

## JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2014SYW044
DA Number	167/2014
Local Government Area	Camden
Proposed Development	Remediation of contaminated land, construction of an expansion and alterations to the Narellan Town Centre, lot consolidation and associated site works
Street Address	316, 320, 321, 323, 327, 331 – 335, 325, 326, 339 and 351 Camden Valley Way, Narellan, 4, 6, 8, 10, 12, 16, 26 The Old Northern Road, Narellan, 2C, 4E Stewart Street, Harrington Park and 2B Somerset Avenue Narellan
Applicant/Owner	Dart West Retail Pty Ltd/Narellan Town Centre No.2 Pty Limited, Greenfields Narellan Holdings Pty, D Vitocco Constructions Pty Ltd,
Number of Submissions	6 submission and 1 petition (with 408 signatories) (all objecting to the proposed development)
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value > \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No 33 – Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No 64 – Advertising and Signage</li> <li>• Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River</li> <li>• Draft State Environmental Planning Policy (Competition) 2010</li> <li>• Camden Local Environmental Plan 2010</li> <li>• Camden Development Control Plan 2011</li> </ul>
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• Assessment report and conditions</li> <li>• Statement of environment effects</li> <li>• Plan of proposed subdivision &amp; easement creation</li> <li>• Architectural plans</li> <li>• Stormwater management plans</li> <li>• Landscaping plans</li> <li>• Submissions</li> </ul>

Recommendation	Approve with conditions
Report by	Mairead O' Connell, Team Leader Development Assessment (East)

## **PURPOSE OF REPORT**

The purpose of this report is to seek the Joint Regional Planning Panel's (the Panel) determination of a development application (DA) for the remediation of contaminated land, construction of an expansion and alterations to the Narellan Town Centre, lot consolidation and associated site works at 316, 320, 321, 323, 327, 331 – 335, 325, 326, 339 and 351 Camden Valley Way, Narellan, 4, 6, 8, 10, 12, 16, 26 The Old Northern Road, Narellan, 2C, 4E Stewart Street, Harrington Park and 2B Somerset Avenue Narellan.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$127.5 million which exceeds the CIV threshold of \$20 million for Council to determine the DA.

## **SUMMARY OF RECOMMENDATION**

That the Panel determine DA 167/2014 for the remediation of contaminated land, construction of an expansion and alterations to the Narellan Town Centre, lot consolidation and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

## **BACKGROUND**

The planning process to facilitate alterations and additions to the Narellan Town Centre (NTC) involved the preparation of a planning proposal to enable the existing NTC to expand within its current site and across Camden Valley Way to the site known as the Landturn 'triangle' site. The planning proposal envisaged both sites to be connected by a pedestrian retail bridge over Camden Valley Way which would integrate and connect the retail and public domain on both sides of the road.

This planning proposal included the rezoning of the subject site from B5 Business Development to B2 Local Centre to accommodate the expansion, the increase of floor space ratio to 1:1 and also the increase in height control up to a maximum 25m.

Furthermore, it was identified that appropriate development controls were required for the NTC expansion to ensure a design that demonstrated excellence and a complementary outcome to the surrounding Narellan developments was achieved.

The preparation of a draft DCP was then undertaken with the assistance of Paterson Design Strategies (Urban Design Consultants) who were engaged by Council. The draft DCP provided the design criteria for the development of the proposed NTC expansion and specifically addressed the following key elements:

- Access and Movement – Vehicle movement network, pedestrian and cycle movement and public transport;

- Public domain – Street trees, landscaping, public art and water elements;
- Land Use and Built Form – Façade articulation, architectural character, building envelopes/bulk and scale, weather protection, setbacks, street activation and solar access;
- Site access, Parking and Loading – Vehicle parking, storage and loading docks, signage and graphics;
- View, Vistas and Gateways – Protecting identified sight lines and heritage vistas; and
- Pedestrian Bridge Articulation – The structure reflects the architectural character of the buildings on either side of Camden Valley Way and that it forms an integrated composition of architectural form, elements and materials.

The draft DCP was formally adopted by Council at its Ordinary Council Meeting of 26 March 2013 and came into effect 21 June 2013. The DCP resulted in the creation of a number of objectives and controls to ensure the expansion of NTC sets a benchmark and results in a quality design outcome for Narellan.

Following a number of Pre DA meetings with Council staff, the applicant subsequently lodged a DA with Council for the remediation of contaminated land, construction of an expansion and alterations to the NTC on 4 March 2014.

## **EXECUTIVE SUMMARY**

Council is in receipt of a DA for the remediation of contaminated land, construction of an expansion and alterations to the Narellan Town Centre, lot consolidation and associated site works.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant *Environmental Planning Instruments*, *Development Control Plans* and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited in accordance with Camden Development Control Plan 2011 on two separate occasions each for a period of 30 days. Seven submissions and one petition (with 408 signatories) were received (all objecting to the proposed development).

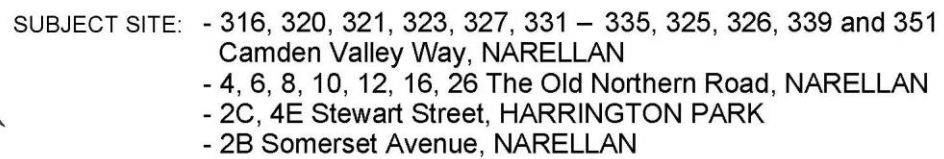
Council staff contacted a number of the submission writers to discuss their concerns however were unsuccessful in resolving all of the issues raised in the submissions and petition.

The issues raised in the submissions and petition relate to car parking provision, access arrangements, visual impacts, construction impacts, overshadowing, economic impacts on adjacent developments and wider economic impacts within the Macarthur region. These issues have been discussed in detail in the submissions section at the end of this report.

The DA was also peer reviewed at key milestones by Elton Consulting who agree with the final recommendations of Council staff.



**AERIAL PHOTO**



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The site is commonly known as 316, 320, 321, 323, 327, 331 – 335, 325, 326, 339 and 351 Camden Valley Way, Narellan, 4, 6, 8, 10, 12, 16, 26 The Old Northern Road, Narellan, 2C, 4E Stewart Street, Harrington Park and 2B Somerset Avenue Narellan.

The site primarily comprises 3 zones which include the following:

*Zone 1*, which is located within the southern part of the site, comprises the existing shopping centre and has an area of approximately 8.49ha and is owned by Narellan Town Centre Pty Limited. Zone 1 has a lettable floor area of 37,508m<sup>2</sup> and 1,531 existing car parking spaces;

*Zone 2*, which is located within the northern part of the site, comprises the properties to the north of Camden Valley Way and is commonly known as the Landturn 'triangle' site. This zone has an area of approximately 5.9ha and is owned by the Narellan Town Centre No.2 Pty Limited and is predominantly vacant with the exception of a 'Dan Murphy' liquor store located on the sites north western corner ; and

*Zone 3* comprises a small portion of air space above and across Camden Valley Way including the above ground pedestrian bridge link and is owned by Camden Council. This has an area of approximately 1,307m<sup>2</sup>.

A number of easements, covenants and rights of carriageway exist on the titles of many of the properties. These include rights of carriageway and parking to adjoining properties located in Zone 1 and easements for services and drainage in Zone 2. These easements and carriageways will be retained but are proposed to be amended as part of this DA.

The surrounding area is characterised by a mix of retail, community and commercial buildings adjoining Zones 1 & 3 and transport and showroom activities and residential activity adjoining Zone 2. To the east and north of Zone 1 is a strip of retail and commercial buildings Somerset Avenue and Camden Valley Way. To the west and south west of zone 1 (Queen and Elyard Street) is a collection of community facilities including the Narellan Library, Narellan Community Health Centre and Narellan Community hall.

Located to the north east of Zone 2 is the Harrington Park residential estate and this estate is separated from the proposed development by Narellan Bypass.



## ZONE IDENTIFICATION PLAN



## HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
10 January 2011	Alteration and addition to the existing shopping centre approved by DA658/2010
10 October 2011	Construction of access points on Camden Valley Way, The Northern Road and The Old Northern Road by DA1185/2008
1 May 2013	Demolition of existing car wash and associated structures by DA 215/2013
24 May 2013	Demolition of 4 existing dwellings and associated structures by DA216/2013
29 May 2013	Remediation of contaminated land, bulk earthworks and demolition of existing structures by DA430/2013
24 July 2013	Minor boundary adjustment and the construction of a commercial building as a Dan Murphy liquor store by DA607/2013
27 September 2013	Trunk drainage works on Lot 4, DP 1090266 by DA 225/2013

## THE PROPOSAL

DA 167/2014 seeks approval for the remediation of contaminated land, staged construction to expand and alter the Narellan Town Centre, lot consolidation and associated site works.

Specifically the proposed development involves:

- demolition of existing structures including the Gateway Building, Commercial Building and existing Woolworths Petrol Station within Zone 1;
- excavation and earthworks in Zone 1;
- construction and expansion of two zones of commercial development - Zone 1 incorporates a total retail floor area of 45,341m<sup>2</sup> and comprise the existing shopping centre site with proposed alterations and additions. Zone 2 incorporates a total retail floor area of 23,207m<sup>2</sup>, is located on the adjacent Landturn 'triangle' site and requires the construction of a new building. This will result in a total retail floor area of 68,548m<sup>2</sup> and an overall increase of 33,708m<sup>2</sup> on the existing floor area of NTC;
- use of tenancy spaces as indicated on the architectural plans for 'commercial premises' as defined by the Camden Local Environmental Plan (LEP) 2010;
- the construction of a pedestrian bridge (referred to as Zone 3) with an area of 1,300m<sup>2</sup> approximately 35m long and 5.4m above the Camden Valley Way roadway which links the site across Camden Valley Way;
- the provision of 3,260 car parking spaces across Zones 1 & 2 and internal access ways;
- construction of 2 plaza areas which include a Heritage Plaza located on Zone 1 and a Civic Plaza located on Zone 2. The Heritage Plaza has an area of 1,100m<sup>2</sup> and will be embellished through the provision of public art, covered walkway and

a mix of materials. The Civic Plaza has an area of 2,500m<sup>2</sup> and will also be embellished through public art, seating and water feature;

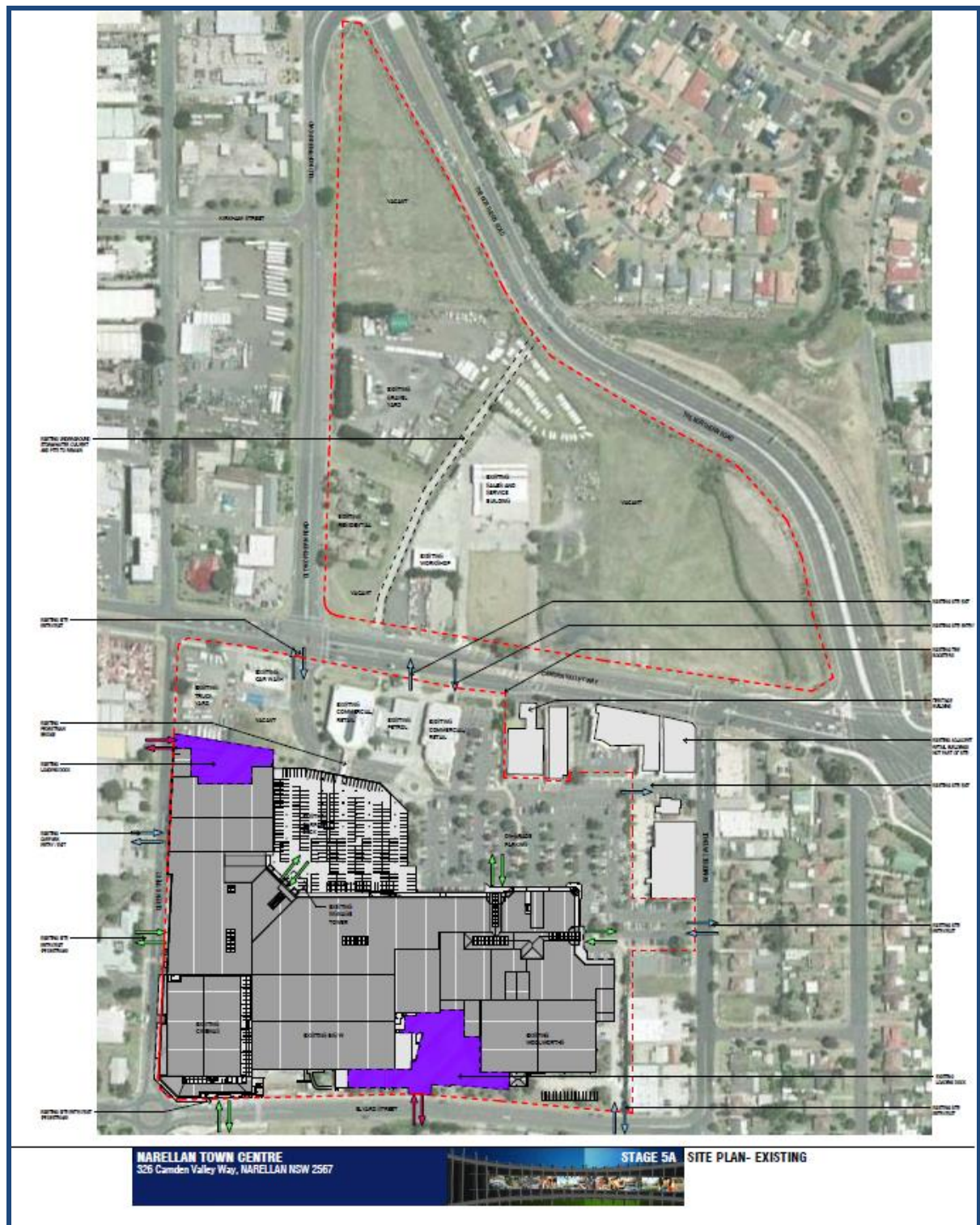
- construction of landscaping, footpaths and precinct signage works within the public road reserve;
- erection of building façade and exterior signage, town centre gateway identification signage;
- stratum subdivision over Camden Valley Way and proposed lot consolidation, easement modifications/extinguishments;
- operating hours of Monday to Sunday 24 hours a day seven days a week;
- all deliveries will be limited to the hours of 6.00am to 12.00am; and
- the employment of 1,000 permanent and 1,200 construction jobs.

The above works are proposed to be carried out over a total of seven phases to minimise impacts on existing commercial development within the Narellan Town Centre and also adjacent commercial uses.

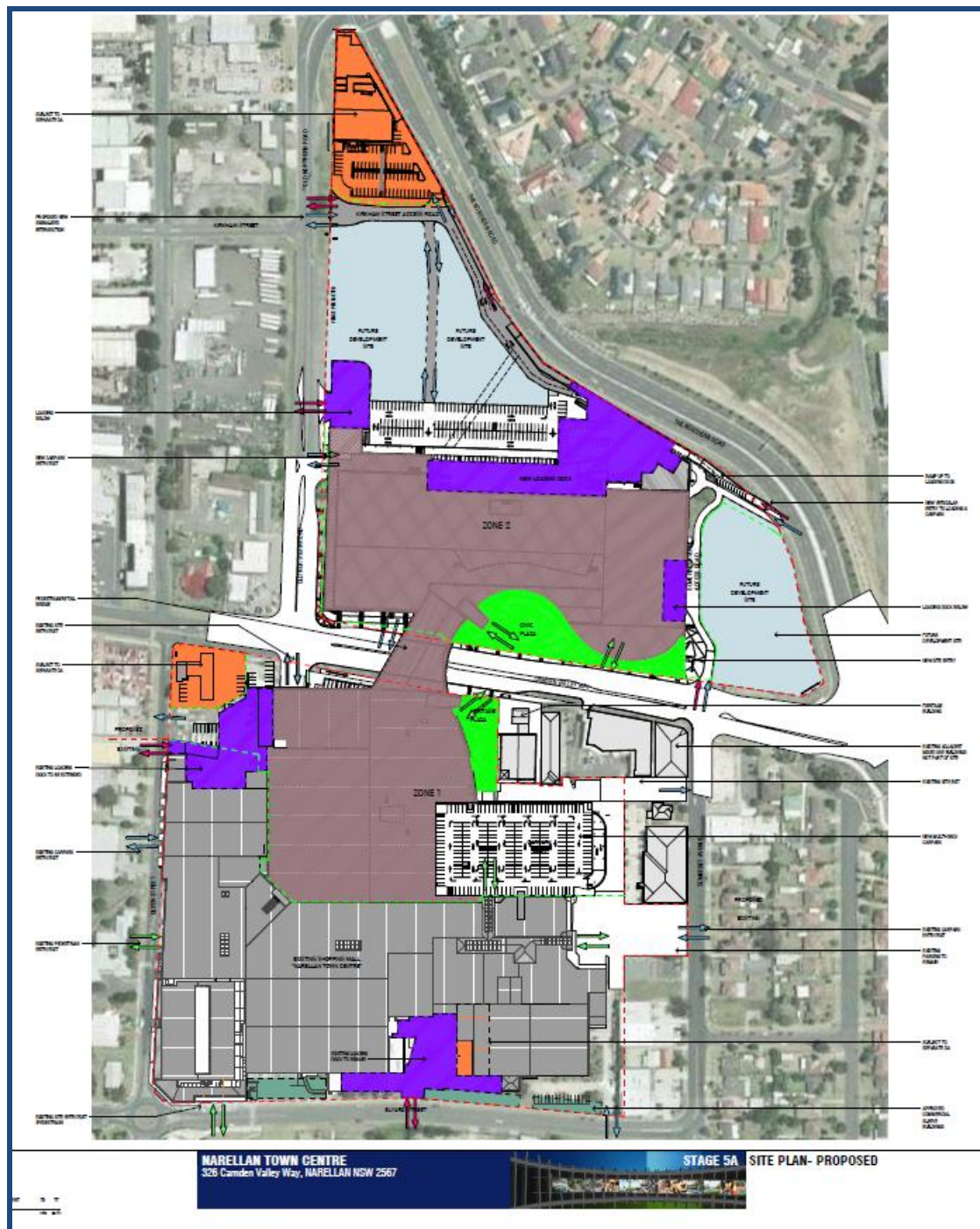
The capital investment value of the works is \$127.5 million (including GST).



## EXISTING SITE PLAN



## PROPOSED SITE PLAN





## PROPOSED ELEVATIONS







## PROPOSED PERSPECTIVES





## **ASSESSMENT**

### ***Environmental Planning and Assessment Act 1979 – Section 79(C)(1)***

In determining a DA, the consent authority is to take into consideration the following matters are of relevance in the assessment of the DA on the subject property:

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

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 64 – Advertising and Signage
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

#### **State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)**

Pursuant to Clauses 20 and 21 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of \$127.5 million. This exceeds the CIV threshold of \$20 million for Council to determine the DA and therefore it is referred to the Panel for determination.

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

Pursuant to Clause 104 of the ISEPP, the DA was also referred to the Roads and Maritime Services (RMS) for comment as the proposed development is classed as traffic generating development. The RMS has made several recommendations in relation to the proposed development which include the requirement to obtain a Section 138 approval, compliance with AS5100 and road safety barriers.

Council staff have reviewed and agree with the recommendations of the RMS. These are recommended as part of the conditions contained in this report.

#### **State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)**

SEPP 55 requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

This applicant has submitted a phase 2 contamination assessment and a remediation plan (RAP) for the site in support of this DA. The contamination assessment notes that the site is contaminated with hydrocarbons, Benzene and naphthalene (specifically within the existing Caltex Service Station) however the RAP provides a series of remediation actions that if implemented will fully decontaminate the site.



It is a recommended condition that the site be remediated in accordance with the submitted RAP. In addition, a Site Audit Statement has also been required prior to occupation to ensure all works are carried out in accordance with the RAP. Subject to this occurring, all of the site will be made suitable for its intended commercial use prior to the land being used for that purpose.

In addition, a standard contingency condition is recommended that requires if any contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.

#### State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)

The proposed development includes a range of signage which is integrated into the building architecture and also town centre identification signage. One pylon sign with a maximum height of 6m is also proposed at the sites intersection with Kirkham Street.

Pursuant to Clause 4(1) of SEPP 64, a large component of the proposed signs are considered to be “business identification signs” as opposed to “advertisements” in that they simply identify or name a building or part thereof and may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or service. The remaining signs are classed as lifestyle signage/imagery.

Pursuant to Clause 17 & 18 of SEPP 64, the Consent Authority must not grant development consent to the display of an advertisement to which clause 18 applies without the concurrence of the Roads and Maritime Service (RMS) in the instance an advertisement sign with an area greater than 20m<sup>2</sup> is proposed within 250m of a classified road.

The RMS have now provided concurrence for the subject signs and raise no issues with their size/number and location.

The proposed signs have been assessed against the Schedule 1 assessment criteria of the SEPP. The signs are considered acceptable on the basis that:

- they are reflective of typical commercial and retail signage and complementary to the use of the site;
- the signs will not detract from any special areas such as residential, heritage or environmentally sensitive area;
- given their proposed location and design, it is not considered that the signs will reduce safety for passing pedestrians or motorists or that it will obscure any sight lines;
- the scale and proportions of the signs are not considered excessive, having regard to their identification functions, the surrounding landform and landscape features;
- the free standing pylon sign will be internally illuminated however conditions are recommended to mitigate light spillage and glare to an acceptable level; and

- given the positions of the signs, it is not considered that they will have any detrimental impacts upon passing pedestrian or traffic safety.

Overall it is considered that the proposed signs are consistent with the aims, objectives, and Schedule 1 assessment criteria of and, where relevant, the Guidelines under SEPP 64

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (No 2 - 1997) (Deemed SEPP)

The proposed development is consistent with the aim of the Deemed SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and a condition is recommended to provide a water pollution control device as part of the development.

Camden Local Environmental Plan 2010 (LEP)

*Permissibility*

The site is zoned B2 Local Centre under the provisions of the LEP. The proposed development is defined as a “commercial premise” by the LEP which is a permissible land use in this zone. The boundary adjustments, proposed business identification signs and associated site works are also permitted with consent in this zone.

*Zone Objectives*

The objectives of the B2 Local Centre zone are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

Officer comment:

The proposed development will provide a range of retail and business uses through the provision of additional retail floor space. The plaza areas will allow for entertainment and community uses to also serve needs of people who live in, work in and visit the local area.

- To encourage employment opportunities in accessible locations.

Officer comment:

The proposed development will generate new employment opportunities by allowing new businesses to operate on the site in accessible locations. It will also generate up to 1,200 construction jobs during the construction phase. The proposal is therefore consistent with this objective.

- To maximise public transport patronage and encourage walking and cycling.

Officer comment:

The application will contribute to an agglomeration of activities and services that encourage the provision of public transport services as well as encourage walking and cycling through the provision of clear permeable access ways and bicycle spaces. A bus stop is located adjacent to the development on Camden Valley Way. The proposal is therefore consistent with this objective.

- To ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level.

Officer comment:

Attention to boundary treatment, landscaping, building elevations and the location of retail use at ground level where possible will facilitate active frontages and an attractive public domain.

- To minimise conflict between land uses within the zone and land uses within adjoining zones.

Officer comment:

The proposed development has been assessed and subject to recommended conditions relating to the control of offensive noise, access to car parking and pedestrian access and construction works, is not considered to have any significant adverse impacts on any other land uses.

- To enable other land uses that are complementary to and do not detract from the viability of retail, business, entertainment and community uses within the zone.

Officer comment:

The DA proposes a commercial development which will allow for a range of uses to support the vitality and viability of retail, business, entertainment and community uses within the zone.

*Relevant Clauses*

The DA was assessed against the following relevant clauses of the LEP.

Clause	Requirement	Provided	Compliance
2.6 Subdivision - consent requirements	Subdivision requires development consent	Consent has been sought for the proposed subdivision as part of this DA	Yes
4.3 Height of Buildings	Maximum 25m building height	Proposed maximum building height of 20m	Yes
4.4 Floor Space Ratio	Maximum 1:1 floor space ratio (FSR) or 1.5:1 if the floor space ratio within that building does not exceed 1:1 for commercial premises	Zone 1 has a proposed FSR of 0.79:1  Zone 2 has a proposed FSR of 0.54:1  Zone 3 has a proposed FSR of 1:1	Yes



Clause	Requirement	Provided	Compliance
5.9 & 5.9AA Trees or Vegetation	Preserve the amenity of the area through the preservation of trees and other vegetation	The DA proposes minimal vegetation removal to facilitate the proposed development. The removal of this vegetation is considered to be acceptable in this instance and additional landscaping is proposed to off-set any loss	Yes
5.10 Heritage Conservation	Consideration as to whether a heritage management document should be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned	There are 2 local heritage items (Burton Arms Inn and Ben Linden) in close proximity to the proposed works. A revised heritage assessment was submitted in support of DA and was prepared by Graham Brooks and Associates (GBA) heritage consultants. GBA noted that the bulk, height and scale of the proposed development will not materially affect the heritage significance of items in the vicinity. This revised assessment has also been assessed by Council staff who agree with the finding so the report. It is not considered there will be any adverse impacts on the heritage items within the vicinity of the proposed development	Yes
7.2 Air Space Operations	Development consent must not be granted to development if the consent authority is satisfied that the proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface (OLS) Map	The subject site is located within both the 150m AHD and 175m AHD. The proposed development will have a maximum height of 105m AHD and will not penetrate the OLS. Sydney Metro Airports have also provided a response and raise no issues with the proposed development	Yes
7.4 Earthworks	Consider a number of matters relating to earthworks including detrimental effects	The matters listed by this clause have been considered. Subject to the recommended conditions, it is considered they will not	Yes

Clause	Requirement	Provided	Compliance
	on drainage patterns, fill quality and amenity of adjoining properties	have any adverse impact on environmental functions or adjoining/adjacent land uses	

**(a)(ii) The Provisions of any Draft Environmental Planning 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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).**

Draft State Environmental Planning Policy (Competition) 2010

It is considered that the development proposal does not contravene the objectives of this Draft SEPP. The development will not adversely impact on the extent and adequacy of essential facilities and services available to the local community. It is expected the development will complement the existing facilities by providing a higher end retailing experience to those needing to come to the area to utilise the services.

**(a)(iii) The Provisions of any Development Control Plan**

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Incorporate soil conservation measures to control soil erosion and siltation during and following completion of development	Erosion and sedimentation controls measures have been provided and are considered to be sufficient. The applicant has submitted details on soil erosion and sediment control which demonstrate compliance with Managing Urban Stormwater – Soils and Construction, Landcom ('The Blue Book') and Council's Engineering Specifications.	Yes
	All disturbed areas must be progressively	The DA proposes earthworks which will disturb the site	Yes

Control	Requirement	Provided	Compliance
	rehabilitated	area. Revegetation works are proposed to ensure any disturbed areas are rehabilitated and this is considered acceptable	Yes
	The plan must demonstrate the re-use of the existing soil material on the site	The DA proposes to use existing fill where possible. Any fill imported on to site can be conditioned to comply with Council's fill requirements	
	All sediment and erosion controls must be installed prior to works commencing	It is a recommended development consent condition that soil erosion and sediment control measures in accordance with the plans submitted are implemented prior to works commencing	
	Appropriate dust suppression measures must be implemented	It is a recommended development consent condition that dust suppression measures are implemented during construction works	Yes
B1.2 Earthworks	Building work must be designed to ensure minimal cut and fill is required	The DA proposes minimal cut and fill and this is considered to be acceptable. The majority of the cut and fill works have been undertaken under previous DA's	Yes
	Use of clean fill	Any importation of fill on site will be required to comply with the standard Council requirements for	Yes



Control	Requirement	Provided	Compliance
		clean fill material and this requirement is a recommended condition	
B1.3 Salinity Management	Salinity resistant construction	The development will be constructed to be salinity resistant	Yes
B1.4 Water Management	Stormwater management and drainage to comply with Council's Engineering Specifications	Plans detailing concept on-site stormwater detention and disposal have been lodged in support of the DA. These plans are considered acceptable and it is a recommended condition that further details on the design be provided prior to the issue of a Construction Certificate. It is also a recommended condition that the proposed development comply with Council's engineering specifications	Yes
	All development must provide WSUD strategy and must demonstrate compliance with stormwater targets	The DA was accompanied by stormwater details which note that Gross Pollutant Traps (GPT's) will be used to treat water quality. In addition, proprietary devices are also proposed to treat hydrocarbons on site. A condition is recommend to ensure compliance with this control	Yes
B1.5 Trees and Vegetation	Preserve the amenity of the area, including biodiversity values,	The DA proposes minimal vegetation removal to facilitate the proposed	Yes

Control	Requirement	Provided	Compliance
	through the preservation of trees and other vegetation	development. The removal of this vegetation is considered to be acceptable in this instance and additional landscaping is proposed to off-set any loss	
B1.6 Environmentally Sensitive Land	A development application for land shown on the Environmentally Sensitive Land (ESL) Map as being affected by any of the categories identified in the legend must be accompanied by certain information	The subject site is not identified as ESL and	Yes
B1.8 Environmental and Declared Noxious Weeds	All applications for development are to consider the need to minimise weed dispersion and to ensure weed infestations are managed during the stages of development	It is a recommended condition that the applicant suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occur during and after construction works. It is also recommended that machinery, vehicles and other equipment entering or leaving the site must be clean and free of noxious weed material	Yes
B1.9.1 Waste Management Plan	A waste management plan is required	A waste management plan has been provided and is considered to be satisfactory. It is also a recommended condition that all waste complies with Part B1.9.7 of the	Yes

Control	Requirement	Provided	Compliance
		DCP. This will ensure all the requirements of this control for commercial development is met	
B1.11 Flood Hazard Management	N/A	The entire site is above the flood planning level	Yes
B1.12 Contaminated and Potentially Contaminated Land Management	A contamination assessment and remediation (if required)	<p>This applicant has submitted a phase 2 contamination assessment and a remediation plan (RAP) for the site in support of this DA. It is a recommended condition that the site be remediated in accordance with the submitted RAP.</p> <p>In addition, a Site Audit Statement has also been requested to ensure all works are carried out in accordance with the RAP. Subject to this occurring, the site will be made suitable for its intended commercial use</p> <p>A condition is also recommended that provides instruction in the instance any unexpected contamination finds are encountered</p>	Yes
B1.13 Mine Subsidence	Applications for development within the area shown on Figure B2 requires the approval of the Mine Subsidence Board (MSB) prior to the submission of a DA to Council	The applicant has obtained the approval of the MSB subject to requiring detailed design prior to works commencing on site. It is a recommended condition that the proposed	Yes

Control	Requirement	Provided	Compliance
		development comply with the MSB's approval	
B1.15 Development near Camden Airport	Buildings or structures within the area affected by the Camden Airport Obstacle Limitations Surface (OLS) or Procedures for Air navigation Services-Aircraft operations (PANS-OPS) contained in the Camden Airport Master Plan must not exceed the obstacle height limit shown on the OLS Map	The subject site is located within both the 150m AHD and 175m AHD. The proposed development will have a maximum height of 105m AHD and will not penetrate the OLS. Sydney Metro Airports have also provided a response and raise no issues with the proposed development	Yes
	Ground lighting within area contained in Camden Airport Masterplan must not impact on Camden Airport operations	The subject site is not covered by Maximum External Lighting Intensities Map in Camden Airport Master Plan	Yes
	Stack and efflux installations located within 15km of the Camden Airport must comply with the requirements set out in Advisory Circular 139-05 issued by Civil Aviation Authority	It is a recommended condition that any stack and efflux installations must comply with the requirements set out in Advisory Circular 139-05 issued by Civil Aviation Authority	Yes
	Buildings or structures located within the area affected by the Camden Airport OLS or PAN-OPS contained in the Camden Airport Master Plan must use materials that have low	The materials proposed by NTC have low reflectivity	Yes

Control	Requirement	Provided	Compliance
	reflectivity		
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy (ENP)	<p>The DA was supported by an acoustic report and is generally compliant with Council's noise policy.</p> <p>Acoustic barriers are proposed around the roof decks to attenuate any adverse noise impacts from the proposed mechanical plant equipment.</p> <p>In addition, a 1.5m acoustic wall is also proposed on the loading dock contained in Zones 1 &amp; 2 to protect the amenity of residents on Steward Street/Pincombe Crescent and Coghill Road.</p> <p>The above is consistent with Council's ENP</p>	Yes
B2 Landscape Design	Natural Features of the site should be retained and incorporated into the design of the development and the associated landscape plan	The existing plant species within the site are being replicated to ensure nature features are being retained where relevant	Yes
	Landscaping is to be designed to integrate new development with existing landscape character of the street and be sensitive to site attributes, existing landscape	The landscape proposed has been designed to integrate with the existing character where relevant and is sensitive in its treatment to Burton Arms Inn and Bin Linden which are	Yes



Control	Requirement	Provided	Compliance
	features, streetscape view and vistas	heritage items	
	Landscaping to enhance the visual setting and accentuate the design qualities of the built form. Landscaping used to screen visually obtrusive land uses or buildings	The landscaping proposed will help to soften the development and will accentuate key areas including the plazas and public domain areas	Yes
	Landscaping to encourage development of tree canopy to soften built environment	Tree species are proposed which comprise large upper canopies to provide sufficient shade and also to soften areas of the development	Yes
	Landscaping designed to minimise overlooking between properties	The landscaping proposed provides a softening effect to existing premises without forming a physical barrier	Yes
	Landscape design to consider solar access within the site and adjacent sites	The plant species proposed are specifically sited to ensure they do not result in overshadowing of adjacent premises	Yes
	Public/private open space areas must incorporate appropriate landscaping to maximize surveillance opportunities, provide solar access and share	The landscape proposed in both the public and provide space areas will allow for maximum surveillance due to the plant species proposed and will also allow for sufficient solar access to penetrate those spaces	Yes
	Minimal hard surfaces to reduce	The amount of hard surfaces has been	Yes

Control	Requirement	Provided	Compliance
	run-off. Run-off directed to permeable sites	limited where possible and permeable areas have been located in close proximity to those hard areas for run off management	Yes
	Landscaping to utilise robust species with low maintenance requirements. Water tanks to be used where site layout permits	The landscape proposed is considered to be low maintenance and rainwater tanks are proposed	
	A landscape plan must be provided	An appropriate landscape plan has been provided and is considered to be sufficient	
B3 Environmental Heritage	Development within the vicinity of a heritage item must be assessed to determine whether it will have any impact on the significance of the heritage place and how this can be mitigated	There are a number of heritage items within the vicinity of the proposed development and there is also a heritage item (Burton Arms) located within the town centre precinct. The applicant has submitted a revised heritage assessment which notes that there is spatial quality and curtilage proposed to be retained surrounding the Burton Arms Inn and there will be no adverse impacts on the Burton Arms Inn as a result of this DA. Council's heritage officer has assessed the proposed development and notes there will be no impact on the	Yes

Control	Requirement	Provided	Compliance
		Burton Arms Inn due to the design of the proposed development and the introduction of the heritage plaza adjacent to the Burton Arms Inn. It is therefore considered that the heritage significance of the Burton Arms Inn is not impacted as a result of this DA	
B4.1 General Requirement for Signs	Signs to not detract from amenity/character	The proposed signs will not detract from the amenity/character of the area	Yes
	Signs must be in scale with development	The proposed signs are in scale with the proposed building	Yes
	Signs must be located wholly within the site's property boundaries	It is a recommended condition that all signs are wholly located on private property	Yes
B4.4 Commercial and Mixed Use Zones	The total combined area of the signs must not exceed 20% of the visible wall area	The total combined area of the signs will not exceed 20% of the visible wall area	Yes
	The number of advertising signs must not exceed two per elevation that is visible from a public place	The DA proposes more than two signs per elevation	<b>No - See DCP Variation 1</b>
	Signs must be located wholly within the site's property boundaries	The proposed signs will be located wholly within the property boundaries	Yes
	All illumination must comply with AS 1158 and AS	It is a recommended condition that all signage illumination	Yes

Control	Requirement	Provided	Compliance
	4282	comply with AS 1158 and AS 4282	
	A maximum of one pole/pylon sign per street frontage not exceeding 6m above natural ground level is permitted	One 6m high free-standing sign is proposed at the sites intersection with Kirkham Street	Yes
	In multiple unit developments, where a tenancy is not visible from a public place, not more than one business identification sign per unit/tenancy is permitted	DA does not propose more than one tenancy sign per elevation	Yes
	Signs must only identify the business name and unit number	The proposed signage identifies business names only	Yes
	Signs must not exceed 20% of the visible wall area	The proposed signs will not exceed 20% of the visible wall area	Yes
	All signage visible from a public place must be of a complementary size, shape and style throughout the development	All of the proposed signage is visible from a public place and is of a complementary size, shape and style throughout the proposed development.	Yes
	One pole/pylon sign not exceeding 6m above ground level is permitted	One 6m high pylon sign is proposed at the sites intersection with Kirkham Street	Yes
B5.1 Off-street Car Parking Rates and Requirements	The DCP requires a merit based assessment for shopping centres based on a minimum rate of	Based on the proposed formula, the application requires the provision of 2,696 car parking spaces	Yes

Control	Requirement	Provided	Compliance
	spaces in accordance with the following formula:  <u>Peak Parking Demand (per 1,000m<sup>2</sup>)</u>  24A(S) + 40A(f) + 42A(SM) + 9A(OM)	A merit based assessment was then undertaken of comparable shopping centres and RMS standards by the applicant and a rate of 4.2 spaces per 100m <sup>2</sup> was deemed to be appropriate. This was assessed by Council staff and is considered acceptable  Based on a rate of 4.2 spaces per 100m <sup>2</sup> (GLFA), a total of 3,260 parking spaces across both Zone 1 and 2 have been provided. This is a surplus of 314 spaces. The provision of an additional 314 spaces is considered acceptable due to a high car dependency and underperforming public transport	
	1 bicycle space and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces	This requires a total provision of 116 bicycle and motor cycle spaces It is a recommended condition that bicycle parking and motorcycle parking be provided at the rate of 1 space per 25 car parking spaces for each progressive new stage of development	Yes
	Service vehicle provision requires	The current proposal provides	Yes



Control	Requirement	Provided	Compliance
	<p>1 space per 400m<sup>2</sup> of Gross Floor Area (GFA) for the first 2,00m<sup>2</sup> of GFA; and 1 space per 800m<sup>2</sup> of GFA or part thereafter (50% of those spaces must be adequate for trucks)</p> <p>Preparation of a car parking/traffic impact statement required as DA must be referred to RMS as a traffic generating development under the ISEPP</p>	<p>for a sufficient amount of service vehicle provision to service the proposed development. This includes 9 articulated vehicle spaces, 15 large rigid vehicle spaces, 6 medium rigid vehicle spaces and 8 small rigid vehicle spaces. This equates to a total of 38 service vehicle spaces across both zones and is deemed to be acceptable</p> <p>A traffic &amp; parking study has been submitted which proposes a rate of 4.2 spaces per 100m<sup>2</sup> of retail space. The RMS Guide to Traffic Generating Development proposes a rate of 4.1 spaces per 100m<sup>2</sup>. Council staff have assessed the proposed rate of 4.2 spaces per 100m<sup>2</sup> and deem it to be acceptable.</p> <p>The DA therefore requires a total of 2,880 car parking spaces to be provided. In addition, there is an existing easement which requires 66 car parking spaces over and above the requirements of the town centre. In total, 2,946 car parking spaces are required</p>	Yes

Control	Requirement	Provided	Compliance
	Design of off-street parking for people with a disability to comply with AS 2890.6, design of bicycle spaces in accordance with AS 2890.3 and design of motorcycle spaces (on and off street) shall be in accordance with on-street design requirements in AS 2890.5	to support the proposed expansion. The RMS raise no issues with the proposal subject to a number of conditions  A condition is recommended to ensure that off-street parking for people with a disability, design of bicycle spaces and design of motorcycle spaces fully comply with the relevant Australian Standards	Yes
B5.2 Car Parking Design Criteria	Taxi, private vehicle and coach drop-off, set-down areas should be provided in a convenient off-street location close to pedestrian entrances with consideration given to design of front of building, safety and interruption to traffic	A drop off area for taxi's is proposed adjacent to the Heritage Plaza which is immediately adjacent to one of the main pedestrian entrances and Camden Valley Way	Yes
	Access to public transport should be maximised	Access to bus services is easily accessible from both Zone 1 and Zone 2	Yes
	Car parking lighting must be designed to AS 4282 and 1158	A condition is recommended to ensure all lighting complies with AS4282 and AS1158	Yes

Control	Requirement	Provided	Compliance
	Landscaping must be provided to soften car parking areas	Appropriate landscaping has been proposed to soften the car parking areas in accordance with the submitted Landscaping Plan	Yes
	Garbage storage and collection areas should be conveniently located and designed without causing unacceptable on-street conflicts	The proposal can facilitate waste truck collection via the proposed loading dock areas to service both Zones 1 & 2	Yes
D3.2.1 Function and Use	Development within business zones must incorporate a range of local retail, commercial, entertainment, childcare, residential and community uses to serve the needs of the local community	The DA proposes additional retail floor area which can accommodate a range of local retail uses. It also proposes 2 plazas which can be used as entertainment spaces to serve the needs of the community. NTC also accommodates an existing cinema and a range of services including a library, community centre, health centre and child care centres which are located within close proximity	Yes
D3.2.2 Layout/Design	Location and layout must consider potential future noise and amenity conflicts for both the subject development and adjoining development	Noise and amenity conflicts have been considered and subject to a number of conditions relating to compliance with the submitted noise report and car parking and access provision, it is not considered that	Yes

Control	Requirement	Provided	Compliance
	<p>Where development fronts a street, it must be designed so that it addresses the street</p> <p>New development must not detract from significant existing views and vistas</p>	<p>there will be any adverse conflict between the proposed development and adjoining development</p> <p>The development proposes an active frontage along Camden Valley Way and this is achieved through the provision of the Civic Plaza on the sites northern boundary. The Civic Plaza will incorporate outdoor dining, water feature, public art and way finding signage to encourage movement and activation</p> <p>Whilst the DA proposes a significant development in terms of scale, it is not considered to detract from existing views/vistas. It proposes a maximum building height of 20m and this will not detract from an significant views into or out of the area</p>	<p>Yes</p> <p>Yes</p>
D3.2.3 Built Form and Appearance	Buildings should have similar mass and scale to create a sense of consistency and should feature high quality architectural design and built form	The proposed buildings are of a larger scale to commercial buildings in other commercial zones in that the DCP controls allow a greater height and FSR. This is considered to be	Yes



Control	Requirement	Provided	Compliance
		acceptable given the master planning that has occurred for the Narellan precinct. The buildings comprise a range of materials, finishes and colours to ensure a high quality architectural design is achieved. This will in turn create a sense of place for users	
	Development must be compatible with surrounding businesses	The proposed development is the first building to be proposed within the NTC under the amended DCP controls. It is considered that its design, bulk and scale will provide a good example for similar buildings to be constructed which meet both the objectives and controls of the DCP	Yes
	Building wall planes must contain variations and provide visual interest	The buildings propose a mix of colours, materials, finishes and height variations to provide sufficient visual interest	Yes
	Where multiple tenancies are located in one building, each tenancy must be defined by appropriate architecture design features	The DA proposes buildings containing a range of commercial tenancies. The majority of tenancies are contained within the central element of the buildings, however those that are located on the exterior are defined by a range of	Yes

Control	Requirement	Provided	Compliance
		architectural features in the form of height variations and a range of materials, finishes and colours	
	Consideration is to be given to the interface where buildings and awning abuts an adjoining development	There are a number of buildings which abut the proposed development. It is considered that the interface between these buildings is of a high quality and allows for interaction. A condition is recommended to ensure that the multi deck car park is open on the ground floor to allow for greater permeability	Yes
	Roof forms should be appropriately designed to respond to the built form of other nearby business developments	The proposed roof form comprises articulation through variation in height, materials and colour and is considered to be appropriate to meet the requirements of the DCP	Yes
	New developments must not cause significant overshadowing or overlooking of public places	The proposed development does not cause any significant overshadowing. The proposal does front the proposed public plazas however this is considered to be acceptable in relation to passive surveillance and safer by design considerations	Yes
	Where a building addresses a corner, the	The proposed building addresses its corner frontage	Yes

Control	Requirement	Provided	Compliance
	entrance should be on or near the corner and should have positive frontage to both streets and the corner should be emphasised through a built form element	along Camden Valley Way, The Northern Road and The Old Northern Road through the provision of glazing and a built form element comprising a wrap-around projection element of timber and steel materials. Whilst the entrances are not located on the corner, this is considered acceptable given the potential traffic and pedestrian conflicts on the intersection of Camden Valley Way, The Northern Road and The Old Northern Road	
	Buildings on corner lots may have feature elements that exceed the building height limitation prescribed in LEP 2010	As aforementioned, the building has a maximum height of 20m and therefore fully complies with the prescribed 25m height limitation set by the LEP. The proposed building height treatment is considered to be acceptable in that it provides for additional articulation of the roof form and adds to the overall streetscape of the area	Yes
	Where a building addresses a public space, a building must always address and embellish that public space (this can include a	The buildings address two proposed public plazas via the provision of landscape embellishment, building articulation	Yes

Control	Requirement	Provided	Compliance
	street)	and activation spaces. The buildings also address a number of street frontages and are sufficiently embellished and articulated to provide an attractive and varied streetscape	
	Service Infrastructure such as air conditioning must be screened from public view	It is a recommended condition that the design of the air conditioning and plant screening must have regard to the architectural design of the building and use similar colours and materials as the building it rests upon	Yes
	Site facilities such as loading, waste storage and servicing must be designed to minimise visual impact on the public domain and neighbours	The DA proposes a number of loading docks behind the proposed buildings which will provide the necessary servicing for all proposed tenancies. These loading dock will be screened by an acoustic fencing in some locations and by landscaping which will soften and screen the appearance of those loading docks	Yes
	Security devices must be built into the design of the building	The proposed development incorporates a range of security devices which have been endorsed by the Camden Local Area Command (CLAC). These devices include the	Yes

Control	Requirement	Provided	Compliance
		avoidance of areas for potential concealment, clear site lines and CCTV	
D3.2.4 Pedestrian Amenity	Business development must be designed to facilitate high levels of pedestrian amenity and permeability and include weather sheltered access	The DA proposes high levels of pedestrian amenity by ensuring travel distances are reduced, providing internal pedestrian crossings within the site and providing shade in the car park through landscaping	Yes
	Buildings should be designed to minimise overshadowing of pedestrian thoroughfares and footpaths where possible	The proposed pedestrian paths are not located in areas where significant overshadowing will occur	Yes
D3.2.5 Public Domain	Development must include a high quality landscape design including a coordinated package of street furniture and lighting that enhances the character of the business zone	A landscape plan was lodged with the DA which provides for high quality landscaping to soften and screen the proposed development and also to embellish the proposed Plazas. The proposed Town Centre Palette Guide provides details on the street furniture and lighting	Yes
	The building and landscape design is to be complementary to ensure legible, safe and comfortable access for pedestrians	Both the landscape and buildings design are complementary in that they provide for a safe, comfortable and legible environment for users and does not result in the	Yes



Control	Requirement	Provided	Compliance
	Street trees and open space plantings are to provide generous shade for pedestrians	creation of areas of concealment  The proposed tree species include deciduous street trees. These are upper canopy trees which will provide shade for pedestrians (these include Lagerstroemia 'Indian Summer', Zelkova Serrata 'Green Vase' and Magnolia Grandifolia 'Exmouth')	Yes
	All signage and advertising is to be designed in a coordinated manner	As outlined in part B4 of this report, the proposed signage is designed in a consistent manner and is considered to provide further articulation to the building's facade	Yes
D3.2.6 Parking and Access	The visibility of parking areas at street frontages must be minimised through parking layout, design and landscape treatments	The proposed car parking areas are predominantly located behind buildings and will be softened by landscaping to ensure large expanses of concrete are avoided	Yes
	Car parking areas must be designed to enable safe, comfortable and easy access for pedestrians	The DA proposes high levels of pedestrian amenity by ensuring travel distances are reduced, the provision of internal pedestrian crossings within the site and legible paths to enable safe usage	Yes

Control	Requirement	Provided	Compliance
	Car parking must be provided in accordance with Part B5 of the DCP	The DA provides for sufficient car parking in accordance with Part B5 of the DCP	Yes
D3.6.1 Desired future character for Narellan Town Centre	Narellan Town Centre is anchored by a large shopping centre and supported by a range of other uses	The DA proposes alterations and expansion of the existing shopping centre capable of supporting a range of commercial uses	Yes
	Demonstrate leading edge urban design principles to provide a sense of place and attractive streetscape	The proposed development comprises a strong link to surrounding developments, uses and activities and establishes new pedestrian links and public domain areas of high architectural quality	Yes
	Build on the existing character and history of Narellan in a contemporary manner	The proposal builds on the existing character and history of Narellan through its public art strategy and its design	Yes
	Camden Valley Way to become a community heart with a strong emphasis in integrated design and linkages at multiple levels	The proposal orientates itself to actively front Camden Valley Way. This is further enhanced by the provision of 2 plazas and also the provision of a pedestrian bridge above Camden Valley Way and escalators/lifts. Two signalised intersections will also allow for the development on either side of Camden Valley Way to be connected in a	Yes

Control	Requirement	Provided	Compliance
		clear, safe and legible manner	
	A variety of uses brings the community together in a central destination	As aforementioned, the DA will allow for a range of commercial uses and also provides or 2 public plazas at central points to encourage activation and a central destination for users. These plazas will also be used for events i.e. Christmas carol events, buskers, community markers, school performances, fashion parades	Yes
	Highly accessible place for all modes of transport	A range of accessible spaces for various modes of transport are provided for and include shared zones, taxi ranks, bus stops and bicycle/motorcycle racks/bays	Yes
	A place of high amenity and quality	The proposed development provides for a high quality space for a range of users. This is achieved through high quality design, provision of 2 plaza areas, landscaping, public art and water feature	Yes
	A successful commercial hub that encourages ongoing growth	It is considered that the proposed development will create an activated hub/space which will attract a range of users to increase the vitality and	Yes

Control	Requirement	Provided	Compliance
		viability of the Narellan Town Centre	
	A place that reflects the history and promotes heritage items as an asset	The proposal builds on the existing character and history of Narellan through its public art strategy and its design. It sits adjacent to the Burton Arms Inn which is a heritage item and promotes this item through the provision of a Heritage Plaza adjoining it	Yes
	Create a people orientated and pedestrian friendly environment with a human form scale and cultural and civic expression	The proposal provides for 2 main centralised points to encourage pedestrian movement and concentration in the form of 2 plazas. These plazas maintain a cultural and civic value through public art and native landscape species. The bulk and scale of the buildings are considered to be acceptable	Yes
	Provide employment opportunities in a range of industries	The DA proposes additional retail floor area which will allow for employment generation in a number of commercial activities	Yes
	Narellan Town Centre must be prosperous and vibrant during the day and at night	The DA proposes hours of operation 24 hours a day. It is envisaged that the restaurants, cinema and public plazas	Yes

Control	Requirement	Provided	Compliance
	<p>Narellan Town Centre should be a true community hub providing services and facilities that a community needs</p> <p>The design of public and private realms is integrated to provide a sense of openness and space</p> <p>Narellan Town Centre is designed to be used during a 24 hour cycle and a variety of spaces are located and designed for community interaction</p>	<p>will be activated both day time and at night</p> <p>The DA proposes uses that create an active hub to facilitate the needs of the community</p> <p>The DA proposes a mix of public and private space which is well integrated. These spaces are open and large enough to facilitate an active space</p> <p>The DA proposes hours of open 24 hours a day seven days a week. It also provides for two public plazas</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
D3.6.2.1 Town Centre Structure Plan Layout	Development should be generally in accordance with the principles set out in Figure D48.1 – Town Centre Structure Plan	The proposed development is generally in accordance with the principles set out in Figure 48.1 in that a range of commercial uses including anchor tenants are proposed	Yes
D3.6.2.2 Land Uses	Achieve a large scale focus of retail premises with a maximum floor space ratio of 1:1	The DA proposes a large scale focus of commercial activities that can incorporate a range of retail uses to serve the needs of the community. Zone 1 has an FSR of 0.79:1, Zone 2 has an FSR of 0.54:1 and Zone 3 has an FSR of 1:1	Yes



Control	Requirement	Provided	Compliance
	Incorporate a variety of retail, commercial, entertainment, recreation, accommodation and community uses to serve the needs of the wider community	The DA proposes an increase of commercial floor area to meet the needs of the wider community. The DA also proposes 2 plazas for community use. The surrounding area contains a cinema, community facility and parks all of which provide for the needs of the community in conjunction with the subject DA	Yes
	Maximise employment opportunities within the Narellan Town Centre	The DA proposes the creation of 1,000 permanent and 1,200 construction jobs	Yes
	Focus a mix of retail, restaurants, commercial and banking uses at ground level along, and fronting the town squares/plaza, Camden Valley Way, Somerset Avenue, Queen and Elyard Street	The DA proposes a range of retail, restaurant and banking uses along the sites northern frontage to Camden Valley Way at ground level. On its southern frontage existing retail stores front Camden Valley Way. Existing commercial development fronts Somerset Avenue. Frontage works to Elyard Street will be subject of a separate DA	Yes
	Co-locate uses and facilities where possible to maximise the efficient use of space	As noted, the DA proposes a range of retail uses in close proximity to maximise the use of space and create a vibrant centre	Yes

Control	Requirement	Provided	Compliance
	Incorporate the needs of health and aged care providers, facilities for young people, civic and emergency services within the Town Centre	The DA provides for commercial premises through the additional floor space. This floor space can be utilized by a range of users including aged care providers and young people. Space for civic and emergency services also exists within the proposed expansion	Yes
D3.2.6.3 The Town Squares	Development must include the provision of 2 town squares in accordance with the principles for special places	The DA proposes the provision of 2 public plazas one on the site's northern frontage to Camden Valley Way and the other on the site's southern frontage to Camden Valley Way	Yes
	Two town squares should not be over scaled but have a minimum area in the order of 2,000m <sup>2</sup> (northern square) and 1,000m <sup>2</sup> (southern square) clear of covered circulation areas	The northern square has an area of 2,500m <sup>2</sup> with the southern square having an area of 1,100m <sup>2</sup> , both clear of covered circulation areas	Yes
	The Town Squares must contain appropriate public art elements	Both town squares contain public art elements which link to the sites heritage. A Public Domain Strategy has been provided in support of the DA which provides examples of the types of public art proposed. This has been reviewed by Council's Cultural Development officer and is considered to	Yes

Control	Requirement	Provided	Compliance
		be sufficient	
D3.6.2.4 Views, Vistas and Gateways	Development should protect key sight lines as shown in Figure D48.2	The corners of the subject site are identified as focal opportunities and respond to this through the provision of town centre identification signage, high quality architectural treatment to the public domain to maintain those view corridors and lowering and screening of loading docks to reduce visual appearance	Yes
D3.6.2.5 Interaction with Surrounding Land Uses	Ensure provision of high level pedestrian connectivity between adjacent uses	The DA proposes a public square to create a physical link between the proposed development and adjacent businesses. In addition, a safe, legible and connected pedestrian network across all zones including the adjoining uses outside the site is proposed	Yes

Control	Requirement	Provided	Compliance
D3.6.3.1 Vehicle Movement Network	Traffic management measures must be utilized around Narellan Town Centre, Somerset Avenue, Queen and Elyard Street	DA1185/2008 approved the access arrangement to and from the subject site. These provide for traffic management procedures including ramps, signage and signalised intersections	Yes
	Principles of CPTED must be incorporated in the design	A CPTED analysis has been provided and reviewed by the CLAC and are considered to be sufficient. These principles include clear sight lines, promotion of territorial reinforcement, lighting and signage to delineate spaces	Yes

Control	Requirement	Provided	Compliance
D3.6.3.2 Pedestrian and Cycle Movement	Narellan Town Centre is to be designed to provide clear, legible pedestrian and cycle connections as shown in Figure D48.3	The DA proposes clear, legible pedestrian and cycle connections as shown in Figure D48.3	Yes
	Streets and pathway network should be designed to ensure that walking and cycling takes priority over traffic circulation	A sufficient pedestrian network is provided within the Narellan Town Centre to encourage pedestrian movement. Cycle parks are also located in accordance with Figure 48.3	Yes
	Continuous weather protection for pedestrians is to be provided in key locations	The DA proposes covered awnings along key frontage being the Heritage Plaza and Civic Plaza. The proposed landscaping will also provide additional shade in summer	Yes
	Bike parking facilities should be provided at key locations in accordance with Figure D48.3	A condition is recommended to ensure the adequate provision of bike parking generally in accordance with Figure D48.3	Yes
D3.6.3.3 Public Transport	Location of bus stops is to achieve a high level of access to key places	Bus stops are proposed in the locations set out in Figure D48.3. These bus stops service a number of destinations including Oran Park, Gregory Hills, Camden, Mount Annan etc. where a	Yes

Control	Requirement	Provided	Compliance
	Bus stops are to be located to allow for integration of local and regional transport services	range of services and facilities exist  The proposed bus stop locations allow for an interchange of transport modes including taxi's, motorcycle and bicycle parking	Yes
	Bus stops are to be located in areas of high pedestrian, active commercial/cafes and vehicle activity and general high levels of passive surveillance	Bus stops are located on both sides of Camden Valley Way adjacent to the two squares. This will allow for sufficient passive surveillance from pedestrians and motorists	Yes
D3.6.4.1 Public Domain	Town squares are to be designed by a registered landscape architect and located in accordance with Figure D48	Both town squares have been designed by a registered landscape architect and are located in accordance with Figure D48	Yes
	Two main public town squares are to be designed and incorporate outdoor seating associated with other tenancies and informal seating	The DA proposes 2 public squares which contain public seating and the opportunity for outdoor dining. The Heritage Square is adjacent to an existing commercial building and allows for the integration of this space. A condition is recommended to provide an additional access point from the Heritage Plaza connecting directly into SP61743 to ensure the plaza is integrated with existing commercial	Yes



Control	Requirement	Provided	Compliance
		tenancies	
	External lighting must be provided for night use throughout the year and comply with AS4282 and AS1158	It is a recommended condition that lighting is proposed for night use throughout the year which complies with AS4282 and AS1158	Yes
	DA must include a statement outlining how the design addresses the objectives outlined in Clause D3.6.2.3	A statement has been provided which demonstrates full compliance with the objective outlined in Clause D3.6.2.3	Yes
	The southern square should include a means of vertical connection to achieve a seamless pedestrian link between the retail podium level and ground level on Camden Valley Way	The DA proposes an escalator/link connecting zone 1 to zone 2. This creates a seamless link between both zones	Yes
	All paving materials must conform to relevant standards for durability, non-slip textures, strength and surface treatment	The paving proposed fully complies with Council's Engineering Specification and is durable, non-slip and therefore fit for its purpose	Yes
	Public art must reflect the history of Narellan and be incorporated into the design of public spaces	Various public art elements have been incorporated into the design of public spaces to reflect the past, present and future of Narellan. These include water features, sculptures and interpretive signage	Yes

Control	Requirement	Provided	Compliance
D3.6.4.2 Street Trees	Each DA must provide a landscape plan to demonstrate its ability to comply with CPTED principles	The landscape proposed complies with CPTED principles in that the plant species selected will not generate areas of concealment or hiding spaces. This has also been assessed by the CLAC and considered to be acceptable	Yes
	Plant and tree selection must: complement remnant vegetation, consider level of on-going maintenance, and potential impacts on road and footpath pavements, focus on hardy, drought tolerant species, and be in scale to the function of the area and contribute to overall character	The plant and tree species proposed comprise of native plant species/trees and are of a scale that is consistent with the proposal. The proposed landscaping adds to the character of the area and softens the proposal	Yes
	Street trees and open space planting is to provide generous shade for pedestrians in summer and allow for sunlight penetration	The proposed landscape will allow for shade provision in periods of hot weather. Those species will not block direct sunlight due to the plant species and spacing proposed	Yes
	The town square must incorporate a sufficient density of trees to provide seasonal amenity but must not obstruct view lines or impact on	The landscape plans submitted provide sufficient density to soften the proposal whilst adding to the character of the area. Their location	Yes

Control	Requirement	Provided	Compliance
	heritage items	does not obstruct any view corridors/lines or adversely impact on the Burton Arms Inn	
D3.6.5.1 Built Form Articulation	Articulation zones should be provided to complement the building mass and emphasis key design elements	Building facades have been articulated in both form and colour along their overall building length. Civic plazas contain a more refined façade system which relates to and interacts with the streetscape they surround	Yes
	Articulation zones should respond to conditions including solar access, noise, privacy and views	The articulation zones include a range of measures to allow for sufficient solar access and view protection via building orientations and acoustic attenuation measures to minimise noise impacts. The articulation proposed complies with the requirements of Figure D48.4	Yes
D3.6.5.2 Architectural Character Objectives	Buildings within Narellan Town Centre are to generally align with street edges.	The buildings proposed align with street edges where possible.	Yes
	Corners are to be visually prominent in a contemporary manner	The corners proposed are considered to be visually prominent through the use of design features including decorative metallic screens, use of colour and height variation. These corners also	Yes

Control	Requirement	Provided	Compliance
		contain lifestyle graphics will also enhance its vitality	
	The interface between the building and public domain is to be designed to create safer streets, create flexible uses for ground level and provide weather protection for pedestrian amenity	The commercial tenancies facing the Civic Plaza have a deep colonnaded awning protection which allows both sheltered pedestrian and eating zones. The Heritage Plaza also contains an awning to provide shade for users of that space also and for pedestrians moving from one zone to another	Yes
	Building facades are to be designed to accentuate key architectural features such as building entries, vertical and horizontal elements	The focal entry points anchor each side of the pedestrian bridge at both public squares. These entry points are accessed via lifts/escalators. Other entries are appropriately treated in a hierarchical means to delineate entries to commercial zones, car parks and secondary vertical circulation zones. The overall building is primarily of a horizontal nature specifically around the key corners and entry points	Yes
	Building facades are designed to incorporate a variety of finishes and materials which provide visual relief to the built form and be	The primary building structure comprises a concrete and steel frame construction which is robust and capable of withstanding constant use. Public	Yes

Control	Requirement	Provided	Compliance
	robust to withstand constant use	spaces adopt a combination of glass, steel and cladding components. The remaining facades are of metal finish which recess and protrude to articulate the built form	
	A diverse palette of durable and cost efficient external materials used to create a contemporary urban character and introduce a fine grade façade treatment along street edges	A diverse palette of external materials have been proposed and these comprise pre-colored fibre cement panels, painted welded metal, colour back glass, composite aluminum panels and colorbond steel. These materials have a contemporary feel and are durable	Yes

Control	Requirement	Provided	Compliance
D3.6.5.3 Safety and Surveillance	Buildings should be designed to overlook streets and other communal areas	The proposed buildings are oriented towards streets where possible and provide direct surveillance over the public plazas	Yes
	The design of all public domain is to enhance public surveillance of streets and open space	As noted, the two public plazas are directly overlooked by either existing or proposed tenancies and are fully visible from Camden Valley Way	Yes
	Appropriate design of publicly accessible areas to encourage a sense of ownership and public space	The public plazas have been designed to encourage usage through the provision of a public art, seating, shade, landscaping and water features. These spaces are directly linked to commercial tenancies which will further create a sense of ownership within the town centre	Yes
	Developments are to avoid creating areas for concealment and blank walls	The DA does not create any areas for concealment and buildings have been designed to ensure sufficient passive surveillance is maintained at all times	Yes
	Pedestrian and communal areas are to have lighting to ensure safety	It is a recommended condition that lighting is provided and is compliant with AS1158 and AS4828	Yes
	All development should aim to	As noted, the buildings have been	Yes

Control	Requirement	Provided	Compliance
	<p>provide casual surveillance by maximizing outlooks and views but minimising overlooking of neighbouring properties</p> <p>All development must incorporate Crime Prevention Through Environmental Design (CPTED)</p>	<p>designed to achieve casual surveillance from the surrounding street network and existing buildings within the Narellan Town Centre</p> <p>The DA was accompanied by a CPTED analysis which has been reviewed by the CLAC. CLAC have identified the site as a 'low crime risk' and have recommended a number of conditions to ensure CPTED principles are incorporated. It is a recommended condition that the CLAC requirements are fully complied with the exception of a 3-5m clearance for vegetation. This is discussed in greater detail under the 'External Referrals' section of this report</p>	Yes
D3.6.5.4 Pedestrian Retail Bridge Articulation	<p>The pedestrian retail bridge must be a single level only and may incorporate retail uses to activate pedestrian connection across Camden Valley Way</p> <p>The façade design of the bridge must have a high level of architectural finishes and be consistent with the building façade treatments along</p>	<p>The proposed retail bridge is a single level only and also for retail use to create activation along that space</p> <p>A high level of architectural finishes has been applied to the bridge which is consistent with the façade treatment along the buildings frontages to</p>	<p>Yes</p> <p>Yes</p>



Control	Requirement	Provided	Compliance
	the Camden Valley Way frontages	Camden Valley Way. These finishes include patterned glass, polished metallic trim and aluminum/steel exposed framing	
	The eastern façade of the bridge must be fully integrated with the two vertical circulation (escalators) that link the street level to the retail podium and must be similar in design	The eastern and western facades of the bridge are fully integrated with the escalators in that they are identical in their façade treatment	Yes
	Equal consideration of the materials and façade treatment need to be shown on the underside of the bridge including the night time experience for pedestrians and vehicles	The underside of the bridge comprises a Class 1 form of concrete which provides a high grade finish. The bridge will also be lit up at night to emphasise this concrete	Yes
	The vertical pedestrian circulation entries are to be provided at an appropriate scale to maximise the open air transparency of the pedestrian bridge abutments and encourage visible connectivity between plazas and retail levels	The vertical pedestrian circulation entries allow pedestrians to engage with the interior retail space which creates openness through the use of glass and transparent materials	Yes
	Detailed consideration must be given to material selection of the bridge with materials to reflect a lightweight feel	The bridge adopts glass materials throughout its length which is patterned and transparent and gives the impression of a roof floating	Yes

Control	Requirement	Provided	Compliance
	No advertising on the bridge will be permitted	over the bridge length. It maintains a lightweight look  No signage on the bridge is proposed as part of this application and a condition is recommended to ensure this	Yes
D3.6.5.5 Building Envelopes/Bulk and Scale	Prominent street corners should be reinforced in a visual context through concentrating building height and built form	The DA proposes buildings on corners with elevated height (up to 20m) and the built form is designed to create focal point at those corners through a range of elements including materials, colours and finishes	Yes
	Buildings are to be designed to ensure a human scale is maintained at street level	The proposed buildings are designed to ensure a human scale is maintained through setbacks, maintaining strong linkages with building entries and footpath and also by creating a strong link between frontages and the street	Yes
	Minimum floor to ceiling heights of 3.6m for the ground floor, 3.3m for all other floors	The floor to ceiling heights comply with the requirements of this control. All ground floor retail has a floor to ceiling height of 3.6m and all retail on level 1 exceed 3.3m	Yes
D3.6.5.6 Weather Protection	Weather protection must maintain a feeling of openness and enhance the public function of the	The weather protection elements proposed include colonnades/awnings which maintain a sense of openness	Yes

Control	Requirement	Provided	Compliance
	space/street in all weather conditions	whilst ensuring the usability of the space in all weather conditions. Tiered landscape beds and avenues of trees will also provide for shade and protection from wind and sun	
	Weather devices must consider the scale of adjacent buildings to ensure appropriate proportions and feel	The weather devices proposed are in scale with the existing buildings within the site and are designed appropriately in terms of design, scale and functionality	Yes
	Weather protection solutions should be naturally ventilated and be included as part of the building design	The weather devices proposed are naturally ventilated and are proposed as part of the building design	Yes
	Pedestrian rights of way, squares and other public spaces should incorporate a variety of weather protection measures incorporated into the design	The primary pedestrian routes proposed offer alternate covered and uncovered routes. The provision of awnings within the key activated building frontages and plaza areas ensures sufficient weather protection measures for users of the centre	Yes
	Active retail, restaurant, commercial areas must provide weather protection through a variety of measures	As shown on Drawing No DA610 Issue A dated July 2012, prepared by the Buchan Group, the external dining area will include roll down blinds and heaters as part of	Yes

Control	Requirement	Provided	Compliance
	<p>Continuous awnings and colonnades are to be provided in accordance with Figure D48.4</p> <p>The front fascia of an awning is to be setback a minimum 500mm from the kerb of the street carriageway including at street corners</p>	<p>the base building works to enhance weather protection and usability of these covered spaces</p> <p>The elevated nature of the proposed building structure maintains covered pedestrian accessibility to the majority of the site access points and neighbouring properties to provide for reasonable weather protection</p> <p>It is a recommended condition that all awnings are set back 500mm from the kerb of the street carriageway</p>	<p>Yes</p> <p>Yes</p>
D3.6.5.7 Setbacks	The urban character is achieved by adopting zero setback conditions to create street walls. The main building facades are to be built to the block edge with allowances for insets and projections	The proposed development maintains a zero setback to roads where key public domain areas are not provided	Yes
D3.6.5.8 Streetscape Activation	Active frontages must be provided at ground level and include entrances, shop fronts, glazed entries, cafes etc.	The DA proposes a range of active uses on the ground floor which includes a banking precinct, cafes and commercial actively on the site's northern frontage to Camden Valley Way. On the site's	Yes

Control	Requirement	Provided	Compliance
		southern frontage to Camden Valley Way entries to the retail level is provided via escalators/lifts	
	Buildings are to maximize areas of street activation through a mixture of ground floor retail/commercial suites	Commercial and retail uses are proposed along the sites northern frontage to Camden Valley Way in the form of a food and banking precinct. On the southern side of Camden Valley, activation is achieved through the addition of the Heritage Plaza and shared zone	Yes
	Large form retail such as supermarkets and parking areas are to be sleeved or hidden where appropriate	Supermarkets and car parking areas are sleeved and suitably screened from public view through a range of elements including landscape, architectural design and location	Yes
	Restaurants, cafes and the like are to consider providing openable shop fronts	Where possible the proposed restaurants/cafes do provide for an openable shop front, specifically along the sites northern frontage to Camden Valley Way	Yes
	No external security shutters are permitted	No security shutters are proposed	Yes
	On corner sites, shops are to wrap around the corner	Where possible, shops are proposed to wrap around corners. Given the hierarchy of Camden Valley Way, shops are not	Yes

Control	Requirement	Provided	Compliance
		proposed to wrap around as this may result in conflicts between users and vehicles at those corners	
D3.6.5.9 Solar Access	All DA's are required to submit a detailed solar access diagram	The DA was accompanied by a detailed solar access diagram which notes that between 9am and 3pm, sufficient solar access is maintained to public spaces and streets	Yes
	Town squares are to receive sunlight on a minimum 50% of the combined site area between 11am and 2pm on June 21	The DA was accompanied by shadow diagrams which comply with the requirements of this control	Yes
	Building envelopes are to allow for north-south streets to receive 2 hours of sunlight between 9am and 3pm on 21 June on a minimum 50% of the eastern or western footpaths	The DA was accompanied by shadow diagrams which comply with the requirements of this control	Yes
	Building envelopes are to allow for east-west streets to receive 1 hour of sunlight between 9am and 3pm on 21 June on a minimum 50% of the southern footpaths	The DA was accompanied by shadow diagrams which comply with the requirements of this control	Yes
D3.6.6.1 Vehicle Parking and Storage	Access, parking and loading areas must comply with Chapter B5 of the DCP	Access, parking and loading dock areas comply with the requirements of Chapter B5	Yes
	Car parking	The proposed car	Yes

Control	Requirement	Provided	Compliance
	dimensions are to be provided in a accordance with the relevant Australian Standard	parking spaces fully comply with the requirements of AS2890	
	On street parking is encouraged to contribute to street life and surveillance where possible	The streets that surround the NTC allow for on street parking and this will contribute to street life and surveillance. This DA provides for a total of 3,260 which is a surplus of 314 spaces	Yes
	Above ground car parking must be incorporates into the design and mitigate against any visual impacts	Above ground car parking is provided and is sufficiently screened to minimise any visual impacts	Yes
	Below ground car parking is encouraged for mixed use blocks as well as the Town Centre retail blocks	Some existing below ground car parking exists and this is to be retained	Yes
	The majority of the car parking is to be provided under the Narellan Town Centre (NTC) buildings and on street level to limit visual impacts and maintain pedestrian amenity	A portion of car parking has been proposed under NTC buildings; however, the proposed multi deck car park considered to be sufficiently softened and screened so as not to create any adverse visual impact to the streetscape or pedestrian amenity. Visual impacts of the proposed car parking has been assessed by council staff against the	Yes



Control	Requirement	Provided	Compliance
		relevant objects of the control and is considered to be assessed by Council staff and is acceptable	
	Service points should be consolidated where possible	Service points have been consolidated to reduce potential conflicts within the site	Yes
D3.6.6.2 Loading Docks	Loading docks are to be provided in accordance with Part B5 of the DCP	The loading docks proposed generally comply with the requirements of Part B5 of the DCP	Yes
D3.6.7 Signage and Graphics	All signage must be provided in accordance with Part B4 of the DCP	The DA proposes signage which exceeds the requirements of Part B4 of the DCP	<b>No – See DCP Variation 1</b>
	All signage must be integrated into the architectural form of the building	The proposed signage is fully integrated into the architectural design of the building	Yes
	Signage and graphic elements should not detract from significant views or vistas to or from the site	The proposed signage will not detract from views or vistas and adds to the overall architectural break up of facades	Yes
	Signage is permitted for the purposes of business identification	The DA proposes a series of business identification and lifestyle graphic signs	Yes

#### DCP Variation 1 – Number of proposed signs per elevation

##### *DCP Control*

The DCP limits the number of wall signs to 2 signs per elevation. The DA proposes a total of 27 signs across a number of elevations.

##### *Variation Request*

The applicant has requested that Council support a variation to this DCP control on the basis that:

- in order to reduce the visual clutter, it is proposed to limit facade signage to major tenancies; and
- although more than 2 signs per elevation are proposed, it will not detract from or appear out of character or dominate the facade.

#### *Council Staff Assessment*

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- it is acknowledged that the consolidation of signage in specific signage zones reduces the visual clutter of signs and provides for a more holistic approach to advertising; and
- the provision of those signs will not appear visually dominant or out of character given the size and scale of the proposed development.

Consequently it is recommended that the Panel support this proposed variation to the DCP.

#### ***(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F***

The owners of the subject land (other than the Council) have proposed to enter into a Voluntary Planning Agreement with Camden Council and an irrevocable offer has now been made and formally agreed to by Council at the ordinary Council meeting of 11 November 2014.

A condition is therefore recommended which states that prior to the issuing of the first construction certificate for any part of the development authorised by this consent, the developer is to enter into a voluntary planning agreement with the Council in accordance with the offer made Narellan Town Centre Pty Ltd (ABN 41 747 031 182) and Narellan Town Centre Unit Trust (ABN 45 772 155 661) by letter to the Council dated 4 November 2014.

This condition has been legally reviewed on behalf of Council and is considered to be a valid condition.

#### ***(a)(iv) The Regulations***

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

#### ***(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality***

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

### Consistency with strategic planning documents and centres hierarchy

The Metropolitan Plan for Sydney to 2036 (Metro Plan) is clear in its intentions, stating that centres will evolve, change and grow throughout their life cycle. The Metro Plan also states that 'the hierarchy does not restrict the character of centres from changing and is not embedded in the statutory planning system.' It is clear that the intent of the Metro Plan is to encourage the urban renewal of centres and 'change from one type to another' to cater for the needs of the supporting community.

Currently, the Metro Plan has an indicative hierarchy indicating Narellan as a town centre. However, the Metro Plan does not prescribe qualifying criteria which a town or major centre must comply, nor does it limit the growth of any particular centre. The Metro Plan is more conducive to supporting the growth of centres rather than restricting them to a position or place in a legislated retail hierarchy. It should also be noted that the current retail hierarchy in the Metro Plan lists Liverpool as a Regional Centre, Campbelltown and Macarthur Square as a Major Centre and the planned Leppington development as a Major Centre. The proposed NTC expansion does not seek to threaten, demote or compromise the status of these centres in the hierarchy.

In addition to the above, Narellan is acknowledged in the draft South West Sydney Subregional Plan (which was largely based on the now superseded *Metropolitan Strategy City of Cities: A Plan for Sydney's Future*) as becoming the 'focus for the developing urban areas' such as Spring Farm, Elderslie, and Mount Annan prior to the release of the South West Growth Centre. It is important to note that there is no strategic plan that dismisses Narellan as a place where growth is restricted or limited.

The proposal is also assessed against the Draft Centres Policy 2009. The Draft Centres Policy 2009 lists a set of key principles which guide the ideal makeup of a centre. The Draft Centres Policy 2009 also introduced the Net Community Benefits Test (NCBT) into Planning Proposals', which calculate what the title suggests. The NCBT formed part of the Planning Proposal for the subject site and concluded that the proposal is a positive impact for the Narellan and wider communities. The DA lodged is consistent with the NCBT lodged with the planning proposal.

The Draft Metropolitan Strategy for Sydney to 2031 has also been considered and it is noted that the proposed DA does not contravene the intent of the strategy which identifies Campbelltown/Macarthur as major centres and Leppington as a major planned centre. Whilst the Economic Impact Assessment submission with the DA does not indicate an initial loss in trade, it is considered to be within 'acceptable normal competitive range'.

In light of all the above, it is considered that the proposal is inline and not inconsistent with the relevant Strategic Plans and draft plans.

### Negative economic impacts on other centres

The planning proposal process to facilitate the alterations and expansions to NTC required the proponent to investigate the economic impacts that the proposed development would have on existing and planned centres. The proponent commissioned DeepEnd Services to complete an Economic Impact Assessment (EIA) on the potential impacts that the proposal would have on the existing and planned centres throughout the region. To assist Council, Hill PDA was engaged to peer review the EIA.

The EIA undertaken by DeepEnd demonstrated that the centres within the Macarthur Region will experience a loss in trade (- 4.9% (DeepEnd) or -11.6% (Hill PDA)). However, Hill PDA considered that the impacts were 'within acceptable normal competitive range' and should be viewed as a matter of competition not being a relevant matter for consideration. The rezoning was then endorsed by both Camden Council and the Department of Planning and Infrastructure (now known as Department of Planning and Environment).

Upon lodgment of this DA, an addendum to the DeepEnd EIA was submitted which took into account the changes that has occurred from the date of rezoning to date. The addendum to the EIA proposed by DeepEnd was then peer reviewed by Hill PDA on behalf of Council. Hill PDA have again noted that whilst it was demonstrated that there will be an initial loss of trade, the growth of the centres are positive and it is demonstrated in the EIA that the viability of centres can be sustained regardless of the construction of the proposed NTC expansion.

### Urban Design

As aforementioned, the preparation of the draft DCP was undertaken with the assistance of Paterson Design Strategies (Urban Design Consultants) who was engaged by Council to develop a set of DCP controls to reduce bulk, maintain view corridors, soften masses and articulate prominent facades.

It was also considered imperative that the pedestrian retail bridge over Camden Valley Way be integrated into the design to provide strong links between the public domain (ground level) and the retail component (elevated level).

Furthermore, it was essential that Council addressed the 'big box' issue to ensure that articulation and design elements are introduced into the building facades. Identification of key corners and prominent facades ensured that the treatment to these areas exhibited excellence in design and as far as practical, activated the frontage.

Specific controls in relation to the pedestrian retail bridge and the 'big box' facades are considered to have been developed to minimise impact and achieve an aesthetically pleasing development. It is considered that the proposed development results in a quality design outcome that can be incorporated in the further expansion of Narellan and its built form.

### Impacts during Construction

The preliminary construction program identifies the entire construction period may run for a number of years. The program seeks to undertake the works over a series of phases (7 in total) which have been designed to allow the centre to continue trading and minimise the impact on existing surrounding businesses. Staging plans reflecting the proposed works have been submitted with the application and are considered to be acceptable.

Various impacts to the surrounding businesses have been considered and relevant conditions have been imposed to manage impacts during the construction phases. Such conditions include;

- the applicant notifying surrounding businesses when each stage (that requires existing parking and vehicle access closures) is about to commence and of the vehicle access arrangements necessary;

- vehicle access is to be maintained through the right of way during all stages;
- directional signage for deliveries;
- ensuring all construction vehicles (including the vehicles from the construction workers) are directed to either park within the development site area or for alternative arrangements to be made to ensure such vehicles do not park within the general public parking areas; and
- all reasonable effort being made by the developer to provide safe and convenient pedestrian access from the surrounding businesses to the centre.

It is therefore considered that the impacts during the construction phases can be adequately managed through the imposition of a number of conditions.

**(c) *The suitability of the site***

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development. The existing easements for public car parking and the ROW benefiting the Council will be required to be modified as and when necessary to accommodate the construction process without compromising the availability of the public car parking or access through the modified ROW.

**(d) *Any submissions made in accordance with this Act or the Regulations***

The DA was publicly exhibited for a period of 30 days in accordance with the DCP. 7 submissions and one petition (with 408 signatories) were received (all objecting to the proposed development).

Council staff contacted each of the submission writers to discuss their concerns. However, Council staff were unsuccessful in being able to resolve the issues raised in the submissions and petition.

The following discussion addresses the issues and concerns raised in the submissions and petition.

1. There is a historical contractual agreement between SP61743 and Camden Council to maintain vehicular access to the subject premises, parking and suitable loading/unloading service areas.

**Officer comment:**

Vehicular access to SP61743 will be maintained via a modified Right of Way providing vehicle connection from Camden Valley Way to Somerset Ave. A draft plan of subdivision (drawing No 58977EMTSTH, Amendment A prepared by Lean Lackenby & Hayward, dated 14 June 2013) has been provided to reflect this.

The existing easement for 66 parking spaces will be maintained (albeit slightly repositioned). In addition, the existing easement for temporary storage of mobile garbage bins will be maintained in its current format.

Council staff are satisfied that the requirements of vehicular access and car parking requirements of SP61743 under the current s88B restrictions are met. The

requirements for loading/unloading for SP61743 will not be compromised as a result of this DA.

2. Retention of existing car parking spaces to the west of SP61743 should occur

Officer comment:

The relocation of the existing car parking spaces to the west of SP61743 occurs in order to accommodate the Heritage Plaza which is identified as a key civic plaza in the DCP. The retention of those spaces is not considered to be viable and their relocation is considered to be acceptable in that it is in close proximity to SP61743.

3. Distance between existing shopfront (being SP61743) and multi level car park will lead to significant overshadowing.

Officer comment:

The multi-level structure is set back approximately 11.75m from the common boundary (i.e. approx. 16m from the existing shopfront of SP61743). As shown by shadow diagrams Drawing No DA 500 and DA501 issue A, prepared by the Buchan Group dated November 2012 submitted with the DA, the orientation of the multi deck car park will not result in any additional shadowing of SP61743.

4. Changes to car park will reduce the volume of footpath traffic the shop (located within SP61743) currently receives.

Officer comment:

The pedestrian routes between the subject premises and Camden Valley Way and NTC are provided under the current development proposal and this is shown on Drawing No A-DA-009 Issue A, prepared by Buchan Group dated 2 July 2013. The existing point of entry and disabled car space fronting SP61743 will remain as is. With the expansion of NTC, it is anticipated that the patronage to the precinct will increase significantly.

5. Concerns raised over access road operation and road function. Shop (located in SP61743) will be more difficult to find due to one way proposal.

Officer comment:

The existing access road passing by the submitter's premises will be maintained as a 6.5m wide, two way roadway. This will provide a vehicle connection route from Camden Valley Way to Somerset Ave. Vehicular access to SP61743 will be maintained, as will the parking spaces immediately fronting SP61743. It is also a recommended condition that a pedestrian crossing is proposed on the north western corner of SP61743 to ensure safe pedestrian movement from SP612743 to adjacent car parking spaces.

Further, an additional condition is recommended which requires an additional access point from the Heritage Plaza to SP61743. This will ensure that footfall is increased as a result of this DA.

6. Disruption during construction phases.

Officer comment:

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Vehicular access for staff, customers and service vehicles will be maintained during the construction period. All other aspects of construction activity (i.e. working hours, noise, car parking availability, signage etc.) will be managed in a reasonable manner through the imposition of a condition requiring a construction management plan to be submitted.

7. No turning area for garbage trucks or rigid axle vehicles.

Officer comment:

Access for garbage vehicles and deliveries will be maintained. No turning will be required, with vehicular access from Camden Valley Way and egress to Somerset Avenue in a continuous forward direction.

8. No convenient access between multi deck car park and SP61743

Officer comment:

The existing pedestrian footpath fronting SP61743 will be maintained and will be connected to defined egress routes through the developed Heritage Square and multi deck car park. This is shown on Drawing No A-DA-009 Revision A, prepared by Buchan Group dated 2 July 2013. This drawing also denotes the customer entry and vertical circulation points in the immediate vicinity of SP61743.

9. Information provided in support of the DA is inadequate and application is incomplete and it is not clear as to the development for which consent is sought

Officer comment:

The information submitted in support of this DA is considered to be adequate and complete and has allowed Council staff to undertake a full assessment of the DA against all applicable environmental planning instruments and development control plans. The DA is therefore considered to be fully complete and compliant with the Camden LEP 2010 and Camden DCP 2011 with the exception of one variation to a signage control.

Road works component contained within Lot 101 DP 118468 has previously been approved under DA1185/2008.

10. Bulk Earthworks DA is referenced but application lacks certainty and final levels or drainage infrastructure and the like.

Officer comment:

Final surface levels and drainage infrastructure are detailed on stormwater concept Drawing No 59517 prepared by Lean Lackenby & Hayward and submitted with the DA. These drawings indicate final levels along with drainage infrastructure required to service the DA.

11. The extent of works proposed to Lot 1 DP627565 & Lot 1 DP868394 need to be delineated and owners consent obtained.

Officer comment:

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Road works upgrades are contained wholly within road reserve and do not encroach on Lot 1 DP627565 & Lot 1 DP868394. The plans submitted reflect this.

12. Assessment of the principles of Crime Prevention Through Environmental Design (CPTED) is required.

Officer comment:

Following a request by Council staff, a CPTED analysis has been submitted in support of the DA. This CPTED analysis has been assessed by CLAC and Council staff and is considered acceptable.

13. New EIA should be prepared in support of the DA

Officer comment:

Council staff have considered the requirement to provide a new EIA (the DA was accompanied by an addendum to the EIA which was prepared at rezoning stage). Council staff secured the services of Hill PDA to conduct a thorough review of the addendum EIA.

Hill PDA noted that a revised EIA may be desirable yet is not essential to the assessment of the DA as it currently stands and noted that the relevant planning authority has the necessary information to make its determination based on the information provided.

14. Comprehensive Transport Management and Accessibility Plan (TMAP) and road safety audit should be provided

Officer comment:

Council staff have reviewed the request to provide a TMAP and road safety audit and do not believe they are warranted in relation to this application. The RMS have also not required a TMAP and there is sufficient information contained within the DA to complete an assessment of transport management and accessibility.

Public transport context is addressed in short to medium term with bus stops integrated into the 2 proposed public plazas. Long term public transport context is dependent on outcomes of detailed planning for the South West Rail Link extension and is as yet unknown.

15. Inadequacies in the Traffic Impact Assessment and an over emphasis on modelling. Need for additional transport and parking impact assessment

Officer comment:

The TIA submitted in support of the DA has been assessed by both the RMS and Council staff. The TIA is considered to be sufficient and the modelling used in accordance with RMS requirements. Council staff are therefore satisfied with the TIA lodged and agree with its recommendations.

16. RMS Planning Agreement should be publicly exhibited

Officer comment:

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There is no planning agreement in place between the RMS and the applicant. Rather an agreed road infrastructure concept that was developed in conjunction with RMS was exhibited as part of the rezoning process. This agreement is reflected in Works Authorisation Deed and was not required to form part of this DA.

17. Poor urban design response and the proposal do not incorporate principles included in the Draft Activity Centres Policy.

Officer comment:

As aforementioned, the DA responds to each of the DCP controls for the site in relation to built design. It is considered that the proposed development results in a quality design outcome that can be incorporated in the further expansion of the wider B2 local centre zone and its built form.

The Draft Activity Centres Policy is based on six key principles which have been assessed by Council staff. These principles include the following:

- I. Commercial development should be located in centres.
- II. Activity centres should be able to grow and new activity centres form.
- III. Market determines the need for development.
- IV. Supply of development should accommodate market demand.
- V. Activity centres should support a range of uses and contribute to a competitive market.
- VI. Activity centres should be well designed and integrated with surrounding uses.

It is considered that the proposed alterations and expansions to NTC comply with the above principles in that NTC is located within an existing centre and has allowed other new activity centres to grow. Further there is a market demand for additional retail space as a result of the significant growth in population in the Camden LGA.

18. Proposed bus stop is not a 'transport interchange'

Officer comment:

Consultation was held with a range of stakeholders including Council, Department of Planning and Environment, Transport for NSW and Busways prior to submission of the DA. Based on existing transport strategies there are no intermodal transport or bus route interchanges anticipated at Narellan in the foreseeable future.

However, the DA is capable of accommodating an interchange if and when the need arises.

19. Consent for use as commercial premises 24 hours a day, seven days a week is too broad and individual DA's should be sought.

Officer comment:

It is considered to be unnecessary to require separate DA's for commercial uses given the majority of these tenancies will comprise retail or food and drink premises.

In addition under the provisions of the Exempt and Complying Codes SEPP 2008, some of the uses may not require the lodgment of a DA.

20. Development is inconsistent with the objectives of the zone and key requirements of the DCP.

Officer comment:

An assessment of the DA against the objectives of the zone is outlined above under “Camden Local Environmental Plan 2010’ section of this report. That assessment demonstrates that the DA is consistent with the relevant objectives of the applicable B2 Local centre zone.

A further assessment against all applicable DCP controls is outlined under ‘Camden Development Control Plan 2011’ section of this report. That assessment demonstrates that the DA complies with all applicable controls with the exception of a signage control.

Council staff are therefore satisfied that the development is not inconsistent with the LEP objectives and the key requirements of the DCP are satisfied.

21. Heritage Impact Statement provided is too broad.

Officer comment:

An addendum to the Heritage Impact Assessment that was undertaken at rezoning stage was submitted in support of the DA. This HIA has been assessed by Council’s heritage officer who is happy with the addendum and raises no issues with the proposal and its impacts on the Burton Arms Inn which is a local heritage item. The DCP contains a number of controls relating to potential impacts on the Burton Arms Inn and the DA, including the design, siting, bulk and scale complies with those controls.

In addition, the Heritage Plaza which sits adjacent to the Burton Arms Inn is designed to complement the heritage character of the area and create sufficient breathing space between old and new.

22. Solar access plans should be provided

Officer comment:

The DA was accompanied by shadow diagrams (Drawing No A-DA-501 Revision A, prepared by Buchan Group dated 12 July 2013) and these shadow diagrams demonstrate that there are no detrimental solar impacts on SP6173 as a result of the proposed development.

23. Social Impact Assessment should be undertaken to outline the history of the proposal with respect to community consultation, input into the design process and master planning etc.

Officer comment:

A social impact assessment has not been submitted with the DA and is not considered necessary for assessment. As previously outlined, as part of the planning proposal for the subject site, a public consultation process was undertaken and all

comments made from the public were taken into account in the finalisation of all controls and objectives for the site through the formulation of LEP and DCP controls. The DA complies with those controls with the exception of signage.

It is therefore considered that no further social impacts assessment is warranted due to the level of consultation already undertaken.

24. Heritage Square is poorly designed, has no active land uses, is poorly integrated with surrounding areas as a result of barriers and finished floor levels, and has no apparent territoriality toward Camden Valley Way.

Officer comment:

The proposed Heritage Plaza has been designed in accordance with the DCP controls that apply to it. Council staff have recommended that a condition be imposed which requires an additional access point from SP61743 to the Heritage Plaza. At present one access way exists on the western corner of SP61743. This will allow for further permeability between the heritage plaza and SP61743.

The Heritage Plaza is considered to generate pedestrian movement through the location of the bus stop and vehicle drop off zone and also through its shared zone. It has a direct link to Camden Valley Way and is sufficiently articulated to provide a place of interest and use.

25. Landscape screening and physical barriers represent security concerns.

Officer comment:

Landscaping has been specifically designed to soften, layer and define the space and also to comply with the DCP requirements. However, to ensure that the proposed landscape does not represent a physical and visual barrier to SP61743, a condition is recommended which requires the plant species proposed along the western boundary of SP61743 to be spaced at a sufficient distance apart to allow visibility to SP61743.

26. Nominated public parking spaces are not convenient or accessible.

Officer comment:

The DA proposes retention of the 66 public car spaces in locations generally consistent with the existing obligations on title. Only 3 of the 66 spaces are to be repositioned. This is considered to be reasonable and those spaces are considered to be in close proximity and safely accessible for pedestrians frequenting SP61743.

27. Car parking space locations nominated will have an adverse economic impact on SP6173 and have been proposed on an anti competitive basis that would undermine the retail hierarchy of the area.

Officer comment:

As aforementioned, the car parking spaces referred to (being the spaces identified within the existing s88B instrument for Lot 51, DP1154590) are being retained albeit three in a slightly repositioned location. It should be noted that those 66 spaces are not for the sole use of SP61743. It is not considered that the repositioning of 3 spaces is in any way anti-competitive. The 66 spaces in question will be accessible

to the public on a continuous basis. It is also noted that the DA proposes an excess of car parking of 314 spaces which will also be accessible to the public.

28. Signage should be erected stating that the parking spaces are for use by SP6173 patrons

Officer comment:

There is no legal requirement for this DA to provide spaces specifically assigned to SP61743. The terms of the s88B listed for Lot 51, DP1154590 requires 66 car parking spaces over and above the requirements of NTC. Those 66 spaces are for public use and are available for users of SP61743.

29. Passive design elements should be included to delineate use of parking for SP6173 via pedestrian linkage and discourage use by patrons of the shopping centre

Officer comment:

As noted, the 66 car parking spaces in question are for the public benefit and additional to the requirements of the Shopping Centre but are not for the exclusive use of staff & customers of SP61743. Delineating these spaces is not supported by Council staff.

30. Nearby escalator should be removed to discourage use of nearby parking spaces by shopping centre patrons

Officer comment:

The escalator in question plays an important role in pedestrian connectivity for the wider area and is also a requirement of the DCP to ensure the development is linked across Camden Valley Way. The removal of this escalator is not supported by Council staff.

31. Poor access for cars and pedestrians will have a detrimental economic impact on many retail tenancies at the corner of Camden Valley Way and Somerset Avenue

Officer comment:

As aforementioned, the existing right of way in favour of Council is proposed to be retained with minor modifications. This access way will allow for sufficient access for cars and pedestrians to move through the NTC site in a safe and legible manner.

32. Multi storey car park would appear as 3 storey wall with no setback and 10m separation

Officer comment:

The facade to the multi storey car park will be articulated as a combination of parapet and open bands. A solid wall is not proposed and this can be seen from Drawing NOADA-300 Revision A, prepared by Buchan Group date July 2012).

The proposed car park structure is set back approximately 11.8m from the common boundary (and approximately 16m from the existing shopfronts of SP6173). In

addition, a 1.8m wide footpath is provided for between the roadway and the multi deck car park.

33. Development prejudices rather than encourages redevelopment of neighbouring sites over time.

Officer comment:

It is not considered that this DA in any way inhibits SP61743 from further development and no evidence has been provided to demonstrate this. Rather it is considered that this DA will result in increased patronage which can benefit existing developments also.

34. Site servicing of SP61743 is unclear

Officer comment:

The waste bin area nominated on title for SP61743 is maintained and it is anticipated that after hours pick up of the bins (front or rear lift) will be achieved from the 6.6m wide roadway adjacent, without need for vehicle turning.

35. Existing rights of SP61743 to access 66 car parking spaces

Officer comment:

The 66 car parking spaces in question were formed as a result of the sale of a public car park located on Lot 101, DP 716594 to a private purchaser (D Vitocco Constructions Pty Limited). As a result of that sale, a Clause was included in the contract of sale requiring the provision of 66 car parking spaces located on ground level for use by the public and these spaces must be in addition to the car parking requirements of NTC. Those 66 spaces are not identified for the sole use of SP61743.

This DA proposed the retention of those 66 car parking spaces in excess of the DCP requirements for NTC. Those spaces are located generally in accordance with the easement for those spaces.

36. The existing s88B instrument and 66 car parking spaces nominated do not match the plans attached to the original contract for Sale of Lot 50, DP 1154590

Officer comment:

As aforementioned, Clause 38 of the contract for the sale of the public car park required the provision of 66 car parking spaces on ground level for use by the public. It also referenced the location of those spaces in a plan marked "C" which formed an attachment to that contract.

The s88B instrument formalised for those 66 spaces does not correlate with the plan marked "C" as referenced in the contract of sale however the Council agreed to the varied location. The easement created on the s88B shows those spaces immediately adjacent to and to the west of SP61743. The location of the 66 spaces is considered to be in close proximity to SP61743.

Under the current DA, the easement for 66 parking spaces will be maintained (albeit slightly repositioned) and the 8 existing easements spaces in the immediate proximity of SP61743 are increased to 9.

(Plan marked "c" and the 88b instrument that has been registered and exists on Lot 50, DP 716594 are included as Attachments to this report).

37. It is requested that the 11 car parking spaces are retained on the western side of SP61743

Officer comment:

As aforementioned, the relocation of the existing car parking spaces to the west of SP61743 occurs in order to accommodate the Heritage Plaza which is identified as a key civic plaza in the DCP. The retention of those spaces is not considered to be viable.

38. It is requested that the car spaces for the customers of SP61743 are positioned directly adjacent to its property

Officer comment:

It is considered that the location of the 66 car parking spaces is reasonable and allows for sufficient access and use by customers of SP61743. The DA proposes to maintain the current location of those spaces in accordance with the applicable s88B (with only slight repositioning of a small number of those spaces) and this is considered reasonable by Council staff.

39. As the easements of the 66 car parking spaces are to be amended, SP61743 should be specifically noted as the benefited by the easement for car parking and also the positive covenant.

Officer comment:

Council staff have considered the request to include SP61743 as a beneficiary of the 66 car parking spaces and note that there is no legal requirement to do so. Council has the power to vary the easements where necessary and it is considered that those 66 spaces are for public benefit not just the sole use of SP61743. It is considered that their location and accessibility is sufficient to service SP61743 without the formal need to make SP61743 a beneficiary.

40. There is no easy access to SP61743 from the multi deck car park and these spaces may be gated or paid spaces

Officer comment:

A pedestrian circulation plan has been submitted in support of the DA (see Drawing No A-DA-009 Revision A prepared by Buchan Group dated November 2012). This plan denotes the pedestrian circulation and customer entry and vertical circulation within the site. This shows a number of access points within close proximity of SP61743 to allow access to and from the multi deck car park.

The applicant has advised that the car parks within Zone 1 & 2 are proposed to remain as unpaid parking. Car park operating hours will generally be a minimum of half an hour before and half an hour after the Centre Trading hours. Usual minimum

trading hours are Mon 9am-5:30pm, Thurs 9am-9pm, Sat 9am-4pm, Sun 10am-4pm, however some retailers have existing approvals to trade beyond these hours, and approval has been sought to trade 24 hours if warranted by demand in peak trade times such as sales or holiday periods. It is therefore considered that there will be sufficient access to unpaid car parking spaces which will benefit SP61743.

41. The DA does not ensure that there is easy access from the car park facilities to SP61743

Officer comment:

A pedestrian circulation plan has been submitted in support of the DA (see Drawing No A-DA-009 Revision A prepared by Buchan Group dated November 2012). This plan denotes the pedestrian circulation to and from SP61743 and the proposed car parking. It is a recommended condition that a pedestrian crossing is provided to facilitate pedestrian movement from the multi deck car park to SP61748. This will ensure sufficient, safe and legible pedestrian access is achieved.

42. Proposed Floor Plan No A-DA-111 issue A shows a solid wall on the northern elevation of the proposed multi deck car park and this will inhibit pedestrian access from the northerly side of this car park to SP61743

Officer comment:

It is a recommended condition that the northern elevation of the proposed multi deck car park is open to allow pedestrian access and movement. This will further enhance the access and permeability for pedestrian movement within the site. Further it will ensure a proper integration of the existing retail and commercial shops into the new NTC.

43. The developer is treating the right of way as a service lane with little amenity. Good access and pedestrian safety and amenity should be provided.

Officer comment:

A footpath of 1.3m is provided which links the users of SP61743 to the proposed multi deck car park. This allows for safe pedestrian movement through the right of way. The multi deck car park has been sufficiently articulated to ensure amenity is not lost.

44. A condition should be imposed requiring a parking and access management plan as previously endorsed by the JRPP for DA658/2010 which proposed a smaller expansion to NTC

Officer comment:

Council staff have considered the requirement of a parking and access management plan and have recommended a condition requiring that one be submitted prior to the issue of a Construction Certificate. The parking and access management plan will be required to include details of signage, traffic flow and routes, number and location of disabled spaces, safe access to the 66 car parking spaces for use by the public in excess of DCP requirements and details of crossings.



45. Clear access must be ensured and protected during construction

Officer comment:

Various impacts to the surrounding businesses have been considered and a condition has been recommended to manage impacts during the construction phases. This recommended condition includes the following provisions;

- the applicant notifying surrounding businesses a minimum of one month prior to each stage (that requires existing parking and vehicle access closures) and providing detail on the vehicle access arrangements considered necessary;
- vehicle access is to be maintained through the right of way during all stages;
- directional signage for deliveries be provided;
- ensuring all construction vehicles (including the vehicles from the construction workers) are directed to either park within the development site area or for alternative arrangements to be made to ensure such vehicles do not park within the general public parking areas; and
- all reasonable effort is made by the developer to provide safe and convenient pedestrian access from the surrounding businesses to the centre.

Subject to the imposition of this condition, it is considered that the impacts during construction can be adequately managed.

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

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

**EXTERNAL REFERRALS**

*Roads and Maritime Services (RMS)*

The DA was referred to the RMS for comment as the proposed development is classed as a traffic generating development. The RMS has made several recommendations in relation to the proposed development which include compliance with AS 2890, the provision of sufficient pedestrian facilities within the site and the preparation of a construction management plan detailing construction vehicle routes, numbers etc.

Council staff have reviewed and agree with the recommendations of the RMS. These are recommended as part of the conditions contained in this report.

*Mine Subsidence Board (MSB)*

Pursuant to Section 91 of the *Environmental Planning and Assessment Act 1979*, the DA is classed as Integrated Development as the site is located within the South Campbelltown Mine Subsidence District and requires the approval of the MSB. The MSB has provided general terms of approval for the proposed development subject to detailed design approval prior to works commencing on site. Compliance with the MSB general terms of approval is a recommended condition.

#### *Camden Local Area Command (CLAC)*

The DA was referred to the CLAC for comment and CLAC have identified the site as a 'low crime' risk. The CLAC have recommended several safety features for this development including CCTV cameras, anti-vandal lighting, an intruder alarm system and bollards to prevent ram raids. All of the CLAC's recommendations are recommended as conditions with the exception of vegetation being 3-5m clear of pathways. This would result in quite open and sparse areas. Council staff recognise the need for landscape vegetation to be designed which minimises the risk of concealment and the landscape species proposed achieves this.

#### *Sydney Metro Airports*

Pursuant to Clause 7.2 of the Camden LEP 2010, a referral was sent to Sydney Metro Airports in that the site is located within the Obstacle Limitation Surface Map for Camden Airport. The subject site is located within both the 150m AHD and 175m AHD. The proposed development will have a maximum height of 105m AHD and Council staff are therefore satisfied that the development will not penetrate the OLS.

Sydney Metro Airports have provided a response and raise no issues with the proposed development given its proposed height. Camden Airport also advise they do not wish to make any further comments on this DA.

### **FINANCIAL IMPLICATIONS**

Council's Property Team are currently in negotiations with the applicant in relation to the lease terms and rental payable for the air space/bridge located in zone 3. . The outcome of this will form the basis of a report to Council.

### **CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 167/2014 is recommended for approval subject to the conditions contained in this report.

### **CONDITIONS**

#### **1.0 - General Requirements**

- (1) **Development in Accordance with Plans** – The development is to be generally in accordance with plans and documents listed below with no material changes, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
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A-DA 001 Issue A	Location and Aerial Plan	The Buchan Group	July 2012
A-DA 002 Issue A	Site Plan – Survey	The Buchan Group	July 2012
A-DA 003 Issue A	Site Plan – Existing	The Buchan Group	November 2012
A-DA 004 Issue A	Site Plan - Proposed	The Buchan Group	November 2012
A-DA 005 Issue A	Site Plan – Demolition and Excavation Overview	The Buchan Group	November 2012
A-DA 006 Issue A	Proposed Overall Site Plan – L01 (Lower Ground Level)	The Buchan Group	July 2012
A-DA 007 Issue A	Proposed Overall Site Plan – L04 (Roof and Carpark)	The Buchan Group	July 2012
A-DA 008 Issue A	Urban Analysis Diagrams – Site and Location Plan	The Buchan Group	November 2012
A-DA 009 Issue A	Urban Analysis Diagram – Pedestrian Circulation	The Buchan Group	November 2012
A-DA 010 Issue A	Urban Analysis Diagrams – Vehicular Circulation	The Buchan Group	November 2012
A-DA 011 Issue A	Existing Floor Plan – Lower Ground Level	The Buchan Group	July 2012
A-DA 012 Issue A	Existing Floor Plan – Retail Level	The Buchan Group	July 2012
A-DA 021 Issue A	Demolition and Site works Plan – Lower Ground Level	The Buchan Group	July 2012
A-DA 022 Issue A	Demolition Plan – Retail Level	The Buchan Group	July 2012
A-DA 110 Issue A	Proposed Floor Plan – L01 Zone Two Site Connections	The Buchan Group	February 2013
A-DA 111 Issue A	Proposed Floor Plan – L01 ( Lower Ground Floor)	The Buchan Group	July 2012
A-DA 112 Issue A	Proposed Floor Plan – L02 (Z2 Mezzanine Carpark)	The Buchan Group	July 2012
A-DA 113 Issue A	Proposed Floor Plan – L03 (Retail Level)	The Buchan Group	July 2012
A-DA 114 Issue A	Proposed Floor Plan – L04 (Roof and Carpark)	The Buchan Group	July 2012
A-DA 200 Issue A	Building Sections – NTC Site Sheet 01	The Buchan Group	July 2012
A-DA 201 Issue A	Building Sections – NTC Site Sheet 02	The Buchan Group	July 2012

A-DA 202 Issue A	Building Sections – Bridge/Landturn Site Sheet 03	The Buchan Group	July 2012
A-DA 300 Issue A	Building Elevations – NTC Site (Zone 1) Sheet 01 of 03	The Buchan Group	July 2012
A-DA 301 Issue A	Building Elevations – Landturn Site (Zone 2) Sheet 02 of 03	The Buchan Group	July 2012
A-DA 302 Issue A	Building Elevations – Bridge (Between Zone 1 & 2) Sheet 03 of 03	The Buchan Group	July 2012
A-DA 500 Issue A	Shadow Diagrams Winter June 21	The Buchan Group	November 2012
A-DA 501 Issue A	Shadow Diagrams Summer December 21	The Buchan Group	November 2012
A-DA 520 Issue A	Carpark Schedule	The Buchan Group	July 2012
A-DA 521 Issue A	Area Schedule (Lettable Floor Area Summary)	The Buchan Group	July 2012
A-DA 600 Issue A	Building Perspective – Site	The Buchan Group	October 2012
A-DA 601 Issue A	Building Perspective – Heritage Plaza and Civic Square	The Buchan Group	October 2012
A-DA 602 Issue A	Building Perspective – Camden Valley Way And Somerset Avenue	The Buchan Group	October 2012
A-DA 603 Issue A	Building Perspective – Heritage Plaza	The Buchan Group	October 2012
A-DA 604 Issue A	Building Perspective – Camden Valley Way Looking North-East	The Buchan Group	October 2012
A-DA 605 Issue A	Building Perspective – Heritage Square Looking Towards NTC Entry	The Buchan Group	October 2012
A-DA 606 Issue A	Building Perspective – Bridge View Camden Valley Way East View Day and Night	The Buchan Group	October 2012
A-DA 607 Issue A	Building Perspective – Bridge View Camden Valley Way West View Day and Night	The Buchan Group	October 2012
DA – 610 Issue A	Civic Plaza Plan - Detail	The Buchan Group	July 2012
A-DA 700 Issue A	External Finishes	The Buchan Group	November

	Board		2012
58-12.10 Issue H	Masterplan	Distinctive Living Design	17/07/2013
58-12.20 Issue H	Civic Square A	Distinctive Living Design	17/07/2013
58-12.21 Issue H	Civic Square B	Distinctive Living Design	17/07/2013
58-12.22 Issue H	Civic Square C	Distinctive Living Design	17/07/2013
58-12.23 Issue H	Heritage Square A	Distinctive Living Design	17/07/2013
58-12.24 Issue H	Heritage Square B	Distinctive Living Design	17/07/2013
58-12.25 Issue H	Streetscape A	Distinctive Living Design	17/07/2013
58-12.26 Issue H	Streetscape B	Distinctive Living Design	17/07/2013
58-12.27 Issue H	Streetscape Old Northern Road	Distinctive Living Design	17/07/2013
58-12.28 Issue H	Future Development Site	Distinctive Living Design	17/07/2013
58-12.29 Issue H	Key Corner B	Distinctive Living Design	17/07/2013
Pages 2-12	Town Centre Palette Guide	Distinctive Landscape Planning	
G- 100 Issue B	Signage Master Plan	The Buchan Group	December 2012
G-2001 Issue C	Zone 1 Elevations – Corporate Signage Proposal	The Buchan Group	May 2013
G-2002 Issue C	Zone 2 Elevations (East & West) – Corporate Signage Proposal	The Buchan Group	May 2013
G-2003 Issue C	Zone 2 Elevations (North & South) – Corporate Signage Proposal	The Buchan Group	May 2013
Pages 1-14	Staging Sequence Phase 1 to 7	The Buchan Group	
59517BDY_SITE_B	Plan of Land	Lean Lackenby & Hayward	January 2013
59517EMT_NTH	Plan of Easements to be Released	Lean Lackenby & Hayward	April 2013
59517PPS_NTH	Plan of Proposed Subdivision & Easement Creation	Lean Lackenby & Hayward	April 2013
59517bdy_site_STH	Plan of Land	Lean Lackenby & Hayward	May 2013
58977EMT_STH	Plan of Easements to be Released	Lean Lackenby & Hayward	April 2013
58977PPS_STH	Plan of Proposed Subdivision & Easement Creation	Lean Lackenby & Hayward	April 2013

59517 Bridge Stratum	Plan Showing Proposed Bridge Stratum	Lean Lackenby & Hayward	April 2013
59517 Index	Sheet Index	Lean Lackenby & Hayward	July 2013
59517 Carpark 250 10	Plan of Proposed Stormwater Drainage Works Carparking Level	Lean Lackenby & Hayward	June 2013
59517 Carpark 250 3	Plan of Proposed Stormwater Drainage Works Carparking Level	Lean Lackenby & Hayward	June 2013
59517 Carpark 250 4	Plan of Proposed Stormwater Drainage Works Carparking Level	Lean Lackenby & Hayward	July 2013
59517 Carpark 250 5	Plan of Proposed Stormwater Drainage Works Carparking Level	Lean Lackenby & Hayward	June 2013
59517 Carpark 250 6	Plan of Proposed Stormwater Drainage Works Carparking Level	Lean Lackenby & Hayward	June 2013
59517 Carpark 250 7	Plan of Proposed Stormwater Drainage Works Carparking Level	Lean Lackenby & Hayward	June 2013
59517 Carpark 8	Plan of Proposed Stormwater Drainage Works Car parking Level	Lean Lackenby & Hayward	June 2013
59517 Carpark 250 9	Plan of Proposed Stormwater Drainage Works Carparking Level	Lean Lackenby & Hayward	June 2013
42-14.00 Issue C	NTC Public Art Master Plan	Distinctive Living Design	4 June 2014
061969-05BCA Revision D	BCA Report Narellan Town Centre – Stage 5 Expansion Camden Valley Way, Narellan	McKensie Group	14 November 2014

(2) **Amendments To Approved Plans** - The amendments indicated and described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:

- (a) provision of an additional access point from the Heritage Plaza connecting directly into SP61743 to ensure the plaza is integrated with existing commercial tenancies. This access pint must be a minimum 2.5m wide.

- (b) a footpath with a minimum 1.2m must be provided along the Right of Way from SP61742 to the multi deck car park to the south to ensure safe pedestrian movement.
  - (c) The proposed tree species proposed along the eastern side of the Heritage Plaza must not screen SP61743 and must be located a sufficient distance apart to ensure SP61743 is clearly visible from the Heritage Plaza.
- (3) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all hard and soft landscaping elements associated with this Consent.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation and street tree installation in respective stages.

The 24 month maintenance and establishment period includes the Applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations.

It is the Applicant's responsibility to arrange a site inspection with the Principal Certifying Authority (PCA), upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

At the completion of the 24 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards) must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works must generally comply with the approved Conceptual Landscaping Plans, Project, Narellan Town Centre, Drawing No's 58\_12.00 & 58\_12.10 & 58\_12.20 to 58\_12.29 inclusive, drawn by distinctive Living Design, dated 17/7/2013, Issue H, Project No 58\_12 unless otherwise stated in writing by the Consent Authority.

- (4) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -
- (a) Camden Council's current Engineering Specifications, and
  - (b) Camden Council's Development Control Plan 2011
- (5) **Food Codes And Regulations Compliance** - The construction and fit-out of the premises or any part thereof, to be used for the manufacture, preparation or storage of food for sale, must comply with Camden Council's Food Premises Code, the *Food Act, 2003* and the *Food Regulations 2010 (incorporating the Food Standards Code)*.
- (6) **Garbage Rooms** - Garbage rooms shall be designed and constructed to be vermin proof. The room shall be constructed of solid material, cement

rendered and steel troweled to an even surface. Hot and cold hose cocks shall be provided and the floor is to be graded and drained to an approved floor waste within the room.

- (7) **Complaints Register** - A register of complaints, in accordance with section 10 "Dealing with complaints" of report titled "Narellan Town Centre/ Landturn, Narellan Construction Noise and Vibration Management Plan, prepared by Acoustic Logic report dated 11 September 2014 revision 1 report No.20120320.5/1109A/R1/JD, shall be kept on site at all times and available for Council Staff to review.
- (8) **Liquid Wastes** - All liquid wastes other than stormwater generated on the site must be discharged to the sewer in accordance with the requirements of Sydney Water.
- (9) **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.
- (10) **Work cover Authority** - All remediation work must comply with relevant requirements of NSW Work Cover Authority.
- (11) **Licenses** - It is the responsibility of the applicant /land owner/site operator to ensure that all relevant licenses are obtained from all appropriate authorities in accordance with relevant legislation requirements prior to the commencement of remediation works.
- (12) **General Requirement** - All activities associated with the completed development must be carried out in an environmentally satisfactory manner as defined under section 95 of the Protection of the Environment Operation Act 1997.
- (13) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (14) **Public Art Strategy** – The development must be carried out generally in accordance with the Narellan Town Centre Public Art Strategy, Project Ref 42/14, Issue C prepared by Distinctive Living Design, dated 16 June 2014 unless otherwise approved in writing by the Consent Authority.
- (15) **Individual Tenancies (unknown use)** - Approval is given for the construction of a commercial development and the use of tenancy spaces as indicated on the architectural plans for 'commercial premises' as defined by the Camden Local Environmental Plan (LEP) 2010. The fit out of individual tenancies may be undertaken in accordance with State Environmental Planning Policy (Exempt and Complying Codes) 2008.
- (16) **Staging of Development** – The Staging sequences for the development shall be carried out generally in accordance with the Constructions Phasing Plans submitted which comprise 7 stages prepared by the Buchan Group. Progressive Construction Certificates and Occupation Certificates are allowable.



- (17) **Roads and Maritime Service (RMS) Requirements** – All the requirements of the correspondence from the RMS to Camden Council dated 22 October 2014 must be fully complied with at all times unless amended in writing by the RMS.
- (18) **Waste Management** – The management of all waste within the site must be carried out in accordance with the requirements of Part B1.1.9 of the Camden Development Control Plan 2011.
- (19) **Bicycle & Motorcycle Parking** – Bicycle and motorcycle spaces at a rate of 1 space per 25 spaces for each progressive new stage of development must be provided. The location of these spaces must be generally in accordance with Figure D48.3 of the Camden Development Control Plan 2011. These spaces must comply with AS2890.3 for bicycle spaces and AS2890.5 for motorcycle spaces.
- (20) **Car Parking** – A minimum parking rate of 4.2 spaces per 100m<sup>2</sup> of Gross Lettable Floor Area must be provided prior to the issue of the Occupation Certificate of each progressive new phase of development.
- (21) **Multi deck Car Park** – The proposed northern elevation of the multi deck car park must be open on the ground floor (as shown on Drawing No A-DA-300 Issue A prepared by Buchan Group dated July 2012) to allow for pedestrian permeability through the site in a safe and legible manner.
- (22) **Design of Air Conditioning and plant Screening Units** - The design of the air conditioning and plant screening must have regard to the architectural design of the building and use similar colours and materials as the building it rests upon.
- (23) **Awnings** - All awnings must be setback 500mm from the kerb of the street carriageway.
- (24) **Stormwater Design** – It is acknowledged that the proposed stormwater management plan replicates and augments existing infrastructure strategies and systems and is to be constructed in accordance with the design intent of the concept plans prepared by Lean Lackenby and Hayward, Job No 59517 dated July 2013.
- (25) **Signage** – All signage proposed must be wholly located within the subject site and must not encroach on public land. No advertising/business identification signage is permitted on the pedestrian bridge linking Zone 1 and Zone 2.
- (26) **Stack and Efflux Installations** - Any stack and efflux installations must comply with the requirements set out in Advisory Circular 139-05 issued by Civil Aviation Authority.
- (27) **Noxious Weeds** -
- (a) The applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occur during construction.

- (b) As per the requirements of the *Noxious weeds Act 1993*, the applicant must also ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.

## 2.0 - Construction Certificate Requirements

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate for component parts or stages in accordance with the phasing plans.

- (1) **Detailed Landscaping Plans** - Prior to the issue of the relevant Construction Certificate relating to any landscape works, detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the Construction Certificate application and the detailed Plans must be in accordance with Camden Council's current Engineering Design Specifications.

The following listed items must also be included in the detailed Landscaping Plans, with all other proposed Landscaping elements.

- (a) Road verge and Nature Strip Street Trees:

- (i) Ensure that the necessary street tree installation, positioning and proposed establishment maintenance schedules are clearly shown.
- (ii) All street trees at time of planting must have well constructed tree guard protection installed. Bollards are considered acceptable as a form of tree guard. If bollards are used then they are to be in minimum 1.8m lengths, which will allow for 1.2m above ground exposure and .6m buried support. Bollards are to be a minimum 150mm x 150mm width. If timber bollards are to be used then they need to have a minimum durability of H4 CCA and a minimum of 2 bollards are to be installed per street tree.
- (iii) Street trees are not to be multi stemmed, but have only one central main stem. The trees, when planted, must be able to stand alone without the need for support, and must be watered regularly during their establishment period.
- (iv) Any construction impact minimisation works, carried out on street trees, must be completed by a suitable qualified Arborist. Qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 4 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for the preparation of Tree Hazard Reports, Preliminary Site Assessment, Tree Protection Plans, Tree Health Assessments and Tree Risk Assessments.
- (v) All street trees are to have root barrier installed to the kerb side of the installation.
- (vi) That all the street trees are sourced in a minimum 45 litre container size.

- (b) The detailed Landscaping Plans lodged for the issue of the Construction Certificate must include a planting schedule. The planting schedule must clearly detail the planting positioning, species by botanical and common names, quantities, planting sizes. The planting schedule must also clearly show the proposed establishment and maintenance programme to be applied to the installed landscaping.
  - (c) The Landscaping Plans lodged for the issue of the Construction Certificate must include all proposed public open space landscaping. The Landscaping Plans must also detail all proposed hard landscaping elements including signage, paths, bins, seating or street art.
  - (d) The detailed Landscaping Plans must be generally consistent with the Consent approved Conceptual Landscaping Plans Project: Narellan Town Centre, Drawing No's 58\_12.00 & 58\_12.10 & 58\_12.20 to 58\_12.29 (inclusive), drawn by distinctive Living Design, dated 17/7/2013, Issue H, Project No 58\_12 unless amendments/modifications are approved in writing by the consent Authority.
- (2) **Civil Engineering Plans** – Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority prior to the relevant Construction Certificate being issued in relation to civil works.
- (3) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for the relevant Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (a) all matters associated with Council's Erosion and Sediment Control Policy.
  - (b) all matters associated with Occupational Health and Safety.
  - (c) all matters associated with Traffic Management/Control.
  - (b) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (4) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the relevant Construction Certificate for each stage.

The survey must include descriptions of each photo and the date when each individual photo was taken.

- (5) **Performance Bond** - Prior to the issue of any Construction Certificate for Zone 1 and Zone 2, the following bonds must be lodged with Camden Council:
- Zone 1 – A bond value of \$140,000; and
  - Zone 2 – A bond value of \$60,000.
- (6) **Public Risk Insurance Policy** - Prior to the issue of any Construction Certificate including works in the public domain, the owner or contractor is to take out Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (7) **Drainage Design** - A stormwater management plan is to be prepared prior to the issue of the relevant Construction Certificate relating to civil works to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This Plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
- (8) **Vehicular Area Design Standards** - The internal driveway and car parking area must be designed in accordance with AS2890.1-2004 off-street car parking.
- (9) **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. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (10) **Water Quality Measures** - The proposed surface water collection and disposal systems must incorporate adequate silt trap and grit and oil arrestors and gross pollutant traps.
- Only uncontaminated stormwater must be discharged to the stormwater drainage system. Details of the silt traps and grit arrestors and gross pollutant traps must be shown on the submitted engineering plans prior to Construction Certificate being issued for any civil works.
- (11) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with Camden Council's current Engineering Design Specifications.
- (12) **Paving Details at Key Corners** – The pavers must be laid and bedded appropriately with a high quality and refined transition between the concrete and the paver. All pavers in the public domain should be min 40mm thick. Thicker pavers where vehicles have access (driveway crossovers etc.). Council will need to be provided with the name of the paving product and supplier to ensure replacement consistency in the future.
- (13) **Shared Zone** – The proposed shared zone must fully comply with the RMS Design and Implementation of Shared Zones including Provision for Parking.

All pavers in the defined shared zone need to be capable of taking vehicular traffic. The base as well as the pavers themselves will need to be suitably sized, designed and constructed in order to maintain structural integrity of the pavement. Details of compliance is to be submitted to the PCA prior to the issue of the relevant Construction Certificate.

- (14) **Water Cooling Towers** - Prior to the issue of a construction certificate relating to the installation of cooling towers, the water treatment consultant for the water cooling towers shall be consulted prior to the installation of the system's to ensure that the treated water to be supplied to the cooling towers will be of appropriate quality for the satisfactory functioning and certification process of disinfection, under the provisions of Clause 7(4) and 10 of the Public Health regulations.
- (15) **Sydney Water Approval** - The Sydney Water Trade Waste section must be contacted regarding their requirements for the installation of a grease trap and a trade waste agreement for both Zone 1 and Zone 2. A written response must be submitted to the Consent Authority (i.e., Camden Council) prior to a Construction Certificate being issued for fit out works within the respective Zone 1 or Zone 2.
- (16) **Mechanical Ventilation** - Mechanical exhaust ventilation in accordance with AS 1668 must be provided to all kitchens, with the exhaust air being ducted outside the building in an approved manner. Details shall be submitted with any construction certificate application for any fit out works relating to food preparation premises.
- (17) **Cooling Towers** - Prior to the issue of the relevant Construction Certificate involving the installation of cooling towers, the final detail design for the retail/ commercial spaces shall be assessed by an acoustic consultant and a report submitted to the consent authority illustrating compliance with the target criteria of 50dB(A). The recommendations of this report shall be implemented.
- (18) **Acoustic Requirements** – Prior to the issue of the relevant construction certificate involving mechanical plant, an acoustic report prepared by an appropriately qualified acoustic consultant shall be submitted to the Certifying Authority demonstrating that all mechanical plant, will “individually” and “cumulatively” show compliance with EPA guidelines, Tables 5 and 6 of the Acoustic report titled “Narellan Town Centre Stage 5A Acoustic Assessment prepared by Acoustic Logic Rev.6 Document reference 20120320.0/2806A/R6/HP dated 16 July 2013” and Councils Policy. A table identifying compliance with the criteria at all sensitive receivers shall be included in the report.
- (19) **Construction Noise Management Plan** - A review and update of the report titled “Narellan Town Centre/ Landturn, Narellan Construction Noise and Vibration Management Plan, Narellan prepared by Acoustic Logic report dated 11 September 2014 revision 1 report No.20120320.5/1109A/R1/JD shall be submitted to the Certifying Authority prior to issue of each Construction Certificate.

The report shall reflect more accurately the construction equipment, predicted noise generation and details of the work schedules of the construction phases. Where the noise limits (not just the averages) exceed the allowable

noise levels, i.e. Background + 10dB(A) at the four (4) identified receiver locations reasonable work practices and respite periods must be implemented to mitigate noise. For highly noise affected levels (i.e. where construction noise exceeds 75dB(A), additional measures such as a noise screen will need to be implemented.

The screen is to be suitably sized to control noise from plant and equipment to a level where noise does not exceed the allowable limits, i.e. Background +10dB(A) when measured at the nearest residential boundary, and for Narellan Motor Inn at the front façade.

The screens are to be located in locations that are not on or within private residential land. The screens are to be put in place before the commencement of works for the relevant zones and shall remain until construction works have ceased for the specific stage of construction.

- (20) **Comprehensive Environmental Management Plan** - A comprehensive construction Environmental Management Plan is required to be completed and submitted to the Certifying Authority for concurrence prior to the issue of the first Construction Certificate. The plan is to include the following requirements as applicable:

- Site stormwater management Plan
- Soil management Plan
- Dust Control Plan
- Odour Control Plan
- Contingency measures for environmental incidents.

- (21) **Fire Safety Upgrade** - Pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*, the existing building is to be upgraded in accordance with the BCA Assessment Report prepared by McKenzie Group, Ref 061969-05BCA Revision D dated 14 November 2014.

- (22) **Construction Management Plan** – A detailed Construction Management Plan, prepared by a Category A1 Accredited certifier or C10 Fire Safety Engineer shall be prepared and submitted to the Certifying Authority prior to the issue of a Construction Certificate for building works within Zone 1. The plan shall make consideration to, but not limited to, the following:

- a) Where required, alternative arrangements for egress systems where existing egress systems are effected by the proposed construction works.
- b) Provision of egress from construction areas.
- c) The operation of all fire safety measures, where the performance or operation of such measures may be affected by construction works (e.g. fire brigade access, hydrant and hose reel operation, system shutdown during upgrading and interface works etc.)

The recommendations and requirements of this plan shall be implemented during construction.

- (23) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure

safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements of the PCA. Plans and proposals must be submitted to the PCA prior to a Construction Certificate being issued for each stage.

(24) **Traffic and Construction Management Plans** – Notwithstanding condition 2.0(22) and 2.0(23), the following procedures shall be incorporated within the relevant Management Plans for each stage of the development;

- I. all storage of building materials, stockpiles, hording, equipment, machinery, site office etc., shall be confined to the development site area;
- II. all deliveries relating to the construction works shall be unloaded within the development site area;
- III. all vehicles associated to the construction works, including construction vehicles and vehicles of the construction staff must not park within the general parking areas for the shopping complex;
- IV. detail of each stage of the development and the projected time frame for work within each stage;
- V. during the construction works, temporary vehicle access for the general use of the public shall be maintained at all times in accordance with the intent of the Right of Way from Somerset Avenue to Camden Valley Way within Zone 1. All appropriate Traffic Control Measures shall be implemented in accordance with AS 1742.
- VI. one month prior to the commencement of each stage that requires any existing easement parking spaces or Right of Way to be access limited then the independent shops and/or retail premises that are adjoining the development site area between Queen Street and Somerset Avenue shall be notified of the proposed commencement date of that stage;
- VII. one month prior to the commencement of each construction stage that requires any of the Right of Way to be access limited, Camden Council's Waste Service Unit shall be notified of the proposed commencement date of that stage.

(25) **Parking and Access Management Plan** - Prior to the issuing of a Construction Certificate relating to the car park construction on Zone 1 or Zone 2, the applicant is to provide a detailed Management Plan for the operation of all the car parking areas and shall include the following:

- I. integration of all parking areas;
- II. details of signage, traffic flow, pedestrian routes through the car park and the road crossings;
- III. implementation of a monitoring system on the availability of parking spaces to indicate available spaces and information on space availability at entry points to the car park;

- IV. numbers and location of disabled spaces and relationships to provide for immediate access to shops;
- V. safe pedestrian access to and from the public car park easement spaces in the vicinity of Strata Plan 61743.

A copy of this plan must be submitted to Camden Council for record purposes.

- (26) **Public use car parking spaces** - Prior to the issue of a Construction Certificate for building works on Zone 1, plans must be provided to identify 66 car parking spaces on the ground level for use by the public generally in accordance with the proposed plan of subdivision, Ref No 58977PPS\_STH prepared by Lean Lackenby and Hayward dated April 2013.

These car parking spaces must be in addition to the car parking spaces provided for the subject lots by Camden Development Control Plan 2011 and in accordance with terms outlined in the final linen plan outlined in DP1184590 registered at Land and Property Information.

- (27) **Planning Agreement** - Pursuant to s93I(3) of the Environmental Planning and Assessment Act 1979, prior to the issuing of the first construction certificate for any part of the development authorised by this consent, the 'developer' (within the meaning of s93F of that Act) is to enter into a voluntary planning agreement with the Council in accordance with the offer made by Narellan Town Centre Pty Ltd (ABN 41 747 031 182) and Narellan Town Centre Unit Trust (ABN 45 772 155 661) by letter to the Council dated 4 November 2014 on behalf of the developer in connection with the development application to which this consent relates, being DA 167/2014, and at the same time is also to provide to the Council the written consent of each person whose consent is required under s93H of the Act to the registration of the planning agreement and all other documents enabling registration of the planning agreement.

- (28) **Car Parking Design** - The design, construction details of the parking spaces, access thereto and all other external hard paved areas must conform to the Consent Authority's (i.e. Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by an Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority prior to each Construction Certificate being issued.

A work-as-executed plan and/or documentary evidence of compliance with the above conditions must be provided by an Accredited Certifier or Council prior to the corresponding Occupation Certificate being issued.

- (29) **Vehicular Area Design Standards** - The internal driveway and car parking area must be designed in accordance with AS2890.1-1993 off-street car parking.
- (30) **Connection To Existing Public Roads** - The proposed road construction must connect with the existing public roads. The connection at such locations must be carried out in accordance with the provisions and requirements of the applicable RMS/Camden Council's issued Public Road Activity (Road works) approval.



- (31) **Turning Facilities** – All turning and manoeuvring facilities shall be designed in accordance with the current edition of AS 2890.2 and in accordance with Camden Council's current Engineering Specifications.
- (32) **Footpath Levels** - If this application involves the erection of a structure which will be constructed at or near the road alignment and/or involves construction of a vehicular access onto the property, then footpath levels shall be obtained from Council prior to the issue of a Construction Certificate for civil works, and all such structures and internal driveways must be constructed to suit these levels.
- (33) **Section J Assessment Report** – Prior to the issue of each Construction Certificate relating to building work, an Energy Efficiency Report shall be prepared by a suitably qualified assessor. The report must address the requirements outlined with Section J of the Building Code of Australia.
- (34) **Mine Subsidence Board requirements** – Prior to the issue of any Construction Certificate relating to structural works, the applicant is to submit to the Principal Certifying Authority a schedule of measures proposed to be implemented to comply with the requirements of the Mine Subsidence Board requirements letter dated 25 June 2013 as attached to this consent.
- (35) **Crime Prevention through Environmental Design** – The applicant is to submit to Council and the Principal Certifying Authority a schedule of measures proposed to be implemented in the construction of the development in order to minimise the risk of crime. Details are to be provided prior to the release of each Construction Certificate for building works. Such measures are to be consistent with the conditions outlined in the recommended conditions of consent noted by the NSW Police Camden Local Area Command (CLAC) assessment, dated 22 September 2014, attached to this development consent.

The only exception is the request for all vegetation to be setback 3-5m from pathways as noted on Page 5 of the CLAC assessment. The vegetation as shown on the proposed landscape plans is deemed to be acceptable.

- (36) **Cooling Tower Design/Construction/Installation** – All water cooling system proposed for the site shall be designed, constructed and installed in accordance with AS 3666.1:2002, the Public Health Act 2010 and Public Health (Microbial Control) Regulation 2012.
- (37) **Surrender of Consent** – Prior to the issue of any Construction Certificate, consent issued for DA658/2010 must be surrendered and details of this must be submitted to the PCA.

### **3.0 - Prior To Works Commencing**

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

- (1) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported

by vehicles from the site. Ingress and egress of the site must be limited to this single access point for each of Zone 1 and Zone 2.

- (2) **Construction of the “Construction” On-site Detention/Sediment Control Basin** - Prior to the commencement of any other civil work the “construction” on-site detention/sediment control basin and the associated immediate stormwater drainage system must be constructed:

- (a) in accordance with the approved plans, and
- (b) to the requirements of the Principal Certifying Authority.

Any earth batters associated with such a facility must be compacted and stabilised to ensure that the integrity of the batters is continually maintained.

- (3) **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 turfing, 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 generally 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.

- (4) **Notification of Works Commencing** - All residential and commercial businesses in the vicinity of the development site shall be kept informed of all construction works and phases to be undertaken by way of letter drop a minimum 14 days prior to each phase commencing. The letter shall contain the contact details of the site foreman should anyone be require to contact them for any complaint.
- (5) **Site Management Plan** - To support the Remediation Action Plan relating to Lot 21, DP 880763, a Site Management Plan (SMP) is required to be completed and submitted to the Certifying Authority prior to commencement of remediation works. The plan shall address the requirements Section 6 “Site Management Plan’ contained within the report “Remedial Action Plan 320 Camden Valley Way Narellan, project no.76552.15-2 dated 4 August 2014.
- (6) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (7) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or

- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (8) **Notice Of Commencement Of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 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 or subdivision works.
- (9) **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.
- (10) **Erection of Signs** – Erection of signs shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (11) **Shoring and Adequacy of Adjoining Property** - Shoring and adequacy of adjoining property shall be in accordance with Clause 98E of the *Environmental Planning and Assessment Regulation 2000*.

#### 4.0 - During Construction

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

- (1) **Vehicles Leaving The Site** - The contractor/demolisher/construction supervisor must ensure that:-
  - (a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
  - (b) the wheels of vehicles leaving the site:-
    - (i) do not track soil and other waste material onto any public road adjoining the site.
    - (ii) fully traverse the Stabilised Access Point (SAP).
- (2) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following stages of construction:
  - (a) prior to installation of sediment and erosion control measures;
  - (b) prior to backfilling pipelines and subsoil drains;

- (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
- (d) proof roller test of subgrade and sub-base;
- (e) roller test of completed pavement prior to placement of wearing course;
- (f) prior to backfilling public utility crossings in road reserves;
- (g) prior to placement of asphaltic concrete;
- (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates, stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications must be submitted to Council prior to the issue of each Occupation Certificate.

- (3) **Salinity Requirements Zone 1** - For Zone 1, Stage 5- Building and Car parking areas Narellan town centre all infrastructure development should follow the general principles for reducing salinity as detailed in "Section 5" in the report titled "Salinity Assessment Stage 5: Building and Car Parking Areas Narellan Town Centre Camden Valley Way Narellan, Prepared for Vaste Developments Pty Ltd, Prepared by GDK Keighran Geotechnics, dated 20 August 2010.
- (4) **Salinity Requirements Zone 2** - For Zone 2, Landturn Site all buildings and services shall be constructed in accordance with both the Salinity Management plan contained within the "Report on Salinity Investigation, Proposed Landturn development site the Northern Road and Camden Valley Way, Narellan project 71935.01 dated August 2010 and "Salinity Investigation Management Plan Addendum Landturn Development Site, Narellan dated 20 August 2013 prepared by Douglas Partner.
- (5) **Access to Cooling Tower** - Access for maintenance must be provided in accordance with AS 3666.1:2011 and AS 3666.2:2011, (section 2.1.2 and 2.2.3 respectively)

Access for maintenance shall also comply with WorkCover-Code of Practice for Safe Work on Roofs Part 1: Commercial and Industrial buildings 2009, Occupational Health and Safety Act 2000 and Occupational Health and Safety Regulation 2001.

- (6) **Noise Screen** - A noise screen shall be constructed along the north- eastern edge of the access driveway to the supermarket Loading dock to prevent the line of site between the wheels/ engine of the truck and the first floor windows of the residence between to the north east of the site (Pincombe Crescent). The screen shall be constructed of concrete, colourbond or timber lapped and capped timber. The height of the up stand shall be a minimum of 1.5m height as illustrated on the in the Acoustic report titled "Narellan Town Centre Stage 5A Acoustic Assessment prepared by Acoustic Logic Rev.6 Document reference 20120320.0/2806A/R6/HP dated 16 July 2013'.
- (7) **Car Park Noise Control** – The lower ground car park must have a broom or coved finish applied to the concrete to prevent tyre squeal noise.

- (8) **Piling and Excavation Works** - Piling and excavation in rock along the northern - eastern edge of the Landturn Site (Zone2) and the eastern edge of the Narellan Town Centre Site (Zone 1) shall not commence work prior to 8am.
- (9) **Construction Work Outside of Standard Hours** - Any construction works proposed to occur outside the normal construction hours of 7am-6pm Monday – Saturday and any works on Sundays and Public Holidays, must have written approval from the Consent Authority (Camden Council) before the commencement of such works.
- (10) **Vehicle Entry to Zone 2** - All vehicle entry to Zone 2 shall be via the signalised intersection at Kirkham Street. No construction vehicles shall enter the site by the Southern end of the Old Northern Road, adjacent to the Motor Inn.
- (11) **Vibration** - All potential vibration impacts during construction and operation phases for the development must comply with table 6 of the “ Narellan Town Centre/ Landturn, Narellan Construction Noise and Vibration Management Plan, Narellan prepared by Acoustic Logic report dated 11 September 2014 revision 1 report No.20120320.5/1109A/R1/JD.
- (12) **Bunding of Transfer Areas for K-Mart Tyre and Auto** - All areas used for fuel/ oil decanting, or areas where spillage of liquids may occur, shall be stored within a suitably constructed bunded area. The bunded area shall be constructed of impervious material and being able to effectively store a minimum of 110% of the volume of the largest container stalled or 25% of total volume of the stored product for facilities storing small containers.
- (13) **Remediation Works** - All works proposed for Lot 21, DP 880763 that includes additional ground water investigations, remediation, excavation, stockpiling, onsite and offsite disposal, fill, backfilling, compaction, monitoring, validations, site management and security, health and safety of workers, must be undertaken in accordance with the Remediation Action Plan for the Woolworths Service Station Titled "Remedial Action Plan 320 Camden Valley Way Narellan, project no.76552.15-2 dated 4 August 2014 except as expressly provided by a separate condition of consent.
- (14) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be submitted to the Council at the completion of the development.
- (15) **Offensive Noise, Dust, Odour, Vibration** - Remediation work shall not give rise to offensive noise or give rise to dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997" when measured at the property boundary.
- (16) **Removal Of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer [www.environment.nsw.gov.au/waste/envguidlns/index.htm](http://www.environment.nsw.gov.au/waste/envguidlns/index.htm) ) Once assessed, the materials will be required to be disposed to a licensed waste facility

suitable for the classification of the waste with copies of tipping dockets supplied to Council.

- (17) **Fill Material** - 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:

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- (b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- (c) be prepared in accordance with:

For Virgin Excavated Natural Material (VENM):

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
  - (ii) 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".
- (d) confirm that the fill material:
- (i) provides no unacceptable risk to human health and the environment;
  - (ii) is free of contaminants;
  - (iii) 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");
  - (iv) is suitable for its intended purpose and land use; and
  - (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

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

For (e) and (f) 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 or part thereof

**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.

- (18) **Unexpected findings Contingency** – Upon the identification of additional contamination or hazardous materials at any stage of construction processes all construction works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines / NEMP 2013. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) for written approval prior to the removal or treatment of such findings contamination / hazardous materials. Compliance with Council's Management of Contaminated Lands Policy will be required if remediation is required.
- (19) **Offensive Noise, Dust, Odour, Vibration** – Construction work shall not give rise to offensive noise or give rise to dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997” when measured at the property boundary.
- (20) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (21) **Air Quality** – Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.
- (22) **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:
- a. The delivery of material shall only be carried out between the hours of 7am - 6pm Monday to Saturday unless otherwise approved in writing by the Consent Authority.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. A waste control container shall be located on the development site.
- (23) **Protection Of Public Places** – If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) 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.

- (24) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 2009.

- (25) **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).

- (26) **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:

- (a) must preserve and protect the building from damage;
- (b) if necessary, must underpin and support the building in an approved manner, and
- (c) 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.



- (27) **Prevention of Nuisance to Inhabitants** - All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind blown dust, debris, noise and the like.
- (28) **External Materials and Finishes** - The development shall be completed in accordance with the approved schedule of external materials, colours and finishes unless otherwise approved in writing by the Consent Authority.
- (29) **Damage to Public Infrastructure** – All public infrastructure that adjoins the development site on public land shall be protected from damage during construction works.

Public infrastructure includes roadways, kerb and guttering, footpaths, service authority infrastructure (such as light poles, electricity pillar boxes, telecommunication pits, sewer and water infrastructure), street trees and drainage systems.

The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. Where existing damage is present, a dilapidation survey of Council's assets, including photographs (with evidence of date) and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of construction works.

The applicant shall bear the cost of all restoration works to public property damaged during the course of this development. Any damage to public infrastructure will be required to be reinstated to Council's satisfaction prior to the issue of a Final Occupation Certificate.

- (30) **Installation requirements for Rain Water Tanks** - All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500:2003. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.

Rainwater tanks shall be designed to include, but not be limited to the following:-

- (i) Rainwater tanks shall be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.
- (ii) Shall not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval be adjacent land owners.
- (iii) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.
- (iv) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- (v) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.

- (vi) Shall have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system, and shall have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.
- (viii) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
- (ix) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.

Rainwater tanks that are not directly connected with the potable supply, the indirect connection shall be by means of a visible "air gap" external to the rainwater tank, in accordance with the provisions of the National Plumbing Code AS /NZS 3500 - Minimum air gap requirements.

Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.

- (x) Water pumps are to be located so as not causing an "offensive noise" as defined by the *Protection of the Environment Operations Act 1997* to any affected receiver.

(b) Proximity to other services

That all rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe

(c) Marking and labelling

- (i) Above ground distribution pipes shall be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled 'RAINWATER' made in accordance with AS 1345 can be used.
- (ii) Below ground distribution pipes shall be continuously marked 'RAINWATER' at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.
- (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as 'RAINWATER' with a sign complying with AS1319 or a green coloured indicator with the letters 'RW'. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

(d) Maintenance

- (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.
- (ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

## 5.0 - Prior To Issue Of Occupation Certificate

The following conditions shall be complied with prior to the issuing of the relevant Occupation Certificate.

- (1) **Street Trees, their tree root barrier guards, protective guards and bollards** - During any earthworks, development works or during the maintenance and establishment period relating to this Consent, the Applicant is advised:
  - (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
  - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of a related Occupation Certificate.
- (2) **Waste water from Cooling Tower** - All waste water, bleed off from the cooling tower shall be directed to the sewer. Under no circumstances is it to be drained to the stormwater. A certificate from a licenced plumber is to be provided to Council prior to the issue of relevant Occupation Certificate.
- (3) **Commissioning of Cooling Tower** - Evidence of commissioning of the air cooling systems by a suitably qualified person, is to be provided in accordance with AS 3666.1: 2011 (section 2.13) which states that all new air-handling systems were thoroughly cleaned internally, sealed and balanced by a competent person prior to start up. A detailed report from this person is to be provided to Council prior to Occupation Certificate being issued for the relevant works.
- (4) **Installation of Cooling System** - Prior to the issue of the relevant Occupation Certificate, the owner or occupier of the premises at which the water cooling system is installed must cause notice of such installation(s) by providing Council written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council in writing within 7 days of the change(s).

- (5) **Compliance with AS 4674-2004** - To meet the requirements of AS 4674-2004 Design, Construction and fit out of food premises, where bi-fold doors and other similar openings are constructed/ installed in food premises, all food preparation is to be undertaken in an enclosed food preparation and servery area to ensure proofing against pests is provided at all times.
- (6) **Food Registration & Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form.
- (7) **Food Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA), an additional inspection of the commercial kitchen must be undertaken by or on behalf of the PCA prior to the issuing of an Occupation Certificate for individual food premises. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.
- (8) **Compliance Certificate Required** - Once the installation of the mechanical ventilation system is completed, a Certificate of Compliance accompanied by details of tests carried out, must be submitted to Consent Authority (i.e. Camden Council) from the Consulting Mechanical Engineer. Verification must be provided that the air handling system as installed, has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (9) **Acoustic Compliance Report** – An Acoustic Compliance report (from the author of the approved Noise Attenuation Report/ independent Auditor) that contains a certifying statement confirming that all retail internal spaces meet 50dB(A) and Mechanical plant meet the criteria as outlines in table “5 and 6” of the Acoustic Report titled “Narellan Town Centre Stage 5A Acoustic Assessment prepared by Acoustic Logic Rev.6 Document reference 20120320.0/2806A/R6/HP dated 16 July 2013” are compliant must be submitted to the Principal Certifying Authority for inclusion in any Occupation Certificate.

For any non-compliance, the acoustic compliance report must make recommendations for compliance or further attenuation of noise sources.

The owner/ occupier must then provide a supplementary acoustic report to the Principal Certifying Authority certifying that all compliance works have been completed and that noise levels comply with the EPA’s “Industrial Noise Policy”.

- (10) **Operations and Procedures** - Prior to the issue of Occupation Certificate for Zone 2, a detailed operations and procedures manual shall be developed for the rainwater harvesting system including site specific risk and treatments as outlined in report prepared by Insync services “ Narellan town centre, Stage 5A Development 326 Camden Valley way, Narellan Rainwater reuse risk assessment report , table 2.1 of section 2 of with “ Australian Guidelines for water recycling: managing health and environmental risks ( phase 2) Stormwater harvesting and re-use, July 2009, who and when inspections shall be carried out, details of emergency shutdown procedures and periodic testing to ensure water quality.

- (11) **Storage Of Waste Oil** - The premise shall contain adequate holding facilities for the reception of waste oil and a contract for the recycling of this oil must be sighted by the PCA prior to the issuing of the occupation certificate.
- (12) **Works As Executed Plan** - A works as executed plan that identifies the areas requiring remediation and the extent of the works undertaken (that includes any encapsulation work) must be prepared by a registered surveyor and be submitted to the Consent Authority (Camden Council) with the final Site Validation Report for Lot 21, DP 880763.
- (13) **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.

- (14) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. The Fire Safety Certificate is to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:

- (a) has been assessed by a properly qualified person; and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of Fire & Rescue New South Wales, and
  - (d) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
- (15) **Lighting Maintenance Policy** – A lighting maintenance policy must be established prior to the occupation of each phase of the development. The policy must provide for regular maintenance of all lighting throughout the development.

- (16) **Security Lighting** – Security lighting in and around the development must be established, particularly around entry/exit points to create an even distribution of lighting with no glare in accordance with AS 4282 and AS 1158.
- (17) **Waste Management Plan** - The proponent must prepare and submit a Waste Management Plan to the PCA to address issues such as:
- (a) waste minimisation strategies incorporating the hierarchy of:
    - (i) avoidance
    - (ii) reduce
    - (iii) reuse
    - (iv) recycle
  - (b) an industry waste reduction plan.
  - (c) waste and recycling management details including storage, control service and the like.

In the preparation of the Waste Management Plan due regard must be given to the Regional Waste Plan. The Waste Management Plan must be prepared and lodged with the Consent Authority (i.e. Camden Council) prior to an Occupation Certificate being issued.

- (18) **Site Validation Report** - A validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with the requirements of clause 7.2.4 (a)-(d) and clause 9.1.1 of Councils adopted policy- Management of Contaminated lands and clause 17 &18 of SEPP 55. The report must confirm that all remediation works have been carried out in accordance with the RAP and must be submitted to the consent Authority with 30 Days following the completion of the works and/or prior to the issue of any Occupation Certificate for Lot 21, DP 880763.
- (19) **Unconditional Site Audit Statement** – At the completion of the remediation work occurring on the site known as 320 Camden Valley Way Narellan, the applicant shall have all remediation works and validation documentation reviewed by an independent NSW EPA Accredited Site Auditor under the Contaminated Land Management Act 1997.

The auditor shall undertake a full site audit of the works and documentation and provide a Site Audit Statement (SAS) that clearly states if the land is suitable for the proposed land use. The Site Audit Statement must be submitted to the Consent Authority within the 30 days following the completion of the remediation works and/or prior to the issue of any Occupation Certificate for Lot 21, DP 880763.

Note - No EMP will be accepted on the site. Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these be discussed with Council before the SAS is issued.

- (20) **Voluntary Planning Agreement** – Prior to the issue of each Occupation Certificate, the applicant must provide details demonstrating full compliance with the VPA identified in Condition (2.0(27) to the PCA.

## 6.0 - Operational Conditions

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- (1) **K-Mart Loading Dock Hours** - K-mart loading dock shall only operate between the hours of 7am-10pm.
- (2) **Truck Movements** - All truck movements to and from the site between 10pm -7am should be via driveways on Somerset Ave access road, Queen Street or Old Northern road north of Kirkham street intersection. This is to avoid vehicle movements in close proximity to the Narellan Motor Inn on the Old Northern Road. All delivery companies to the centre must be made aware of this requirement.
- (3) **Service Vehicle Deliveries** – A maximum of two (2) truck movements per night are allowed of the eastern most elevated loading dock (i.e. The fresh food/supermarket loading dock) between the hours of 10pm-7am for a 12 month trial period.
- (4) **Car Park entry on The Old Northern Road** - The car park entry and exit point opposite Narellan Motor Inn shall be locked from 10pm in the evenings and shall not opened until after 7.00am, 7 days a week.
- (5) **Compactors** - Any external compactuses for the Coles, Food and Bank precinct and Kmart loading docks shall not to be used between 10pm -7am, 7 days a week.
- (6) **Rainwater Harvesting** - Only rain water, captured from the roof catchment areas shall be reused for the flushing of toilets/ urinals and cooling tower supply.
- (7) **Use of Rain Water** - The propose usage of rainwater on the site shall comply with “Australian Guidelines for water recycling: managing health and environmental risks (phase 2) Stormwater harvesting and re-use, July 2009, in particular section 2.
- (8) **Storage of Mechanical Parts** - Automotive parts in contact with any automotive fluid shall be stored in a covered, bunded area.
- (9) **Chemical Storage** - All paints, chemicals and other liquids shall be stored in approved receptacles, which shall be housed in a suitably constructed impervious\_bunded area.
- (10) **Storage and Handling of 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”.
- (11) **Material Safety Data Sheets** - The Material Safety Data Sheets (MSDS) from the manufactures on each hazardous substance that is being kept on the premises must be obtained and kept on site in a readily available location in case of emergency.
- (12) **Spill Prevention And Control** - In order to minimise the impact of spills, a ready supply of spill control and clean-up absorbent materials is to be maintained at all times on the premises where a spill may occur. All staff are to be trained in recognising where this material shall be used should a spill occur.

- (13) **Light Spillage** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises.
- (14) **Approved Hours of Operation** – Subject to the other conditions of this consent, the approved hours of operation for this development are 24 hours a day, seven days a week.
- (15) **Graffiti Removal** - A graffiti management plan must be established prior to the operation of the development. All graffiti must be removed within 48 hours of occurrence.
- (16) **Maintenance** - The approved signs must be maintained in good order at all times.
- (17) **General Waste Service Contract** - The business proprietor 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.
- (18) **Start up and shut down procedures for Cooling Towers** – A start up and shut down procedure must be displayed in nearby vicinity of the Cooling tower. The written procedure shall be protected against weathering.
- (19) **Operation and Maintenance Manuals** - That up-to-date operating and maintenance manuals must be provided and available on site at all times, for all service providers, Council Officers and NSW Health Officers.
- (20) **Cooling Tower Certification** – An annual certificate as stipulated in Clause 9(2) of the Public Health (Microbial) Regulation 2012 that certifies the effectiveness of the process of disinfection used for the water cooling system, be submitted to Council prior to the period ending 30 June each year.
- (21) **Biocides** - A biocide must be automatically dosed into the cooling tower at all times that the tower is operating. Alternate biocides must be used on a regular basis to reduce the likelihood of resistance.
- (22) **Operation and Maintenance of Cooling tower** - The air cooling systems shall to be operated and maintained in accordance with AS 3666.2; 2011 the *Public Health Act 2010 and Public Health ( Microbial Control) Regulation 2012*.
- (23) **Pollutants** - The use of the premises shall incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants.
  - (a) All pollution control devices (Including drainage systems, sumps and traps) shall be regularly maintained.
  - (b) All liquid wastes shall be collected and disposed of in a manner, which does not pollute the stormwater system.
  - (c) The repair, servicing and maintenance of all vehicles shall take place in a bunded work bay drained holding tank or like device so that any liquid wastes produced from such repair, servicing and maintenance can either be:



- (i) retained for recycling or;
- (ii) disposed of in accordance with the requirements of Sydney Water.

All paints chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area.

Appropriate equipment and absorbent material shall be provided and maintained in a prominent position in order to combat any spill.

- (24) **Internal Road Design and Width** - With the exception of garbage and recycling collection vehicles, the developer must not permit the reversing of vehicles onto or away from the road reserve. 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.
- (25) **Lighting** – All lighting must comply with AS4282 and AS1158.
- (26) **Works as Executed Plan** - Prior to the issue of any Occupation Certificate, a works-as-executed plan in both hard copy and electronic form must be submitted to Council for all public domain and public infrastructure works (.dwg files or equivalent) in accordance with Camden Council's current Engineering Construction Specifications.

## 7.0 - Subdivision Certificate

The following conditions of consent shall be complied with prior to the Council or an Accredited Certifier issuing of the relevant Subdivision Certificate.

- (1) **Value of Works** - Prior to release of the Subdivision Certificate, the applicant must submit itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain from Council upon request, a template and requirements for asset data collection.
- (2) **Surveyor's Report** - Prior to the issue of the relevant Subdivision Certificate a certificate from a registered surveyor must be submitted to the Certifying Authority, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (3) **Services** - Prior to the issue of the relevant Subdivision Certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in the relevant Subdivision Certificate application:
  - (a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment.

Application for such a certificate must be made through an authorised Water Servicing Co-ordinator.

- (b) a Notification of Arrangements from Endeavour Energy.

- (c) Written advice 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 subdivision/development.
- (5) **Show Easements On The Plan Of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision as amended in accordance with, Drawing No's 59517PPS NTH & 59517EMT NTH, Amendment A, Prepared by Lean Lackenby and Hayward, dated April 2013.
- (6) **Show Restrictions On The Plan Of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision as amended in accordance with, Drawing No's 59517PPS NTH & 59517EMT NTH, Amendment A, Prepared by Lean Lackenby and Hayward, dated April 2013.
- (7) **Section 88B Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:
  - (a) Easement for services.
  - (b) Easement to drain water.
  - (c) Easement for parking.
  - (d) Easement for access

### **RECOMMENDED**

**That the Panel approve DA 167/2014 for the remediation of contaminated land, construction of an expansion and alterations to the Narellan Town Centre, lot consolidation and associated site works at 316, 320, 321, 323, 327, 331 – 335, 325, 326, 339 and 351 Camden Valley Way, Narellan, 4, 6, 8, 10, 12, 16, 26 The Old Northern Road, Narellan, 2C, 4E Stewart Street, Harrington Park and 2B Somerset Avenue Narellan.**