

<b>JRPP No:</b>	2010SYW067
<b>DA No:</b>	1073/2010
<b>PROPOSED DEVELOPMENT:</b>	Erection of home improvement store, ancillary office, associated site works and display of 2 no. free-standing signs, 630 Camden Valley Way, Gregory Hills
<b>APPLICANT:</b>	Dartwest Developments Pty. Ltd.
<b>REPORT BY:</b>	Ryan Pritchard, Senior Town Planner, Camden Council

## **Assessment Report and Recommendation**

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### **PURPOSE OF REPORT**

The purpose of this report is to seek a determination from the Joint Regional Planning Panel (the Panel) of a development application for the erection of a home improvement store, ancillary office, associated site works and the display of 2 no. free-standing signs.

The Panel is the determining authority for this development application as the development has a Capital Investment Value (CIV) of \$13 million. This exceeds the CIV threshold of \$10 million for Council to determine the application.

### **SUMMARY OF RECOMMENDATION**

It is recommended that the Panel approve Development Application 1073/2010 subject to the draft development consent conditions provided at the end of this report.

### **BACKGROUND**

The South West Growth Centre was initially announced in 2005 and the Turner Road precinct was rezoned for development on 21 December 2007. The Part B Development Control Plan for the Turner Road Precinct employment area, allowing development to be approved on the subject site, was adopted on 26 August 2009. This site is located in the Turner Road precinct of the South West Growth Centre.

It is envisaged that once further developed the Turner Road precinct will be characterised by high quality urban design, interconnected neighbourhoods and local employment opportunities.

Key components of development within the Turner Road Precinct will include significant creek rehabilitation (including South Creek), the construction of an extension to Gregory Hills Drive from Camden Valley Way to Campbelltown and the provision of a large business development/industrial area fronting Camden Valley Way.

Since late 2007 Council has received and approved numerous development applications for the subdivision of this precinct's residential lands to the north and east of this site. To date this has included the creation of 460 residential lots, exhibition villages, roads, drainage, landscaping and open space, all of which are either constructed or at a very advanced stage of construction.

Council approved Development Application 985/2009 for an industrial/commercial subdivision and associated works on this site at its ordinary meeting of 9 March 2010. At its ordinary meeting of 14 September 2010 Camden Council approved a Section 96 Modification to this development which provided an amended subdivision layout, modified bulk earthworks levels and the construction of retaining walls. The developer has named the approved industrial/commercial subdivision "Central Hills Business Park."

The subject development application was received on 23 September 2010. It was publicly exhibited between 14 and 28 October 2010 with no submissions being received from the public.

The application has been assessed in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and is now able to be referred to the Panel for determination.

## **THE SITE**

The site is known as No. 630 (Lot 90, DP 1137298) Camden Valley Way, Gregory Hills. The site has an area of approximately 45.3ha and is located in the Turner Road Precinct of the South West Growth Centre.

The site is currently vacant and has recently undergone bulk earthworks following the approval of the industrial/commercial subdivision application.

The exact site of the proposed development is a small portion of land within this larger site. The site is a lot that was previously approved by Council as part of the industrial/commercial subdivision application approval. This lot will have an area of approximately 33,656m<sup>2</sup> when registered.

Camden Valley Way bounds the site to the north-west. Further vacant land zoned for employment and residential development bounds the site on all other sides. The south-west of the site is bound by several smaller land holdings that front Turner Road and also form part of the Turner Road Growth Centre precinct.

The subject development application relates to part of the Turner Road employment area. It is envisaged that the employment area will contain a wide range of employment generating businesses including 40,000m<sup>2</sup> of bulky goods floor space with service and business developments adjacent to Camden Valley Way and Gregory Hills Drive. A significant part of the employment area is also zoned for industrial and storage development.

The surrounding area contains the Smeaton Grange industrial estate to the south-west with the Currans Hill residential suburb to the south-east. To the east and north-east lies the Sydney Catchment Authority upper canal, with the Gledswood, former El Caballo Blanco and Lakeside properties further to the north-east.

On the opposite side of Camden Valley Way to the north-west and west exists the Oran Park Precinct of the South West Growth Centre, as well as the Harrington Grove release area.

**A site location map is provided at the end of the report.**

## **THE PROPOSAL**

Development consent is sought for the following development:

1. the erection and operation of a home improvement store with an overall floor area of 13,500m<sup>2</sup> (including a main floor space of 7,712m<sup>2</sup>). The store will sell a wide range of products including hardware, timber and building materials, décor and home decoration supplies and kitchen/bathroom fittings. 15% of this floor space (1,156.8m<sup>2</sup>) will be used as a bulky goods premises (as defined by State Environmental Planning Policy (Sydney region Growth Centres) 2006) and will include the display and sale of white goods, kitchen appliances, outdoor furniture, BBQs etc.;
2. a goods receiving (storage and handling) area with a floor space of 861m<sup>2</sup>;
3. a trade supplies area with a floor space of 2,279m<sup>2</sup>;
4. a garden centre with a floor space of 2,206m<sup>2</sup>;
5. an ancillary office with a floor space of 344m<sup>2</sup>;
6. an ancillary café with a floor area of 100m<sup>2</sup>;
7. operating hours of 6am to 10pm Monday to Friday (inclusive) and 6am to 6pm Saturdays and Sundays;
8. the display of two 12 metre (m) high free-standing signs which will include third party signage spaces for other businesses within Central Hills Business Park; and
9. associated site works including the construction of 364 car parking spaces, access driveways, stormwater drainage, fencing and landscaping.

This development is classed as traffic generating development pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP). The application was referred to the Roads and Traffic Authority (RTA) in accordance with Clause 104(3) of the SEPP. An assessment of the RTA's response is detailed in the "State Environmental Planning Policy (Infrastructure) 2007" section of this report.

The development was also referred to the Camden Local Area Command of the NSW Police for comment. The Police have recommended several Crime Prevention Through Environmental Design features for this development, including CCTV cameras, anti-vandal type lighting, an intruder alarm system and bollards to prevent ram raids. All of the Police's recommendations are recommended as a development consent condition.

**A copy of the proposed plans is provided at the end of this report.**

## **NOTIFICATION**

The application was publicly notified to surrounding property owners between 14 and 28 October 2010. An advertisement was also placed in the local press. No submissions from the public were received in response to this notification.

## **PLANNING CONTROLS**

The following are relevant planning controls that have been considered in the assessment of this application:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- Deemed State Environmental Planning Policy No. 20: Hawkesbury/Nepean River
- State Environmental Planning Policy No. 33: Hazardous and Offensive Development
- State Environmental Planning Policy No. 64: Advertising and Signage
- Turner Road Development Control Plan 2007
- Camden Development Control Plan 2006

## **ASSESSMENT**

This application has been assessed in accordance with Section 79C of the Act. The following comments are made with respect to the proposal:

### **(1)(a)(i) The provisions of any Environmental Planning Instrument**

#### **State Environmental Planning Policy (Infrastructure) 2007 (SEPP)**

This development is classed as traffic generating development pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP). The application as referred to the RTA in accordance with Clause 104(3) of the SEPP. The following summarises the RTA's comments and Council staff's assessment of them:

- 1. The RTA does not support the proposed fourth leg from the roundabout due to its close proximity to the business park entry off Camden Valley Way. The fourth leg should be removed and a revised site plan submitted to Council for approval prior to the determination of the development application.**

It is noted that the RTA does not support the proposed roundabout fourth leg, proposed to be off a roundabout at the rear of the site, which will provide delivery vehicle and staff car parking access to the rear of this site.

Council's traffic and transport team have reviewed the proposed roundabout fourth leg and suggest that it should not be approved in its current form. This is because the proposed fourth leg does not comply with Austroads in that to enter and exit the site, delivery vehicles will have to drive over painted chevrons that are designed to separate incoming and outgoing vehicular traffic. The development should provide enough manoeuvring space such that delivery

vehicles will be 600mm clear of any kerb face or splitter island and 300mm clear of any painted line marking.

Due to the above, concerns have been raised regarding the safety of this fourth leg, particularly when incoming and outgoing traffic is occurring at the same time and attempting to manoeuvre around what is a very tight turning movement that does not comply with Austroads.

The above concerns from both the RTA and Council's own traffic and transport team have been considered and the issue discussed in detail with the applicant. The applicant has submitted an amended site plan proposing an alternative access arrangement in order to address this issue.

The alternative arrangement amends the proposed roundabout fourth leg to provide an exit only from the site. Access for delivery vehicles into the site will only be possible from a new entry only driveway proposed along the eastern side of the site.

These amendments have been assessed by Council's traffic and transport team and are considered to be acceptable. The amended access arrangements reduce the potential for delivery vehicle conflict at the roundabout fourth leg by ensuring that all traffic will move into, through and out of the site in a one way direction.

It is also considered that the development, incorporating the amended access arrangements described above, is acceptable in terms of the RTA's comments and that the development should be approved with the proposed roundabout fourth leg exit only driveway.

2. **A revised swept path analysis of the longest vehicle entering and exiting the site (25 metre B-double) which illustrates it's manoeuvrability in accordance with Austroads should be submitted to Council for review and approval.**

The applicant has confirmed that the largest size of vehicle that will enter and exit this site is not a B-double vehicle but an articulated vehicle. The applicant has previously provided swept path analysis diagrams for this development that demonstrate sufficient manoeuvrability for an articulated size vehicle (although not fully compliant with Austroads as detailed in the assessment of point 1 above).

3. **There is inadequate queuing area within the left turn entry (the site's southern entrance) prior to the east-west circulating aisle which may result in vehicular conflict and pose a safety hazard. This issue should be addressed to Council's satisfaction.**

This issue has been raised within the applicant who has submitted an amended site layout plan which provides adequate queuing distance within the site at its southern entry.

4. **The layout of the proposed car parking areas, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions should be in accordance with AS 2890.**

The development has been designed to comply with this Australian Standard and Council's engineering specifications.

**5. The provision of off-street car parking should be provided to the satisfaction of Council.**

As detailed in the "Part D, Chapter 1: Car Parking" section of this report, the proposed car parking provision for this development more than complies with Camden Development Control Plan 2006.

**6. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.**

This recommendation has been made a recommended development consent condition.

**7. All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.**

This recommendation has been made a recommended development consent condition.

**8. All works associated with the proposed development are to be carried out at no cost to the RTA.**

This recommendation has been made a recommended development consent condition.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)

The proposed development is defined as a "bulky goods premises," "landscape and garden supplies" and "timber and building supplies" pursuant to the SEPP. All of these uses are permissible with development consent in the applicable B5 Business Development zone.

The proposed development is also considered to be consistent with the relevant objectives of this zone which seek to "enable a mix of business and warehouse uses...that require a large floor area..." and to "provide for a wide range of employment generating development." It is considered that the establishment of a home improvement store in this location will directly achieve these objectives.

Pursuant to the SEPP's Clause 4.1D, the proposed development will not result in the provision of more than 40,000m<sup>2</sup> of bulky goods floor space. The bulky goods floor space proposed is only 1,156.8m<sup>2</sup>.

Pursuant to the SEPP's Clause 4.3(5), this site is zoned B5 Business Development, has frontage to Camden Valley Way and will not exceed 15 metres in height.

Deemed State Environmental Planning Policy No. 20: Hawkesbury/Nepean River (SEPP)

It is considered that the aims and objectives of this policy will not be prejudiced by this development and that there will be no detrimental impacts upon the Hawkesbury/Nepean River system. It is noted that the applicant has prepared a civil engineering design that proposes an on-site stormwater detention and treatment system to address water quantity and quality control.

State Environmental Planning Policy No. 33: Hazardous and Offensive Development (SEPP)

The applicant has advised in writing that the quantities of dangerous goods to be stored within this development will be less than the SEPP's screening threshold. It is also a recommended development consent condition that the transport quantities and frequencies of dangerous goods transported to and from the site are kept below the SEPP's screening threshold. On this basis the development is not considered to be hazardous or offensive as defined by the SEPP.

State Environmental Planning Policy No. 55: Remediation of Land (SEPP)

During the assessment of the original industrial/commercial subdivision application for this area, the applicant submitted a detailed contamination assessment of the land which identified where contaminated Areas of Environmental Concern (AEC) exist. One AEC (AEC 18) exists within the overall business park site but outside of the proposed lot for this development. This assessment has therefore demonstrated that the proposed lot for this development is not contaminated.

State Environmental Planning Policy No. 64: Advertising and Signage (SEPP)

One of the SEPP's main objectives is to ensure that signage is "compatible with the desired amenity and visual character of an area."

The proposed free-standing signs will be 12m high. The applicant has requested that the Panel approve the signs at this height given that they will be generally in scale with the proposed and future development within the business park, they are of a high quality design and will help identify other businesses within the business park (therefore helping to limit a proliferation of uncoordinated free-standing signs along the business park's Camden Valley Way frontage).

It is recognised that the scale of the proposed development is much greater than existing development in this area and that the area is rapidly changing from a rural residential to an urban character. It is also noted that the proposed signs will likely be generally consistent with the heights of many future developments within the business park.

Notwithstanding the above it is recommended that the proposed signs are reduced in height to be only 10m high. Whilst the highest point of the proposed home improvement store building is 13m high, the majority of it ranges from approximately 9.5m -10.75m high. In this context it is considered that a height of 10m for these signs is more in keeping with the majority of the scale of the proposed building and will be less visually dominant along the site's Camden Valley Way frontage. This reduction in height was discussed with the applicant. They were satisfied with this reduction.

In accordance with the SEPP objective this height reduction will help ensure that the proposed free-standing signs are compatible with the desired amenity and visual character of the site and surrounding area. The scale of the signs will better

relate to the proposed home improvement store building and will not visually dominate it.

The proposed signs, including their recommended reduced heights, have been assessed against the Schedule 1 assessment criteria of the SEPP. The signs are considered acceptable on the basis that:

- they are deemed compatible with the existing and desired future character of the area, being reflective of typical commercial area tenancy signs that are complementary to the use of the site and the business park as a whole;
- the signs will not detract from any special areas such as residential or environmentally sensitive lands;
- the proposed signs are a maximum of 10m high and therefore it is not considered that they will dominate the local skyline or unacceptably detract from views of the area;
- the proposed signs will provide some visual interest to the Camden Valley Way streetscape, are of an appropriate scale and form for this area and will not protrude significantly above buildings or significant landscape features in the area;
- the scale and proportions of the signs are considered acceptable, having regard to their identification functions, the proposed home improvement store building on the site, the surrounding landform and landscape features and likely future developments in the business park;
- the proposed signs will be internally illuminated however it is not considered that they will cause any unreasonable light spillage or glare subject to the draft development consent conditions provided at the end of this report; and
- given their proposed locations and designs, it is not considered that the signs will reduce safety for passing pedestrians or motorists and nor will they obscure sight lines.

Overall it is considered that the signs (as reduced in height) are consistent with the aims, objectives and Schedule 1 assessment criteria of the SEPP.

**(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority**

There are no draft environmental planning instruments that are applicable to this site or development.

**(1)(a)(iii) The provisions of any Development Control Plan**

The following parts of the Turner Road Development Control Plan 2007 (DCP) are relevant to this proposal:

**6.2 - Flooding and Watercycle Management**



The applicant has submitted a civil engineering design for the proposed development in support of this application. Council staff have reviewed this design and consider it appropriate to manage the stormwater run-off generated by the development. This design also demonstrates that the DCP's environmental stormwater objectives will be achieved by this development.

It is a recommended development consent condition that the design and construction of the development comply with Council's engineering specifications.

### 6.3 - Salinity and Soil Management

During the assessment of the original industrial/commercial subdivision application for this area, the applicant submitted a salinity assessment of the land and a salinity management plan in support of that application. These documents made several recommendations on how the proposed subdivision and future buildings on the proposed lots could be constructed in order to minimise the impact of saline soils. Council staff reviewed these documents, agreed with the recommendations therein and recommend that compliance with them be made a development consent condition and an 88B Restriction on all proposed lots.

It is a recommended development consent condition that this development complies with the approved salinity management plan for this subdivision. It is also a recommended development consent condition that appropriate sediment and erosion control measures are put in place prior to works commencing. This will help minimise the potential for sediment discharge onto surrounding properties during construction.

### 6.6 - Bush Fire Hazard Management

Part of this site (along it's Camden Valley Way frontage) is mapped as bush fire prone land. It appears the bush fire threat largely originates from the Harrington Grove release area to the north-west (on the opposite side of Camden Valley Way). However given the separation of these sites from Harrington Grove by Camden Valley Way the risk of bush fire threat is considered to be low. It is also considered that the development is generally compliant with the relevant objectives of the Rural Fire Service "Planning for Bush Fire 2006 Protection" document in accordance with Section 79BA of the Act.

During the assessment of the original industrial/commercial subdivision for the area, the applicant submitted a bushfire threat assessment of the land. This assessment advised that future developments along the western side of this subdivision (which includes this development) should be constructed to construction level 1 of AS 3959 – Construction of Buildings on Bush Fire Prone Land. It is a recommended development consent condition that the development be constructed to comply with construction level 1 of AS 3959.

### 6.8 - Contamination Management

As detailed in the "State Environmental Planning Policy No 55: Remediation of Land" section of this report, the applicant has previously submitted a detailed contamination assessment of the land that identified where contaminated AECs exist. This assessment demonstrates that the proposed lot for this development is not contaminated.

### Part B3: Turner Road Employment Area

### 3.1 -Land Uses

#### *Land use plan*

The development is consistent with the DCP's preferred land use plan in that it provides a bulky goods type development adjacent to Camden Valley Way. Whilst not providing an active frontage to Camden Valley Way, the development will be softened and screened by landscaping in the Camden Valley Way road verge (to be planted by the RTA) and the landscaped setback of this site.

It is also noted that the development provides far less than the maximum 20,000m<sup>2</sup> of bulky goods floor space allowed on the southern side of Gregory Hills Drive in the Turner Road precinct. The development will only provide 1,156.8m<sup>2</sup> of bulky goods floor space (as defined by State Environmental Planning Policy (Sydney Region Growth Centres) 2006).

### 3.4 – Public Domain and Interface Areas

#### *Camden Valley Way interface*

The proposed building's Camden Valley Way frontage will provide visual interest with a varied roof pitch, a parapet projection near the south western corner and a range of colour finishes. Taking into account the future Camden Valley Way road verge landscaping and this site's landscaped setback, it is considered that the development will provide sufficient visual interest, utilise a range of finishes and minimise long expanses of blank walls in accordance with the DCP's requirements.

### 3.5 – Site Planning

The proposed building more than complies with the 5 and 7.5m building setbacks required by the DCP. The front setback area of this building contains a large car park however appropriate landscaping will be provided to ensure that this frontage is not dominated by car parking. It is also considered that the car park layout and design will afford pedestrians safe and comfortable access to the main building entrance.

As required by the DCP, the applicant has submitted a civil engineering design for this development which proposes an on-site stormwater detention system. This detention system will ensure that stormwater run-off from this site is controlled such that the flows will be no greater post development than they are pre-development.

### 3.6 – Building Design

The scale and massing, built form and architecture of the proposed building is considered appropriate for the desired urban design character of this area and will help signify this site as a prominent corner and key site.

The proposed building facades will use glazing where appropriate, a range of colours and a prominent parapet feature that will ensure that the building does not present long expanses of blank walls to the surrounding business park and public roads. In accordance with the DCP it is a recommended development consent condition that all glazing not exceed 20% reflexivity.

Some metal cladding feature panels are proposed on the building's front elevation however they are of a high quality design that varies and complements the rest of the building which is predominantly constructed of painted concrete panels. Metal cladding on front elevations that achieves this is permitted by the DCP.

The proposed roof mounted equipment has been integrated into the overall design of the building, matching the colour finish of the roof and providing some visual interest and variety in the roof form. The customer entry has been architecturally emphasised in that it projects out in front of the main building line. It also contains the majority of the building's proposed glazing which visually separates it from the rest of the building which is visually opaque.

### 3.7 – Employment Operations

As previously detailed in the Part D, Chapter 1: Car Parking" section of this report, the development more than complies with Camden Development Control Plan 2006 in terms of access, parking and loading facilities.

### 3.8 – Fencing

The only proposed fencing is an open style 1.8m high palisade fence around the rear loading dock area for security. This fence will be set back at least 1m from the property boundary and will not obscure sight lines for drivers. This fence fully complies with the DCP's requirements.

### 3.9 – On Site Landscaping

The development's front landscaped setback ranges from 1.5 to 6.5m wide. This does not fully comply with the DCP's required 2m landscaped strip to visually soften car parking forward of the building line. However the proposed variation is considered acceptable in that whilst the landscaping is less than 2m wide in some areas this is offset by increased width in others. Considering the overall landscape design as a whole, it is judged that it will still achieve the DCP's objectives of ensuring a high standard of visual amenity and providing quality landscapes.

The following parts of Camden Development Control Plan 2006 (DCP) are relevant and the proposal has been assessed against:

#### Part D, Chapter 1: Car Parking

The off-street car parking space calculations for this development are as follows:

Bulky goods retailing type uses require 1 space for every 50m<sup>2</sup> of gross floor area (GFA) (including provision for cars with trailers), storage uses 1 space for every 200m<sup>2</sup> of GFA, retail plant nurseries 1 space for every 40m<sup>2</sup> of indoor retail area GFA, offices 1 space for every 35m<sup>2</sup> of nett floor area (NFA) and cafes 1 space for every 30m<sup>2</sup> of NFA.

Therefore:

11,597m<sup>2</sup> of bulky goods retailing floor space / 50 = 231.9 (232)

861m<sup>2</sup> of good receiving floor space / 200 = 4.3 (5)

600m<sup>2</sup> of retail plant nursery floor space / 40 = 15

344m<sup>2</sup> of office floor space / 35 = 9.8 (10)

100m<sup>2</sup> of café floor space / 30 = 3.3 (4)

This development therefore requires 266 off-street car parking spaces. 364 spaces have been provided which creates a surplus of 98 spaces that more than complies with the DCP.

6 extra long spaces for cars with trailers have also been provided.

The development will also provide three loading/unloading areas which complies with the DCP minimum of 1 for the first 800m<sup>2</sup> for this type of use. These loading areas are considered to be sufficient to cater for loading and unloading needs of delivery vehicles servicing this development.

#### Part D, Chapter 4: Outdoor Advertising

The proposed free-standing signs do not fully comply with the DCP's general standard (a) in that they will provide several third party signage spaces within them to allow other businesses, not located on this proposed lot but within the rest of the business park, to display signage.

The applicant has requested that the Panel approve this DCP variation on the basis that approving these third party signage spaces will help reduce the proliferation of other large free-standing signs along the Camden Valley Way frontage.

This proposed variation is supported as although the signage structures will display signs relating to other businesses in the business park, this is not considered to be confusing for passing pedestrian and motorists and nor will it cause negative visual impacts.

The third party signage within the larger signage structures will be smaller than, and set below, the principal "Central Hills Business Park" wording and logo at the top of the sign. When viewed from Camden Valley Way this third party signage will appear as a secondary feature on the sign and clearly subservient to the overarching identification of Central Hills Business Park. Visually this will have the effect of the signs identifying other businesses as being part of the overall business park, rather than having them identified separately with no reference to their place within the broader business park environment. On the ground, the overall Central Hills Business Park development is simply a group of smaller businesses and these signs will clearly identify this hierarchy.

It is also noted that the signs will provide valuable identification for other businesses within the business park that do not have exposure to major public roads such as Camden valley Way. This will help improve their commercial viability in the long term and is supported.

The proposed signs are 12m high which exceeds the DCP maximum of 6m. However, as recommended in the "State Environmental Planning Policy No. 64" section of this report, it is recommended that the signs be reduced to 10m high in order to ensure that they are more in scale with the site's home improvement store building. Whilst this height still represents a variation to the DCP of 4m, it is supported here as signs of these heights are considered to be generally in

keeping with the scale of the proposed and future development in the business park and will not unduly dominate the site's Camden Valley Way frontage.

Considering all of the above, the proposed signs are generally compliant with this DCP chapter and where variations are proposed they are supported.

**(1)(a)(iia) The provisions of any Planning Agreement**

There are no planning agreements applicable to this site or development.

**(1)(a)(iv) The provisions of the Regulations**

The Regulations do not specify any matters that are relevant to this development.

**(1)(b) The likely impacts of the development**

The likely impacts of this development include:

Traffic impacts

The applicant has submitted a traffic report in support of this development application. This report has been assessed and demonstrates that the increased traffic volumes associated with this development can be handled by the surrounding street network which was approved as part of the original industrial/commercial subdivision of this land.

Noise impacts

The applicant has submitted an acoustic report in support of this development application. This report has been assessed and demonstrates that the noise generated from the operation of this development will not have an unreasonable impact upon any surrounding properties. This report does however require that the delivery vehicle movements that occur before 7am are limited to two small trucks only. This has been made a recommended development consent condition.

All other likely impacts of this development have been assessed in other sections of this report.

**(1)(c) The suitability of the site for the development**

This site is considered to be suitable for the proposed development. The applicable SEPP and DCP for this site provide for such a development and it is consistent with the relevant development objectives that they seek to achieve. The development will fit in well with what is a rapidly developing commercial/industrial area and will not result in any significant impacts upon surrounding properties or the environment.

**(1)(d) Any submissions**

The application was publicly notified to surrounding property owners between 14 and 28 October 2010. An advertisement was also placed in the local press. No submissions from the public were received in response to this notification.

**(1)(e) The public interest**

This development is considered to be within the public interest. It achieves the objectives of the relevant SEPP and DCP for this site and is generally consistent with all relevant development controls that apply to it. The development will help to further develop the Turner Road employment lands as a significant employment generating area which is supported. These achievements are considered to be within the public interest.

## **CONCLUSION**

Camden Council has received a development application for the erection of a home improvement store, ancillary office, associated site works and the display of two free-standing signs on this site. The application has been publicly exhibited with no submissions from the public being received. The application has also been assessed in accordance with Section 79C of the Act.

It is considered that, whilst not fully compliant with all relevant development controls that apply to it, it represents a suitably designed employment generating development on an appropriate site that will not have any significant impacts on any adjoining properties or the surrounding environment.

Consequently the development is able to be recommended to the Panel for approval subject to the draft development consent conditions shown below.

## **RECOMMENDATION**

It is recommended that the Panel approved Development Application 1073/2010 for the erection of a home improvement store, ancillary office, associated site works and the display of 2 no. free-standing signs at 630 (Lot 90, DP 1137298) Camden Valley Way, Gregory Hills subject to the draft development consent conditions shown below.

## **Development Consent Conditions:**

### **1.0 - General Requirements**

The following conditions of consent are general conditions applying to the development.

- (1) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) **Landscaping Maintenance & Establishment Period** - All Landscaping works, associated with this Consent, (as per lodged Landscaping Plans: dated 17/8/10, plotted 24/11/10, Revision C, Sheets 1 to 5, Project 77\_10, file name 77\_10.10, drawn by Distinctive Living Design and lodged with Council 24/11/10) are to be maintained and successfully established for a period of 12 months. The Maintenance and Establishment Period is to commence from the date of initial completion of the approved landscaping works ie. the Date of Practical Completion (DPC).

The DPC is that date when the Applicant and the Principal Certifying Authority (PCA) agree that the landscaping works have been satisfactorily completed as per the approved Landscaping Plans applying to this Consent and the

Construction Certificate (CC). The agreed DPC date will trigger the commencement of the landscaping maintenance and establishment period.

It is the Applicants responsibility to arrange a site inspection, upon initial completion of the Landscaping works, to determine and agree upon, an appropriate DPC.

At the completion of the landscaping maintenance and establishment period, all areas of lawn and plantings, including any nature strip/road verge areas and garden bed areas, shall have signs of healthy and vigorous growth. Any trees, shrubs, grasses, nature strip/road verge areas, garden areas or lawn areas in a state of decline, damaged or missing are to be replaced or restored to a healthy and vigorous condition.

At the completion of the maintenance and establishment period, the landscaping works must comply with the approved Landscaping Plans.

Any landscaping works that require repair or replacement are to be successfully repaired or replaced prior to the completion of the maintenance and establishment period.

- (3) **State Environmental Planning Policy 33** – This development is prohibited from storing any dangerous goods on the site which exceed the quantities listed in “Table 1. Screening method to be used” on page 21 of the Applying SEPP 33 (Hazardous and Offensive Development Application Guidelines – Second edition dated 1997).

Furthermore, this development is prohibited from transporting to and from this site any dangerous goods which exceed the quantities listed in “Table 2. Transportation screening thresholds” on page 21 of the Applying SEPP 33 (Hazardous and Offensive Development Application Guidelines – Second edition dated 1997).

- (4) **Roads and Traffic Authority (RTA) Requirements** – All works associated with the development are to be carried out at no cost to the RTA.

All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

- (5) **Crime Prevention Through Environmental Design (CPTED)** – The following CPTED features must be included in this development:

1. CCTV cameras must be provided in the following locations:
  - at all entrances and exits;
  - outside the cash room with a monitor inside the cash room, to monitor the area outside before opening the door the cash room; and
  - within the self scan checkouts.
2. All CCTV cameras must be positioned to have face recognition (please contact Senior Constable Christine Millman at Camden Local Area Command for advice on camera positioning).
3. Lighting must be provided around CCTV camera areas.

4. TV monitors must be provided to allow staff to monitor activities on the camera.
  5. CCTV recording equipment must be installed away from all counter areas to prevent tampering.
  6. All legal requirements in relation to CCTV and recording must be adhered to at all times.
  7. Lighting must be provided for the entirety of the car park areas that complies with AS 1158 and AS 4282.
  8. All outdoor lighting must be anti-vandal high type lighting and not bollard type lighting.
  9. All landscaping close to the building must be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building.
  10. Signage must be provided that identifies the function of each area of the development, ie. entry/exits, trolley bays etc.
  11. Signage must be provided in the car park that states that after hours vehicles using the car park are trespassing and can be prosecuted.
  12. The loading dock area at the rear of the building must be gated with the gates closed and locked after hours. There is to be no public access to the rear loading dock area.
  13. Any outdoor rubbish bins are to be fixed.
  14. An intruder alarm system must be provided for the building.
  15. The cash office door must have a peep hole and a CCTV monitor within the office attached to a camera outside the office (to enable occupants to view outside the office before exiting it).
  16. The entry to the administration area must have a door to prevent public access.
  17. All doors to the switch and generator rooms must be locked at all times.
  18. Bollards must be installed near all entrances so that vehicles cannot access the building via ram raids.
- (6) **Approved Free-Standing Signs** – The approved free-standing signs are only approved at a height of 10 metres.

The blank tenancy spaces on the approved signs may only display the business name and logo/graphics of any approved business (ie. having received development consent from Council) within the Central Hills Business Park industrial/commercial subdivision (as approved by Development Consent 985/2009).



- (7) **External Glass** - The reflexivity index for all glass used externally shall not exceed 20%.
- (8) **Fencing** – The proposed fencing adjacent to the loading dock area must be a maximum of 1.8 metres high, open style metal fencing and coloured black. The fencing must also be set back from the property boundary by a minim of 1 metre.
- (9) **Salinity Management Plan** - All proposed earthworks, landscaping, buildings and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the Salinity Management Plan “Proposed Central Hills Business Park Gregory Hills Development Catherine Fields” prepared by Douglas Partners project 40741.14 Revision 2 dated January 2010.
- (10) **Rainwater Reuse** - With regard to the collection of rainwater and its reuse the following points must be complied with:
- (a) Rain water to be collected and re-used on-site shall be collected from the roof only;
  - (b) All plumbing and drainage work is to be undertaken by a licensed plumber in accordance with the requirements of the water supply and drainage authority;
  - (c) Where reticulated water supply is available, cross connection control and backflow prevention shall be in accordance with the requirements of the water supply and drainage authority;
  - (d) Overflow from the rainwater tank is to be directed to the stormwater drainage system in accordance with Council's requirements;
  - (e) Rainwater tank inlets should be screened and tanks provided with tight fitting access covers to prevent ingress of foreign matter;
  - (f) Rainwater tanks are to be child proofed;
  - (g) Rainwater tanks are to be mosquito proofed;
  - (h) Ongoing maintenance and occupational health and safety aspects should be considered in the design and placement of tanks;
  - (i) Signage for rainwater tank outlets and pipes shall be in accordance with the requirements of the water supply and drainage authority;
  - (j) The use and maintenance of the rainwater collection system is to be in accordance with NSW Health Department Guideline GL 2007\_009 Titled ‘Use of Rainwater Tanks Where a public Supply is Available; and
  - (k) Operation and maintenance requirements of the water supply and drainage authority and rainwater tank manufacturer are also to be followed.

- (11) **AS 3959** - The entire development must be constructed to comply with construction level 1 of AS 3959 - Construction of Buildings on Bush Fire Prone Land.
- (12) **Signage Illumination** - The illumination of the proposed signs must comply with AS 4282 - Control of Obtrusive Effects of Outdoor Lighting.
- (13) **Roof Mounted Equipment** - All roof mounted equipment shown on the approved plans must have a colour finish that matches that of the overall roof finish. This colour finish must be permanently maintained in a complete condition at all times.

Any other roof mounted equipment, including but not limited to air conditioning units and communication towers, that have not been shown on the approved plans but are necessary to achieve compliance with the Building Code of Australia, must be appropriately integrated into the design of the building, including their colour finish, and not visually dominate the surrounding skyline.

- (14) **Approved Plans** – The development must be carried out strictly in accordance with the following approved plans or other documentation:
- Development plans DA01A, DA02B, DA03J, DA04A, DA05A, DA06B, DA07B, DA08A and DA09B by Leffler Simes Architects.
  - Landscape plans sheets 1 to 5 (inclusive) revision C by distinctive.
  - Civil engineering plans DA0.01 revision 2, DA10.01 revision 5, DA1.02 revision 4, DA2.01 revision 5, DA2.02 revision 3, DA3.01 revision 4, DA3.02 revision 3, DA04.01 revision 2 and DA04.02 revision 2 by Northrop.
  - Statement of environmental effects for home improvement store, Gregory Hills by Development Planning Strategies.
  - Traffic impact assessment dated September 2010 by Cardno.
  - Noise impact assessment by Acoustic Logic dated 25 November 2010.
  - Additional noise impact assessment information dated 15 December 2010 by Acoustic Logic.
  - Stormwater management plan revision 4 dated 22 September 2010 by Northrop.

The development must also comply with the conditions of approval imposed by Council hereunder.

Where there is an inconsistency between the approved plans/documentation and development consent conditions, the development consent conditions override the approved plans/documentation to the extent of the inconsistency.

**Note:** The site layout (including all access driveways) shown on approved plan DA03J by Leffler Simes Architects supersedes any other site layout (including any access driveways) shown on any of the other approved plans.

Amendments or modification of the approved development require the written prior approval of Camden Council.

- (15) **Bulk Goods Premises** - This development consent only approves 1,156.8m<sup>2</sup> of the building floor area to be used as a bulky goods premises (as defined by State Environmental Planning Policy (Sydney Region Growth Centres) 2006. This floor area excludes the display and sale of items that are otherwise defined as either timber and building supplies or landscape and garden supplies by State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- (16) **Acoustic Compliance Report** - A compliance report shall be submitted to the Certifying Authority within 3 months after the development has become operational. The report shall be prepared by an independent acoustic consultant and be submitted to the Principal Certifying Authority certifying that noise levels from the use of the loading docks, mechanical plant and operating equipment and the normal operation of the home improvement store comply with the following criteria when measured at the nearest residential boundary:
- 42dB(A) during the day
  - 41B(A) in the evening
  - 38dB(A) at night

For any non-compliances, the acoustic compliance report must make recommendations for compliance or further attenuation of noise sources. These recommendations must then be carried out by the operator of this development.

The operator must then provide a supplementary acoustic report to the Certifying Authority certifying that all compliance works have been completed and that noise levels comply with the above criteria.

- (17) **Delivery Vehicle Entry Signage** - Signage must be provided adjacent to the delivery vehicle entry to this site (along the eastern boundary) clearly stating that this entry may only be used by delivery vehicles and staff working in this development.
- (18) **Line Marking in Public Roads** – Any line marking in any existing or future public roads must be thermoplastic reflective line marking.
- (19) **Entry/Exit Driveways** - The approved driveways along the site's southern and eastern boundaries must be designed as commercial/industrial driveways in accordance with Council's engineering specifications. The roundabout exit only driveway at the site's northern boundary must be designed in accordance with Council's engineering specifications with the area outside of the proposed lot boundary to be dedicated to Council.

## **2.0 - Construction Certificate Requirements**

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Subdivision Construction Certificate – Prior to the issue of a Construction Certificate** for this development, a civil engineering Construction Certificate for Subdivision stage 2 of Development Consent 985/2009 must be issued by Camden Council.

- (2) **Construction Traffic Management Plan – Prior to the issue of a Construction Certificate**, a construction traffic management plan detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control must be submitted to and approved by the Certifying Authority. A copy of this plan must also be submitted to Camden Council.
- (3) **Parking Spaces** – All car parking spaces, associated access driveways and manoeuvring areas must conform with Camden Development Control Plan 2006 and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie. Camden Council) standard. Documentary evidence of compliance from an Accredited Certifier/Suitably qualified person must be submitted to the Principal Certifying Authority **prior to a Construction Certificate being issued**.
- (4) **Civil Engineering Plans** – Civil engineering plans indicating drainage, roads, driveways, car parking areas, pavement design and details of line marking, and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications, associated Guidelines and submitted for approval to the Principal Certifying Authority **prior to an Engineering Construction Certificate being issued**.
- (5) **Stormwater Disposal** - Stormwater run-off from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted.
- (6) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional runoff from this development. If necessary an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows. The system is to provide for all storms up to and including the 1% AEP event. Engineering details and supporting calculations must be prepared by a qualified Hydrology Engineer and submitted to the PCA for approval with the Construction Certificate.

On completion of the on-site detention system, Works-as-Executed plans (in hard copy and .dwg format) are to be prepared by a registered surveyor or the design engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to Council **prior to the issue of an Occupation Certificate**. The plans are to be certified by the designer and are to clearly make reference to:

- the works having been constructed in accordance with the approved plans,
- actual storage volume and orifice provided,
- the anticipated performance of the system with regard to the design intent.

The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:

Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the

basin, and that the Consent Authority (ie Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:

- (i) view the state of repair of the basin;
  - (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
  - (iii) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.
- (7) **Water Quality Measures** - The proposed surface water collection and disposal systems must incorporate adequate silt trap and grit and oil arrestors, which must be constructed to the standards of the Camden Council.

Only uncontaminated stormwater must be discharged to the stormwater drainage system. Details of the silt traps and grit arrestors must be shown on the submitted engineering plans **prior to a Construction Certificate being issued.**

- (8) **Ancillary Café - Prior to issue of a Construction Certificate**, plans and specifications are to be submitted to Council detailing the construction and fit out of the ancillary café or any part of the premises to be used for the manufacture, preparation or storage of food for sale, that comply with Council's Food Premises Code, the Food Act 2003 and the Food Regulations 2004 (incorporating the Food Standards Code).
- (9) **Water Supply** - Water services must be provided to the proposed development. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be submitted to the Principal Certifying Authority **prior to a Construction Certificate being issued.**

- (10) **Amended Plans - Prior to the issue of a Construction Certificate**, amended civil engineering and landscape plans must be submitted to the Certifying Authority. These plans must be amended to reflect the amended site layout as shown on approved plan DA03J by Leffler Simes Architects (which supersedes any other site layout shown on the other approved plans). A copy of these amended plans must also be submitted to Camden Council.

**Note:** The amended landscape plans required by this condition must be consistent with and achieve the screening provided by the approved landscape plans sheets 1 to 5 (inclusive) revision C by distinctive.

### 3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Access From Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.
- (2) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (3) **Notice of Commencement of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.
- (4) **Toilet Facilities** - Toilet facilities must be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (5) **Signs to be Erected on Building and Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000*, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and
  - (b) showing the name of the 'principal contractor' (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

**Note: The PCA and principal contractor must ensure that signs required by this condition are erected and maintained.**

- (6) **Sydney Water Approval – Prior to works commencing**, the approved development plans must also be approved by Sydney Water.
- (7) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented **prior to works commencing** on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turving, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

An Infringement Notice issued under the Environmental Planning and Assessment Act, 1979, which imposes a monetary penalty of \$600, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs an Infringement Notice issued under the Protection of the Environment Operations Act 1997, which imposes a monetary penalty of \$750 for an individual or \$1,500 for a corporation maybe issued by Camden Council.

- (8) **Provide a Truck Shaker** - An approved truck shaker must be provided at the construction entry point in accordance with Council's standards **prior to commencement of work** to prevent dust, dirt and mud falling on roadways. Ingress and egress from the site must be limited to this single access point only.

#### **4.0 - During Construction**

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Drainage Easements** - No changes to site levels, or any form of construction shall occur within any drainage easements that may be located on the allotment.
- (2) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
  - is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

- (3) **Support For Neighbouring Buildings** - If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- must preserve and protect the building from damage, and
  - if necessary, must underpin and support the building in an approved manner, and
  - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this condition, 'allotment of land' includes a public road and any other public place.

- (4) **Excavation and Backfilling** – All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (5) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- The delivery of material shall only be carried out between the hours of 7am - 6pm Monday to Friday, and between 8am - 4pm on Saturdays.
  - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
  - Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
  - Waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.
  - A waste control container shall be located on the development site.



- (6) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council's assets shall be rectified prior to the commencement of use or occupation of a building.
- (7) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
- (a) 7am and 6pm Monday to Friday (inclusive);
  - (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm; and
  - (c) work on Sunday and Public Holidays is prohibited.
- (8) **Survey Report (Finished Floor Level)** - A survey report prepared by a registered land surveyor must be submitted to Principal Certifying Authority (PCA) verifying the finished floor level of the building. Finished floor levels must conform to levels approved by the development consent.
- (9) **Survey Report (Peg Out)** - The building must be set out by a registered land surveyor. A survey report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (10) **Street Trees, their protective guards and the road verge areas** - Any street trees, tree guards, protective bollards or any area of the nature strip/road verge, which are disturbed, relocated, removed, or damaged during the development, construction, maintenance and establishment periods, must be successfully repaired, relocated or replaced.
- Any repairs, relocations or replacements needed to the tree/s, lawn areas, bollards, tree guards, nature strip/road verge areas are to be completed with the same type, species and maturity and the works carried out successfully prior to the completion of the maintenance and establishment period.
- (11) **Fill Material - Prior to the importation and/or placement of any fill material on the subject site** a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must: -

- i) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- ii) be endorsed by a practicing engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- iii) be prepared in accordance with:

\*For "Virgin Excavated Natural Material (VENM)":-

- a) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and

- b) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- iv) confirm that the fill material:
  - a) provides no unacceptable risk to human health and the environment;
  - b) is free of contaminants;
  - c) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
  - d) is suitable for its intended purpose and land use, and
  - e) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes: -

- v) less than 6000m<sup>3</sup> - 3 sampling locations,
- vi) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> or part thereof.

For (v) and (vi) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:-

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m <sup>3</sup> )
Virgin Excavated Natural Material	1 (see Note 1)	1000

*\*Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.*

- (12) **Construction Noise Levels** – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

**5.0 - Prior To Issue Of Occupation Certificate**

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (2) **Structural Certification (Completed Building)** – Prior to the issue of an Occupation Certificate, a certificate prepared by a practicing structural engineer, certifying the structural adequacy of the building, shall be submitted to the Principal Certifying Authority (PCA).
- (3) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (4) **Subdivision Certificate - Prior to the issue of an Occupation Certificate** for this development, a Subdivision Certificate for Subdivision stage 2 of Development Consent 985/2009 must be issued by Camden Council.
- (5) **Gutter Crossings** – The following works must be constructed **prior to the issue of an Occupation Certificate** and under the Roads Act 1993 must be approved by Camden Council:
  - (a) Provision of a heavy duty industrial gutter crossing at all points of ingress and egress.
  - (b) Provision of a heavy duty industrial footway crossing wide at all points of ingress and egress.

All works must be carried out strictly in accordance with Camden Council's specifications. **Prior to works commencing** the applicant must contact Council on (02) 4654 7777 to arrange payment of fees and inspection of the works.

- (6) **Footpath Crossing Construction** – Prior to use or occupation of the development, a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.

To obtain such information a Public Road Activity application must be submitted to Camden Council with the appropriate fee. Applications forms are available from Council's customer service centres, and/or Internet site – [www.camden.nsw.gov.au](http://www.camden.nsw.gov.au).

- (7) **Works as Executed Plan - Prior to an Occupation Certificate being issued**, a works-as-executed drawing (in hard copy and .dwg format) signed by a registered surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.
- (8) **WorkCover Licence - Prior to the issue of an Occupation Certificate**, a copy of the licence issued by the NSW WorkCover Authority to keep dangerous goods must be submitted to the Camden Council.
- (9) **Registration and Notification – Prior to the issue of an Occupation Certificate**, proprietor/s of the café are required to register the business with Camden Council and complete a Food Business Notification Form. The registration form must be returned to Council, whereas the Notification Form may be completed on-line on the Internet (free of charge) or returned to Council with an administration processing fee of \$55 (inclusive of GST).
- (10) **Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA) an additional inspection of the commercial kitchen must be undertaken by the Consent Authority) **prior to the issue of an Occupation Certificate**. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.
- (11) **Directional Traffic Flow Signs** - All driveways must be suitably signposted and directional arrows painted on the internal roadway **prior to an Occupation Certificate being issued**. Sign/s shall be maintained in good repair at all times.

All disabled car parking spaces must be identified and delineated in accordance with the requirements of AS 2890.6 – Off Street Parking – for People with a Disability.

- (12) **Services** - All services (water, sewer, electricity, telephone and gas including the provision of service conduits and stub mains) are to be installed within the proposed public roads before final inspection of the engineering works.

**Prior to the issue of an Occupation Certificate** the following service authority clearances must be obtained and submitted to the Principal Certifying Authority:

- A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.
- A letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied.

- A letter from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the development.

## 6.0 - Operational Conditions

The following conditions of consent are operational conditions applying to the development.

- (1) **No Additional Signs** - The approval of the proposed free-standing signs does not suggest that additional signs may be erected without the prior written approval of the Camden Council.
- (2) **Maintenance** - The approved signs must be maintained in good order at all times. The approved design, colour scheme and wording of the signs must not be altered without the prior written approval of Camden Council.
- (3) **Graffiti Removal** – All graffiti must be removed from the building within 48 hours of occurring.
- (4) **Loading/Unloading of Trucks** – The loading/unloading of trucks must only be undertaken within the development's loading areas at all times.
- (5) **Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations, and residential premises.
- (6) **Ancillary Office Area** - The use of the office area shall be ancillary to the use of the premises at all times.
- (7) **General Requirements** – The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or public road reserves.
- (8) **Internal Road Design and Width** - All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with Australian Standard 2890.1 – Parking Facilities – Off Street Car Parking, AS 2882.2 – Off Street Commercial vehicle Facilities and AS 2890.6 – Off Street Parking for People With Disability.
- (9) **Plant and Operational Noise Restriction** – The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LAeq) measured for at least 15mins) must not exceed the background level by more than 5dBA when measured at any point on any residential boundary and must comply with the acoustic criteria contained within Camden Council's Environmental Noise Control Policy.
- (10) **Offensive Noise** - The use and occupation of the premises, including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act 1997.
- (11) **Use of Rainwater** – Rainwater is only permitted to be used for maintenance of the landscaping, the nursery and flushing of toilets associated with the home improvement store.

- (12) **Liquid Wastes** - All liquid wastes other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water.
- (13) **Disposal of Stormwater (Generally)** – All stormwater collected on site must be managed on site so that it does not pollute waters in accordance with “Section 120 – Prohibition of pollution of water” of the Protection of the Environment Operations Act 1997.
- (14) **Flammable and Combustible Liquids** – The storage and handling of flammable and combustible liquids must be in accordance with Australian Standard AS 1940 – The Storage and handling of flammable and combustible liquids.
- (15) **Material Safety Data Sheets** – The Material Safety Data Sheets for each hazardous substance that is being kept on the premises must be obtained from the manufacturers and permanently retained on the site.
- (16) **Environmentally Satisfactory Manner** - The operation of the proposed business/development is to be undertaken in an environmentally satisfactory manner as defined under Section 95 of the Protection of the Environment Operation Act 1997 and must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (17) **Spill Response Kit** – Spill kits must be provided throughout the premises for accidental spills. The spill kit must contain items suitable for cleaning up spills of any liquid stored on the premises. Such items shall include absorbents, gloves, shovels and face masks.
- (18) **Trade Waste and Recycling** – The applicant shall enter into a commercial contract for the collection of trade waste and recycling. A copy of this agreement shall be held on the premises at all times.
- (19) **Equipment Noise** – Noise from ventilation and roof top cooling equipment shall be controlled by the way of acoustic barriers and silencers incorporated in the fan system. The LAeq 15 minute noise level from such equipment shall not exceed the following criteria when measures at the nearest residential boundary:
- 42dB(A) during the day
  - 41dB(A) in the evening
  - 38dB(A) at night
- (20) **Approved Hours of Operation** - The approved hours of operation for this development are:
- Monday to Friday (inclusive): 6am-10pm
  - Saturday and Sunday: 6am-6pm

Any alteration to these approved hours of operation requires the prior written consent of Council.

(21) **Approved Delivery Hours** – The approved delivery hours for this development are:

- Monday to Friday (inclusive): 6am-10pm
- Saturday and Sunday: 6am-6pm

**Note:** Between 6am-7am each day, the only trucks permitted to deliver to this development are two small truck deliveries. The trucks must not be left idling during this loading/unloading period.

(22) **B-Doubles Prohibited** - Access to this site via B-double vehicles is prohibited.

(23) **Landscaping and Property Maintenance** - All landscaping and property maintenance within the site and development must comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.