

Statement of Environmental Effects

Proposed Bunnings Store

Proposed Lot within Lot 26 DP 1244557
Valley Drive 'Pottery Estate'
Lithgow, NSW

Document Set ID: 2023601 Version: 1, Version Date: 15/07/2022 **Report:** Proposed Bunnings Store

Proposed Lot within Lot 26 DP1244557

Valley Drive 'Pottery Estate'

Lithgow, NSW

Prepared for: Ceedive Pty Ltd

PO Box 379

Lithgow NSW 2790

Prepared by: PGH Environmental Planning

PO Box 714

Springwood NSW 2777
Telephone: (02) 4751 1522
Email: info@pghep.com.au
Website: www.pghep.com.au

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Report No.	SEE 21-0933_Bunnings Store	
Author	Patrick Hurley	
	RPIA FPA BPAD35713, Level 2	
	B Bus (Land Studies)	
	B App Sci (Environmental Planning)	
	Grad Dip (Bushfire Protection)	
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Document Set ID: 2023601 Version: 1, Version Date: 15/07/2022

Table of Contents

1	INT	RODU	JCTION	1
	1.1	Deve	elopment Summary – Site Description, Relevant Controls and Issues	2
2	SITE	ΕΔΝΓ	LOCALITY	4
_			Location	
	2.1 2.2		Description	
	2.2		and Surrounding Development	
	_		•	
3	CUF	RREN	Γ APPROVAL NO. 003/07DA AS MODIFIED (MODDA15/22)	9
4	THE	PRO	POSAL	10
	4.1	Prop	osed Building and Works	10
	4.1.	1	Building	
	4.1.		Car parking area	
	4.1.	_	Bagged Goods and Nursery	
	4.1.		Trade area	
	4.1.	_	Deliveries	
	4.2		ding Design, Materials and Finishes	
	4.3		ding Code of Australia Compliance and Accessibility	
	4.4 4.5		scaping and Streetscape Presentationhworks	
	4.6		rs of Operation	
	4.7		Numbers	
	4.8		age	_
	4.9	_	mwater	
	4.10		te Management	
	4.10	0.1	Construction Waste	15
	4.10	0.2	Recycling and On-going Waste Management	15
	4.11	Serv	ices/Easements	15
5	PLA	NNIN	IG CONTROLS	16
	5.1	Coal	Mine Subsidence Compensation Act 2017	16
	5.2		l Fires Act 1997	
	5.3	Wat	er Management Act 2000	17
	5.4	State	e Environmental Planning Policy (Industry and Employment) 2021	18
	5.5	State	e Environmental Planning Policy (Transport and Infrastructure) 2021	22
	5.6		e Environmental Planning Policy (Resilience and Hazards) 2021	
	5.7		e Environmental Planning Policy (Biodiversity and Conservation) 2021	
	5.7.1	-	oter 2 - Vegetation in Non-rural areas	
	5.7.2	-	oter 8 - Sydney Drinking Water Catchment	
	5.8	-	gow Local Environmental Plan 2014	
	5.9 5.9.	•	gow Development Control Plan 2021	
6			S FOR DISCUSSION	
	6.1		.stic	
	6.2		fire	
	6.3		tage	
	6.4 6.5		fice Prevention through Environmental Design (CPTED)	
7	STA	TUTO	DRY ASSESSMENT	50

Table of Contents

	7.1	The Provisions of any Environmental	Planning Instrument50
	7.2	The Provisions of any Draft Environm	ental Planning Instrument50
	7.3	The Provisions of any Development (ontrol Plan50
	7.4	Planning Agreement or Draft Plannin	g Agreement50
	7.5	Matters Prescribed by the Regulation	s50
	7.6		nt51
	7.6		51
	7.6	•	51
	7.6	•	52
	7.6	-	52
	7.7	•	52
	7.8	-	52
	7.9		53
_			
8	COI	NCLUSION	54
9	REF	ERENCES	55

Figures

FIGURE 1 – LOCALITY MAP	4
FIGURE 2 – PROPERTY IDENTIFICATION/DESCRIPTION	5
FIGURE 3 – LOCALITY (AERIAL IMAGE)	6
FIGURE 4 – LOCALITY (PANORAMIC IMAGE)	6
FIGURE 5 – PROPOSED LOT	9
FIGURE 6 – BUSH FIRE PRONE LAND MAP	17
FIGURE 7 – WATERCOURSE LOCATION (SITE)	17
FIGURE 8 – ZONING (LEP 2014)	24

Tables

TABLE 1 – FLOOR AREA CALCULATIONS	10
TABLE 2 – ON SITE CARPARKING	11
TABLE 3 – PROPOSED SIGNAGE AREAS	14
TABLE 4 – SIGNAGE ASSESSMENT CRITERIA	19
TABLE 5 - THE LITHGOW LEP 2014 RELEVANT PROVISIONS	26
TABLE 6 – LITHGOW DCP 2021	27

Plates

PLATES 1 - 6 - PHOTOS OF SITE AND SURROUNDS

Appendices

- 1. SITE SURVEY PLAN
- 2. ARCHITECTURAL PLANS
- 3. LANDSCAPE PLAN

Document Set ID: 2023601 Version: 1, Version Date: 15/07/2022

Introduction

This Statement of Environmental Effects Report (the "Report") has been prepared by PGH Environmental Planning, on behalf of Ceedive Pty Ltd (the "client"). The Report describes the existing site and locality, outlines the proposed development and assesses the suitability of the proposal having regard to the relevant environmental legislation.

The site (the "site") is comprised of a proposed allotment having an area of 1.46hectares of parent lot, Lot 26 DP 1244557, No.21 Willowbank Avenue, Lithgow, within the Lithgow local government area. The site has frontage to Valley Drive and is located within an area more broadly known as the 'Pottery Estate',

It is proposed to construct a single level building for use as a Bunnings Store (retail hardware and building supplies, trade sales and nursery) including site works, provision of on grade car parking areas, back- of-house goods inward (delivery) area, signage, and landscaping. The building will be finished in the standard 'Bunnings' brand four colour palette, which consists of Bunnings green, white, red and stucco (yellow) (the **proposal**).

Development consent (003/07DA) was granted on 24/11/2008 for a 2 lot subdivision (the **2008 Consent**) which involves a 1 in to 2 lot subdivision. The Development consent was modified on 15/12/2017 (No. No.S96027/17) for 'additional earthworks for subdivision'; and more recently on 18/03/2022 (the **2022 Modification**) it was amended to regularise and reduce the shape of the proposed lot to provide a lot of 1.46 hectares (varying from a lot size approved under DA003/07 of 3.6474 hectares) and realign the road reserve (Valley Drive). It is this smaller allotment of 1.46hectares upon which the proposed Bunnings store will be constructed.

The site (proposed lot) is zoned <u>B4 Mixed Use</u> under Lithgow Local Environmental Plan 2014 (**LEP 2014**)

The proposal is "integrated development" pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979*. As it involves a new building within a mine subsidence district, the approval from Subsidence Advisory NSW is required under section 22 of the *Coal Mine Subsidence Compensation Act 2017*.

The proposal has been assessed having regard to the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, and Associated legislation.

The documentation relied upon in assessing the proposal is referred to in **Section 9.** The assessment demonstrates that the proposal satisfies the relevant legislation and controls and should be approved.

1.1 Development Summary – Site Description, Relevant Controls and Issues

Property Description	Proposed allotment (1.46Ha) within parent Lot 26 DP1244557.
	Valley Drive 'Pottery Estate', Lithgow NSW
Site Area	Proposed Lot - 1.46ha
Local Government Area	Lithgow City Council.
Zoning	Proposed Lot: (B4 Mixed Use)
Planning Instrument(s)	Lithgow Local Environmental Plan 2014
Development Control Plan(s)	Lithgow Development Control Plan 2021
Proposal (Land use definition as per	Commercial premises.
SEPP/LEP Dictionary)	Garden centre.
	Hardware and building supplies.
Constraints – SEPP/LEP or mapped	Nil.
Development Standards (as per SEPP/LEP)	 Minimum Lot size Parent Lot: (Lot 26 DP 1244557): mix of 400m², 40ha and Not Adopted. Proposed Lot: No minimum lot size.
	Building Height – Not adopted.
	Floor Space Ratio – Not adopted.
Requested Variations – SEPP/LEP and/or DCP	DCP – Height of Pylon Sign.
Matters for Discussion	Acoustic.
	Bushfire.
	Heritage.
	Mine subsidence.
	Stormwater.
	Traffic.
Operational Matters	Trading Hours • 6am – 10pm Monday to Friday;
	6am – 7pm Saturday, Sunday and Public Holidays.
	1

Page | 2 of 55

Supporting Documentation	Architectural Plans.
	Engineering/Stormwater Plans.
	Landscape Plan.
	Acoustic Impact Report.
	Bush Fire Assessment Report.
	Waste Management Plan (Construction).

ntal Planning Page | 3 of 55

2 Site and Locality

An inspection of the site and surrounding area has been undertaken, resulting in the following observations.

2.1 Site Location

The 'site' (the 'Proposed Lot') is situated on the southern side of Valley Drive, approximately 140 metres south of the intersection with Kirkland Link, approximately 600 metres south of the Lithgow town centre and railway station and 1.5 kilometres east of Great Western Highway, Lithgow (refer **Figure 1**). It sits within part of a larger allotment (the 'parent lot' known as Lot 26 DP 1244557).

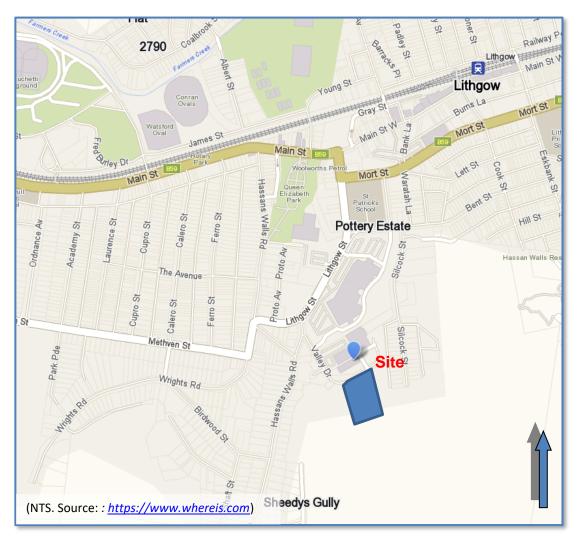


Figure 1 – Locality Map

2.2 Site Description

The site sits within the 'parent lot' which has the current legal description Lot 26 DP 12445567 No. 21 Willowbank Avenue, Lithgow (refer **Figure 2**). The proposed subdivision allotment sits within the northern part of the site adjoining Valley Drive and has a proposed lot size of 1.46 ha.

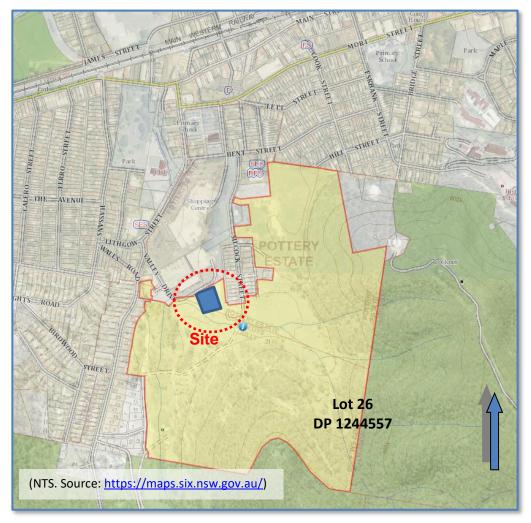


Figure 2 – Property Identification/Description

2.3 <u>Site and Surrounding Development</u>

The site is currently vacant and bulk excavation works within Lot 26 have commenced under DA No. 003\07DA. The site adjoins an existing commercial precinct, and is located to the south of the Lithgow Central Business District (CBD). The Heritage Precinct "Pottery Estate" is located to the east of the proposed allotment. The adjoining precinct contains a commercial shopping centre complex 'Lithgow Valley Plaza', Aldi Supermarket, Repco and Car Wash (refer **Figure 3** and **Figure 4**).

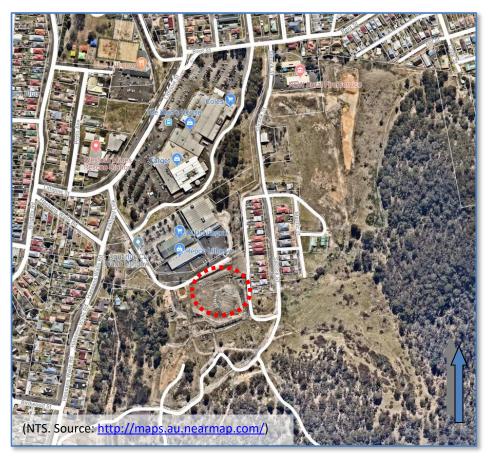


Figure 3 – Locality (Aerial Image)



Figure 4 – Locality (Panoramic Image)



PLATE 1

View of proposed Bunnings site looking generally north across the site towards the existing business area.



PLATE 2

View of proposed Bunnings site from the eastern boundary at Valley Drive looking generally south west.



PLATE 3

View (to the left of <u>Plate 2</u>), of proposed Bunnings site looking south along the eastern boundary at Valley Drive looking south. Silcock Street is at the top of the embankment.



PLATE 4

Reverse view to Plate 2. View from Valley Drive looking east along Valley Drive. The Bunnings Site is to the right and the existing retail development is to the left.

The Silcock Street properties are visible along the top of the embankment.



PLATE 5

View from western side of area looking north east over the Bunnings Site towards Valley Drive and existing retail development.

The Silcock Street properties are visible along the top of the embankment.



PLATE 6

Similar view to <u>Plate 5</u>. Looking north towards Valley Drive and the existing retail development.

3 Current Approval No. 003/07DA as modified (MODDA15/22)

Development consent (No.003/07DA) (the **2008 consent**) was granted on 24 November 2008 for a 2 lot subdivision. The development was subsequently modified (in 2017 under Consent No. S96027/17) to incorporate additional earthworks.

More recently in 2022 Council approved a reconfiguration of the approved subdivision to provide a reduced lot size (proposed allotment size of 1.46ha) and realign the boundary and lot frontage to Valley Drive. The proposed lot is the site of the proposed Bunnings store. The location and configuration is illustrated in **Figure 5.**

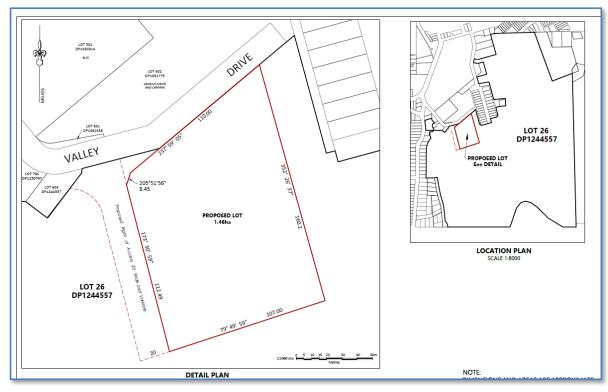


Figure 5 – Proposed Lot

4 The Proposal

This Section outlines the nature of the proposal sought by the client for the purposes of this application. Supporting reports and plans/documents are provided under separate cover as referenced in this report. This development will replace the existing Bunnings Store located at 295 Main Street, Lithgow.

4.1 **Proposed Building and Works**

Approval is sought to construct a single level building and associated outdoor areas and on-grade parking (for customers and staff), trolley bays, vehicle entrances, turning and delivery areas, for use as a hardware, building and nursery supplies business. The business will supply materials for sale to both contractors and directly to members of the public.

4.1.1 Building

The Bunnings building has a total floor area of 6,214m², of which the retail area (warehouse, nursery/bagged goods, and timber trade area) is 6,020m². The building has an overall height from natural ground level of 8.39metres. **Table 1** provides a summary of the proposed floor areas.

Table 1 - Floor Area Calculations

Description	Area (m²)	Totals (m²)
BUNNINGS BUILDING		
Warehouse (includes amenities, support offices)	2,735	
	Sub Total	2,735
TRADE AREA		
Timber Trade Sales (Includes Landscape and Building Supplies)	2,295	
	Sub Total	2,295
NURSERY		
Outdoor Nursery	380	
Bagged Goods Canopy (Nursery)	804	
	Sub Total	1,184
Total Floor Area		6,214

Page | 10 of 55

4.1.2 Car parking area

The development will provide parking for one hundred and seventeen (117) vehicles (including five (5) accessible spaces and six (6) trailer bays) as shown in Table 2. In addition, there is provision for parking within the Timber Trade Sales area. A Traffic report provides a detailed response to the car parking rates, vehicle manoeuvring, and traffic generation (refer Section 6.4).

Table 2 – On Site Carparking

Description	Description Proposed Spaces	
Standard Spaces	106	
Accessible Spaces	5	
Trailer Bays	6	
	Total	117
Trolley Bays	2	

4.1.3 **Bagged Goods and Nursery**

The bagged goods and nursery area is located in the northern area of the site adjacent to Valley Drive. The area will be screened by a 3.8metre (approximately) metal mesh fence. The bagged goods area is protected from the elements with a covered roof whilst the outdoor nursery area to be shaded by shade sails supported by steel posts.

4.1.4 Trade area

The timber trade sales area occupies the southern end of the building adjoining the main warehouse. All trade vehicles will enter this area via the on-grade parking. The trade area provides additional car parking for five (5) vehicles.

4.1.5 **Deliveries**

Customer car movements and delivery vehicles have been separated. All deliveries will be via a separate driveway with the entry off Valley Drive, with vehicles traversing the eastern and southern boundaries and exiting directly onto the proposed future private road. The goods inward area is on the eastern boundary and an acoustic report has been undertaken to assess and manage potential noise impacts upon the nearby residential properties in Silcock Street to the east (refer Section 6.1).

Page | 11 of 55

4.2 **Building Design, Materials and Finishes**

The site is generally level and the building presents a uniform height on all elevations. The building utilises the standard 'Bunnings' brand four colour palette, which consists of Bunnings green, white, red and stucco (yellow) as illustrated on the development plans. External walls are comprised of concrete panels with awnings and entry features clad in painted FC sheeting. The bagged goods and nursery area are screened by a steel mesh fence. Entry areas are to be clad in aluminium framed windows. The external appearance of the development is illustrated in the elevation plans.

4.3 Building Code of Australia Compliance and Accessibility

Bunnings is committed to providing an equitable and accessible environment for all team members and customers. As a matter of policy, all building works undertaken by Bunnings are assessed against the Deemed-to-Satisfy (DTS) provisions of the National Construction Code (NCC)/Building Code of Australia (BCA) and the Disability Standards for Access to Premises (Buildings) and Access Code for Buildings. If required engineered alternative solutions are proposed to ensure that the building meets the relevant Performance Requirements.

The fire services are subject to future design however the design has made provision for supplementary on-site water supply for fire-safety purposes, comprising two (2) x water tanks and associated water supply pump room if the Authority water supply is insufficient.

The Environmental Planning & Assessment Regulation 2021 (clause 69(1)) requires that any development that involves any building work must be carried out in accordance with the requirements of the Building Code of Australia. Consequently, all building works required will be covered as a 'prescribed' condition (section 4.17(11), Environmental Planning & Assessment Act, 1979) as part of any development consent and addressed as part of the Construction Certificate.

4.4 Landscaping and Streetscape Presentation

The landscaping treatment has paid particular attention to the Valley Drive and future road extension frontages. It is considered that the building footprint and external appearance will not negatively impact upon the streetscape when viewed from the surrounding street network.

4.5 Earthworks

The site is level and consequently earthworks are considered to be minimal with only site regrading required to establish drainage catchments, building footprint and prepare the carparking area.

4.6 Hours of Operation

The Bunnings store will operate the same hours as the current Lithgow store, generally between the hours of:

- 6am 10pm Monday to Friday;
- 6am 7pm Saturday, Sunday and Public Holidays.

4.7 Staff Numbers

As stated previously this store will replace the existing Bunnings store in Lithgow. Bunnings anticipates that up to 70 team members (full time part time and casual) are expected to be employed at the new store, including the transfer of all existing Bunnings Lithgow team to the new location.

4.8 Signage

There are between one (1) and two (2) signs¹ on each of the building elevations and one (1) pylon sign proposed as illustrated in the following images. The signs are described as follows:

Building Elevations - Business Identification signs on the building façade comprising wording 'Bunnings', and the Bunnings logo (large hammer).

Pylon Sign – Located on the north-western corner fronting Valley Drive and the proposed private road (15metres in height overall).

The dimensions of all signs are provided in **Table 3** and an assessment against the relevant legislation has been undertaken in **Section 5.4**.

¹ Directional signs/words such as 'Garden Centre, 'Timber Trade' are not considered to be signage.



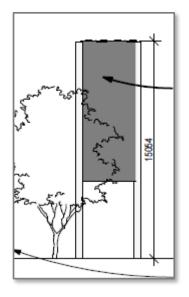






Table 3 - Proposed Signage Areas

Type/Description	Overall Dimensions (m)	Advertising Panel Area (m²)
	Pylon Sign	
Pylon sign	3.9 x 10 (O/A height 15.054)	39 (each Side) x 2
	Total	78
Building Identif	ication Façade Signs (over	all dimensions)
	North Elevation	
'Bunnings' (x1)	2.084 x 10.635	22.16
	Total Sign Area	22.16
	Southern Elevation	
'Bunnings' (x1)	2.529 x 17.9	45.26
'Image of hammer' (x 1)		22.06
	Total Sign Area	67.32
Eastern Elevation		
'Bunnings' (x1)	2.529 x 17.9	45.26
'Image of hammer' (x 1)		21.24
	Total Sign Area	66.50

Page | 14 of 55

Type/Description	Overall Dimensions (m)	Advertising Panel Area (m²)
'Bunnings' (x1)	2.514 x 17.710	44.52
'Image of hammer' (x 1)		20.91
'Timber Trade' (x 1)	1.193 x3.067	3.6
'Garden Centre'(x 1)	0.495 x 5.834	2.9
	Total Sign Area	71.93

4.9 Stormwater

The objective of the Stormwater Management Plan² prepared as part of the application is to provide a stormwater drainage system that reduces the impact of the development compared with the existing pre-development loads (refer **Separate Report**).

There is an existing stormwater line in Valley Drive, for which a small portion of the development will discharge to, the remaining development will discharge to the Sheedy's Gully creek. Both of these locations are deemed to be legal points of discharge.

4.10 Waste Management

4.10.1 Construction Waste

At this stage no contracts have been issued for disposal of construction waste and consequently the final location of waste generated is not known. However, an interim Waste Management Plan is provided under **Separate Cover**.

4.10.2 Recycling and On-going Waste Management

Bunnings will arrange a recycling and waste provider, consistent with its services for all sites, to effectively manage both its general waste and recycling requirements. A waste storage area for the proposed Bunnings store provides for a waste bin and collection area at the southern end of the building adjacent to the Goods Inwards Area.

4.11 Services/Easements

Sewer, electricity and water connections exist and appropriate applications will be made for the necessary connections to the site.

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² Calare Civil Pty Ltd (Job No: 2021.1178_P5) dated March 2022

5 Planning Controls

This Section addresses the various planning controls that are relevant to an assessment of the proposal. The site is affected by a number of state, and local policy and statutory planning strategies and controls as follows:

State

- Coal Mine Subsidence Compensation Act 2017.
- Rural Fires Act 1997.
- State Environmental Planning Policy (Industry and Employment) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
 - Chapter 2 Vegetation in Non-rural areas.
 - Chapter 8 Sydney Drinking Water Catchment.

Local

- Lithgow Local Environmental Plan 2014.
- Lithgow Development Control Plan 2021

Draft

None applicable.

5.1 Coal Mine Subsidence Compensation Act 2017

The site is located within the Lithgow Mine Subsidence District and is identified as containing an area having a risk of subsidence and affected by shallow mine entries.

The proposal seeks to construct a building (erect improvements) and therefore it is "integrated development" pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979*. It is necessary to consider potential impacts of development of the site from mine subsidence. The application will be referred (under Section 22) to Subsidence Advisory NSW (SA NSW).

5.2 Rural Fires Act 1997

The site is partly bushfire prone (refer **Figure 6**). The intended purpose is for a non-residential use and a Bushfire Hazard Assessment has been prepared (refer **Section 6.2**).

Page | 16 of 55

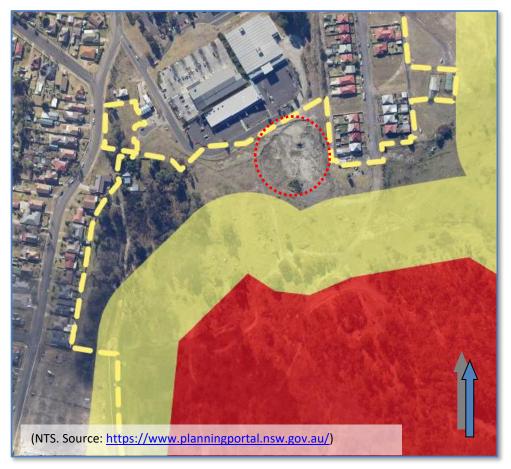


Figure 6 – Bush Fire Prone Land Map

5.3 Water Management Act 2000

The site contains a watercourse which traverses the western part of the site forming part of Sheedys Gully (refer **Figure 7**).

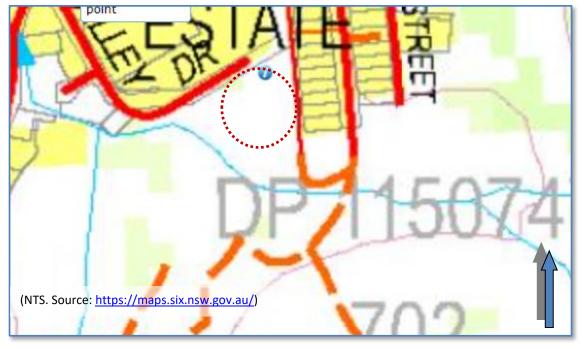


Figure 7 – Watercourse Location (Site)

It has been 'recognised by Water NSW in a letter dated 28 November 2017 Ref:08380-a2, that there is no longer an overland flowpath passing through the site due to the extensive mine extractions and a dam formed by the extension of Silcock Street diverting runoff to the underground mine system'³.

The proposal does not involve any works within 40metres of the watercourse and consequently in our opinion there are no works within 'protected land' as defined in the Water Management Act 2000. Therefore, there is no requirement to refer the application to the NSW Natural Resources Access Regulator (NRAR).

5.4 State Environmental Planning Policy (Industry and Employment) 2021

State Environmental Planning Policy (Industry and Employment) 2021 incorporates the former *State Environmental Planning Policy 64 – Advertising and Signage.*

Chapter 3 Advertising and signage aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish. Chapter 3 applies to the application as the signage is visible from a public place. The following definitions are considered relevant:

business identification sign means a sign:

- (a) that indicates:
- (i) the name of the person or business, and
- (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

advertising structure means a structure or vessel that is principally designed for, or that is used for, the display of an advertisement.

It is considered that the proposed signs as illustrated **in Section 4.8**, namely: 'Bunnings' and the *image of the hammer*, are 'business identification signs'. Consequently Part 3.3 of Chapter 3 does not apply.

These words and images are associated with the Bunnings brand and business respectively. In accordance with Part 3.2, clause 3.6 of Chapter 3, the consent authority

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³ Stormwater Management Plan (Job No. 2021.1178) prepared by Calare Civil, page 6.

is required to consider, for signage generally, whether;

- the signage is consistent with the objectives of this Chapter; and
- the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

The objectives of Chapter 3 include:

- (a) to ensure that signage (including advertising):
 - (I) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

It is considered that the proposed building signage provides effective communication and is of a high-quality design and finish in accordance with the objectives of Chapter 3. The assessment criteria outlined in Schedule 5 has been reviewed in regards to the application for signage and specific comments have been provided in **Table 4** as follows.

Table 4 – Signage Assessment Criteria

Description	Comment
1. Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The signage is confined to the building façades. It is considered to be a suitable size and detail to advertise the business within the immediate locale. The signs are considered to be in scale with the building and therefore acceptable.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signs and details are not considered to be excessive. The details are simple and clean and provide a reasonable level of exposure for the business.
2. Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site adjoins a heritage area (Lithgow Valley Pottery and Brickworks) however the signs do not detract from the heritage buildings or significance of this area.

Page | 19 of 55

Description	Comment
3. Views and vistas	
Does the proposal obscure or compromise important views?	The signs are located appropriately on the building façades. The height of the pylon sign is considered acceptable (despite non-compliance with the allowable height) and does not detract from or obscure important views or vistas (refer Section 5.9.1.
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage confined to the building façades does not dominate the skyline or impact upon any surrounding views. Similarly, the height of the pylon sign is considered acceptable.
Does the proposal respect the viewing rights of other advertisers?	The signs do not interfere with, obscure, or adversely impact upon the viewing rights of surrounding properties.
4. Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	It is our view that the signage details are appropriate for the locality.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	It is our view that the advertising is suitable for the proposed use, is of visual interest while not being intrusive and given the proximity nature and scale of signage along the Street frontages and does not detract from the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	It is an appropriate level of signage having regard to the proposed use.
Does the proposal screen unsightliness?	The signs will not affect this issue one way or the other.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The pylon sign will protrude above the building however it is considered acceptable as discussed in Section 5.9.1 .
Does the proposal require ongoing vegetation management?	No vegetation management required.
5. Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The advertising is considered reasonable having regard to the intended use of the buildings and surrounding land-uses.

Page | 20 of 55

Description	Comment
Does the proposal respect important features of the site or building, or both?	The signage is typical for a Bunnings store. All signs are integrated with the Company's corporate colour scheme and does not detract from the layout or appearance of the building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signs are simple and have no adverse impacts upon the building or its surrounds.
6. Illumination	
Would illumination result in unacceptable glare?	The facade signs will be externally illuminated via overhead LED lighting. The lighting will be directed downwards and towards the face of the sign thus minimising any glare when viewed from surrounding properties. The pylon sign is externally illuminated (overhead LED lights) however it will not be intrusive.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The lighting will be directed downwards and towards the face of the sign, or diffused, thus minimising any glare when viewed from surrounding properties.
Would illumination detract from the amenity of any residence or other form of accommodation?	It is considered that there will be no adverse impacts as the lighting will be directed downwards and towards the face of the sign thus minimising any glare when viewed from surrounding properties. The pylon sign is externally illuminated (overhead LED lights) however it will not be intrusive.
Can the intensity of the illumination be adjusted, if necessary?	The intensity of the illumination would be capable of being adjusted if required.
Is the illumination subject to a curfew?	The lights can be programmed to be switched off once trading has ceased.
7. Safety	
Would the proposal reduce the safety for any public road?	The proposed signage does not involve flashing lights or distracting images and does not, in our opinion, reduce the safety of the adjoining road network.
Would the proposal reduce the safety for pedestrians or bicyclists?	The signage is contained within the property and away from any public bicycle paths or pedestrian routes.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Having regard to the above comments it is our view that the proposal would not have any adverse safety impacts or obscure sightlines from public areas.

Page | 21 of 55

5.5 <u>State Environmental Planning Policy (Transport and Infrastructure) 2021</u>

State Environmental Planning Policy (Transport and Infrastructure) 2021 incorporates the former *State Environmental Planning Policy (Infrastructure)* 2007.

Chapter 2 Infrastructure (Part 2.3, Division 17 Roads and Traffic) has been considered. However, the application does not require referral to the Transport NSW (TfNSW) as the proposal is not classified as 'traffic generating development' (clause 2.121(1) Traffic-generating development (Schedule 3 Traffic-generating development to be referred to Transport for NSW)).

Specifically, it does not have access to (or within 90metres) of a classified road; involve a commercial premises of 10,0000m² (GFA; or car park of 200 or more vehicles.

5.6 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 incorporates the former State Environmental Planning Policy 55 – Remediation of Land.

Chapter 4 Remediation of Land aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 4.6 of the Policy (in part) requires that a consent authority must not consent to the carrying out of any development on land unless:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and
- (b) 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
- (c) 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.

The Development Control Plan identifies the site as potentially contaminated. It is considered that the contaminated land management measures have previously been addressed through the existing conditions of consent for works required prior and during construction as part of the existing 2008 subdivision approval. It is considered that if required, suitable testing of underlying soils can be imposed as a condition of development consent to be undertaken as part of construction to ensure that the site is remediated if and as required to an acceptable level. In our opinion this approach in this particular matter satisfies the Council's obligations under the provisions of the Policy.

Page | 22 of 55

5.7 <u>State Environmental Planning Policy (Biodiversity and Conservation) 2021</u>

State Environmental Planning Policy (Biodiversity and Conservation) 2021 incorporates the former Environmental Planning Instruments (EPI's):

- State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017, and
- State Environmental Planning Policy (Sydney Drinking Water Catchment).

5.7.1 Chapter 2 - Vegetation in Non-rural areas

Chapter 2 Vegetation in non-rural areas applies to the proposal, however the site has been cleared subject to consent conditions approved under 2008 Consent. There is no tree removal or vegetation clearance proposed as part of the modification.

Therefore, it is considered the proposal is capable of meeting the objectives of the SEPP to 'protect the biodiversity values of trees and other vegetation in non-rural areas of the State' and 'preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation'.

5.7.2 Chapter 8 - Sydney Drinking Water Catchment

Chapter 8 Sydney drinking water catchment applies to the proposal; however, the building and associated works will be designed with appropriate stormwater and drainage solutions to ensure that there is no adverse impacts in terms of water quality. The proposal will be required to address applicable legislation as part of the development consent process.

5.8 <u>Lithgow Local Environmental Plan 2014</u>

The proposed allotment (1.46Ha) is zoned <u>B4 Mixed Use</u> under Lithgow Local Environmental Plan 2014 (LEP 2014). The 'parent lot' contains a mix of land use zones (R1 General Residential, B4 Mixed Use, and C3 Environmental Management (refer **Figure 8**).

A Bunnings store is typically comprised of three components (Main Retail Area, Trade Area, and Nursery Area) selling a particular range of products. The following definitions⁴ are considered the best-fit for the use.

commercial premises means any of the following-

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

=

⁴ Dictionary to LEP 2014.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note— Garden centres are a type of *retail premises*—see the definition of that term in this Dictionary.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note— Hardware and building supplies are a type of *retail premises*—see the definition of that term in this Dictionary.

Both a garden centre and hardware and building supplies are retail premises, which fall under the group term of commercial premises. The latter being the best fit characterisation of the land use.

The land use table to Part 2 - Clause 2.3 of Lithgow LEP 2014, for the <u>B4 Mixed Use</u> zone provides that a *commercial premises* is a land use permitted with the consent of Council.

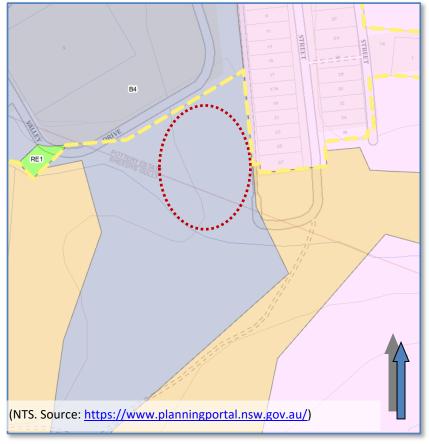


Figure 8 - Zoning (LEP 2014)

Subclause 2.3(2) of the Lithgow LEP 2014 provides that 'the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone'.

The objectives of the <u>B4 Mixed Use</u> zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To promote development that does not detract from the role of the town centre core commercial precincts.
- To promote the retention and reuse of heritage items as well as the retention of established buildings that contribute positively to the heritage and cultural values of lands at Portland.
- To maintain or improve the water quality of receiving water catchments.

The proposal is considered to be consistent with the objectives of the zone as it:

- ✓ Contributes to the use of a commercial land use that does not detract from the role of the town centre core commercial precinct.
- ✓ Provides for development to provide employment opportunities.

We have reviewed the proposal against the relevant Part 4 - Principle Development Standards, Part 5 - Miscellaneous Provisions, and Part 7 – Additional Local Provisions of Lithgow LEP 2014 as outlined in **Table 5**.

The following descriptions are used in the 'Comment' section of the Table(s).

- **Complies** Information provided demonstrates that the proposal is acceptable as it satisfies the Objective(s)/Control(s)/Development Standard(s).
- **Does not Comply** Proposal does not achieve the numerical control/Development standard.
- **Capable of Compliance** *Objective(s)/Control(s)/Development standard(s) can be satisfied subject to the nominated recommendations.*
- **Subject to Future Application** Satisfaction of Objective(s)/Control(s)/Development standard(s) is dependent upon a future application.
- **Further Information Required-** Further information is required to determine if compliance is achievable.
- **Not Applicable** *Objective(s)/Control(s)/Development standard(s) is not applicable to subject proposal.*
- Not Adopted Clause has not been adopted (LEP only).
- Repealed Clause has been repealed (LEP only).

Page | 25 of 55

Table 5 - The Lithgow LEP 2014 Relevant Provisions

Clause	Provision	Comment	
Part 4	Principle Development Standards - none applicable		
Part 5	Miscellaneous Provisions		
5.10	Heritage conservation	Complies.	
		The larger site (Lot 26) is identified as containing a heritage conservation area, (Lithgow Valley Pottery and Brickworks) however the proposed allotment is not identified as containing any heritage listed area 'Pottery Estate'.	
		A Statement of Heritage Impact (SoHI) has been prepared. Refer Section 6.3 .	
Part 6	Urban Release areas - none applicable.		
Part 7	Additional Local Provisions		
7.1	Earthworks	Complies.	
		The site level has been established as part of previous works and therefore only minor earthworks are required to establish the finished floor levels of the building and associated parking areas and drainage.	
7.3	Stormwater management	Complies	
		A stormwater design has been prepared as part of the application. Refer Section 4.9 .	
7.10	Essential services	Capable of Compliance.	
		Suitable arrangements will be made for the necessary services connections.	
7.12	Development in the Pottery	Complies.	
	Estate	The site is located within the mapped area of the 'Pottery Estate'.	
		The LEP requires that development consent must not be granted on land to which this clause applies unless the consent authority has taken into consideration a development control plan approved by the Council for that	

Page | 26 of 55

Clause	Provision	Comment
		purpose that contains comprehensive provisions
		The Lithgow Development Control Plan 2021 applies (refer Section 5.9), and includes provisions relating to the Pottery Estate.
		Additionally, a SoHI has been prepared (refer Section 6.3).

5.9 <u>Lithgow Development Control Plan 2021</u>

The Lithgow Development Control Plan 2021 (the "**DCP**") applies to the site, and came in to effect on 21 September 2021. At its meeting of 25 October 2021, Council approved Amendment 1 to the DCP including a requirement to insert "Chapter 9 Pottery Estate Precinct" (came in to effect 17 November 2021). The aims of the DCP are to:

- a) To implement and support the objectives of LLEP2014;
- b) To provide clear and concise development guidelines for various forms of development;
- To promote appropriate growth and development in the Lithgow Local Government Area and ensure it occurs in an orderly, environmentally friendly and sustainable manner;
- To ensure positive planning outcomes are maximised for the benefit of the broader community.

The sections relevant to the application are:

- Chapter 2: Site requirements (all development).
- Chapter 3: Natural Environment & Hazards.
- Chapter 4: Heritage and Cultural conservation.
- Chapter 7: Commercial & Industrial.
- Chapter 9: Pottery Estate Precinct.

and are outlined in the following Table 6.

Table 6 – Lithgow DCP 2021

Control	Comment/Provision	Comment
Chapter 2: Site requirements (all development)		
2.2 Site Analysis, Local Character & Context	The proposal involves a new large floor plate commercial building which is encouraged within the B4 zone.	Complies.

Control	Comment/Provision	Comment
	The site is suitably located to utilise the existing road network, infrastructure and services.	
2.3 Slope Response, Earthworks & Retaining Walls	The site is level, with previous earthworks establishing the development footprint.	Complies.
2.4 Stormwater Management	A concept water management strategy is proposed.	Capable of Compliance.
2.5 Vehicle Access & Parking	The site has access to the existing road network (via Valley Drive). The proposal includes a private road that can be connected to the public road network in the future as the area is further developed.	Complies.
2.6 Pedestrian Access, Mobility & Safety	All building works undertaken by will be assessed against the Deemed-to-Satisfy (DTS) provisions of the National Construction Code (NCC)/Building Code of Australia (BCA) and the Disability Standards for Access to Premises (Buildings) and Access Code for Buildings.	Complies.
2.7 Designing for Crime Prevention	The building is regular in its shape with controlled points of entry to the building and can satisfy the following CPTED principles: • Surveillance • Access control • Territorial reinforcement	Complies.
	Space/activity management	
2.8 Utilities, Easements & Infrastructure	The building will be connected to the necessary services.	Capable of Compliance.
2.9 Solid Waste Management	Waste management protocols will be adopted to address daily operations.	Capable of Compliance.
2.10 Amenity / Buffers for Sensitive Uses	The site is zoned B4 Mixed Use and permits a range of land uses. Surrounding land uses consist of a developed mixed commercial	Complies.

Page | 28 of 55

Control	Comment/Provision	Comment
	area, residential land uses and undeveloped conservation lands. The proposed use is considered to reflect a typical commercial land use. The site does not adjoin rural zoned land that would require incorporation of buffer areas.	
2.11 Water & Energy Efficiency	The building will provide where appropriate, energy saving measures.	Capable of Compliance.
Chapter 3: Natural Enviro	nment & Hazards	
3.2 Bush Fire Prone Land	The site is identified as partially bush fire prone land. The proposal involves the modification of an existing consent for subdivision. Extract from Planning Portal map (in relation to bushfire prone lands)	Capable of Compliance. A Bush Fire Assessment Report has been prepared that demonstrates that the proposal can comply with PBP 2019. Refer Section 6.2 for discussion.
3.3 Vegetation Management & Biodiversity	There is no land clearing proposed as site contains no vegetation .The site does not contain mapped areas of biodiversity. The site (area as proposed to be modified) has been cleared under the 2008 Consent.	Complies.

Control	Comment/Provision	Comment
	Extract from Planning Portal map in relation to biodiversity lands	
3.4 Land & Soils	This Section applies wherever site investigations or state or local government mapping indicates there may be contaminated lands or geological, soil classification/types or salinity that may affect the proposed development or where the proposed development may impact significantly on the stability and quality of land and soils	Complies. The 2008 Consent has conditions imposed in relation to contamination and required geotechnical investigations. Application will be referred to Subsidence Advisory NSW.
3.5 Flood Prone Land	The site is identified as subject to flooding under DCP mapping (Lithgow Flood Study Review Figure 6.9 and Figure 6.16).	Capable of Compliance. The Stormwater Management Plan
	The Lithgow Flood Study Review identifies the site as partially inundated in a 1 in 100 year ARI Flood of average depths of between 0.10m – 0.4m. The DCP mapping indicates both low and high hydraulic hazard. DCP – section 3.8 Appendices Figure 6.9 (high 'purple' and low 'orange' provisional hydraulic	(refer Section 4.9) prepared advised that: Councils modelling indicates that the site is prone to flooding, this report was undertaken prior to the current alterations to the site
	hazard (site 'interim flood planning area' Flood prone land maps) DCP – section 3.8 Appendices Figure 6.16 (site 'interim flood	and the acknowledgement by Water NSW that upstream flows do now not impact the site. Therefore we

Page | 30 of 55

Control	Comment/Provision	Comment
	planning area' Flood prone land map)	assess that there are no flood impacts on the site and will not impact the proposed development.
3.6 Ground & Surface Water Protection 3.7 Mine Subsidence Risk	The site is identified as in proximity to a 'watercourse' (Sheedys Gully). Minor ground work required to establish building levels Consent conditions have been imposed under the 2008 consent in relation to geotechnical investigations.	Capable of Compliance. Refer Stormwater Management Plan (separate Report.). Capable of Compliance. The proposal is integrated development and referral to Subsidence Advisory NSW will be required.
Chapter 4: Heritage and (Cultural conservation	
4.2 Development consent requirements	The site (as proposed to be modified) is located within proximity of a mapped Heritage Conservation area 'Pottery Estate (Silcock Street) Heritage Conservation area 'C11'. Extract from Planning Portal map (site subdivision area – existing DA003/07) in relation to heritage areas	Complies. A heritage report has been prepared and it concludes that the proposal will have no adverse impacts upon the nominated Heritage area and all adjoining items. Refer Section 6.3.
4.2.9. Subdivision	Not Applicable.	Not Applicable.
4.3 General Controls – Development of Heritage Items/Places &	Due to the complex nature and variation of heritage in the Lithgow LGA, development	Complies.

Page | 31 of 55

Control	Comment/Provision	Comment
within Heritage Conservation Areas.	proposals are to be considered and assessed by individual merit, taking into consideration the unique elements of the item and the issues of pertaining to the item's heritage values. Responses to these controls will vary based on a variety of factors from the complexity of proposed work to location of works.	A SoHI has been prepared. Refer Section 6.3.
4.4 Specific Controls – Heritage Conservation Areas	The site (as proposed to be modified) is located within proximity of a mapped Heritage Conservation area 'Pottery Estate (Silcock Street) Heritage Conservation area 'C11'. The controls in this section predominantly relate to development within the residentially zoned area of Silcock St and surrounds.	Complies. A SoHI has been prepared. Refer Section 6.3.
Chapter 7: Commercial, C	ommunity & Industrial Developme	nt
7.2 General Controls		
7.2.1 Site Analysis & Potential Land Use Conflicts	Complies with the Site Analysis requirements and has responded to the Site Analysis to produce a high-quality design that minimises the potential for land use conflict and integrates with the surrounding site context.	Complies. The proposal utilises the recently approved lot. The building layout incorporates designated and separate customer and delivery entry points. The building has regard to the surrounding built form.
7.2.2 Open (Outdoor) Storage, Utility, Waste & Service Areas	Appropriately located, designed and screened (with fencing and/or landscaping) to minimise the visual impact of these areas from key public areas and streets; and minimise impacts on	Complies. Designated area that is suitably located.

Page | 32 of 55

Control	Comment/Provision	Comment
	the amenity of neighbouring sites.	
7.2.3 Landscaping & Tree Protection	Landscape should be considered as part of site planning and design development and integrated with built form because it contributes strongly to amenity, character and environmental outcomes.	Complies. Site is currently vacant with no vegetation cover. Propose landscape concept has regard to appropriate planting within nominated areas.
7.2.4 Fencing	Fencing is located and designed to be consistent with the existing (or desired future) character of the relevant land use zone and street, taking into account the prevailing fence types, solidity, and heights in the locality	Not Applicable. No perimeter fencing proposed.
7.2.5 Ancillary Dwellings(s)	No dwellings proposed.	Not Applicable.
7.4 Commercial & Community Uses		
7.4.1 Key Business Precincts	Zone B4 Mixed Use is generally used for mixed-use precincts outside the CBD or in 'satellite' large format retail areas that are intended to supplement key town centres (e.g., Portland/ Lithgow - Main St (west) & Lithgow Valley & Pottery Plaza retail developments). Council encourages future development of these areas for larger-format/footprint retail and commercial uses that do not undermine the Zone B2 CBD or main street area(s) and would not otherwise fit within historic town centre areas as well as a mix of appropriate well-designed medium density residential development.	Complies. Proposal is for a large format retail store and will not undermine existing business areas (CBD or Main Street).

Page | 33 of 55

Control	Comment/Provision	Comment
7.4.2 Building Setback (General)	Setbacks define the relationship between a building and the surrounding public and private spaces.	Complies. Refer to following comments.
	Consistent front setbacks can assist with creating a unified street character and defining the street edge.	
	Setbacks also provide for separation/privacy between buildings, landscape and tree retention, open space	
	and other associated structures.	
7.4.3 Setbacks – Zone B2 Local Centre	Not Applicable.	Not Applicable.
7.4.4 Setbacks – Zone RU5 Village	Not Applicable.	Not Applicable.
7.4.5 Setbacks – Other	Primary Street Setbacks: The	Complies.
Business Zones or Areas	primary street setback will be dependent on access and off street parking requirements for the proposed use. Setbacks should respond to and integrate with the setbacks of adjacent buildings.	Site is isolated with no adjoining buildings. Backs to both front side and rear boundaries provided with suitable landscaping
	Side & Rear Setbacks: Side and rear setbacks may be required where loading/unloading	where identified in the development plans.
	facilities and on-site storage need to be accommodated and appropriately screened from public spaces	Loading and unloading areas screened from public spaces.
7.4.6 Building Height,	B4 Mixed Use - 10metres	Complies.
Bulk & Form		LEP does not adopt height of building clause.
		Proposed building height – 8.39m to ridge.
7.4.7 Building Design, Articulation & Facades	The design of building facades should relate to adjacent buildings and the streetscape	Complies.

Page | 34 of 55

Control	Comment/Provision	Comment
	character. Special consideration should be given to heritage buildings and development that adjoins them. Building design features and facades will change with time and changing functions of commercial buildings. New contemporary developments are not required to directly copy existing designs of historic buildings, but should integrate with the surrounding streetscape by incorporating significant design elements from neighbouring buildings which compliment it.	The proposed building reflects a typical Bunnings store comprising main warehouse (retail area), outdoor Nursery, and timber trade area. The proposed colour scheme reflects Bunnings corporate image. It is considered to be consistent with the multi tenanted retail building on the opposite side of Valley Drive.
7.4.8 Structures over Public Footpaths/Roads (Awnings & Balconies)	Not applicable.	Not applicable.
7.4.9 Food Premises	Not applicable.	Not applicable.
7.5 Advertising		
7.5.1 General	Development application to show proposed location, supporting structures, and size/area of advertising.	Complies. Details of the proposed signage included in application.
7.5.2 SEPP No.64	Council	Complies.
Advertising & Signage	cannot grant development consent to an advertising sign or structure unless it is consistent with the aims of the SEPP 64 and satisfies the assessment criteria listed in Schedule 1 of SEPP 64.	An assessment of the former SEPP number 64 controls has been undertaken in Section 5.4.
	SEPP 64has been superseded and is now incorporated into Chapter 3 of SEPP (Industry and Employment) 2021.	
7.5.3 Prohibited Signs	Pylon sign -Maximum height-8 metres.	Does not Comply. Proposed pylon sign is 15 metres.

Page | 35 of 55

Control	Comment/Provision	Comment
		A variation has been sought. Refer section 5.9.1.
7.5.4 Location of Signage	Advertising structures may only be erected where they are used in conjunction with a permissible use and situated on the land upon which the use is conducted (unless they are an approved highway or tourist navigation sign).	Complies. All signage located within subject property.
7.5.5 General Controls	Commercial and retail –	Complies.
for Advertising & Signage	a) One under awning sign; b) One top hamper sign or flush wall sign;	4 x Façade signs (1 per frontage) and 1 x pylon sign.
	c) One fascia or awning fascia sign;d) One A-Frame sign on the footpath;e) Historic building identification signage.	Refer Section 4.8 .
7.5.6 Types of Signage	Pole (or Pylon) Sign	Does not Comply.
	one sign per property street frontage height consistent with scale of surrounding buildings and a maximum height of 8 metres.	Facia signs are compliant however pylon sign exceeds the maximum height of 8metres.
		Variation sought. Refer section 5.9.1 .
Chapter 9: Pottery Estate	Precinct	
9.2 Site Requirements (All Development)	The site is identified as a subdivision of Lot 26 DP 1244557 and does not include that area of land to the west of the site (lots created under DA148/15).	Not Applicable.
	Extract of Pottery Estate	Not Applicable.
	residential zones	The site (as modified) is not located within a precinct area or an identified area of archaeological significance

Page | 36 of 55

Control **Comment/Provision** Comment The structure plan identifies the Complies site as being located within a The lot layout and Mixed Use area, with no proposed private road identified excluded areas, generally reflect the riparian zones or open space structure plan. areas. Part plan extract structure plan Indicative site location The aims of the 'Business' Capable of precinct are: Compliance. ■ To provide a mixture of As discussed in the compatible land uses that do not Report the land use is detract from the role of the one that is expected Lithgow town centre, Lithgow within the zone. Valley Estate Plaza and surrounding business and retail. ■ Provide an opportunity to expand the local and regional economy by attracting businesses and employment opportunities to Lithgow.

Control	Comment/Provision	Comment
	■ To promote a built form compatible with large retail format character established on the northern side of Valley Drive. ■ Ensure a built form with suitable height and provision for landscaped setbacks that does not detract from the outlook from, or visually impact on the adjacent Heritage Conservation Area "C11" (Silcock Street).	
	■ Ensure that new development provides adequate vehicular access and parking arrangements for proposed land uses.	
9.3 Natural Environment and Hazard Management	Environmental hazards that exist on the Pottery Estate site include mine subsidence, flooding and stormwater management, contamination. Other environmental constraints include bushfire and heritage/historical archaeological relics.	Capable of Compliance. Consent conditions have been imposed under DA 003/07DA in relation to required geotechnical investigations, mine subsidence and contamination, to determine site suitability for future development. No vegetation removal is proposed. Stormwater and Bush fire requirements are discussed in the report.
9.4 Heritage and Cultural Conservation	The "Pottery Estate" precinct heritage controls apply to those areas within the "Pottery Estate" precinct	Complies. The site location is not identified as containing any areas of low or high archaeological significance potential. The site is not located within an area to

Page | 38 of 55

Control	Comment/Provision	Comment
		which subdivision is limited in relation to heritage (i.e., A124 Lithgow Valley Pottery and Brickworks archaeological zone). The site (as modified) does not contain any identified items or structures. A SoHI has been prepared and it demonstrates that the proposal is
9.5 Subdivision, Roads	Subdivision and/or boundary	acceptable. Complies.
and Public Domain	adjustment and should reflect the road layouts denoted in the Pottery Estate Indicative Structure Plan	The approved lot complies with minimum lot size requirements
		A Right of Access allows for future road provision as required under the DCP road hierarchy street network.
		The proposal does not prevent provision of open space areas in identified structure plans.
9.6 Residential Development	The site is zoned B4 Mixed Use. No residential land uses proposed.	Not Applicable.
9.7 Business/ Mixed Use Development	The site is zoned B4 and additional controls under this section have been imposed, given the 'variety of possible outcomes for the precinct'. Key controls for the site include:	This section of the DCP relates to the subject site.
Building height:	10m except within 20m of eastern boundary (below eave height of Silcock St cottages)	Complies.

Page | 39 of 55

Control	Comment/Provision	Comment
	located within the adjacent HCA "C11"	Building Height – 8.39metres.
Visual impact	The visual impact of external infrastructure/services (including air conditioning units, plant rooms, ducting etc) must be minimised when viewed from the adjacent HCA "C11	Complies Roof mounted mechanical plant & equipment will be minimised as illustrated in the development plans.
Building setbacks	5m wide landscape buffer and minimum 10m setbacks to the main building are to be provided along the eastern boundary of the B4 zone where the site abuts the HCA "C11"	Complies, Adjoining the site to the east is embankment or Vegetation Buffer, as illustrated in Figure 20.
Landscape	A minimum 5m wide buffer landscape strip is to be provided along the eastern edge of the B4 zone where it abuts the HCA "C11" and Silcock Street cottages.	Complies. See previous comments.
Fencing	Any fencing abutting the "HCA 11", must not exceed 1.8m above existing ground level of the shared boundary with the Silcock Street cottages. Design/colour/materials requirements shall be sympathetic to the heritage significant cottages.	Complies. Height of proposed acoustic barrier is below ground level of Silcock Street Cottages.

Page | 40 of 55

Control	Comment/Provision	Comment
Signage	Signage is to be of a high-quality design that does not detract from the heritage character and amenity of the adjacent housing	Complies. Refer Section 5.4 .

5.9.1 Variations to DCP 2021

A variation is sought for the following sections of DCP 2021.

 <u>Chapter 7 Commercial/Industrial</u> - Section 7.5.3 – Prohibited Signs (Pylon Signs higher than 8metres.

In respect of the proposed variations to the Hills Development Control Plan 2012, Section 4.15 (3A) of the *Environmental Planning Assessment Act, 1979*, provides that:

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application (emphasis added).

Pylon Sign - Height

<u>7.5.3 Prohibited Signs</u> of the DCP states (in part) that any pole or pylon sign higher than 8m,. 'are unlikely to be acceptable to Council for all uses'.

The proposed pylon sign is 15 metres.

The outcomes of this section of the DCP are:

- O1. To ensure that advertising and signage is consistent with the requirements of State Environmental Planning Policy No.64 Advertising and Signage (SEPP 64).
- O2. To provide a consistent approach to provision of adequate and effective signage for the identification and promotion of events, buildings, and businesses that enhance the economy and employment in the LGA.

Page | 41 of 55

- O3. To ensure that signage is appropriately sized and positioned and minimises the visual impact and/or visual clutter caused by a proliferation of excessive signage (number, size or visibility) that is inconsistent with:
 - a) the land use zone objectives;
 - b) the street character and amenity;
 - c) the heritage character of the area or nearby heritage items;
 - d) the scale and proportion of the building and its architecture.
- 04. To ensure that signage does not compromise pedestrian, cyclist or vehicle safety.
- O5. To encourage signage that promotes ease-of-navigation.
- *O6.* To ensure that signs are structurally safe and well maintained.
- 07. To encourage signage of a high-quality design and finish with robust materials.

The sign protrudes above the height of the building however the assessment undertaken in this application demonstrates that the pylon sign is considered to be consistent with the requirements of the former SEPP 64. The proposed signage concept for the Bunnings store is simple with only limited facade signage in addition to the pylon sign.

This area within the Pottery Estate is not immediately visible from nearest street thoroughfare namely Lithgow Street and the pylon sign is considered essential to identify the location of the store. In order for it to be effective it needs to be at an elevated height whereby it is clearly visible from the approaching street network and nearby commercial buildings. Given that the signage in this area is not excessive the proposed pylon sign does not result in unacceptable visual clutter.

In respect of heritage considerations, commercial signage is anticipated within the mixed use zone and the existence of a single pylon sign on the subject site is not considered to detract from the heritage character of the nearby Silcock Street heritage conservation area (HCA) 'C11'.

It is considered that despite the nominated technical non-compliance with the DCP, the proposal is consistent with intended outcomes of DCP 2012.

Page | 42 of 55

6 Matters for Discussion

This Section addresses those matters considered relevant to the assessment of the proposal.

6.1 Acoustic

A Noise Assessment Report has been prepared by Acoustic Dynamics⁵ (refer **Separate Report**). The report undertook an assessment of noise emission levels at nearby receivers resulting from various noise sources associated with the operation of the new retail development, in accordance with the various acoustic assessment requirements of Lithgow City Council, the NSW Environmental Protection Authority (EPA) and relevant Australian Standards⁶ and prediction of likely noise emission associated with the subject site. With regard to acoustical assessment, the nearest sensitive residential receivers were identified as being:

- R1 Residential receivers to the west of the site on Silcock Street approximately 35m
 from the site boundary; and
- R2 Residential receivers to the east of the site on Hassans Wall Drive approximately
 120m from the site boundary.

The assessment reviewed the proposed hours of operation, type and number of vehicles, and potential impacts, including sleep disturbance, from site activities upon surrounding neighbouring premises (nearest residential receivers)

In the report, noise emission has been assessed as worst-case scenario (being maximum capacity operations) occurring during the assessment periods. The predicted maximum noise emission results associated with the proposal (inclusive of the acoustic planning recommendations outlined in Section 5) indicate the following:

- 1. The results of the noise modelling and predictions demonstrate that the site represents an appropriate location for the proposed works;
- 2. There is low risk of acoustic disturbance for the adjacent residential receivers during the night time assessment period and during all other assessment periods;
- 3. Noise emission has been assessed as a worst-case scenario (i.e., maximum number of vehicle movements per hour), however Acoustic Dynamics understands that vehicle numbers are likely to be lower than those used in the assessment of noise emission;

⁵ Rpt 5550R001.BC.2200510_rev 1, dated 26 June 2022.

⁶ Ibid, page 5.

- 4. In the context of the existing acoustic environment, there is low risk of acoustic disturbance (inclusive of sleep disturbance) to all nearby residential receiver properties during early morning assessment period; and
- 5. To ensure the assessment is conducted in a conservative manner, noise emission has been assessed as a worst-case scenario (i.e. all noise generating activities and noise sources occurring simultaneously and at maximum capacity). Generally, the noise emission associated with the proposed use and operation of the site would be lower than the predicted results presented in Table 3.1.2.1.⁷

The report concludes by making a number of recommendations⁸ in respect of the following:

- Mechanical Plant.
- Loading Docks Schedule (General Operations, and Loading Dock Noise Management).
- Reversing Alarms.
- Acoustic Fence/Noise Barrier (located on the eastern boundary).

It is considered that report demonstrates that subject to the nominated mitigation measures, the proposal provides for a development with minimal impacts in terms of acoustic impacts and can therefore be supported.

6.2 **Bushfire**

A Bush Fire Assessment Report has been prepared by Statewide Bushfire Consulting⁹ (refer Separate Report).

The purpose of the report to show that the proposed developed will satisfy the broad aims and objectives of Planning for Bushfire Protection 2019 (PBP). The report advises that:

'The National Construction Code - Building Code of Australia 2021 (NCC-BCA) does not provide for any bushfire specific performance requirements for types of developments other than 'Residential and Special Fire Protection Purposes (SFPP)' within bushfire prone areas. This development does not fit into these categories. As such the Australian Standard 3959:2018 (Construction of buildings in bush fire prone areas) does not apply as a set of 'deemed to satisfy' provisions.

The general fire safety construction provisions are taken as acceptable solutions, but the aims and objectives of Planning for Bush Fire Protection. A guide for councils, planners, fire authorities and developers (2019) - NSW Rural Fire Service, apply to other matters such as access, water and services, emergency planning and landscaping / vegetation management.

⁸ Ibid, pages 17-19.

Document Set ID: 2023601

Version: 1, Version Date: 15/07/2022

⁹ Ref: 21SBC_303_v2, dated 24/06/2022.

Page | 44 of 55

⁷ Ibid, pages 16 - 17.

As infill development, the proposed development will be able to fully comply with the 'Acceptable Solutions' and 'Specific Objectives' for 'Infill development', provided within PBP 2019.

The Report provides a response and recommendations¹⁰ in respect of the key Bush Fire Protection Measures (BPM) identified in PBP, namely,

Asset Protection Zones (APZ's)/Landscaping

Entire Lot is managed as an Inner Protection Area (IPA). The IPA creates a fuel managed area which can minimise the impact of direct flame contact and radiant heat on the development and act as a defendable space. Vegetation within the IPA should be kept to a minimum level. Litter fuels within the IPA should be kept below 1cm in height and be discontinuous.

Access

The proposed warehouse will incorporate an all-weather driveway(s) for vehicle access and parking within vicinity of the building.

The internal access road / driveway will provide direct access to the public road system to access and egress of vehicles and firefighting appliances;

Construction

The proposed development will comply with the 'general fire safety provisions' of the NCC – BCA (2021). Based on the bush fire assessment given within Section 2.6 of this report there are 'no specific bushfire construction standards' recommended

Services

<u>Water</u> - Reticulated water is to be provided to the development.

Fire hydrant spacing, design and sizing comply with the relevant clauses of AS 2419.1:2005. (Reasonably assumed).

Hydrants are not located within any road carriageways.

Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005.

All above-ground water service pipes external to the building are metal, including and up to any taps.

<u>Electricity</u> - As the electricity supply will be located underground, no additional electricity supply conditions (above and beyond standard Council and Energy Supplier conditions) are required for PBP 2019 compliance.

<u>Gas</u> - Any future / new reticulated gas connection is installed and maintained with AS/NZ 1596:2014 and the requirements of relevant authorities;

Metal piping should be used; and

Polymer sheathed flexible gas supply lines to gas meters adjacent to the building are not used.

11

¹⁰ Ibid,. pages 13-18.

Emergency and evacuation planning.

The emergency/evacuation plan is to include the possibility of a bushfire event.

This is to be incorporated into the facilities Emergency Planning procedures, which should comply with AS 3745-2010 'Planning for Emergencies in Facilities'

Detailed plans of all Emergency Assembly Areas including "onsite" and "offsite" arrangements as stated in AS 3745-2010 are clearly displayed, and an annual (as a minimum) trial emergency evacuation is conducted

It is considered that submitted documentation demonstrates that the proposal can comply with the 'Acceptable Solutions' and 'Specific Objectives' for 'Infill development', provided within PBP 2019 and can therefore be supported in respect of planning and design for bush fire.

6.3 Heritage

The development is within the Pottery Estate Precinct¹¹. Accordingly, a Statement of Heritage Impact (SoHI) has been prepared for the site by High Ground Consulting¹² (refer Separate Report). The SoHI seeks to analyse the potential impact of the development on the cultural heritage significance of the Pottery Estate Precinct.

The proposed development is located below the level of the nearby Lithgow Valley Colliery & Pottery site and the proposed Silcock Street Heritage Conservation Area. The report identifies that:

The proposed development will not impact directly on either of the places of cultural heritage significance located nearby. This is, however, a potential for impact on the curtilage of both or either.

An assessment of the 'curtilage' has been undertaken and the Report considers the following aspects¹³:

- Historical allotments.
- Design, style and taste.
- Function, uses and interrelationships.
- Visual links.
- Scale.

¹¹ Lithgow LEP 20214, clause 7.12 Development in Pottery Estate.

¹² High Ground Consulting, dated 25/06/2022.

¹³ Ibid, pages 8 - 10

- Significant features.
- Archaeological features.

The SoHI concludes¹⁴ that the development is satisfactory as it:

- Respects the cultural heritage significance of nearby heritage places.
- Is located at such a distance and designed to such a height that will not detrimentally impact on the assessed cultural heritage significance of the Lithgow Valley Colliery & Pottery site or the Silcock Street Heritage Conservation Area.
- No alternate solutions have been considered as the proposal is considered to be an appropriate use of the site, with little impact on the cultural heritage significance of nearby precincts.

It is considered that submitted documentation demonstrates that the proposal can be supported on heritage grounds.

6.4 Traffic

An Assessment of Traffic and Parking Implications has been prepared The Transport Planning Partnership¹⁵ (refer **Separate Report**). The report reviews the proposed Bunnings development site in the context of the Pottery Estate Precinct and DCP 2021 vision and controls. It considers the existing road network and traffic conditions, the provision of on-site parking and internal layout including vehicle access, internal circulation and servicing arrangements, and assess the potential traffic implications of the development.

The report notes that the proposed provision of 114¹⁶ on site parking spaces significantly exceeds the minimum DCP 2021 parking requirements (41 spaces) and 'would be more than adequate to accommodate the parking demands of the proposed Bunnings development on the site'17. Similarly, the provision of accessible car parking, trailer bay, motorcycle and bicycle parking requirements are satisfactory.

In respect of traffic generation and intersection performance, proposed Bunnings store is expected to generate 167 trips in the Thursday PM peak, and 374 trips in the Saturday midday peak. 18

¹⁴ Ibid, page 11.

¹⁵ Ref: 21305,_Version V02, dated 8 July 2022.

¹⁶ Actual proposed 117 spaces.

¹⁷ Ibid, page 22.

¹⁸ Ibid, page 26.

The results of the SIDRA intersection analysis with the additional traffic generation of the proposed Bunnings store indicate that the surrounding road network can satisfactorily accommodate the estimate traffic generation of the proposed Bunnings store.

This assessment has concluded that:

- The proposed development is consistent with the objectives and envisaged future development use as set out in the Pottery Estate Precinct Indicative Structure Plan and DCP 2021.
- The proposed car parking provision is consistent with other Bunnings Small Format Stores developments and significantly exceeds the DCP 2021 minimum requirements. The proposed provision is considered to be adequate to serve the anticipated use of the site.
- The potential traffic generation of the proposed development can be adequately accommodated within the existing capacity of the surrounding road network.
- The proposed service vehicle arrangements are appropriate and will facilitate efficient servicing of the proposed development. 19

It is considered that submitted documentation demonstrates that the proposal provides for a development with minimal impacts in terms of traffic and parking impacts and can therefore be supported.

6.5 Crime Prevention through Environmental Design (CPTED)

This section provides a review of the Crime Prevention Through Environmental Design (CPTED) principles. The proposed Bunnings store building is regular in its shape with controlled points of entry to the building. The key issues identified in this assessment are summarised as follows:

Surveillance

- ✓ Provision of clear sightlines provided between public and private places –existing glazing along main façade.
- Effective lighting of undercroft parking and adjoining public places, including street lighting.

Access control

- ✓ Monitoring by employees and installation of CCTV.
- ✓ Controlled point of sale areas.

1

¹⁹ Ibid, page 28.

Territorial reinforcement

✓ The Premises is clearly identified and appropriate signage is be installed to identify various areas.

Space/activity management

✓ Bunnings has a standard maintenance plan for the site and surrounding area.

It is our view that the Bunnings store is capable of operating in a manner that satisfies the key nominated CPTED factors.

Page | 49 of 55

7 Statutory Assessment

This section provides an assessment of the proposal against the relevant matters for consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*

7.1 The Provisions of any Environmental Planning Instrument

Section 4.15(1)(a)(i) – The provisions of any environmental planning instrument

The proposal is permissible with the consent of Council and complies with the relevant provisions of State Environmental Planning Policy (Industry and Employment) 2021, SEPP (Transport and Infrastructure), SEPP (Resilience and Hazards), SEPP (Biodiversity and Conservation), and Lithgow Local Environmental Plan 2014 as outlined in **Section 5** of this Report. It is considered that the application is satisfactory in this regard.

7.2 The Provisions of any Draft Environmental Planning Instrument

Section 4.15 (1)(a)(ii) – The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no applicable draft plans.

7.3 The Provisions of any Development Control Plan

Section 4.15 (1)(a)(iii) – The provisions of any development control plan

Section 5.9 provides comments regarding the application of the provisions of the Lithgow Development Control Plan 2021. A variation to the allowable height of the pylon sign has been submitted and the proposal is considered satisfactory and can be supported.

7.4 Planning Agreement or Draft Planning Agreement

Section 4.15 (1)(a)(iiia) — The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There is no planning agreement applicable.

7.5 Matters Prescribed by the Regulations

Section 4.15 (1)(a)(iv) – The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The site is vacant and therefore no demolition works required. The necessary building fire safety measures (Sections 61 and 62 EP&A Regulation 2021) will be applied. Having regard to these matters it is considered that the application is satisfactory.

Page | 50 of 55

7.6 The Likely Impacts of the Development

Section 4.15 (1)(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

7.6.1 Natural Environmental Impact

The site is located within a developing commercial/mixed use area on the southern fringe of the Lithgow town centre in an area that is undergoing transformation from a greenfield site to a commercial mixed use precinct. The site is vacant and does not contain any native vegetation. It is our view that there will be no adverse natural environmental impacts in respect of:

- ✓ <u>Water</u> appropriate erosion and sedimentation controls will be installed to
 ensure that there is minimal likelihood of pollution through run-off, turbidity or
 contamination.
- ✓ <u>Soils</u> any excavated material not required for reuse on site will be disposed of to an approved landfill site. With the provision of proper management controls during construction it is anticipated that there will be minimal impacts upon soil quality, including for example, erosion, instability, salinity, acidity, or contamination.
- ✓ <u>Air Quality</u> little likelihood of pollution from the development when completed, through the emission of dust, odours, and other airborne pollutants.
- ✓ <u>Flora and Fauna</u> there is minimal or no impact upon the maintenance of biodiversity or impact upon critical habitats, threatened species, populations, ecological communities or their habitats.

7.6.2 Built Environmental Impact

The preceding assessment concludes that there are no long- term amenity impacts. The impact of the proposal has been assessed against the relevant objectives of Lithgow LEP 2014 and it demonstrates that the proposal is satisfactory. In our opinion it is unlikely to have an adverse impact upon the existing and future character of the locality in respect of:

- ✓ <u>Context and Setting</u> the proposed development has regard to existing topography and existing development.
- ✓ Overshadowing no overshadowing due to height, or bulk and scale.

Page | 51 of 55

- ✓ <u>Visual</u> external appearance will be on a high quality and consistent with construction standards applied to Bunnings stores.
- ✓ <u>Noise and Vibration</u> the proposal will not generate offensive noise or vibration.
- ✓ <u>Heritage</u> the site is not within the vicinity of any heritage item.
- ✓ <u>Waste</u> little likelihood of pollution through waste generation, storage and disposal of wastes and litter.
- ✓ Energy Efficiency the building will provide where appropriate, energy saving measures.

7.6.3 Social and Economic Impact

The proposal will provide positive benefits to the local community through the provision of an improved Bunnings store within the locality and continued employment for many local residents.

In our opinion the approval of this application will contribute to both the economic and social aspects and should therefore be supported.

7.6.4 Cumulative Impacts

Having regard to the preceding assessment, the proposal will not create any adverse cumulative impacts and in our opinion the proposal is satisfactory.

7.7 The Suitability of the Site

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

The site is located on the southern fringe of a developed Town Centre/mixed use precinct area of Lithgow. The proposal involves the construction of a new commercial building. The site is presently vacant, and, in our opinion, the site is suitable for the development as proposed.

7.8 <u>Submissions Received</u>

Section 4.15(1)(d) – Any submissions made in accordance with this Act or the regulations

The proposal will be subject to notification by Council and any submissions received will be duly considered by Council prior to determination of the proposal.

Page | 52 of 55

7.9 The Public Interest

Section 4.15 (1)(e) – The public interest

The land is zoned for a mix of commercial purposes related to business and retail activity.

The services offered by Bunnings and the employment generated within the locality is considered to be in the public interest.

Page | 53 of 55

Statement of Environmental Effects Report

Valley Drive 'Pottery Estate', Lithgow

Conclusion

It is proposed to construct a single level building for use as a Bunnings Store (retail

hardware and building supplies, trade sales and nursery) including site works, provision

of on grade car parking areas, back- of-house goods inward (delivery) area, signage, and

landscaping. The building will be finished in the standard 'Bunnings' brand four colour

palette, which consists of Bunnings green, white, red and stucco (yellow)

The site is comprised of a proposed allotment having an area of 1.46hectares of parent

lot, Lot 26 DP 1244557, No.21 Willowbank Avenue, Lithgow, within the Lithgow local

government area. The site has frontage to Valley Drive and is located within an area more

broadly known as the 'Pottery Estate',

The site (proposed lot) is zoned <u>B4 Mixed Use</u> under Lithgow Local Environmental Plan

2014 (**LEP 2014**)

The proposal has been assessed having regard to the relevant matters for consideration

under Section 4.15 of the Environmental Planning and Assessment Act, 1979, and

Environmental Planning and Assessment Regulation 2021, and relevant legislation.

The proposal is "integrated development" pursuant to Section 4.46 of the Environmental

Planning and Assessment Act 1979. As it involves a new building within a mine subsidence

district, the approval from Subsidence Advisory NSW is required under section 22 of the

Coal Mine Subsidence Compensation Act 2017.

Our assessment of the proposal demonstrates that the proposal has merit and should be

approved.

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Page | 54 of 55

# 9 References

#### PLANNING AND STATUTORY DOCUMENTS

- Environmental Planning and Assessment Act, 1979 (EP&A Act).
- Environmental Planning and Assessment Regulation, 2000 (EP&A Regs).
- Rural Fires Act 1997.
- Coal Mine Subsidence Compensation Act 2017.
- Water Management Act 2000.
- State Environmental Planning Policy (Industry and Employment) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- Lithgow Local Environmental Plan 2014.
- Lithgow Development Control Plan 2021.

#### **REPORTS AND DOCUMENTS**

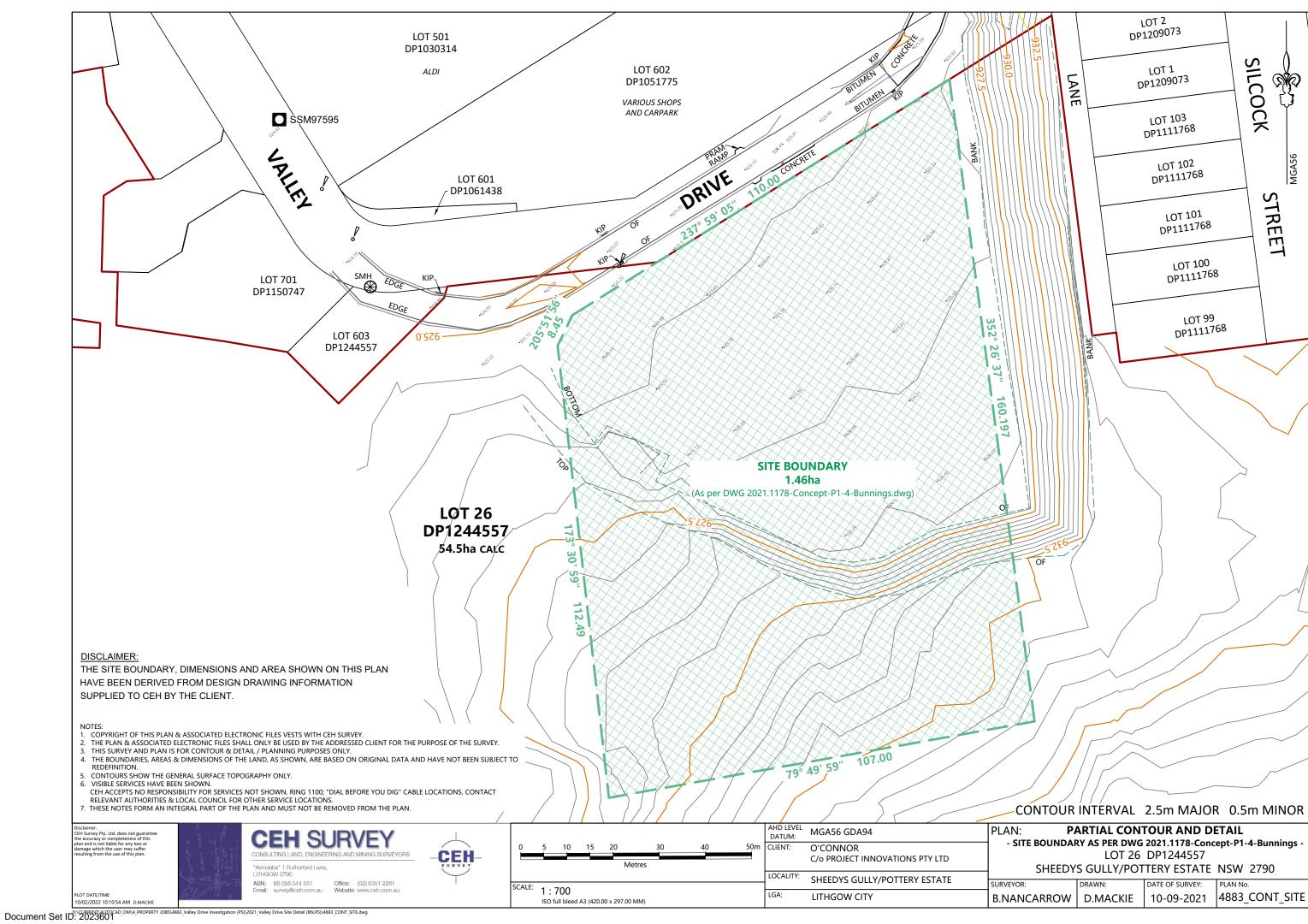
- Development Consent No.003/07/DA (as modified by MODDA15/22).
- Survey Plan (4883 Cont Site, 1 sheet) dated 10/09/2021, prepared by CEH Survey.
- Architectural Plans (Project No. 1471\_Rev A\_5 sheets) dated 26/06/2022, prepared by John R. Brogan & Associates.
- Landscape Plan (2813\_Issue C. 2 Sheets) dated 22/06/2022, prepared by John Locke and Associates.
- Conceptual Stormwater Management Plan (Ref:2021.1178\_P6) dated 27/06/2022, prepared by Calare Civil Pty Ltd.
- Acoustic (Operational Noise Emission Assessment) (Rpt 5550R001.BC.2200510\_rev
   1), dated 26 June 2022 prepared by Acoustic Dynamics.
- Bush Fire Assessment Report (Ref: 21SBC\_303\_V2) dated 24/06/2022, prepared by Statewide Bushfire Consulting.
- Statement of Heritage Impact, dated 25/06/2022, prepared by High Ground Consulting.
- Traffic Impact Assessment (Ref: 21305\_version V02) dated 08/07/2202, prepared by The Transport Planning Partnership.
- Waste Management Plan dated 21 June 2022, prepared by Project Innovations.

Page | 55 of 55



# Appendix No. 1

SITE SURVEY PLAN

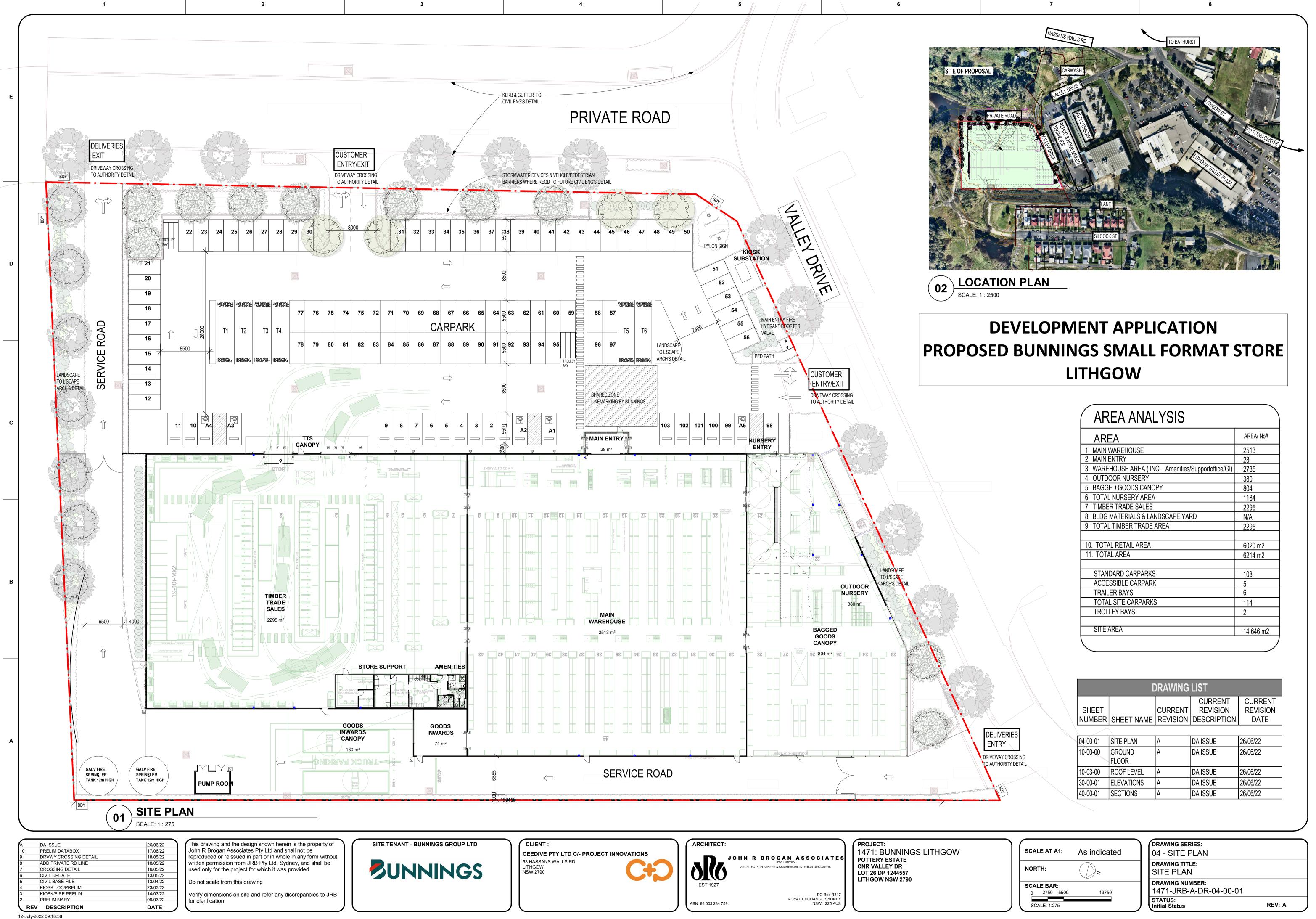


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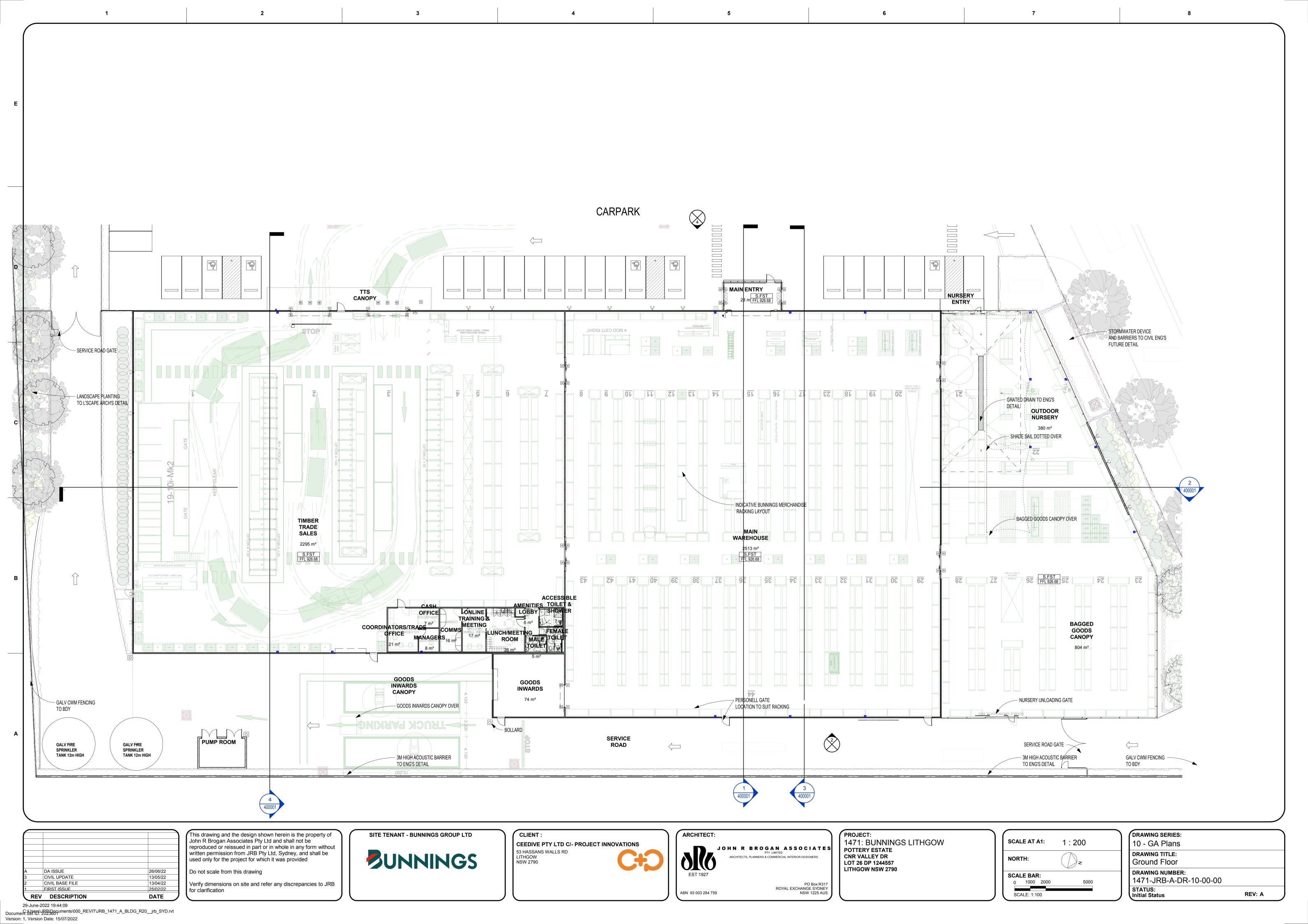


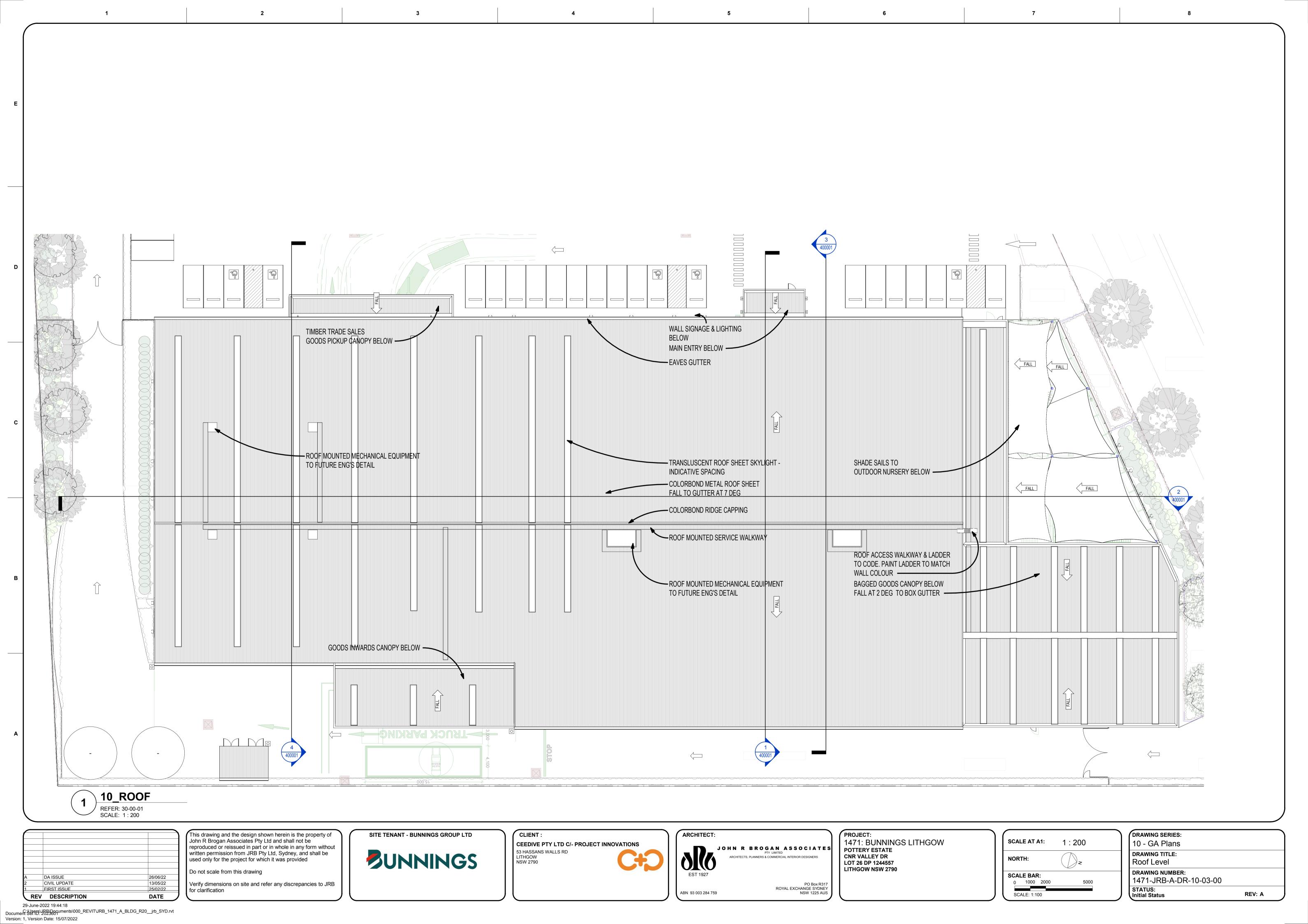
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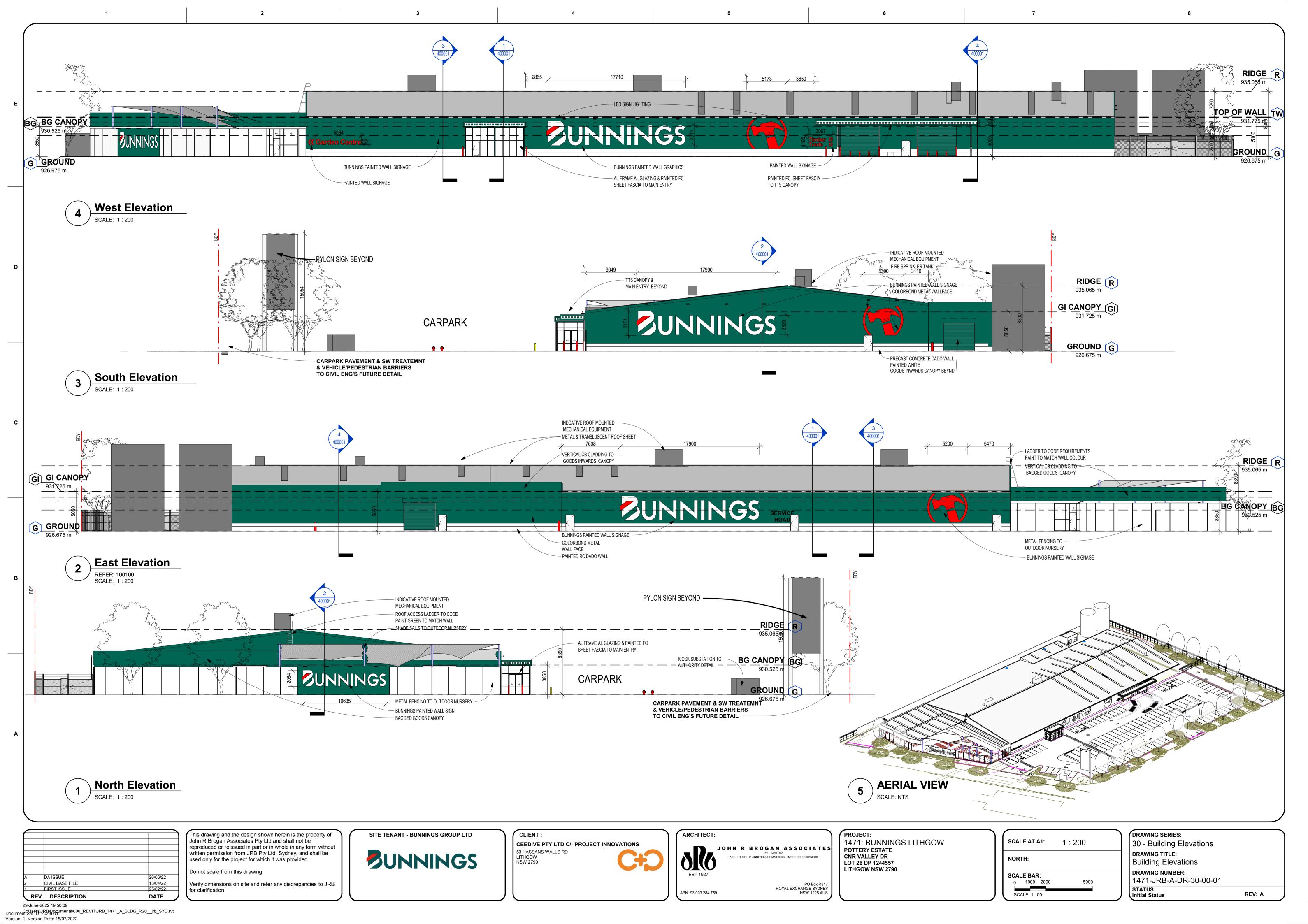
**ARCHITECTURAL PLANS** 

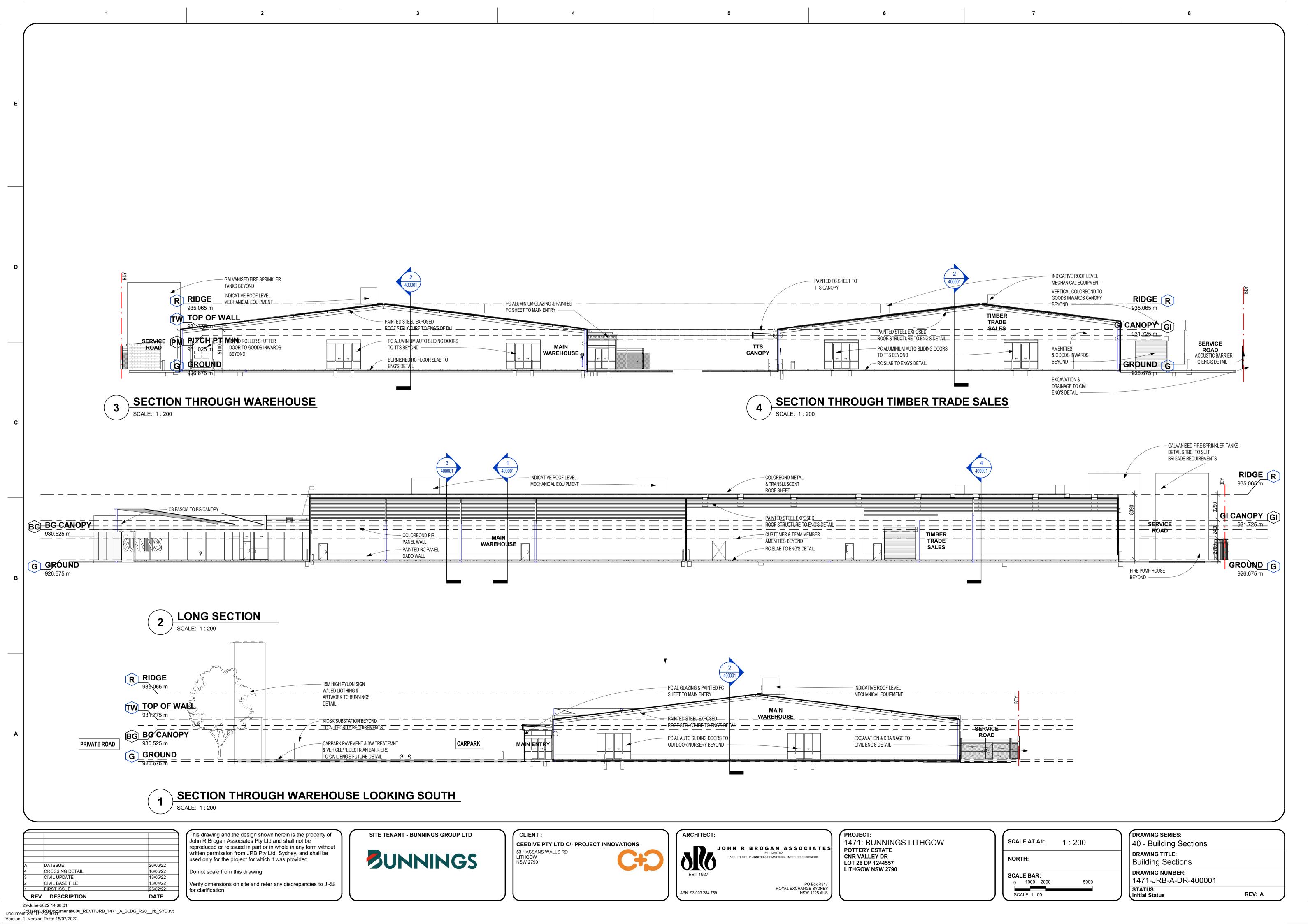


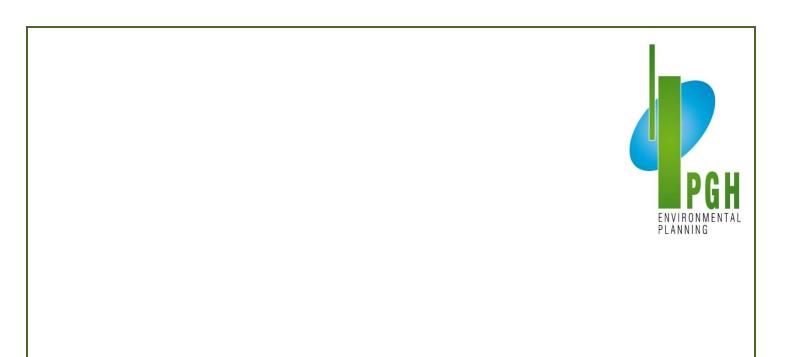
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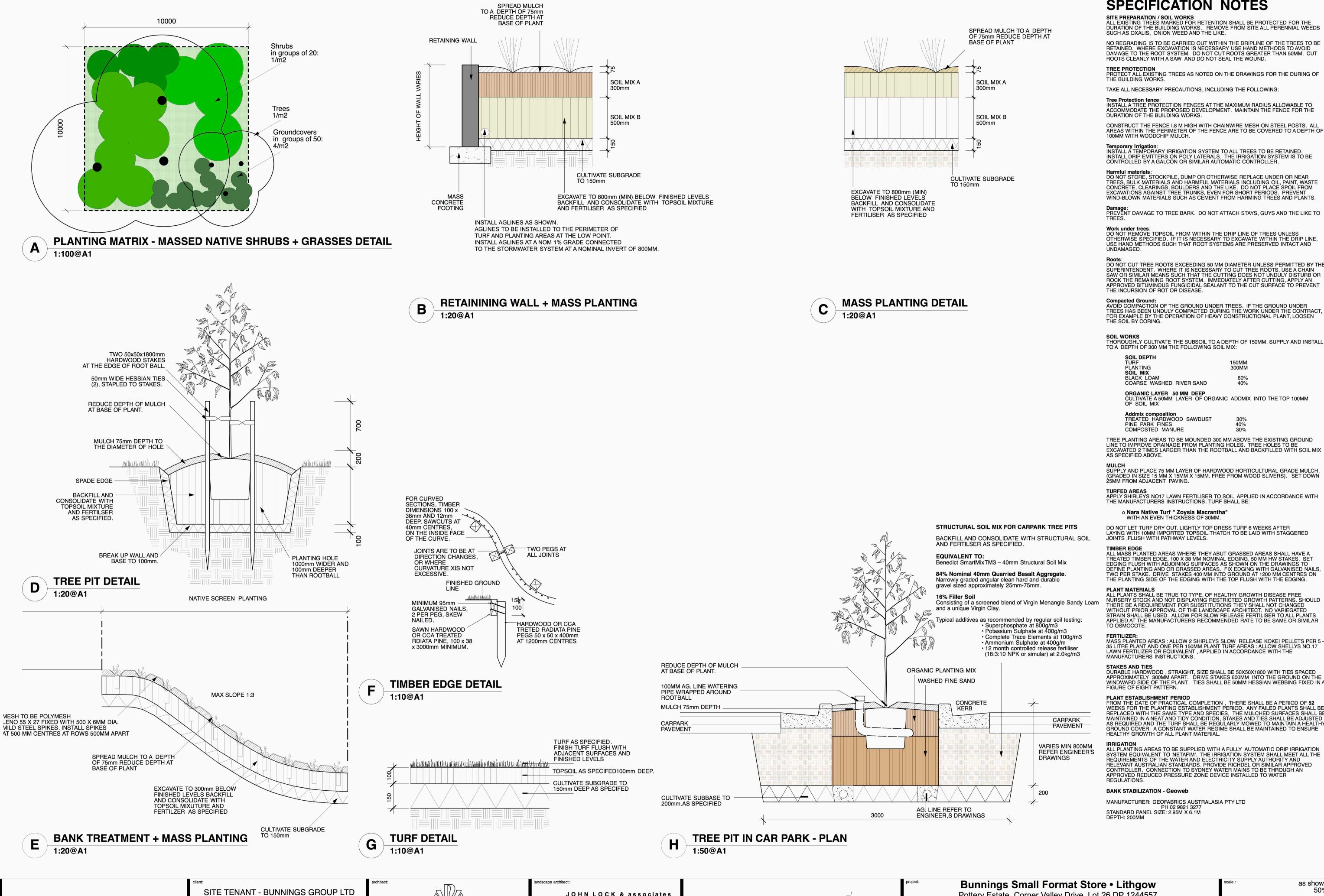


# Appendix No. 3

LANDSCAPE PLAN

Document Set ID: 2023601 Version: 1, Version Date: 15/07/2022





**SPECIFICATION NOTES** 

SITE PREPARATION / SOIL WORKS
ALL EXISTING TREES MARKED FOR RETENTION SHALL BE PROTECTED FOR THE DURATION OF THE BUILDING WORKS. REMOVE FROM SITE ALL PERENNIAL WEEDS

SUCH AS OXALIS, ONION WEED AND THE LIKE. NO REGRADING IS TO BE CARRIED OUT WITHIN THE DRIPLINE OF THE TREES TO BE RETAINED. WHERE EXCAVATION IS NECESSARY USE HAND METHODS TO AVOID

PROTECT ALL EXISTING TREES AS NOTED ON THE DRAWINGS FOR THE DURING OF

INSTALL A TREE PROTECTION FENCES AT THE MAXIMUM RADIUS ALLOWABLE TO ACCOMMODATE THE PROPOSED DEVELOPMENT. MAINTAIN THE FENCE FOR THE **DURATION OF THE BUILDING WORKS** 

Temporary Irrigation:
INSTALL A TEMPORARY IRRIGATION SYSTEM TO ALL TREES TO BE RETAINED.
INSTALL DRIP EMITTERS ON POLY LATERALS. THE IRRIGATION SYSTEM IS TO BE CONTROLLED BY A GALCON OR SIMILAR AUTOMATIC CONTROLLER.

Harmful materials: DO NOT STORE, STOCKPILE, DUMP OR OTHERWISE REPLACE UNDER OR NEAR TREES, BULK MATERIALS AND HARMFUL MATERIALS INCLUDING OIL, PAINT, WASTE CONCRETE, CLEARINGS, BOULDERS AND THE LIKE. DO NOT PLACE SPOIL FROM EXCAVATIONS AGAINST TREE TRUNKS, EVEN FOR SHORT PERIODS. PREVENT WIND-BLOWN MATERIALS SUCH AS CEMENT FROM HARMING TREES AND PLANTS.

PREVENT DAMAGE TO TREE BARK. DO NOT ATTACH STAYS, GUYS AND THE LIKE TO

DO NOT REMOVE TOPSOIL FROM WITHIN THE DRIP LINE OF TREES UNLESS OTHERWISE SPECIFIED. IF IT IS NECESSARY TO EXCAVATE WITHIN THE DRIP LINE, USE HAND METHODS SUCH THAT ROOT SYSTEMS ARE PRESERVED INTACT AND

DO NOT CUT TREE ROOTS EXCEEDING 50 MM DIAMETER UNLESS PERMITTED BY THE SUPERINTENDENT. WHERE IT IS NECESSARY TO CUT TREE ROOTS, USE A CHAIN SAW OR SIMILAR MEANS SUCH THAT THE CUTTING DOES NOT UNDULY DISTURB OR ROCK THE REMAINING ROOT SYSTEM. IMMEDIATELY AFTER CUTTING, APPLY AN APPROVED BITUMINOUS FUNGICIDAL SEALANT TO THE CUT SURFACE TO PREVENT THE INCURSION OF ROT OR DISEASE.

AVOID COMPACTION OF THE GROUND UNDER TREES. IF THE GROUND UNDER TREES HAS BEEN UNDULY COMPACTED DURING THE WORK UNDER THE CONTRACT, FOR EXAMPLE BY THE OPERATION OF HEAVY CONSTRUCTIONAL PLANT, LOOSEN THE SOIL BY CORING.

**SOIL WORKS**THOROUGHLY CULTIVATE THE SUBSOIL TO A DEPTH OF 150MM. SUPPLY AND INSTALL TO A DEPTH OF 300 MM THE FOLLOWING SOIL MIX:

150MM

SOIL DEPTH PLANTING 300MM

COARSE WASHED RIVER SAND

CULTIVATE A 50MM LAYER OF ORGANIC ADDMIX INTO THE TOP 100MM

Addmix composition
TREATED HARDWOOD SAWDUST 30% PINE PARK FINES 40% COMPOSTED MANURE

TREE PLANTING AREAS TO BE MOUNDED 300 MM ABOVE THE EXISTING GROUND LINE TO IMPROVE DRAINAGE FROM PLANTING HOLES. TREE HOLES TO BE EXCAVATED 2 TIMES LARGER THAN THE ROOTBALL AND BACKFILLED WITH SOIL MIX AS SPECIFIED ABOVE.

SUPPLY AND PLACE 75 MM LAYER OF HARDWOOD HORTICULTURAL GRADE MULCH, (GRADED IN SIZE 15 MM X 15MM X 15MM, FREE FROM WOOD SLIVERS). SET DOWN 25MM FROM ADJACENT PAVING.

APPLY SHIRLEYS NO17 LAWN FERTILISER TO SOIL APPLIED IN ACCORDANCE WITH THE MANUFACTURERS INSTRUCTIONS. TURF SHALL BE:

#### o Nara Native Turf " Zoysia Macrantha" WITH AN EVEN THICKNESS OF 30MM.

DO NOT LET TURF DRY OUT. LIGHTLY TOP DRESS TURF 6 WEEKS AFTER LAYING WITH 10MM IMPORTED TOPSOIL.THATCH TO BE LAID WITH STAGGERED

ALL MASS PLANTED AREAS WHERE THEY ABUT GRASSED AREAS SHALL HAVE A TREATED TIMBER EDGE, 100 X 38 MM NOMINAL EDGING, 50 MM HW STAKES. SET EDGING FLUSH WITH ADJOINING SURFACES AS SHOWN ON THE DRAWINGS TO DEFINE PLANTING AND OR GRASSED AREAS. FIX EDGING WITH GALVANISED NAILS. TWO PER STAKE. DRIVE STAKES 400 MM INTO GROUND AT 1200 MM CENTRES ON

ALL PLANTS SHALL BE TRUE TO TYPE, OF HEALTHY GROWTH DISEASE FREE NURSERY STOCK AND NOT DISPLAYING RESTRICTED GROWTH PATTERNS. SHOULD THERE BE A REQUIREMENT FOR SUBSTITUTIONS THEY SHALL NOT CHANGED WITHOUT PRIOR APPROVAL OF THE LANDSCAPE ARCHITECT. NO VARIEGATED STRAIN SHALL BE USED. ALLOW FOR SLOW RELEASE FERTILISER TO ALL PLANTS APPLIED AT THE MANUFACTURERS RECOMMENDED RATE TO BE SAME OR SIMILAR

MASS PLANTED AREAS : ALLOW 2 SHIRLEYS SLOW RELEASE KOKEI PELLETS PER 5 - 35 LITRE PLANT AND ONE PER 150MM PLANT TURF AREAS : ALLOW SHELLYS NO.17 LAWN FERTILIZER OR EQUIVALENT , APPLIED IN ACCORDANCE WITH THE

STAKES AND TIES

DURABLE HARDWOOD , STRAIGHT, SIZE SHALL BE 50X50X1800 WITH TIES SPACED APPROXIMATELY 300MM APART. DRIVE STAKES 600MM INTO THE GROUND ON THE WINDWARD SIDE OF THE PLANT. TIES SHALL BE 50MM HESSIAN WEBBING FIXED IN A FIGURE OF EIGHT PATTERN.

FROM THE DATE OF PRACTICAL COMPLETION, THERE SHALL BE A PERIOD OF 52 WEEKS FOR THE PLANTING ESTABLISHMENT PERIOD. ANY FAILED PLANTS SHALL BE REPLACED WITH THE SAME TYPE AND SPECIES, THE MULCHED SURFACES SHALL BE MAINTAINED IN A NEAT AND TIDY CONDITION, STAKES AND TIES SHALL BE ADJUSTED AS REQUIRED AND THE TURF SHALL BE REGULARLY MOWED TO MAINTAIN A HEALTHY GROUND COVER. A CONSTANT WATER REGIME SHALL BE MAINTAINED TO ENSURE HEALTHY GROWTH OF ALL PLANT MATERIAL.

IRRIGATION
ALL PLANTING AREAS TO BE SUPPLIED WITH A FULLY AUTOMATIC DRIP IRRIGATION SYSTEM EQUIVALENT TO 'NETAFIM'. THE IRRIGATION SYSTEM SHALL MEET ALL THE REQUIREMENTS OF THE WATER AND ELECTRICITY SUPPLY AUTHORITY AND RELEVANT AUSTRALIAN STANDARDS. PROVIDE RICHDEL OR SIMILAR APPROVED CONTROLLER. CONNECTION TO SYDNEY WATER MAINS TO BE THROUGH AN APPROVED REDUCED PRESSURE ZONE DEVICE INSTALLED TO WATER

**BANK STABILIZATION - Geoweb** 

MANUFACTURER: GEOFABRICS AUSTRALASIA PTY LTD

STANDARD PANEL SIZE: 2.95M X 6.1M DEPTH: 200MM

**Bunnings Small Format Store • Lithgow** Pottery Estate, Corner Valley Drive, Lot 26 DP 1244557

Lithgow NSW 2790

2813 LP-02

as shown @ A1 50% @ A3

14-04-2022

DA ISSUE COORDINATION ISSUE COORDINATION ISSUE

Version: 1, Version Date: 15/07/2022

22-06-2022 16-06-2022 22-04-2022





