to development?

As demonstrated in this report, the site is conducive to the development proposed.

## Section 4.15 (1) (d) any submissions made in accordance with this Act or the Regulations?

No submissions were received in relation to the development.

## Section 4.15 (1) (e) the public interest

The development is considered the achieved balanced and orderly outcomes, and is in the public interest.

The application provides a development that is consistent with the zoning of the land and has demonstrated compliance with relevant controls.

The development has demonstrated no significant amenity impacts will arise now or in the future, subject to the imposition and compliance with recommended conditions of consent.

## Section 7.12 Fixed development consent levies

The development is funded by development contribution funds, hence a levy is not applicable.

| Staff endorsement |
| --- |
| The staff responsible for the preparation of the report, recommendation, or advice to any person with delegated authority to deal with the application has no pecuniary interest to disclose in respect of the application.  The staff responsible authorised to determine the application have no pecuniary interest to disclose in respect of the application.  Signed:    Jonathan Ford  Senior Development Planner  Development Assessment and Certification |
| Senior endorsement |
| The staff responsible for the preparation of the report, recommendation, or advice to any person with delegated authority to deal with the application has no pecuniary interest to disclose in respect of the application.  The staff responsible authorised to determine the application have no pecuniary interest to disclose in respect of the application.  Signed:    Amy Regado  Acting Chief Development Planner  Development Assessment and Certification |