



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

**COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR**

3 JULY 2008

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3 JULY 2008

Mayor and Councillors

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L15 DEVELOPMENT APPLICATION 153/07 - BUSINESS PARK - BULKY GOODS SALESROOMS, LIGHT INDUSTRIES, VEHICLE REPAIR STATION, SERVICE STATION - LOT 2, DP 607441 AND LOT 31, DP 716388, 1 - 7 HURLEY DRIVE, COFFS HARBOUR AND 211 PACIFIC HIGHWAY, COFFS HARBOUR

Purpose:

This report describes Development Application 153/07 for a new business park, located on the northern corner of Hurley Drive and the Pacific Highway, Coffs Harbour. The business park comprises a number of uses including bulky goods salesrooms, light industries, a vehicle repair station (tyre outlet) and a service station.

Conditional approval of the application is recommended.

The Development Application file will be in the Councillor's Room before the meeting and will be made available at the meeting.

Description of Item:

The site is located on the northern corner of the Pacific Highway and Hurley Drive, Coffs Harbour. The site is adjoined to the east by Farrow Close (a dead end road). This property also adjoins Geoff King Motors.

The proposed business park has a project cost of \$7.5 million.

Development Consent 387/06 for this property was granted by Council on 27 July 2006 for demolition of structures, landform modification and site remediation. These works are still in progress.

Cont'd

L15 Development Application 153/07 - Business Park - Bulky Goods Salesrooms, Light Industries, Vehicle Repair Station, Service Station - Lot 2, DP 607441 and Lot 31, DP 716388, 1 - 7 Hurley Drive, Coffs Harbour and 211 Pacific Highway, Coffs Harbour ... (Cont'd)

The proposed development is to be staged. The total development will comprise:

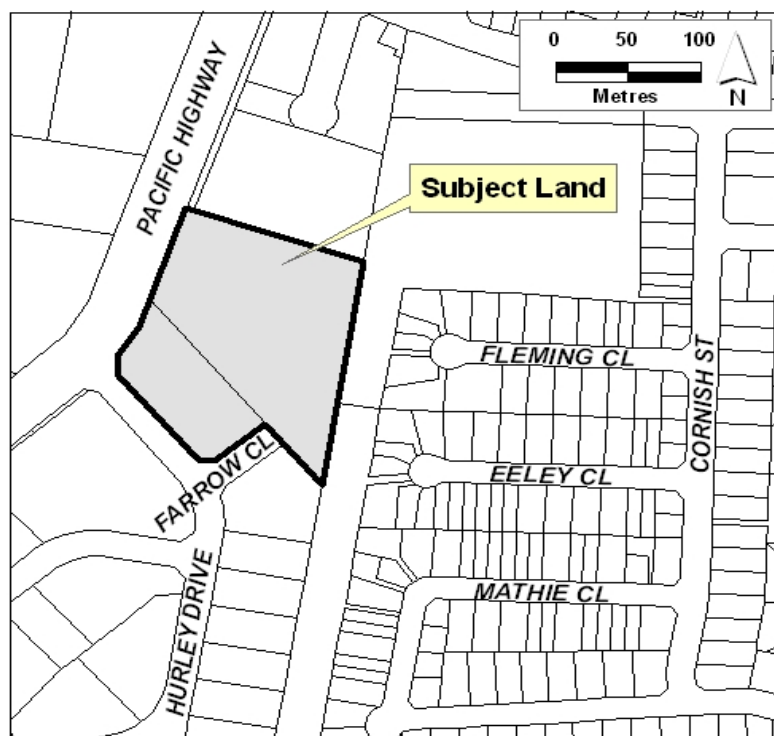
- Service station 370m²
- Bulky goods salesroom..... 5,326m²
- Tyre retail 503m²
- Industrial 3,067m²
- Ancillary administration 118m²

The development will also have 172 car spaces, to include 4 accessible spaces, one freestanding pylon sign 10m in height, landscape areas to the site's street frontages and waste management areas.

Stage One of the development contains the service station, tyre outlet, 3 bulky goods tenants, 2 light industrial tenants, the administration area, 87 car spaces and the pylon sign. This stage also comprises the site access works. Stage Two comprises the remainder of the development.

Access to the site is via a left turn access directly into the site off the Highway and an alternate entry via Hurley Drive / Farrow Close.

As a service station operator has not been determined at this time application is made for a "land use" approval only for the service station component of the development, i.e. the detailed design of the service station will form part of a subsequent development application.



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L15 Development Application 153/07 - Business Park - Bulky Goods Salesrooms, Light Industries, Vehicle Repair Station, Service Station - Lot 2, DP 607441 and Lot 31, DP 716388, 1 - 7 Hurley Drive, Coffs Harbour and 211 Pacific Highway, Coffs Harbour ... (Cont'd)

Sustainability Assessment:

- **Environment**

The development site is being progressively cleared, modified and remediated in anticipation of this proposal (Development Application 387/06).

New development will incorporate minimum floor levels to satisfy flood constraints.

The project will incorporate gross pollutant traps to control litter. The development contains central waste management areas. The new service station will be conditioned (under the future application) to address pollution incidents, e.g. fuel spillage. The development will implement sediment, erosion and dust controls to mitigate off site impacts. The layout of the development will barrier the potential for noise impacts from its operation on the residential area located to the east of the site.

The proposal is unlikely to result in any adverse impacts on the natural and built environment.

- **Social**

The proposal was advertised and notified under the Notification Development Control Plan (DCP) to gauge community input. Seven submissions were received. Matters raised covered the proposal's potential for off site impacts during construction, the design treatment of the proposal and operational issues.

The development will incorporate access and facilities for persons with a disability. The site is accessible to public transport (bus stop on the Highway). The site includes pedestrian paths. The development will be an employment generator. The business park is unlikely to result in adverse social impacts in the locality.

- **Economic**

This \$7.5 million project will be an employment generator – during the construction and operational phase. The proposed uses are permissible with consent in the Industrial zone. The use is unlikely to put in jeopardy the role, function and hierarchy of the CBD, or any existing or planned developments for the City Centre.

- **Broader Economic Implications**

The proposed development, situated along the southern gateway to the City will reinforce Coffs Harbour's role and function as a regional centre.

- **Management Plan Implications**

Nil

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L15 Development Application 153/07 - Business Park - Bulky Goods Salesrooms, Light Industries, Vehicle Repair Station, Service Station - Lot 2, DP 607441 and Lot 31, DP 716388, 1 - 7 Hurley Drive, Coffs Harbour and 211 Pacific Highway, Coffs Harbour ... (Cont'd)

Consultation:

The application has been reviewed by the Regional Traffic Committee, RTA, Council's Access Advisory Committee and the NSW Police. These agencies / committees have conditionally supported the application.

The application has been reviewed by Council's Technical Sections: Health (contaminated land, waste management and acoustic impact), Land Use Management (Building Code of Australia, disability access and facilities), Recreation Services (landscape treatment), City Services (access, services, flooding, carparking, loading and unloading) and developer contributions. The application has been supported subject to conditions.

Following advertising and notification of the application seven submissions were received by Council, raising the following matters:

- require separate development consent for each tenancy;
- provide landscaping to the project;
- proximity of waste areas to housing;
- dust and sediment controls during construction;
- secure the site during construction;
- noise / trading hours and the potential for impacts on residential areas;
- RTA support to the proposal;
- proposal should address flood impacts;
- suitability of development within the 7B Scenic Buffer zone;
- treatment of the "blank" eastern wall and its aspect to residential areas;
- will landscaping of the eastern swale impede stormwater flows?

These matters are considered in the "Issues" section of this report.

Related Policy and / or Precedents:

Nil

Statutory Requirements:

• **Section 79C Evaluation**

Section 79C of the Environmental Planning and Assessment Act 1979 specifies the matters which a consent authority must consider when determining a development application. The consideration of matters is limited in so far as they must be of relevance to the particular application being examined.

The Section 79C evaluation is attached to this report as Appendix A.

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L15 Development Application 153/07 - Business Park - Bulky Goods Salesrooms, Light Industries, Vehicle Repair Station, Service Station - Lot 2, DP 607441 and Lot 31, DP 716388, 1 - 7 Hurley Drive, Coffs Harbour and 211 Pacific Highway, Coffs Harbour ... (Cont'd)

The following statutory controls are relevant to this application:

- North Coast Regional Environment Plan
- State Environmental Planning Policy 11 – Traffic Generating Development
- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy 64 – Advertising and Signage
- State Environmental Planning Policy 71 – Coastal Protection
- Coffs Harbour City Local Environmental Plan 2000
- Industrial Lands DCP
- Off Street Carparking DCP
- Access and Mobility DCP
- Signs DCP
- Notification DCP
- Waste Management DCP

Issues:

• **Access**

The application has been subject to lengthy negotiations between Council, the applicant and the RTA concerning access to the site from the Pacific Highway. The RTA has supported the construction of a left-turn deceleration lane from the Highway into the site. Further, this Authority has agreed to Council determining the application subject to an appropriate means where the developer resolves a suitable contribution for new traffic signals at the junction of the Pacific Highway and Hurley Drive. The RTA has stated “a deferred commencement arrangement where the developer is required to get the RTA’s agreement to an appropriate contribution for the construction costs of the traffic signals before a final certificate is issued might be the best arrangement.” The traffic signals will be installed by the RTA, timing to be determined by the RTA. The consent has been conditioned accordingly.

• **Land Use Approval – Service Station**

The consent supports a “land use” approval only for the service station component of the development. This is because no operator for this use has been determined at this time, and therefore a service station layout is unavailable for Council’s assessment. The application provides a footprint for this use and details concept access and servicing arrangements.

Consequently a separate development application is required for this part of the proposal. The consent is conditioned accordingly.

• **Site Remediation**

Site remediation along with demolition works were approved for this site under Development Consent 387/06. These works are ongoing.

The consent has been conditioned to require a validation report covering the site remediation works prior to the issue of any Construction Certificate for this development.

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- **Interface with Residential Area (to east)**

The site adjoins a residential area to the east. It is separated by a 30 metre wide drainage swale.

As part of the development a tilt panel building will be located along most of the length of the eastern site boundary. In order to address visual impact concerns by this wall plane the consent has been conditioned to require this wall to be painted in a recessive graffiti proof treatment and for the swale to be partly landscaped.

This arrangement is considered acceptable in terms of the industrial / residential interface having regard to the following:

- dwellings to the east of the site do not face onto the industrial zone / swale, their backyards with typically 1.8m high fences adjoin the swale;
- the swale provides effective separation between the zones;
- the wall panel (treated and landscaped) will attenuate noise from the proposal and the Highway.

- **Submissions**

Seven submissions were received by Council following notification of this application.

One submission requests that Council seek separate development applications for each tenancy use. The consent has been conditioned accordingly.

One submission concerns the standard of landscaping of the Highway buffer and the suitability of the eastern elevation (that adjoins the drainage swale and residential area). The Highway buffer accommodates access roads for this development that are permissible in the 7B zone, and landscape areas. No parking areas or advertising signage stands in the 7B zone.

The consent is conditioned to require the removal of a loading dock and a waste area from the 7B zone. Landscape plans have been submitted with the application and have been approved by the Recreation Services section and City Services Section for the site and the eastern drainage swale.

The remaining five submissions raise a number of construction concerns that are covered by the consent conditions (landscaping treatment, dust controls, sediment and erosion controls, and fencing of the site during construction and flood impact). Further concerns are raised in relation to RTA sign off for the proposal, noise impacts and the proximity of the waste areas to the eastern boundary. The development is unlikely to impact adversely on the amenity of neighbouring residential properties due to noise or odour (the eastern drainage swale provides a 30 metre buffer to residential properties). The RTA has conditionally supported the project.

Matters raised in submissions to the application do not warrant amendment to or refusal of the application.

Cont'd

L15 Development Application 153/07 - Business Park - Bulky Goods Salesrooms, Light Industries, Vehicle Repair Station, Service Station - Lot 2, DP 607441 and Lot 31, DP 716388, 1 - 7 Hurley Drive, Coffs Harbour and 211 Pacific Highway, Coffs Harbour ... (Cont'd)

Recommendation:

- 1. That Development Application 153/07 for the development of a business park at Lot 2, DP 607441 and Lot 31, DP 716388, 1 - 7 Hurley Drive and 211 Pacific Highway, Coffs Harbour comprising bulky goods salesrooms, light industries, a vehicle repair station (tyre retail outlet) and service station be approved subject to the conditions specified in Appendix B.**
- 2. That those persons who made submissions to this Development Application be informed of Council's decision.**

**Mark Salter
Director
Land Use, Health and Development**

**SECTION 79C EVALUATION
DEVELOPMENT APPLICATION 153/07**

A. the provisions of:

i. any environmental planning instrument, and

- North Coast Regional Environmental Plan

The land the subject of this application is located in the Coastal Zone. Relevant considerations include the provisions of the NSW Coastal Policy 1997, the Coastline Management Manual and the North Coast Design Guidelines. The site is remote from the physical coastline and estuaries. The site is not subject to coastal processes. The business centre comprising bulky goods salesrooms, light industries, a vehicle repair premises (tyre outlet) and a land use approval for a service station is considered to be compatible with its commercial, industrial and Highway environs. Relevant construction and operational controls will protect the integrity of the adjacent waterway from pollution incidents.

Relevant provisions of this plan applying to this application are Clause 15, water quality controls, Clause 32B, development controls, coastal lands, Clause 47, commercial and industrial development. The proposal will enhance the integrity of the City as a regional centre, whilst protecting the principal retail and commercial areas in the City. The zoning prohibits office, business premises and shops. The uses proposed are permissible with consent in the Industrial zone.

The site can be adequately serviced by public transport, service vehicles and customer cars.

- SEPP 11 – Traffic Generating Development

The development constitutes a Schedule 1 development under this Policy. The application may be assessed under this SEPP despite the SEPP Infrastructure 2008 under transitional provisions. The application was considered by the Regional Development Committee, Traffic, on 20 October 2006. Conditional support was granted to the application subject to the developer contributing to the signalisation of the Hurley Drive/Pacific Highway intersection and other technical requirements. The Committee, RTA and Council's City Services section has also supported a slip lane off the highway and parking/manoeuvring arrangements on the site.

- SEPP 55 – Remediation of Land

Development Consent 387/06 was granted on 27 July 2006 for demolition and landform modification works on this site. The works also include site remediation.

At the time of this evaluation remediation works and demolition works are still incomplete.

This consideration may be adequately addressed by a deferred commencement condition requiring the submission of a validation report to Council prior to the release of any Construction Certificate. This arrangement has been supported by Council's Health section.

- **SEPP 64 – Advertising and Signage**

A pylon sign will identify the business centre; building wall signage will comply with Council's Signs DCP. The proposed signs satisfy the assessment criteria of Schedule 1 of this Policy in terms of character of area, views or vistas, streetscape setting or landscape, site and building, illumination and safety. The pylon sign is to be 10 metres in height, however having regard to the scale of the development, the number of tenancies, the types of uses and the location of the site on the Highway, the sign is supported.

- **SEPP 71 – Coastal Protection**

The property the subject of the development is situated within the Coastal Zone. The property is remote from the physical coastline and any coastal estuaries. The proposal is consistent with the aims and matters for consideration under this Policy. The consent will require sediment and erosion controls for site and construction activity. Stormwater will connect to a box culvert to the north of the site and to a drainage swale to the east; new stormwater pits will incorporate gross pollutant traps. A condition of consent will address aboriginal cultural heritage.

- **Coffs Harbour City Local Environmental Plan 2000**

The site is zoned Industrial 4A.

The proposed uses, bulky goods salesrooms, light industry, vehicle repair, and land use approval for the service station are permissible with consent in this zone.

Landform modification work associated with the project will be conditioned to address dust, sediment, erosion, and transport controls.

The development site has adequate water and sewerage infrastructure.

The site is mapped as Class 3 and 5 Acid Sulphate Soil (ASS). No expected impacts from ASS are considered likely from the project.

The consent will be conditioned to resolve land contamination and site remediation.

ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

On 26 February the Minister for Planning issued a new Direction (No. 30) under Section 117 of the Environmental Planning and Assessment Act requiring Councils to implement the vision, land use strategy, policies, outcomes and actions contained in regional strategies. The relevant strategy is the Draft Mid North Coast Regional Strategy.

Whilst the 117 direction does not require Council to take this draft strategy into consideration in evaluating this development application it is noted:

- Coffs Harbour has been identified as a regional centre;
- the draft strategy supports new commercial development in major centres rather than in isolated out-of-centre locations – to help build the vibrancy and economic health of the regional centre;
- major regional centres (like Coffs Harbour) are suited to accommodate the majority of regional population growth and employment opportunities, and to deliver state and regional services to the entire region or within the centre's subregion.

The proposal which is situated in an Industrial zone accords with the draft strategy.

iii. any Development Control Plan (DCP),

1.1 Industrial Lands DCP

The proposal satisfies the objectives and controls of this Plan. The buildings are of suitable design and scale. The eastern building will be screened by landscaping within the swale drain at the rear of the site. The development satisfies the setback controls of this Plan with the exception of the eastern setback, however the tilt panel wall with swale screen planting is a reasonable compromise to afford amenity, including sound attenuation to the adjacent residential area. The proposal satisfies the parking and access, infrastructure and landscaping controls of this DCP.

1.2 Off Street Carparking DCP

172 car parking spaces will be provided for the development. The carparking assessment details a shortfall of 2 spaces (174 required), however the applicant has justified this marginal reduction on the basis of the mix of proposed uses and the scale of the development. On street parking will be available in Hurley Drive and Farrow Close. The proposed number of car parking spaces is supported by the City Services section.

1.3 Access and Mobility DCP

The development will meet the relevant access and mobility provisions of this DCP and the Building Code of Australia. The proposal has accessible parking spaces and includes the construction of internal pedestrian paths and footpaths to perimeter roads.

1.4 Signs DCP

The proposed pylon sign and building wall signs are supported, see comments on SEPP 64 concerning the 10m in height pylon sign.

1.5 Notification DCP

The development application was notified and advertised in accordance with this Plan's controls.

1.6 Waste Management DCP

The proposal satisfied the controls of this plan. The development incorporates waste storage areas that will allow for the separation of wastes and the secure storage/cleansing of waste containers.

iv. the regulations (to the extent that may prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

Clause 92 of the Environmental Planning and Assessment Regulation 2000 requires Council to consider the provisions of the Coastal Policy in its determination of this application. The proposal satisfies the relevant objectives of this Policy. The development site is in the Coastal Zone. The site however is remote from the physical coastline and any estuaries. The proposal is considered to be suitably located and compatible within the business precinct. The proposal incorporates energy and water efficiency measures, and water quality measures to mitigate potential adverse environment impacts. Demolition controls will form part of the consent.

B. the likely impacts of that development, including environmental impacts, on both the natural and built environments, and social and economic impacts in the locality,

- Natural and Built Environment

The development site is predominantly located in a built environment – adjoining the Pacific Highway, motor showroom uses to the north, industrial areas to the south and a residential area to the east, separated by a drainage swale. The site is clear but for 2 industrial buildings, to be demolished to facilitate the proposal. The site has been tested for contamination and remediation works are on going, the consent will be conditioned to require a validation report prior to issue of the relevant construction certificate. The proposal will incorporate water quality and sediment and erosion controls. Spoil from excavation will be taken to an authorised / approved site. The development will be landscaped in accordance with Council's controls. The proposal will result in no deleterious impacts on the natural environment. The site is not affected by natural or technological hazards. The design will address flood impact by construction to required floor levels

The physical development is substantial in bulk and scale; however it will coexist with the existing built environment in terms of context, height, and setbacks.

The development makes adequate provision for access, transport and traffic (pedestrian, bicycle, vehicle and the disabled) via adequate parking spaces, a footpath network and bus service (bus stop on the Highway, just to the north). Adequate utilities are available to the development. Adequate waste management provisions are provided for the various premises use.

The development addresses safety, security and crime prevention by the inclusion of safer by design and crime risk measures. The service station proposal is for a "land use" approval only and a crime risk assessment will be required for the "building" DA for this use. The development is unlikely to have any adverse impacts on both the natural and built environments in the locality.

- Social

The development is unlikely to result in any adverse impacts in the locality. The SEE indicates that the development will result in additional employment for the city (the locality). The project will also be an employment generator for the construction and ongoing operational phases of the business park. The project will incorporate access and facilities for persons with a disability and will include measures to provide a safe working place. The site is public transport and pedestrian accessible.

- Economic

Council is obliged to consider economic impact of this development in the locality, i.e. the local government area. Council needs to be satisfied that this proposal will not put in jeopardy the CBD, its role, function and hierarchy or any existing or planned developments. No evidence to this effect has been provided to Council. It is anticipated that this development will make a positive contribution to the City's regional role in the mid north coast. It is considered unlikely that this proposal will impact upon the City's retail hierarchy. The proposal satisfies Clause 2(1)(b) of LEP 2000 "to encourage sustainable economic growth and development within the City".

C. the suitability of the site for the development,

The site is considered suitable for the development.

The proposal is considered to be compatible with the motor showroom and industrial/Highway precinct. The site is suitable in terms of topography, services, access and transport. The development site is suitable in terms of risk from natural and technological hazards, including flooding, acid sulphate soils, contamination and noise. Off site impacts may be controlled and limited by design and controls, e.g. water quality. Carparking provided for the development is adequate for the use.

D. any submissions made in accordance with this Act or the regulations,

The application has been reviewed by the Regional Traffic Committee, RTA, the Access Advisory Committee and the NSW Police. No objections to the proposal were raised by these committees and agencies, subject to certain conditions, provided on the consent.

The application has been reviewed by Council's technical sections. No objections have been received in relation to the project subject to the imposition of suitable conditions.

Following advertising and notification of the application 7 submissions were received. Issues raised cover:

- Require separate Das for each tenancy
- Provide landscaping
- Proximity of waste areas to residential areas
- Dust and sediment controls during construction
- Secure the site by fencing during construction
- Noise/trading hours re potential for amenity impacts on residential areas
- RTA support?
- Flood implications require addressing
- Suitability of the development within the 7B scenic buffer zone
- Treatment of the "blank" eastern wall and its aspect to residential areas
- Will landscaping of the eastern swale impede stormwater flows

The above concerns are satisfied by conditions to be applied to the consent to cover construction issues; Council's Coastal and Flooding Engineer has considered flood risk and supported the application conditionally; The RTA has issued conditional support; the eastern wall will be conditioned to be anti graffiti treated, painted in a recessive colour and for the swale to be suitably landscaped; The consent will require separate development applications for the tenancies.

E. the public interest,

The public interest is unlikely to be disadvantaged by the approval of this application. The public interest is protected by the relevant planning and development controls that apply to the proposal. This evaluation demonstrates general compliance of the proposal with these controls.

Development Application No. 153/07

Schedule of Conditions

Deferred Matters:

- A. This consent shall not operate until such time as:
1. A Validation Report has been prepared for the site detailing the remedial actions and validation sampling results following site remediation works undertaken under the terms and conditions of Development Consent No. 387.06. The Validation Report is to be prepared in accordance with NSW Environment Protection Authority Guidelines, with this report being approved by Council.
 2. The written approval has been obtained from the Roads and Traffic Authority to the effect that an appropriate monetary contribution for the construction costs of the installation of traffic signals at the intersection of the Pacific Highway and Hurley Drive has been made to this Authority, with a copy of this approval being provided to Council.
- B. In the event that the requirements of the deferred matters listed in "A", above, are not completed within two (2) years from the date of this consent then the consent shall lapse and become inoperative.
- C. Upon the completion of the requirements set out in the deferred matter listed in "A", above, within a period of two (2) years from the date of this consent, then this consent becomes operative subject to the following conditions.

Operational Conditions:

Development is to be in accordance with approved plans:

1. 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 (Development Consent No. 153/07).
 - Drawings 1A-14A prepared by Williams River Steel dated 28 August 2007.
 - Drawings 0229 31A, 32A, 33A, 34B, 35, 36, 37, 38, 39 prepared by Geoff Slattery & Partners.
 - Drawings 0710-01, 02, 03, 04, 05, 06, 07 prepared by Jackie Amos Landscape Architects.
 - Statement of Environmental Effects dated August 2006 prepared by Ian Maher Town Planning Consultancy.

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

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

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Development Application No. 153/07

Schedule of Conditions

Land Use Approval – Service Station:

2. This development consent is for a land use approval only for the service station component of the proposal. Separate development consent is to be obtained for the service station. No works associated with the service station are to be undertaken without a prior development consent having been obtained from Council.

Prescribed conditions:

3. The applicant shall comply with the prescribed conditions of development consent under Clause 98 of the Regulation.

7B Environmental Protection Zone:

4. The proposed loading dock and waste management area shown west of Unit 9 (the service station use of land) and situated within the 7B Environmental Protection Zone being deleted from the proposal, with this area to be landscaped. **Note**, this landscape area may include a 1.2m wide pathway to access the rear of Units 9, 10 and 11.

Other waste management areas are to be redesigned to accommodate the waste generation from the development. Details of landscape treatment of this amended area and amended waste management details are to be submitted to Council and be approved **prior to issue of the Construction Certificate for Stage One**.

Staging of the development:

5. This development consent recognises the staging of the development, with Stage One to comprise the service station, tyre outlet, 3 bulky goods salesroom tenancies, 2 light industry tenancies, the administration area, 87 car spaces, pylon sign, site access, landscaping and infrastructure works.

Stage Two comprises the remainder of the project.

Staging Plan – refer Plan 0229-35.

Consolidation:

6. Lot 2, DP 607441 and Lot 31, DP 716388 being consolidated into one lot **prior to the release of any Construction Certificate**.

Pacific Highway Works:

7. No works being carried out on the Pacific Highway for the left-turn deceleration lane without the prior issue of a Works Authorisation Deed (WAD) from the Roads & Traffic Authority.

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Development Application No. 153/07

Schedule of Conditions

Demolition of existing structures:

8. Compliance with the terms and conditions of Development Consent No. 387/06 in relation to the demolition of existing structures on the site.

Use of light industry, vehicle repair station (tyre outlet) and bulky goods salesroom tenancies:

9. Separate development consent being obtained for the use and fitout of each light industry, vehicle repair station (tyre outlet) and bulky goods salesroom tenancy in the development.

Dedication of Road Reserve Area:

10. Creation of a 3m wide (minimum) footpath verge along Hurley Drive and Farrow Close in accordance with Geoff Slattery & Partners Plans 0229-38, 39. This footpath verge is to be created by either dedication or by kerb realignment. Where dedication occurs, such dedication is to be at no cost to Council. All works are to be undertaken by the developer at the developers cost.

Detailed plans for the footpath verge works being submitted to and be approved by Council **prior to issue of any Construction Certificate.**

Works required by this condition are to be completed **prior to the issue of any Occupation Certificate for the development.**

Pylon Sign:

11. The pylon sign is not to exceed 10m in height, measured from finished ground level.
12. No further pylon signs are allowed for the development. This restriction includes the proposed service station (intending operators should be advised of this pylon signage restriction for the business park development).

Centre Office (Unit 6):

13. The centre office being used for the administration of the business park only and not being used independently as a business premises or for office use.

Box Culvert Construction:

14. The box culvert construction shall comply with the terms and conditions of Development Consent No. 387/06 and any Construction Certificate issued relative to this development consent. The box culvert being completed with the Stage Two works, and **prior to the issue of any Occupation Certificate for Stage Two of the project.**

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Development Application No. 153/07

Schedule of Conditions

Drainage Easement:

15. An overland flow path being preserved along the drainage easement at all times.

Buildings – Minimum Floor Levels:

16. The finished level of the ground floor of the building is to be a minimum of 4.1 metres Australian Height Datum and a registered surveyor's certificate certifying such level is to be submitted to the Principal Certifying Authority prior to works proceeding beyond ground floor level.

Sediment & Erosion Control:

17. Submission to Council, **prior to issue of the Construction Certificate**, of an Erosion and Sediment Control Plan, together with a management strategy, certified by a qualified Environmental or Engineering Consultant to be in accordance with the Landcom publication "*Managing Stormwater; Soils and Construction*" (the "*Blue Book*", 4th Edition, 2004). Erosion and sedimentation controls to be implemented, managed and maintained during all development construction works.

During the construction stage a qualified Environmental or Engineering Consultant is to ensure that the erosion and sedimentation controls are appropriate for the site and current stage of construction.

No clearing or stripping works to be undertaken on the site until the Erosion and Sediment Control Plan has been implemented.

Prior to the issue of an **Occupation Certificate for Stage One** the site shall be stabilised to the Principal Certifying Authority's satisfaction which, as a minimum, shall be at least 50% grass cover or application of mulch or hydroseeding to all disturbed areas.

Site Drainage:

18. Details of site drainage being submitted to and approved by Council **prior to issue of any Construction Certificate**.

Carparking:

19. *One hundred and seventy two (172) car spaces, inclusive of 4 accessible spaces* being provided on the development site. All car parking and vehicular manoeuvring areas being constructed in accordance with Council's Off-Street Carparking Development Control Plan. Carparking areas are to be maintained in a serviceable condition at all times. Note, Stage One of the development comprises 87 car spaces.

Development Application No. 153/07

Schedule of Conditions

20. Sealed driveways being constructed over the footpath, at right angles to the road, in accordance with Council's Standard Drawings (copy of details enclosed). Any existing driveways which are not required for the development are to be removed and the footpath and kerb reinstated.

These works are to be completed **prior to the issue of a final Occupation Certificate for the development.**

21. A footpath, being constructed along the full frontage of the site in accordance with Council's Plan No. 2011007. The footpath is to be in concrete unless Council's approval is obtained for any alternative footpath treatment. The footpath is to be 2m wide along the Highway and 1.2m wide along Hurley Drive and Farrow Close.

These works are to be completed prior to occupation of the development unless other arrangements satisfactory to Council for their completion at some other time are made.

Bicycle Racks:

22. Two (2) sets of bicycle racks being installed in the development (one per each stage).

Trade Waste:

23. In relation to future industrial uses and the service station the discharge of trade waste to Council's sewer will not be permitted until formal approval for the discharge has been received from Council.

Fill:

24. Contour plans indicating the location of proposed fill areas in the site being submitted to Council for approval prior to commencement of work.

All fill is to be placed in accordance with the requirements of Council's Technical Guidelines for Subdivision and Development and the approved Sediment and Erosion Control Plan.

Prior to the release of the Construction Certificate, a final contour plan is to be submitted to Council showing the location, depth and type of fill located on the site. Alternatively, where no fill has been placed on the site, a written statement to that effect is to be submitted to Council.

Sewer Protection:

25. The buildings and foundations are to be located at least 2m clear of Council's sewer rising main, located in the reserve to the east of the site. The buildings are to be piered to the invert level of the sewer adjacent to the eastern boundary of the property. Details of sewer main protection are to accompany the Construction Certificate application. The sewer main protection details are to be approved by Council **prior to issue of the Construction Certificate for the eastern building, including any part of this building.**

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Sanitary Plumbing & Drainage:

26. All water supply, sanitary plumbing and drainage works are to comply with the relevant provisions of the Local Government (Water, Sewerage and Drainage) Regulation 1993.

Please note that recent changes in State regulations require that suitable temperature control devices be provided in conjunction with any new hot water installations.

27. A separate application is to be made to Council by the licensed plumber and drainer **prior to the commencement of any sanitary plumbing and drainage work on site.**

Disability Access & Facilities:

28. Access and facilities for disabled persons being provided in accordance with the Building Code of Australia provisions. The developer's attention is drawn to the provisions of the Disability Discrimination Act 1992.

Construction Certificate:

29. Work on any building must not commence until such time as a Construction Certificate has been obtained.

Pollution Control:

30. Construction works are to be limited to the following hours:

Monday to Friday 7.00 a.m. - 6.00 p.m.

Saturday 7.00 a.m. - 1.00 p.m. if inaudible from adjoining residential properties, otherwise 8.00 a.m. - 1.00 p.m.

No construction work is to take place on Sunday and Public Holidays.

31. Effective measures shall be taken to suppress dust emissions during the course of development, with details of dust control being submitted to Council for approval **prior to issue of the Construction Certificate.**

32. Air conditioning units/air compressors not being installed in any tenancy so as to create a noise nuisance to residencies located adjacent to the eastern boundary of the development site.

33. Noise emanating from the premises shall at all times be in compliance with the provisions of the Protection of the Environment (Operations) Act 1997.

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Hours of Operation:

34. The development shall adhere to the following hours of operation:

- | | |
|---|--|
| - bulky goods salesroom tenancies – | 8am to 6.00pm, 7 days per week. |
| - light industrial tenancies and vehicle repair station – | 6.30am to 7.00pm, Monday to Saturdays. |
| - service station – | subject to future development application. |

Landscape treatment:

35. A detailed landscaping plan for all unbuilt-on areas of the site being submitted to and approved by Council **prior to issue of the Construction Certificate**.

The plan must be prepared and certified by a qualified architect, landscape architect or professional landscape consultant. The plan is to comply with Council's Landscaping Guidelines, and is to incorporate measures to ensure the maintenance and survival of the landscaping. All landscaping is to be carried out in accordance with the plan and maintained in accordance with the plan at all times.

Prior to the occupation inspection, a works-as-executed plan is to be submitted to the Principal Certifying Authority certifying that all landscaping works have been carried out in accordance with the approved plan.

Note 1 – the developer is to maintain the landscape plantings located in the eastern swale that adjoins the development for a minimum period of twelve months following the installation of these landscape works. The landscaping is to be maintained to Council's satisfaction.

Note 2 – Substitute Tibochina in Hurley Drive with Stenocarpus sinuatus.

Note 3 – Delete Grevillea "Honey Gem" and Grevillea "Moonlight" from the planting specification for plants in the eastern drainage swale.

Waste Management:

36. The waste enclosure located in the 7B Environmental Protection zone being deleted from the proposal. The two remaining waste enclosures are to be redesigned to accommodate a minimum of 5 bulk bins each (see Waste DCP for dimensions).

Each bulk waste enclosure is to be enclosed by a roofed and screened enclosure (see Waste DCP). Each enclosure is to be graded and drained to the sewer via a basket arrester. A hosecock is to be provided in each enclosure. The design and materials of each enclosure is to be compatible with the development.

Details of the bulk waste enclosures are to be approved by Council **prior to issue of any Construction Certificate**.

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37. Provision being made for a 240 litre “organics” bin adjacent to a 240 litre “recycling” bin in each tenancy that exceeds 300m² in area.

Easement requirements – waste collection:

38. An easement entitling the Council, its servants and agents and persons authorised by it, to enter upon the subject land and to operate vehicles and other equipment for the purpose of garbage and recycling collection, shall be granted to the Council by the owner of the subject land at the cost of the applicant, **prior to any occupation of the development.**

Such easement shall be in a form acceptable to the Council and shall include covenants to the effect that in the absence of negligence on the part of the Council, its servants, agents and those authorised by the Council to enter the subject property, they will not be liable for any damage caused to the subject land or any part thereof, or to any property located therein by reason of the operation of any vehicle or other equipment used in connection with the collection of the garbage and recycling and to the effect that the owner for the time being of the subject land shall indemnify the Council, its servants, agents and persons authorised by it, to collect garbage and recycling against liability in respect of such claims made by any person whomsoever.

Aboriginal Cultural Heritage:

39. In the event that aboriginal artifacts or relics are located during construction works all works must cease and the Department of Environment and Conservation (NPWS) notified forthwith.

Signage:

40. A sign indicating the name, address and telephone number of the Principal Certifying Authority, and the name and telephone number of the principal contractor (if any) must be erected in a prominent position on the site and maintained until the building work has been completed. The sign must also state that unauthorised entry to the site is prohibited. The signage must be erected prior to commencement of work.

Survey:

41. Survey certificates, from a registered surveyor, are to be submitted to the Principal Certifying Authority upon completion of each stage of the development.

External Finishes & Materials:

42. External finishes and materials shall comply with the colours and finishes details provided to Council by Ian Maher Town Planning Consultancy (by letter of 21 September 2006).
43. The eastern wall of the development, adjoining the drainage swale is to be finished in a recessive anti-graffiti treated colour.

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Crime Risk Assessment:

44. External lighting design for the development is to comply with Australian & New Zealand Lighting Standard 1158, Pedestrian and Carparks, and Australian Standard AS 4282-1997, Control of the Obtrusive Effects of Outdoor Lighting. Lighting details, in compliance with this standard are to accompany the application for Construction Certificate.
45. Signs being placed on the outside face of fire exit doors to the effect that these doors are to be used for emergency purposes only.
46. Access from this development through to the adjacent motor showroom site to the north is to be secured outside of business hours.
47. Where a closed circuit television system is provided in the development to provide technical/mechanical site surveillance such system is to be designed and installed in accordance with Australian Standard AS Closed Circuit Television (CCTV) Parts 1, 2 and 3.
48. Implementation of a rapid removal (24 to 48 hours removal or repair policy) graffiti management strategy.
49. The eastern wall of the development, adjoining the drainage swale being finished in an anti-graffiti treatment.

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Water & Sewerage Services:

50. The **Construction Certificate not being released** until a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development is produced to Council.

The current contribution rate is:

		5326m² bulky goods	3067m² light industry	118m² centre m'ment
Works to satisfy increased demand within the area for commercial development				
Water	Headworks	51,335.60	14,749.95	3,711.59
	Reticulation	19,472.15	5,594.82	1,407.85
Sewer	Headworks	16,923.57	4,862.58	1,223.59
	Reticulation	31,429.69	9,030.50	2,272.38
Subtotal		119,161.11	34,237.84	8,615.40
Total		162,014.36		

Less credit for existing bulky goods/warehouse on Lot 2, DP 607441 and existing warehouses on Lot 31, DP 716388.

The current contribution rate is:

		781m² bulky goods	507m² warehouses
Credit for works to satisfy increased demand within the area for commercial development			
Water	Headworks	7,529.22	2,443.86
	Reticulation	2,855.92	926.99
Sewer	Headworks	2,482.14	805.66
	Reticulation	4,609.69	1,496.23
Credit Subtotal		17,476.96	5,672.74
Credit Total		23,149.70	
TOTAL AMOUNT PAYABLE			<u>138,864.66</u>
