

Report to Sydney West Joint Regional Planning Panel

JRPP No.	2014SWY102
DA No:	JRPP-14-1499
Proposed Development:	Construction of a bulky goods complex, car parking and landscaping and concept approval for a childcare centre, gymnasium and medical centre
Development Type:	Regional Development – Capital Investment Value >\$20 million
Lodgement Date:	1 August 2014
Land/Address:	Lot 140 DP 1190289 Hollinsworth Road and Lot 141 DP 1190289 Richmond Road, Marsden Park
Land Zoning:	B5 Business Development pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006
Capital Investment Value of Approved Development:	\$29,286,200
Applicant:	Mr Nigel Pollard
Report Author:	Ms Sara Smith, Assistant Team Leader
Instructing Officers:	Ms Judith Portelli, Manager Development Assessment Ms Glennys James, Director Design and Development
Date Submitted to JRPP:	8 April 2015
Date Considered by JRPP:	22 April 2015



Figure 1 - Photomontage

ASSESSMENT REPORT

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- Attachment 1 – Proposed conditions of consent
- Attachment 2 – Location plan
- Attachment 3 – Development Application plans
- Attachment 4 – Compliance with Growth Centres SEPP
- Attachment 5 – Compliance with SEPP 64 – Advertising and Signage

1 Executive summary

- 1.1 Council officers have assessed a Development Application (DA) from Mr Nigel Pollard for the staged construction of a 23,060 sq.m business complex which will include bulky goods retailing, takeaway food and drink premises and commercial floor space for lease. The development has a Capital Investment Value of \$29,286,200.
- 1.2 The DA also proposes a “Concept Proposal” pursuant to Section 83B of the Environmental Planning and Assessment Act 1979. This element of the proposal is permitted by the Act as a staged DA, which sets out a concept proposal for the future uses, and which will later be the subject of a separate DA. It is considered that Council and the JRPP are able to consider the future uses as a concept proposal as part of this DA, as the car parking demand can be catered for within the overall car parking provision for the premises, subject to appropriate limitations being placed on the future DA for each use. Council will then assess the fit-out and occupation of these uses in detail when the applicant lodges separate applications.
- 1.3 The subject site is zoned B5 Business Development pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006. All proposed uses are permissible within the zone with development consent. The proposal complies with the Growth Centre Precincts Development Control Plan 2010, including Schedule 3 – Marsden Park Industrial Precinct, with the exception of the amount of communal area required for staff.
- 1.4 The Applicant seeks a departure from the communal area required for staff for the combined uses in the entire complex, on the basis that the controls for the area did not envisage the large scale building footprints proposed here and that a communal area of 1,200 sq.m is considered excessive. The proposal provides 1,140 sq.m of communal area, which is only a shortfall of 60 sq.m or 3%. The variation to the control is considered reasonable.
- 1.5 The DA was notified to adjoining and neighbouring owners for a period of 14 days between 20 August and 3 September 2014. During this period only one submission was received. The issues raised in the submission are addressed in Section 10. The primary concerns relate to noise and traffic, and these are not considered sufficient to warrant a recommendation for refusal.
- 1.6 The DA was also referred to Roads and Maritime Services (RMS) for comment due to the site's proximity to Richmond Road. No objections were raised from RMS subject to conditions of consent.
- 1.7 The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental planning and Assessment Act 1979, including site suitability and the public interest, and is considered satisfactory. The proposed development complies with regard to key issues such as built form, car parking, traffic impacts and stormwater drainage, subject to the imposition of suitable conditions of consent.
- 1.8 It is recommended that the Sydney West Joint Regional Planning Panel approve the DA subject to the imposition of suitable **conditions** of consent. Recommended conditions are provided at **Attachment 1** to this report.

2 Location

2.1 The site is shown on the location map below.

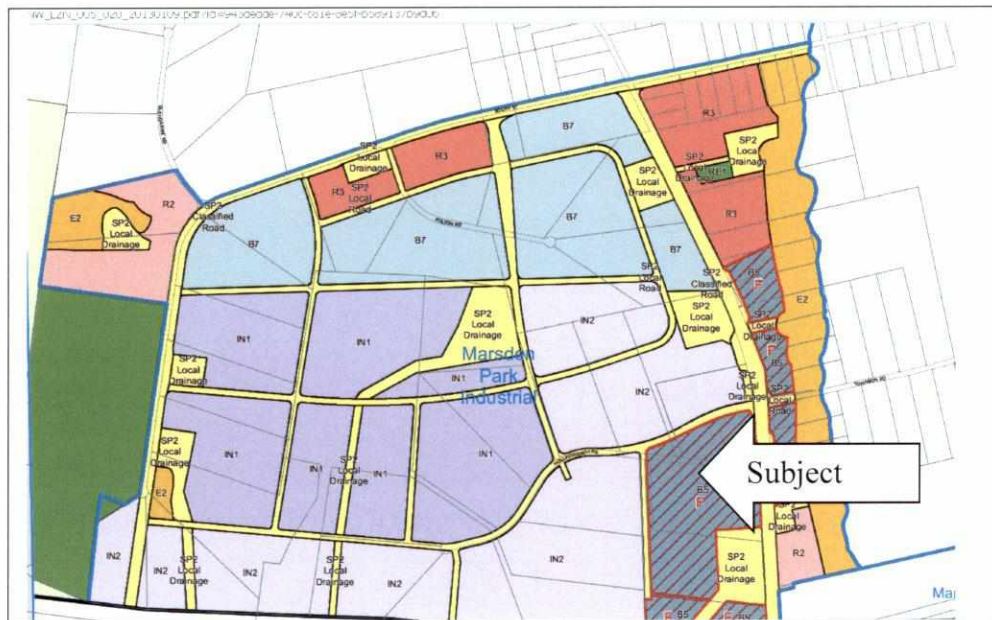


Figure 2 - Location and zoning map

- 2.2 The site is located within the Marsden Park Industrial Precinct which is located 40 kilometres from the Sydney CBD and is in close proximity to the M7 Motorway. The area encompassing the Marsden Park Industrial Precinct was rezoned in November 2010 for industrial, business park, bulky goods retailing, residential and conservation open space purposes.
- 2.3 The site is located on the south side of the newly constructed intersection of Hollinsworth Road and an estate road. Richmond Road provides vehicular access to the Business Park and is an Arterial Road taking high volumes of traffic between Blacktown and Richmond. The site is currently undergoing a significant transformation, with the construction of industrial, commercial and bulky goods retailing premises within the new Sydney Business Park.

3 Site description and locality

- 3.1 The property description of the subject site is proposed Lot 1081 in a subdivision of Lot 140 DP 1190289, Hollinsworth Road, Marsden Park.



Figure 3 – Aerial photo

- 3.2 The site is currently vacant, with earthworks being carried out in associated with a subdivision approved via DA-13-1919 including new roads. The site is generally regular in shape and has an area of 39,995 sq.m with frontage to 4 roads, including 162 metres to Hollinsworth Road, 261 metres to the eastern Estate Road, 144 metres to the southern Estate Road and 225 metres to the western Estate Road.

4 History and current use of the site

- 4.1 The subject site has been used for rural residential purposes for a long time. The land is currently vacant.
- 4.2 On 18 November 2010 the Marsden Park Industrial Precinct Growth Centres SEPP Amendment was gazetted which allowed the rezoning and reconfiguration of land uses within the Marsden Park Industrial precinct for largely employment, and some residential, purposes. The site may now be developed for bulky goods retailing in accordance with the zoning, and the proposed development is permissible with consent.
- 4.3 DA-13-1919 was approved under delegated authority by Council on 4 February 2014 for a Torrens title subdivision to create Lot 1081, tree removal and associated bulk earthworks. The works associated with this DA are presently underway and release of the Subdivision Certificate to create the subject lot is expected in the next 6 months. A **condition** will be imposed requiring the registration of the subdivision for DA-13-1919 prior to occupation of the premises. (**Condition 1.6.2**)

5 The proposal

- 5.1. Approval is sought for the staged construction of a 23,060 sq.m business complex with associated car parking, landscaping and site works.

5.2. Details of the proposal are as follows:

- Site preparation works.
- Construction of a two storey U shaped building with an overall height of 13.56 metres, comprising 37 tenancies including bulky goods premises, medical centre, child care centre, gymnasium and takeaway food and drink premises.
- The façade of the building will comprise painted external walls in light grey with brick features. Window frames will comprise powder coated aluminium. The roof will be constructed of zincalume metal sheeting.
- Car parking for 515 vehicles including 12 disabled spaces. A total of 35 bicycle spaces are provided on site. A total of 325 spaces are provided at ground level, 84 spaces are provided on level 1 and 106 spaces are provided on level 2.
- Access is proposed via a constructed private road that extends south off the new Hollinsworth Road alignment. A secondary access is proposed via a private road at the rear of the site.
- Signage will include 4 x 16 m high blade signs, located on the north-eastern and south-eastern corners of the development. Individual tenancy signs affixed to the internal facades are proposed and directional parking signs.
- Landscaping.
- Construction of the premises is proposed to be staged, with stage 1 comprising 19,165 sq.m floor area with 425 parking spaces and stage 2 comprising an additional 3,895 sq.m and 89 parking spaces.

- 5.3 The applicant seeks approval for a total of 16,140 sq.m leasable floor area for 14 ground floor bulky goods retailers and 4 bulky goods retailers on the first floor. Bulky goods premises are permissible within the zone. Whilst the end users of the tenancies are unknown at this stage, it is likely the tenancies will be occupied by retailers like The Good Guys, Dick Smith, Décor Rug, Freedom and similar types of bulky goods retailers. The fit out of the bulky goods units can be undertaken as a result of a Complying Development Certificate. The bulky goods tenancies require 359 of the 515 proposed car parking spaces.
- 5.4 Approval is also sought for a total of 2,695 sq.m leasable floor area for 4 ground floor business premises and 3 business premises on level 1. Business premises are permissible forms of development and provide a service to the community like banks, travel agents and medical centres. The business premises require the provision of 48 car parking spaces.
- 5.5 The applicant also seeks a concept approval for a medical centre within one of the first floor business tenancies, with a potential floor area of 500 sq.m. The applicant has indicated that the medical centre will cater for up to 8 specialists. The DCP does not provide a separate car parking rate for a 'medical centre'. Based on the commercial parking rate of 1 per 40 sq.m, a total of 13 spaces would be required for the medical centre. Closer examination of the parking needs for this use will be made in the future DA.
- 5.6 Also part of the concept approval is a child care centre on level 1, to be located within 2 tenancies. Child care centres are permissible forms of development without any distance limitation or limitation on children numbers due to the site's B7 zoning. The applicant has indicated that a separate application will be lodged for the centre, requesting up to 120 child places, catering for 40 places in each age group (0-2 years, 2-3 years and 3-6 years). A minimum requirement for 18 child care staff for the children would be required for the centre, however other support staff will also be required. The centre would require

a minimum of 38 car parking spaces for staff and parents. Therefore whilst sufficient car parking for the child care centre appears to be included, the final number of children will be subject to separate consideration of the future DA where limitations on numbers will be imposed if the parking allocation is exceeded.

- 5.7 The child care centre will also have to comply with the requirements of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 in any future DA.
- 5.8 The concept approval application also includes an indoor recreation facility (i.e. gymnasium) on level 1. A gymnasium is a permissible form of development. The DCP does not provide car parking rates for a gymnasium, but based on the commercial parking rate of 1 space per 40 sq.m a total of 16 spaces will be required for the gymnasium. The fitout and operation of the gymnasium will be subject to further development approval.
- 5.9 The remaining proposed 1,870 sq.m of leasable floor area will cater for 8 takeaway food and drink premises on the ground floor and 1 takeaway food and drink premises on level 1. Takeaway food and drink premises are permissible within the zone. The takeaway food and drink premises fit-outs will be undertaken through a Complying Development Certificate. The takeaway food premises generate a need for 41 car parking spaces in the car parking provision
- 5.10 The table below outlines the car parking requirements for each intended use and demonstrates that the proposal achieves compliance with the required number of car parking spaces.

Use	DCP parking rate	Proposal	Requirement
Bulky good premises including takeaway food premises	1 space per 45 sq.m	18,010	400 spaces
Business premises (excluding child care centre and medical centre)	1 space per 45 sq.m	2,195	48 spaces
Child care centre. Based on 120 children, with a ratio of 40 places per age group (age groups 0-2 years, 2-3 years and 3-6 years)	1 space per staff member 1 space per 6 children for parent parking	Based on 120 children and assuming only 18 staff are required	38 spaces
Medical centre	No specific rate in the DCP, however the following commercial rate is applied: 1 space per 40 sq.m	500 sq.m	13 spaces
Recreational facility (Gymnasium)	No specific rate in the DCP, however the following commercial rate is applied: 1 space per 40 sq.m	605 sq.m	16 spaces
Total spaces required			515 spaces
Total spaces provided			515 spaces

- 5.11 The application seeks approval for vehicular access to the site to be provided via a private estate road along the eastern boundary of the site, that extends south from the new Hollinsworth Road alignment. The primary customer access driveway will be located centrally along this eastern frontage to this private road and will connect directly with the primary parking area. A secondary access is provided via another public road on the western edge of the site, with a proposed temporary cul-de-sac providing access to both the level 1 and 2 car parking areas. A commercial vehicle driveway is provided along the southern boundary, providing access to and from the eastern road, where 19m semi-trailers can enter and exit the site. No direct access from the site is proposed for trucks onto Hollinsworth Road.
- 5.12 Access to the regional road network is off Richmond Road via Hollinsworth Road. The site is ideally located in close proximity to the on and off ramps to the M7 Motorway.
- 5.13 The cul-de-sac head on the western estate road, accessed via Hollinsworth Road, is a temporary road until the future of the DCP proposed road on the adjoining property is known. The proposed arrangements have been reviewed by Council's Traffic Management Section and Engineers and are considered satisfactory to allow entry to level 1 car parking.
- 5.14 An internal service road around the south, west and north of the site will cater for all service and loading vehicles. This internal road has been designed to cater for semi-trailers up to 19m. Subsequent Development Applications for the fitout of individual tenancies will be required to address loading frequency and times. To manage the loading movements throughout the site, a condition of consent will be imposed requiring the submission of a Loading Management Plan.
- 5.15 The proposed development has been accompanied by a Transport Impact Assessment prepared by GTA Consultants dated August 2014. The report demonstrates that the site will have a maximum peak of 704 trips per hour, with the maximum peak period for this development being a Thursday evening. This is examined in more detail in Section 9.
- 5.16 The bulky goods outlet is proposed to generally operate between the hours of 7am and midnight, 7 days a week. It is envisaged that, due to the wide range of proposed uses, a variety of operating hours will be required. It is envisaged that the gymnasium will operate 24 hours, 7 days a week. Subsequent Development Applications will be required for the fitout of all individual tenancies where individual hours of operation will be a matter for consideration. The site is anticipated to provide employment for 158 full time and part time workers.
- 5.17 The Applicant also seeks, as part of this DA, a variation to the provision of staff communal area. The applicant proposes 870 sq.m of external staff communal area and 270 sq.m of internal staff communal area, being a shortfall of 60 sq.m. This issue is discussed in detail in Section 6.
- 5.18 The Development Application plans are contained at **Attachment 2** to this report.

6 Planning controls

- 6.1 The planning controls that relate to the proposed development are:
 - (a) State Environmental Planning Policy (State and Regional Development) 2011
 - (b) State Environmental Planning Policy (Infrastructure) 2007
 - (c) State Environmental Planning Policy (Sydney Region Growth Centres) 2006
 - (d) State Environmental Planning Policy 64 – Advertising and Signage

6.2 An assessment of the proposed development under the relevant planning controls is provided below:

(a) State Environmental Planning Policy (State and Regional Development) 2011

SEPP (State and Regional Development) 2011 identifies development classified as “Regional Development”, which requires determination by a Joint Regional Planning Panel (JRPP) in accordance with Clause 20 of the SEPP.

The Development Application is classified as Regional Development as the Capital Investment Value of the application is more than \$20 million. Accordingly, Council is responsible for the assessment of the application, whilst determination falls with the Sydney West Joint Regional Planning Panel, and not by Council under delegated authority.

(b) State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of SEPP (Infrastructure) 2007 identifies traffic generating development which requires referral to the Roads and Maritime Services (RMS). The SEPP requires referral to RMS where new premises have a floor area greater than 20,000 sq.m in area and where parking facilities of 200 or more motor vehicles with access to any road are proposed. The bulky goods outlet has a floor area of 23,060 sq.m and will provide car parking for 515 vehicles.

The DA was referred to RMS on 7 August 2014. The RMS raised no objection to the proposal subject to the imposition of **conditions**. Refer to Section 7 for further details on RMS comments.

Medical centres are a permissible form of development under the ISEPP, however in this case the use is permissible under the Growth Centres SEPP.

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

Each of the proposed uses are permissible on the land under the provisions of State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The provisions of Appendix 5 of the SEPP – Marsden Park Industrial Precinct are relevant to the proposal. The table at **Attachment 4** outlines that the application is compliant with the controls in Appendix 5 of the SEPP, with the exception of the communal area requirement for staff.

The application seeks approval, and concept approval, for a range of uses, all of which are permissible on the site, including:

(d) Variation to Growth Centre Development Control Plan (DCP) control

Communal open space

Table 6.2 of the Growth Centres DCP requires a minimum 3% of the total site area to be dedicated to communal areas for staff usage, equating to 1,200 sq.m. The proposal will provide outdoor and indoor communal areas with a combined area of 1,140 sq.m. The proposal results in a shortfall of 60 sq.m.

The Applicant seeks a departure to this control as sufficient areas of indoor and outdoor communal space are provided, along with up to 9 proposed takeaway food and drink tenancies which will be readily available for use by staff and visitors to the site. The area provided is considered sufficient to cater for staffing needs.

On this basis the variation to the SEPP is considered to be only minor and reasonable, without creating an undesirable precedent.

(e) State Environmental Planning Policy 64 – Advertising and Signage

The aim of this SEPP is to improve the amenity of urban and natural settings by managing the impact of outdoor advertising.

The application seeks consent for 4 large blade signs, where 2 signs are located on the north-east corner and 2 signs are located on the east-west corner of the building, and internal signage located above the entry to each tenancy. The height of the blade signs protrudes 2.2 metres above the roof line of the development. It is considered that these signs compliment the architectural design of the development, and the architectural merit of the development is complimentary to surrounding development.

The signs are defined as business identification signs as they indicate the name and address of the business carried out on the premises where the signage is displayed. Part 2 of the SEPP applies to signage generally, and states:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in Clause 3(1)(a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

The signage complies with Schedule 1, documented in **Attachment 5**.

7 External referrals

7.1 The application was referred to the following external authority:

Section	Comments
Roads and Maritime Services (RMS)	The application was referred to the RMS on 7 August 2014 and comments were received on 1 September 2014. No objections to the proposal were raised subject to the imposition of conditions of consent, including ensuring no buildings are constructed on land required for future road widening, the preparation and submission of a Construction Traffic Management Plan, ensuring any signage is at no cost to the RMS, ensuring the car parking areas comply with AS 2890.1 - 2004 and ensuring landscaping does not impact on sight distances. These will be included in any consent granted. (Conditions 1.5, 4.1.1, 4.1.3, 4.1.4 and 4.3.9)

8 Internal referrals

8.1 The subject Development Application was referred to the internal sections of Council as summarised in the table below:

Section	Comments
Engineering	No objections to the proposal and to the design of the proposed cul-de-sac to allow access to level 1 from the western estate road, subject to the imposition of conditions of consent (Conditions 2.4, 6, 9 and 10.7)
Building	No objections to the proposal subject to the imposition of conditions of consent (Conditions 1.3, 5, 7, 8, 10.1, 10.2, 10.3 and 10.4)
Traffic	Comments from Council's Traffic Management Section (TMS) have been received as follows:

Section	Comments
	<ol style="list-style-type: none"> 1. In general, access driveways and circulation aisles appear to be satisfactory. 2. The parking provision appears to be satisfactory. 3. The internal layout of the proposed carpark generally appears to be satisfactory and complies with AS 2890.1- 2004 and AS 2890.2 - 2002 for commercial vehicles. 4. All vehicles must enter and leave the proposed development in a forward direction. <p>TMS have also raised no objection following the submission of revised plans for a cul-de-sac at the end of the partly constructed western estate road so as to permit access to level 1 and level 2.</p>
Environmental Health Unit	The DA was referred to the EHU to assess the impact of waste management and any noise issues during construction, to ensure no adverse impacts on neighbouring properties. There are no objections to the proposal subject to the imposition of conditions of consent. (Condition 17)

9 Assessment

9.1 An assessment of the key issues relating to the proposed development is presented below:

(a) Site analysis

The site is a newly formed allotment with frontage to Hollinsworth Road and 3 private estate roads. The site is currently vacant with works associated with the subdivision approval underway. The site is located on the southern side of Hollinsworth Road. The proposed building will address the intersection and is considered satisfactory.

(b) Context and scale

The bulky goods outlet has been designed to complement the changing streetscape of the industrial area and the proposal is compatible with the approved Bunnings, Masters and IKEA stores. Hollinsworth Road is provided with a landscape buffer of a minimum of 7.5 metres.

The loading docks are located to the rear of the site along Hollinsworth Road and the 2 private roads. The Applicant will appropriately screen the truck turning areas and utilities through landscaping. The design of the building is sufficiently articulated to ensure that the massing of the building is reduced.

(c) Building height and design

The building has a maximum height of 13.56 metres and will present to all street frontages as a 2 storey building. The height of the building is compatible with the approved height of the Bunnings Store, Masters Home Improvement Store and IKEA under construction. The height of the proposal will not impact on any views, vistas or skyline.

(d) External appearance

The homemaker centre has been designed in a modern contemporary style and maintains a modern appearance and colour scheme, which is compatible with adjoining buildings. The façade of the building will comprise precast concrete panels in light grey, with feature panels in red and charcoal with infill glass facades.

(e) Building frontages and setbacks

The site is located at the corner of Hollinsworth Road and 3 estate roads. The building has a setback of 7.5 metres to Hollinsworth Road and the eastern estate road. This provides ample opportunities for landscaping to be provided.

The building is a “U” shape with a central freestanding single storey building proposed to occupy food premises, and car parking within the centre of the site towards the eastern estate road. The proposal is for a multi-tenanted outlet which results in each tenancy having its own entrance. Tenancies are orientated towards the carpark and the eastern estate road.

The proposal achieves compliance with the minimum setback requirements as contained within Appendix 5 of the SEPP – Marsden Park Industrial Precinct. Suitable landscaping is provided along all street frontages, with particular emphasis provided on Hollinsworth Road. The setback areas will be enhanced with landscaping.

(f) Operational hours

The bulky goods outlet is proposed to operate generally between the hours of 7:00 am and 12:00 midnight, 7 days a week. It is envisaged that the gymnasium will operate 24 hours, 7 days a week. The Development Applications for the child care centre, medical centre and gymnasium fitouts will address the specific operating hours of each use including delivery hours. All remaining leasable individual tenancies will be subject to Complying Development Applications. It is not considered that the hours of operation, including delivery hours, will adversely impact on the amenity of the estate.

(g) Access, traffic and parking

The proposed access arrangements are considered satisfactory and concurrence has been received from the RMS with respect to impacts on Sydney’s road network.

Vehicular access to the site is provided via the eastern private estate road that extends south from the newly constructed Hollinsworth Road alignment. A secondary vehicular access is provided via a public road that extends south from Hollinsworth Road. The primary customer access driveway will be located centrally within the eastern road frontage and will connect directly with the primary parking area. The secondary access will service the first floor tenancies. The secondary access will be served by a public road, which will be a temporary cul-de-sac head until the future of the DCP proposed road on the adjoining property is resolved by the developer of the Business Park.

The proposed development has been accompanied by a Traffic Impact Assessment prepared by GTA Consultants dated August 2014. The report demonstrates that the site will have a maximum peak of 704 vehicular movements per hour, with the maximum peak period for this development being a Thursday evening.

The proposed on-site car parking provision is considered satisfactory. Appendix 5 of the SEPP – Marsden Park Industrial Precinct requires the site to provide a total of 515 spaces for both stages 1 and 2. The proposal seeks approval for 515 spaces including 10 disabled spaces and 38 spaces for the child care centre. Therefore the proposal will provide ample on-site car parking for all customers and staff to the site.

All car parking spaces achieve compliance with AS 2890.1. A condition of consent shall be imposed on any operational consent ensuring a total of 425 spaces at the completion of stage 1 and a total of 515 spaces at the completion of stage 2 works are provided, and all spaces and aisle widths comply with the relevant Australian Standards. This will be **conditioned** accordingly on any consent granted. **(Conditions 4.1.2 and 10.5.6)**

(h) Landscaping

The Applicant has submitted detailed landscaping plans which show the provision of suitable landscaping within the setbacks along Hollinsworth Road and the 3 estate roads. Suitable species have been chosen for planting within the site, including Grevillea Moonlight 'Moonlight Grevillea', Callistemon Captain Cook 'Bottlebrush' and Eucalyptus moluccana 'Grey Gum' along the street frontage to Hollinsworth Road and the estate roads, with provision of low shrub planting capable of growing to a height of approximately 2 metres to provide screening.

Suitable planting is proposed within the at-grade car parking area, with the trees to be planted approximately every 6 car parking bays. Sufficient planting is provided which will enable vehicles to be provided with shade from the sun.

Council will **condition** for compliance by the Applicant with the landscape plans as submitted with the DA prior to occupation of the development. **(Condition 10.5.1)**

(i) Utilities and infrastructure

The proposed building is not considered to adversely impact on existing utilities and facilities. **Conditions** for servicing will be imposed requiring a Section 73 Certificate for Sydney Water and a Certificate from an energy provider. **(Conditions 1.4, 3.2.1, 7.3.1 and 11.8.1)**

(j) Noise and vibration

The site is located within the Marsden Park Industrial Precinct, where similar uses are encouraged. The site immediately adjoins other B5 Business Development zones, where it is likely similar uses will be developed in the future with similar hours of operation and delivery hours. The closest residential zone is located approximately 380 metres to the south-east of the site, on the opposite side of Richmond Road. It is not considered that the proposed bulky goods premises will adversely impact on future residential development in the area. It is also noted that Richmond Road is utilised as a arterial road providing linkages between the M7 and Richmond.

To minimise noise and vibration as a result of construction work, a standard **condition** of consent will be imposed for work, including construction activities associated with the development, and including the delivery material to and from the site so as to meet the DEECW 2009 Construction Noise Guidelines. **(Condition 8.4.2)**

(k) Safety and security

The proposed development has been assessed against the requirements for 'Safer by Design' and is considered satisfactory. The business complex will have security measures in place to limit opportunities for crime, including appropriate lighting and CCTV cameras in the car parking which will also operate after business hours for both customer and staff safety. A **condition** will be imposed on any consent issued requiring that these security measures be implemented. **(Condition 10.8.1)**

(l) BCA compliance

A condition of consent will require that the proposed development complies with the applicable requirements of the Building Code of Australia, including accessibility requirements. **(Condition 5.1)**

(m) Impacts during construction

Conditions of consent are recommended to mitigate any potential impacts on the amenity of the surrounding environment, including hours of construction and the submission and approval of a Traffic Management Plan for construction. In addition, a condition will be imposed for the submission of an acoustic report prior to the release of the Construction Certificate, to ensure that construction noise does not adversely impact on future residential properties. **(Condition 8)**

(n) Contamination

As part of the subdivision DA, a Contamination Strategy Report prepared by Benbow Environmental dated December 2013, which relied on the Phase 2 Contamination Report prepared by GHD Pty Ltd dated November 2008, was submitted that specifies that the land has been previously used for rural residential purposes.

Testing was undertaken as part of the subdivision and the site is considered suitable for the industrial use and the report concluded that: *potential contamination issues in these areas are considered to be localised and not likely to pose a constraint to development. No further investigations proposed.*

(o) Social and economic impact

The proposed development will have positive social and economic benefits. The child care centre, gymnasium and medical centre will also benefit workers in this industrial estate who will be able to use them to and from work.

(p) Water management

The application has been assessed against Council's DCP Part R and reviewed by Council's Drainage Engineer and Development Engineer who have raised no objections to the proposal subject to the implementation of **conditions** of consent. **(Conditions 2.4, 6, 9, 10.7)**

(q) Soil management

The proposed development is not expected to have an adverse impact in regard to soil erosion or sedimentation. A **condition** of consent will require the applicant to ensure the proposal is carried out in compliance with standard erosion and sedimentation measures. **(Condition 6.4)**

(r) Salinity

As part of the Subdivision DA, the applicant submitted a Salinity Investigation Report prepared by Benbow Environmental dated December 2013, to identify the salinity characteristics of the area.

The report concluded that testing results highlight, based on electrical conductivity of the soil sampled, that the soil contained within the site is classified as non-saline and slightly saline. These levels of salinity are considered to be non-aggressive for steel piers. Therefore, salinity management strategies have been provided to mitigate the impact of, and on, salinity and soil aggressivity from the proposed development (including cut and fill, drainage, services, road works and future construction requirements).

A **condition** will be imposed on the DA requiring all works to be undertaken in accordance with the recommended salinity management strategies and final sign-off from a suitably qualified consultant verifying that the salinity management requirements have been implemented, to be submitted prior to the issue of any Construction Certificate. (**Condition 4.4.1**)

(s) **Waste minimisation and management**

The proposal is not expected to generate any significant amount of waste. Waste collection facilities are provided within the site to manage waste during operating hours. A **condition** will be imposed requiring the applicant to comply with the approved Waste Management Plan. (**Condition 4.3.10**)

(t) **Developer contributions**

The subject site falls within Contributions Plan (CP) No. 21 – Marsden Park Industrial Precinct. The current DA generates contributions for a developable area of 3.9995ha.

A **condition** will be imposed requiring the payment of Section 94 contributions in accordance with this Plan prior to the release of the Building Construction Certificate, at the CPI updated rate applicable at the time of payment. (**Condition 4.2.1**)

10 Public comment

10.1 The Development Application was notified in accordance with Blacktown Development Control Plan Part K – Notification of Development Applications, to adjoining and nearby property owners and occupants from 20 August to 3 September 2014. During this period 1 submission was received from the Ahmadiyya Muslim Association Australia who own 45 Hollinsworth Road, where a Mosque and associated religious uses are presently operating to the west of the subject site. The points raised in the submission and Council's responses are provided as follows:

10.2 Traffic impact

- (a) The submitter is concerned that the proposal will lead to customers parking elsewhere and an increase in traffic in the area.

Town Planning comment:

- The proposal achieves compliance with the numerical controls for car parking under the SEPP. A total of 515 spaces are required and provided for in this development.
- The traffic generation of the proposal has been reviewed by the Roads and Maritime Services (RMS) and Council's Traffic Management Section (TMS), who have advised that the road network is capable of servicing the development.
- The applicant's traffic report demonstrates that the site will have a maximum peak of 704 vehicular movements per hour, with the maximum peak period for this development being a Thursday evening. The report concludes that the traffic generated by the proposed development and the bulky goods precinct (which includes Masters, Bunnings, IKEA and Costco which is under assessment by Council) is not expected to compromise the operation of the road network in the vicinity of the site during the Thursday PM peak period.

10.3 Noise and privacy

- (a) The submitter considers that the noise from the development will impact on its property, and noise walls or barriers should be constructed.

Town Planning comment:

- The proposed bulky goods premises is located over 300m from the submitter's property, with properties located between the 2 sites. Having regard to the distance between the 2 sites, it is not considered that the bulky goods premises will adversely impact on noise and privacy. It is not considered that there is a need for noise walls or barriers.

10.4 Stormwater

- (a) The submitter is concerned that the stormwater management and detention for the development will impact on its property.

Town Planning comment:

- The drainage for the site has been reviewed by Council's Engineers who have raised no objection to the proposed method of stormwater management and detention. The stormwater management of this site will not adversely impact on the submitter's property.

11 Section 79C consideration

11.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act is summarised below:

Head of Consideration	Comment	Complies
<p>a. the provisions of :</p> <p>(i) any environmental planning instrument (EPI)</p> <p>(ii) any development control plan</p> <p>(iii) the regulations</p>	<p>The proposal is considered to be consistent with State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, State Environmental Planning Policy 64 – Advertising and Signage and the Growth Centre Precincts Development Control Plan 2010.</p> <p>The proposal is permissible within the B5 Business Development Zone and satisfies the zone objectives.</p>	<p>Yes, the minor variation is considered satisfactory.</p>
<p>b. the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</p>	<p>An assessment of the key issues is provided in this Report and it is considered that the likely impacts of the development have been satisfactorily addressed.</p>	<p>Yes</p>
<p>c. the suitability of the site for the development</p>	<p>The subject site is zoned B5 Business Development pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and permits bulky good retailing with consent.</p> <p>The proposal has been designed taking into consideration the site's constraints, including the relationship to nearby buildings in the Estate and</p>	<p>Yes</p>

Head of Consideration	Comment	Complies
	access to the site. The site is therefore considered suitable for the proposed development.	
d. any submissions made in accordance with this Act or the regulations	One submission was received, but the grounds for concern are not sufficient to warrant refusal.	Yes
e. the public interest	The proposal is in the public interest as it will provide the area with additional employment and will encourage economic growth in the Blacktown LGA and represents orderly development of the land.	Yes

12 Conclusion

- 12.1 The application has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 and is considered to be satisfactory. Overall, it is considered that the proposed development satisfactorily addresses its impacts and the proposal is in the public interest.
- 12.2 The proposal is consistent with the objectives of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the B5 Business Development zone, and the proposed range of uses are permissible with development consent.
- 12.3 The proposal complies with the essential criteria of Appendix 5 of State Environmental Planning Policy – Marsden Park Industrial Precinct. Issues pertaining to car parking, built form, noise, access, traffic impacts, stormwater drainage, OSD and site contamination are considered satisfactory. The DCP variation sought by the Applicant to the control for communal area is considered reasonable in the circumstances and should be supported.

13 Recommendation

- 13.1 The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at **Attachment 1**.
- 13.2 The Applicant be advised of the Sydney West Joint Regional Planning Panel's decision.



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