

JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2015SYW192
DA Number	1326/2015
Local Government Area	Camden
Proposed Development	Construction of a mixed use commercial development containing medical centres and an ancillary chemist/dispensary, cafes, bulky goods, business and retail premises and associated site works
Street Address	11 and 15 Holborn Circuit, Gledswood Hills
Applicant/Owner	CYRE Projects Pty Ltd / Gregory Hills Corporate Park Pty Ltd
Number of Submissions	No submissions
Regional Development Criteria (Schedule 4A of the Act)	Private infrastructure and community facility capital investment value >\$5 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy No 33 – Hazardous and Offensive Development • State Environmental Planning Policy No 55 – Remediation of Land • Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River • Turner Road Development Control Plan 2007 • Camden Development Control Plan 2011
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	Yes
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Assessment report and conditions • Statement of environmental effects • Proposed plans and technical reports that accompanied the DA
Recommendation	Approve with conditions

Report by	Ryan Pritchard, Executive Planner
Report date	July 2016

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 a mixed use commercial development at 11 and 15 Holborn Circuit, Gledswood Hills.

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's medical centre components, being a type of health services facility, is \$7.82 million. This exceeds the CIV threshold of \$5 million for Council to determine a DA for a private infrastructure and community facility.

SUMMARY OF RECOMMENDATION

That the Panel determine DA 1326/2015 for a mixed use commercial development pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a mixed use commercial development at 11 and 15 Holborn Circuit, Gledswood Hills.

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 for a period of 14 days in accordance with Camden Development Control Plan 2011. No submissions were received.

The applicant proposes a variation to Section 5.1 of Camden Development Control Plan 2011 (DCP) with regards to off-street car parking provision. The DCP requires 173 off-street car parking spaces to be provided for the proposed development. The applicant proposes to only provide 145 car parking spaces. The applicant has submitted a detailed parking submission, prepared by a traffic engineer, in support of the DA. Council staff have assessed this DCP variation and recommend that it be supported.

Council staff note that the peak operating times of many of the uses proposed by this development are different and will help to reduce the overall number of car parking spaces required at any one time. It is also noted that the clustering of multiple uses on the site will likely result in many patrons visiting more than one tenancy, thereby reducing the overall amount of vehicle trips to the site.

It is acknowledged that the site is part of an identified 'hub' for the area and is located in close proximity to a significant employment area in the precinct. In addition, 3 motorcycle and 20 bicycle spaces in excess of the DCP's requirements will be

provided and will make some contribution to reduced car reliance and provide different travel options to/from the site.

Council staff have undertaken an analysis of the car parking demands of the proposed development and recommend the adoption of the modified car parking calculations taking into account the aforementioned factors. This results in the proposed development requiring 145 car parking spaces which the applicant has agreed to provide.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as 11 and 15 Holborn Circuit, Gledswood Hills and is legally described as Lot 810, DP 1189248 and Lot 1, DP 1216156. The site is comprised of all of 11 Holborn Circuit and a small portion of 15 Holborn Circuit in its north eastern corner.

The site has frontage to three roads including approximately 85.8m to Gregory Hills Drive, approximately 105m to Holborn Circuit and approximately 85.8 to Digitaria Road which is at an advanced stage of construction. The site has a depth of approximately 115.3m, an overall area of 1 hectare, sloping gently downwards from its south eastern to its north western corner. The site is located within the Turner Road Precinct of the South West Growth Centre, the Turner Road Employment Area and within the developing Gregory Hills Corporate Park developer's estate.

The surrounding area is generally characterised by developing business development land uses often contained within multi-unit complexes together with their associated driveways, car parking spaces, landscaping, fencing and signage.

The southern part of the Turner Road Employment Area, the Central Hills Business Park developer estate, lies to the south of this area whilst to the east exists the developing Gregory Hills residential suburb. To the north lies South Creek with the developing Gledswood Hills residential suburb on the opposite side. To the west is Camden Valley Way with the developing Harrington Grove and Catherine Park residential developer estates located on the opposite side.

HISTORY

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

Date	Development
14 August 2010	Approval of DA 277/2012 for a staged industrial subdivision
26 May 2015	Approval of DA 997/2014 for a staged business development subdivision
4 March 2016	Creation of a lot for this site approved by DA 1273/2015. It is noted that the subdivision approved by this DA is yet to be registered

THE PROPOSAL

DA 1326/2015 seeks approval for a mixed use commercial development.

Specifically the proposed development involves:

- construction of a part single/part two storey commercial complex containing 14 tenancies. The building will be of a coloured concrete panel construction with a mix of glazing, timber and metal cladding elements. The building's maximum height will be 9.8m. The building will have a gross floor area of 5,201m²;
- use of the 14 tenancies as medical centres and an ancillary chemist/dispensary, 2 cafes, 2 bulky goods premises, 2 business premises and 2 retail premises;

The exact end users of the tenancies is unknown however the applicant anticipates that the medical centre tenancies will comprise general practitioners, a radiology suite and other related medical consulting uses.

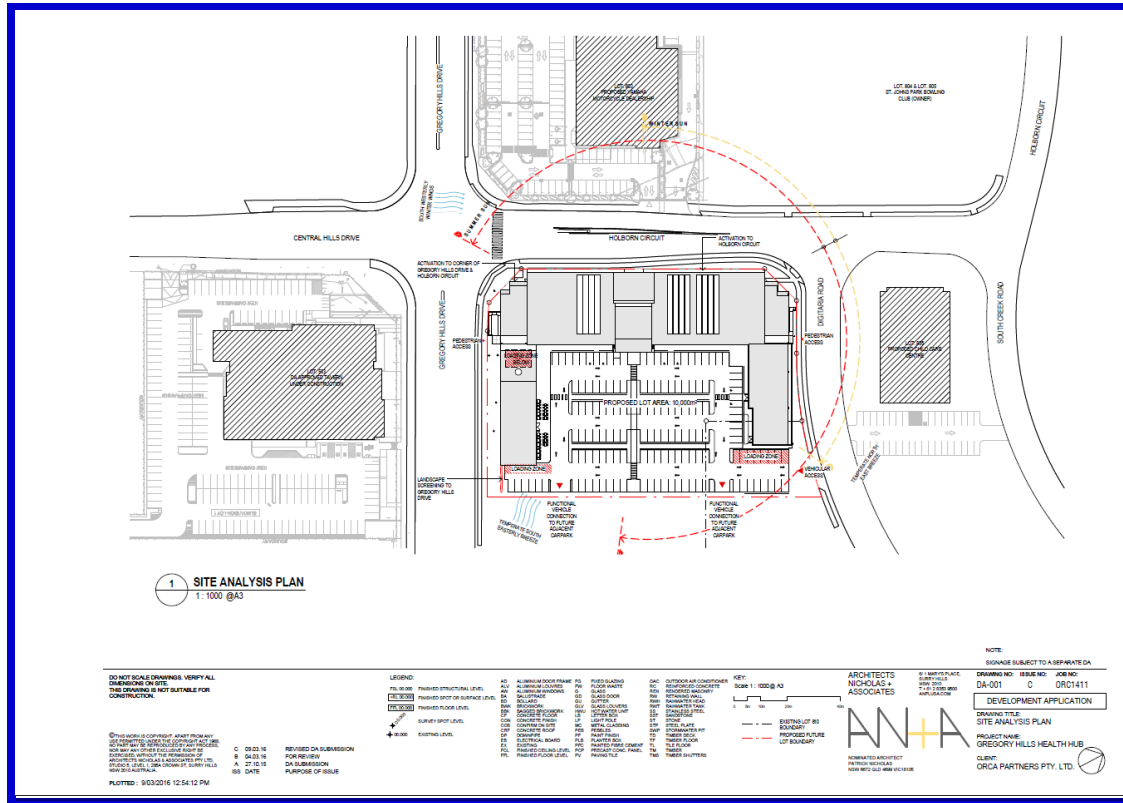
- provision of an external courtyard area that will provide an area for seating ancillary to café 1;
- construction of 145 off-street car parking spaces, 3 motorcycle parking spaces and 20 parking bicycle spaces;
- associated site works including minor earthworks, drainage, services and landscaping;
- operating hours of 7 days a week 7am-7pm for the medical centres and ancillary chemist/dispensary, retail and business premises, 7 days a week 9am-7pm for the bulk goods premises and 7 days a week 7am-10pm for the cafes; and

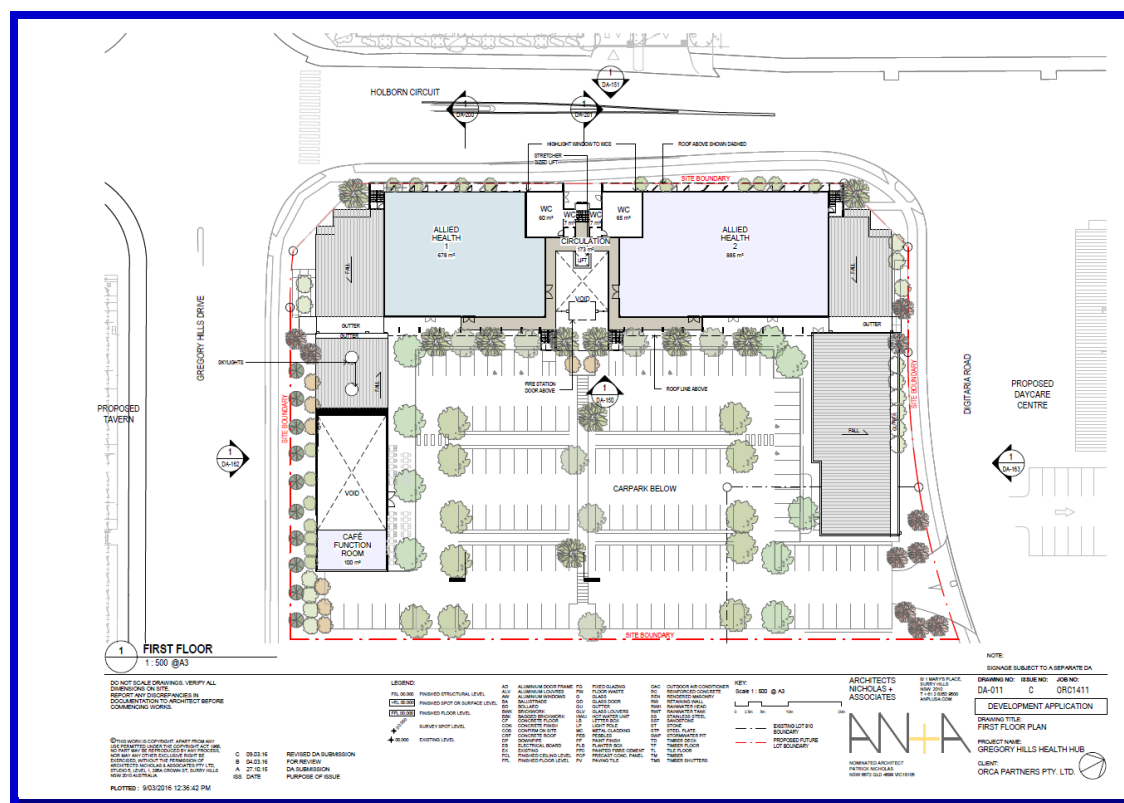
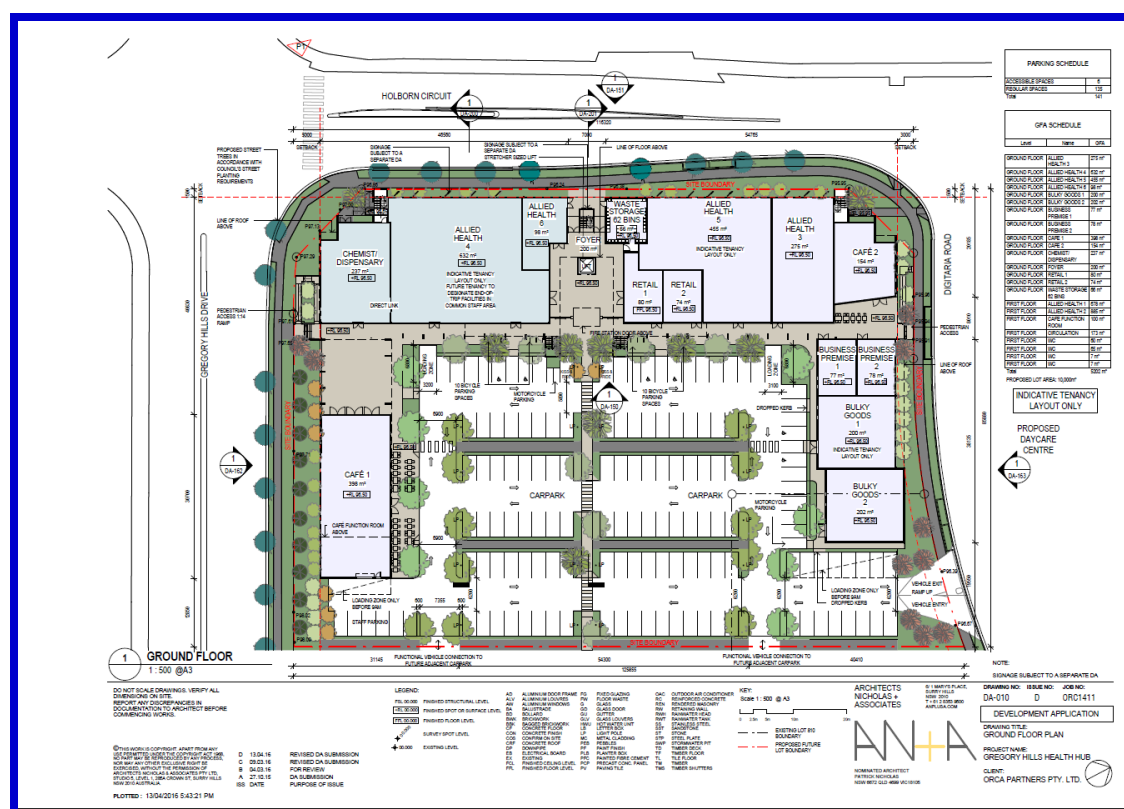
- the employment of 30 full time staff.

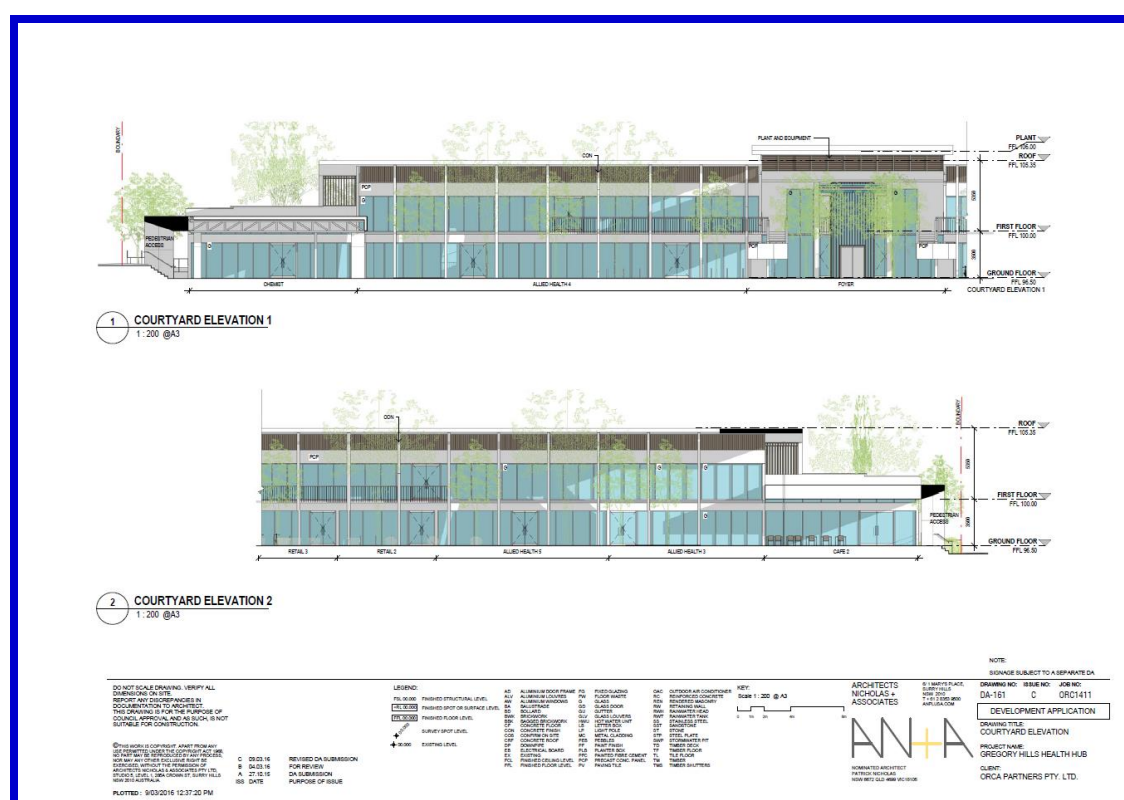
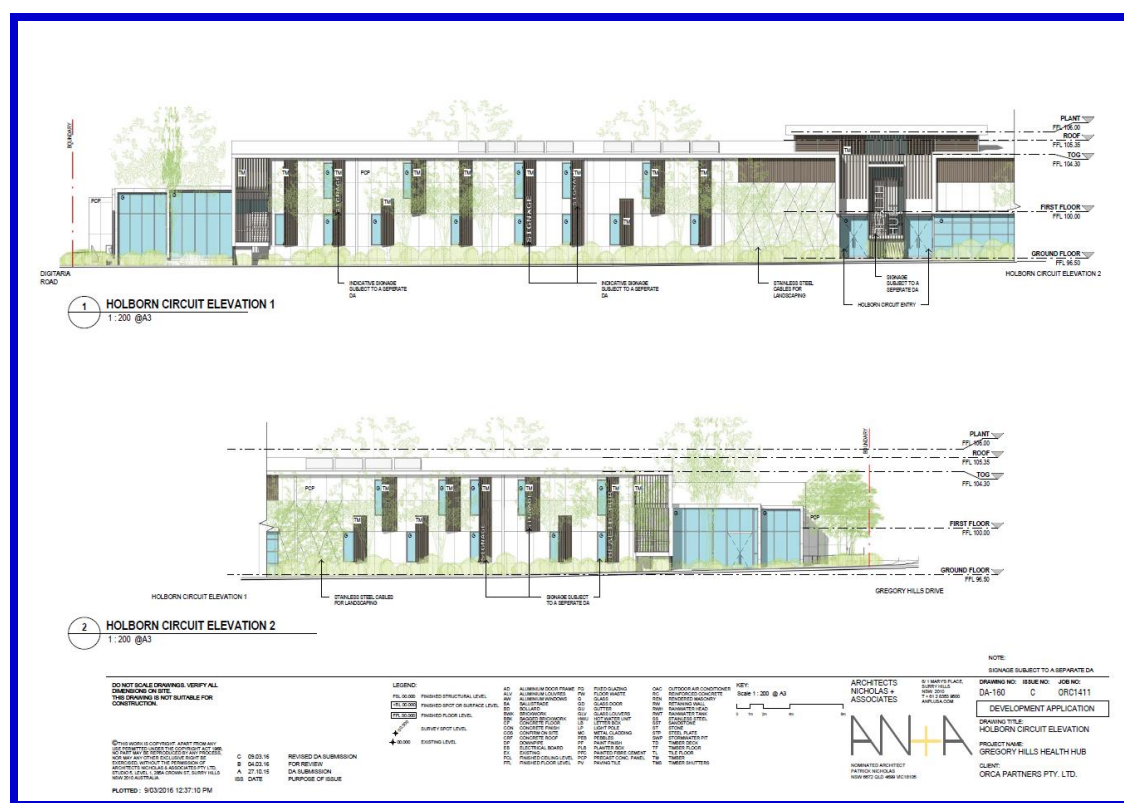
The total CIV of the works is \$13.6 million. The CIV of the medical centre components, being a type of health services facility, is \$7.82 million.

The DA seeks approval for the construction of the building and the use of each of the tenancies as described above. The internal fit out and signage for each tenancy will be subject to either a separate DA or a complying development certificate.

PROPOSED SITE PLAN







1 HOLBORN CIRCUIT & GREGORY HILLS DRIVE
scale - 1/1" = 1' 0"

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE. THIS DRAWING IS NOT SUITABLE FOR CONSTRUCTION.

THIS ARCHITECT'S CONTRACT AGREEMENT WITH AN+A PARTNER PTY LTD. (THE ARCHITECT) IS A PART OF THE CONTRACT. THE ARCHITECT'S CONTRACT AGREEMENT WITH AN+A PARTNER PTY LTD. (THE ARCHITECT) IS A PART OF THE CONTRACT. THE ARCHITECT'S CONTRACT AGREEMENT WITH AN+A PARTNER PTY LTD. (THE ARCHITECT) IS A PART OF THE CONTRACT.

DATE: 04-03-16
DATE: 04-03-16
DATE: 04-03-16

REVISIONS ON SUBMISSION FOR REVIEW
ON SUBMISSION
PURPOSE OF ISSUE

LEGEND	KEY
<p>04-03-16 PROPOSED STRUCTURAL LEVEL</p> <p>04-03-16 PROPOSED 2ND FLOOR SURFACE LEVEL</p> <p>04-03-16 PROPOSED 1ST FLOOR LEVEL</p> <p>04-03-16 PROPOSED 1ST FLOOR LEVEL</p> <p>04-03-16 EXISTING LEVEL</p>	<p>04-03-16 PROPOSED 1ST FLOOR LEVEL</p> <p>04-03-16 PROPOSED 2ND FLOOR SURFACE LEVEL</p> <p>04-03-16 PROPOSED 1ST FLOOR LEVEL</p> <p>04-03-16 PROPOSED 1ST FLOOR LEVEL</p> <p>04-03-16 EXISTING LEVEL</p>

ARCHITECTS
AN+A
NORRIS & ASSOCIATES

81 BARRY PLACE
SYDNEY NSW 1588
T +61 2 9550 9900
WWW.AN+A.COM

NOTE:
ISSUANCE SUBJECT TO A SEPARATE DA

DRAWING NO. DA-900 ISSUE NO. C JOB NO. ORC1411

DEVELOPMENT APPLICATION
PERSPECTIVE 01

PROJECT NAME:
GREGORY HILLS HEALTH HUB

CLIENT:
ORCA PARTNERS PTY. LTD.

[illegible]

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 as 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 (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy No 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River

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 its medical centre components, being a type of health services facility, has a CIV of \$7.82 million. This exceeds the CIV threshold of \$5 million for Council to determine a DA for a private infrastructure and community facility and therefore it is referred to the Panel for determination.

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

The SEPP requires Council to assess whether or not the proposed development stores or requires the transport of dangerous goods above its screening thresholds. If any of the SEPP's thresholds are breached, Council must then determine whether or not the proposed development is hazardous or offensive by considering the measures proposed to reduce the impact of the dangerous goods, including setbacks from the site boundaries, in accordance with the SEPP.

The applicant has advised that the exact end users of the proposed development's tenancies are unknown at this time and so specific details regarding dangerous goods storage and transportation cannot be provided.

To address the SEPP, a condition is recommended that requires the quantities of all dangerous goods to be stored on or transferred to/from the site to be kept below the SEPP's screening thresholds. This condition has been discussed with and agreed to by the applicant.

Based on the above, the proposed development is not considered to be hazardous or offensive development as defined by the SEPP.

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

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

This site was previously subject to a phase 2 detailed contamination assessment when the lot was created. The site was found to be suitable for the proposed development.

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.

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

The proposed development is consistent with the aim of the 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, sediment and water quality control measures have been proposed as part of the development.

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

Permissibility

The site is zoned B5 Business Development under the provisions of the SEPP. The proposed development is defined by the SEPP as a "mixed use development" comprising "medical centres," "food and drink premises," "bulky goods premises," "business premises" and "retail premises" which are all permissible land uses in this zone.

The proposed chemist/dispensary will operate as an ancillary component to the medical centre tenancies. The applicant has advised that the chemist/dispensary is not intended to be an independent use and that it is anticipated that approximately 80% of its patronage will be from patrons of the medical centres. It is also noted that the chemist/dispensary accounts for only approximately 7.3% of the proposed development's total medical floor space and will be physically connected to one of the medical centre tenancies via an internal link. Council staff are satisfied that the proposed chemist/dispensary is ancillary to the proposed medical centres.

Zone Objectives

The objectives of the B5 Business Development zone are as follows:

- To enable a mix of business and warehouse uses and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.

Officer comment:

The proposed development will provide a range of business and retail uses that are close to and will support the viability the future Gregory Hills neighborhood centre to the east.

- To provide for a wide range of employment generating development.

Officer comment:

The proposed development will provide a wide range of employment generating land uses.

- To provide for a mix of ancillary uses to support the primary function of providing employment generating development.

Officer comment:

The proposed development includes the provision of uses ancillary to the area's core employment functions including the proposed medical centre, café and retail uses.

- To maintain the economic strength of centres by limiting the retailing of food, clothing and convenience shopping.

Officer comment:

The proposed development includes only 155m² of retail premises which is within the permitted shop floor area pursuant to Clause 4.1E of the SEPP. Consequently it is not considered that the proposed development will negatively impact the economic strength of the identified centres in the surrounding area.

- To provide for a range of uses, including recreational uses and function centres, that complement other permissible employment generating land uses within the zone.

Officer comment:

The proposed development will contain a range of commercial uses that will complement other existing and future employment generating land uses in the zone.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
4.1E Shops – Turner Road Precinct	Maximum total area of 2,500m ² used for shops in the B5 zone	To date only 1,664m ² of shop area has been approved in the B5 zone. The addition of the 154m ² proposed by this development will bring the total area to only 1,818m ²	Yes
	Maximum total area of 500m ² used for shops in any one	The proposed development includes only 154m ² of shop area	Yes

Clause	Requirement	Provided	Compliance
	development		
4.3 Height of Buildings	Maximum 15m building height	The proposed development's maximum building height is 9.8m	Yes
6.1 Public Utility Infrastructure	The consent authority is to be satisfied that essential public utility infrastructure is available or that adequate arrangements have been made to make that infrastructure available when required	A standard condition is recommended to ensure that essential public utility infrastructure will be available when required	Yes

(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)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

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

Camden Development Control Plan 2011 (Camden DCP)

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

Control	Requirement	Provided	Compliance
A2 Notification Requirements	DAs to be publicly exhibited in accordance with the Camden DCP	The DA has been publicly exhibited in accordance with the Camden DCP	Yes
B1.1 Erosion and Sedimentation	Appropriate erosion, sediment and dust control measures must be implemented	Standard conditions are recommended to address this matters	Yes
B1.2 Earthworks	Cut and fill should be minimised	Only minor earthworks are proposed and are considered reasonable to facilitate the proposed development	Yes
	Only virgin excavated natural	A standard condition is recommended to address	Yes

	material should be used as fill	this matter	
B5.1 Off Street Car Parking Rates/ Requirements	<p><u>Medical Centre</u></p> <p>4 spaces per 100m² of gross floor area (GFA)</p> <p><u>Chemist/Dispensary and Retail Premises</u></p> <p>1 space per 22m² GFA</p> <p><u>Business Premises</u></p> <p>1 space per 40m² GFA</p> <p><u>Bulky Goods Premises</u></p> <p>1 space per 50m² GFA</p> <p><u>Cafes</u></p> <p>1 space per 30m² GFA</p>	<p><u>Medical Centres</u></p> <p>3,023m² / 100 = 30.2 x 4 = 120.9</p> <p><u>Chemist/Dispensary and Retail Premises</u></p> <p>391m² / 22 = 17.8</p> <p><u>Business Premises</u></p> <p>155m² / 40 = 3.9</p> <p><u>Bulky Goods Premises</u></p> <p>402m² / 50 = 8</p> <p><u>Cafes</u></p> <p>652m² / 30 = 21.7</p> <p>Total required = 172.32 (173)</p> <p>Total provided = 145</p> <p>Shortfall = 28</p>	<p>No Camden DCP Variation 1 –</p>
	<p>Minimum service vehicle provision for 5 service vehicles with additional provision to be at Council's discretion</p> <p>Council may consider proposals for shared parking and loading areas subject to appropriate time restrictions</p>	<p>The proposed development includes two dedicated loading bays in the western half of the site. The eastern half of the site will be serviced by a loading area adjacent to café 1's staff car parking area and another adjacent to bulky goods tenancy 2 which will also double as off-street car parking spaces.</p> <p>The applicant has submitted delivery details in support of the DA which advises the frequency and times of deliveries.</p> <p>Whilst not fully compliant with the Camden DCP, these loading areas are considered to be acceptable on the basis that:</p>	<p>No, however minor variation supported</p>

		<ul style="list-style-type: none"> • Loading area 1 will be used solely by the café generally once a day and only impact a maneuvering area designated for staff car parking. • Loading area 2 will service the bulky goods tenancies and whilst it will double up with 8 off-street car parking spaces, is expected to be utilised twice a week and only between 7pm-9am, thereby minimising conflict with staff and visitors to the site. • Loading area 3 will service the retail tenancies, health tenancies 1, 4 & 6 and the ancillary chemist/dispensary, café 1 which is expected to be generally twice a week during normal working hours via a small light commercial van. • Loading area 4 will service the retail and business tenancies, health tenancies 1, 2, 3 & 5 and café 2 which is expected to be between 1-2 deliveries per week during normal working hours via a small light commercial van. • It is noted that waste bins will be stored and collected from within the site. 	
--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Camden DCP Variation 1 – Off-Street Car Parking Provision

DCP Control

The DCP requires 173 off-street car parking spaces to be provided for the proposed development. The applicant proposes to only provide 145 car parking spaces.

The applicant has submitted a detailed parking submission, prepared by a traffic engineer, in support of the DA.

Variation Request

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

- assessment of other sites has shown that the peak operating times of uses proposed in this development will be different, eg. restaurants and cafes generally peak post 6pm whereas business and retail uses peak during mid-morning and late afternoon;
- it is considered that given the range of uses proposed for the site, visitors to one use will often visit other uses, eg. a visitor to the medical centre may also visit one of the cafes and/or retail premises, thereby reducing the overall amount of vehicle trips to the site;
- consideration of clustering of uses is consistent with the State Government's integrated land use and transport planning principles;
- a reduced car parking rate for the anticipated radiology component of the medical centre is appropriate due to the ability to coordinate patient visits to maximise efficiency and reduce repeat trips;
- other 'health hub' style developments in Randwick and St. Leonards have been considered in order to formulate an appropriate car parking rate;
- consideration of the site's proximity to the surrounding patron catchment and public transport availability further justifies a reduce car parking rate; and
- the Camden DCP does not require the provision of any motorcycle or bicycle parking spaces for the proposed development however 3 motorcycle and 20 bicycle spaces will be provided. This is in excess of the DCP's requirements, will help reduce car reliance and provide different travel options to/from the site.

Council Staff Assessment

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

- Council staff agree that the peak operating times of many of the uses proposed by this development are different and will help to reduce the overall number of car parking spaces required at any one time;
- it is also agreed that the clustering of multiple uses on the site will likely result in many patrons visiting more than one tenancy, thereby reducing the overall amount of vehicle trips to the site;
- Council staff do not agree that a reduced car parking rate for the anticipated radiology component of the medical centre is reasonable as it is considered that

patrons will likely need to visit this component and return at another time to visit another part of the medical centre component (rather than visit multiple medical components at one time). It is considered that no car parking rate reduction should be given based on this argument;

- the comparison with other 'health hub' style developments in Randwick and St. Leonards is not considered reasonable as those areas are much better served by public transport. Car reliance has been proven to be statistically higher in the Camden local government area than many other areas given the comparable lack of public transport availability;
- it is acknowledged that the site is part of an identified 'hub' for the area and is located in close proximity to a significant employment area in the precinct;
- it is acknowledged that the Camden DCP does not require the provision of any motorcycle or bicycle parking spaces for the proposed development and the provision of 3 motorcycle and 20 bicycle spaces is supported. This will make some contribution to reduced car reliance and provide different travel options to/from the site; and
- it is noted that at the Ordinary Council meeting of 19 February 2015, Council approved DA 671/2014 for the construction of a pub opposite this site to the south west at 14-26 Central Hills Drive, Gregory Hills. This approval included reducing the car parking space requirement for the pub from 305 spaces (being the numerical requirement under the DCP) to 165 spaces (a reduction of 140 spaces) based on consideration of a parking study that included an assessment of other similar sites and the development's likely car parking demands.

Council's traffic engineer has assessed the applicant's parking submission, undertaken an analysis of the car parking demands of the proposed development and recommends the adoption of the modified car parking calculations, based on the Camden DCP with some reductions based on the aforementioned factors.

It is noted that the modified car parking calculations below do not include general areas within the building that don't reasonably generate a demand for car parking. These include the ground foyer and waste storage room and the first floor landing area and toilets.

- Medical Centre = $3,023\text{m}^2 / 100 = 30.2 \times 4 = 120.8$ (100% compliance with the Camden DCP car parking rate).
- Chemist/Dispensary and Retail Premises 1 and 2 = $391\text{m}^2 / 22 = 17.8 / 2 = 8.9$ (50% reduction to the Camden DCP car parking rate).
- Business Premises 1 and 2 = $155\text{m}^2 / 40 = 3.9 / 2 = 1.95$ (50% reduction to the Camden DCP car parking rate).
- Bulky Goods 1 and 2 = $402\text{m}^2 / 50 = 8 / 2 = 4$ (50% reduction to the Camden DCP car parking rate).
- Café 1 and 2 (excluding café 1 function room) = $552 / 30 = 18.4 / 2 = 9.2$ (50% reduction to the Camden DCP car parking rate).

This café car parking calculation excludes the first floor 100m² café 1 function room which will only operate after 6pm each day and therefore outside of the peak times for car parking demand on the site.

Total spaces required = 144.85 (145).

Total spaces proposed = 145.

It is noted that the proposed plans only show 141 car parking spaces. Following discussion with Council staff, the applicant has agreed to provide an additional 4 spaces within the site (along the south eastern boundary), for an overall total of 145 spaces within the site to ensure compliance with Council staff's above analysis.

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

Turner Road Development Control Plan 2007 (Turner Road DCP)

The following is an assessment of the proposed development's compliance with the controls in the Turner Road DCP.

Control	Requirement	Provided	Compliance
2.1 Indicative Layout Plan (ILP)	Development to be undertaken generally in accordance with the ILP	The proposed development is generally consistent with the ILP in that it proposes business development related land uses as identified for this site	Yes
2.5 Hierarchy of Centres and Employment Areas	The Turner Road business development area is to provide for a range of business development type activities.	The proposed development is consistent with this requirement in that it will provide a range of business development type activities	Yes
	A maximum aggregate of 2,500m ² of retail premises, excluding food and drink premises	To date only 1,664m ² of shop area has been approved in the B5 zone. The addition of the 154m ² proposed by this development will bring the total area to only 1,818m ²	Yes
4.2 Education, Civic and Community Facilities	Education, civic and community facilities are to be provided generally in accordance with Figure 20 and the Oran Park and Turner Road Section 94 Contributions Plan	This site is indicated as providing a community facility. However it is noted that the site is not identified to provide a community facility by the Oran Park and Turner Road Section 94 Contributions Plan The proposed development for a medical centre and small scale retail and	Yes

	Where not required for community facilities, identified sites may be considered for other community focused activities such as child care centres or places of public worship	business uses is considered appropriate in this central location within the Turner Road Employment Area	
6.2 Flooding and Watercycle Management	Compliance with Council's Engineering Specifications	A standard condition is recommended to address this matter	Yes
	Compliance with the environmental stormwater objectives listed in Table 9	The DA has demonstrated compliance with the environmental stormwater objectives listed in Table 9	Yes
6.3 Salinity and Soil Management	Salinity resistant construction	A condition is recommended that requires compliance with a previously approved salinity management plan for the site	Yes
	Sediment and erosion control to be provided	A standard condition is recommended to address this matter	Yes
6.8 Contamination Management	A contamination assessment in accordance with Council's Management of Contaminated Lands Policy is required	<p>This site was previously subject to a phase 2 detailed contamination assessment when the lot was created. The site was found to be suitable for the proposed development.</p> <p>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</p>	Yes
6.10 Acoustics	Compliance with Council's Environmental Noise Policy	An acoustic report has been submitted in support of the DA. The report sets criteria regarding mechanical plant sound power levels. Council staff agree with these	Yes

		recommendations and are satisfied that the proposed development can comply with Council's Environmental Noise Policy subject to conditions	
B3, 3.1 Land Uses	Development is to be undertaken generally in accordance with Figure 2 which identifies the site as part of an active uses hub containing uses including cafes/restaurants, child care centres and community facilities	The proposed development is generally consistent with Figure 2 in that it proposes active uses suitably located in a central location within the Turner Road Employment Area	Yes
	Active uses are to front Gregory Hills Drive	The proposed development includes active uses such as cafes and the ancillary chemist/dispensary adjacent to Gregory Hills Drive	Yes
	A local service hub with a 'main street type' configuration is to be provided with local service retail uses preferred	The proposed development provides a major element of the required local service hub with a built form that achieves a main street type configuration	Yes
	A total maximum of 2,500m ² area of retail premises is to be provided in the B5 zone with a maximum of 1,250m ² provided north of Gregory Hills Drive	<p>To date only 1,664m² of shop area has been approved in the B5 zone. The addition of the 154m² proposed by this development will bring the total area to only 1,818m²</p> <p>To date only 1,000m² of shop area has been approved north of Gregory Hills Drive. The addition of the 154m² proposed by this development will bring the total area to only 1,154m²</p>	Yes
B3, 3.4 Public Domain and Interface Areas	The principle of Crime Prevention Through Environmental Design (CPTED) must be	The proposed development is generally consistent with CPTED principles and provides a high reasonable level of passive surveillance, territorial	Yes

	incorporated into the design of all development	reinforcement and access control	
	Development along Gregory Hills Drive is to achieve a number of criteria including the provision of visual interest through active frontages and articulation, high quality landscaping, emphasising corner elements and avoiding blank walls	The proposed development is compliant with this criteria in that it provides a sufficiently active and visually interesting façade, provides high quality landscaping, addresses and emphasises the Gregory Hills Drive/Holborn Circuit corner and avoids the use of blank walls	Yes
B3, 3.5 Site Planning	<p>The following building setbacks are required:</p> <p>5m to Gregory Hills Drive</p> <p>0m to Holborn Circuit</p> <p>3m to Digitaria Road</p>	<p>The proposed development generally complies with the required building setbacks along each of the site's road frontages by providing:</p> <p>5m to Gregory Hills Drive;</p> <p>1.5m to Holborn Circuit; and</p> <p>3m to Digitaria Road.</p> <p>It is noted the building's Holborn Circuit setback is 1.5m and not 0m. The Turner Road DCP allows for a 3m landscaped setback where this frontage is not active however following discussion with Council staff, a combination of active frontage and physically articulated building form along this frontage is considered appropriate. Consequently the proposed 1.5m landscaped setback is supported as it will provide for a reasonable balance between streetscape activation and softening of the less active, but still well-articulated, building elements.</p>	No, however minor variation supported

		It is also noted the ancillary chemist/dispensary and café building at the site's south western and north western corner encroach slightly due to the splays at these corners. However this is only a very minor encroachment and further helps the development define and accentuate these corners	
	Front setbacks are to be landscaped	All of the building setbacks along each of the three road frontages will be appropriately landscaped	Yes
	Each site is to provide on-site stormwater detention	An appropriate on-site stormwater detention system has been proposed as part of this development	Yes
B3, 3.6 Building Design	Scale and massing of buildings should reinforce the desired urban design character with larger buildings used to signify prominent corners	The development's proposed scale and massing is suitable for the desired character of this area. The prominent Gregory Hills Drive/Holborn Circuit corner has been sufficiently articulated and emphasised by modulated single and two storey building elements, a building entrance and landscaping	Yes
	Key sites are to include 'gateway buildings' that positively respond to and emphasise the street corner	This site is identified as a key site. As aforementioned, the proposed development sufficiently articulates and emphasises the street corner through a range of elements	Yes
	Facades visible from the public domain are to include a high proportion of glazing and be provided with architectural articulation	All of the facades visible from the public domain will contain a reasonable amount of glazing and be articulated through a variety of building heights, materials and landscaping	Yes
	Blank building facades facing the primary street frontage are not	No blank building facades are proposed	Yes

	permitted		
	Glazing shall not exceed 20% reflectivity	A standard condition is recommended to address this matter	Yes
	The use of metal cladding is discouraged unless it forms part of an architectural design solution in association with masonry, glazing and other high quality materials	The use of some metal cladding is proposed however this is only a relatively minor element with the main building component being coloured concrete panels, glass and timber	Yes
	Buildings must incorporate effective sun-shading for west facing windows, articulated roof forms, emphasis of customer entries and the use of high quality materials and finishes	Timber screens have been proposed along the building's Holborn Circuit elevation (south western) for sun-shading. The roof form will be reasonably articulated and the key customer entries well emphasised. High quality materials and finishes have been proposed	Yes
	Rooftop structures, where visible from the public domain, are to be incorporated into the design of the building to create an integrated appearance	A standard condition is recommended to address this matter	Yes
B3, 3.7 Employment Operations	Access, parking & loading is to comply with Section B5.1 of the Camden DCP	The proposed development does not comply with Section 5.1 of the Camden DCP	No – Camden DCP Variation 1
	DAs must provide proposed operating hours, delivery details and lighting details	The DA has provided sufficient information regarding these matters	Yes
B3, 3.9 On Site Landscaping	Front setback areas are to be landscaped. Where parking is forward of the building line it	All of the proposed front setback areas will be landscaped. All proposed car parking will be set behind the building lines	Yes

	must be softened by a 2m deep landscaped area		
	A concept landscaping plan is to be provided with the DA and native landscaping is to be used where possible	An appropriate concept landscaping plan has been submitted with the DA. Native landscaping has been utilised where possible	Yes

(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

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

The Regulation prescribes 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.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

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

The DA was publicly exhibited for a period of 14 days in accordance with the Camden DCP. The exhibition period was from 5 to 18 February 2016. No submissions were received.

(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

TransGrid

The DA was referred to TransGrid for comment as part of 15 Holborn Circuit, adjacent to South Creek to the north east of the site, is burdened by an electricity transmission line easement.

No response from TransGrid was received. It is not considered that the proposed development will negatively impact upon TransGrid's easement or infrastructure given that the site is separated from the nearest point of the easement by 175m.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for 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 1326/2015 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (2) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (3) **Mechanical Plant and Equipment Noise** - Noise from mechanical plant and operating equipment shall be controlled by the way of acoustic barriers and silencers incorporated in the fan system. The LAeq 15 minute noise level from such equipment shall not exceed the following criteria:
 - 55dB(A) when measured at the adjoining playground of the child care centre at 13 Holborn Circuit, Gledswood Hills (lot 2, DP 1216156).
 - 65dB(A) when measured at the boundary of any other commercial premises.
- (4) **Approved Plans and Documents** - Development shall be carried out generally in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date

DA-000 C	Location Plan	Architects Nicholas & Associates	9 March 2016
DA-001 C	Site Analysis Plan	Architects Nicholas & Associates	9 March 2016
DA-010 D	Ground Floor Plan	Architects Nicholas & Associates	13 April 2016
DA-011 C	First Floor Plan	Architects Nicholas & Associates	9 March 2016
DA-012 C	Roof Plan	Architects Nicholas & Associates	9 March 2016
DA-150 C	Courtyard Elevation 1-500	Architects Nicholas & Associates	9 March 2016
DA-151 C	Holborn Circuit Elevation	Architects Nicholas & Associates	9 March 2016
DA-160 C	Holborn Circuit Elevation	Architects Nicholas & Associates	9 March 2016
DA-161 C	Courtyard Elevation	Architects Nicholas & Associates	9 March 2016
DA-162 C	Gregory Hills Drive Elevation	Architects Nicholas & Associates	9 March 2016
DA-163 C	Digitaria Road Elevation	Architects Nicholas & Associates	9 March 2016
DA-200 C	Section AA	Architects Nicholas & Associates	9 March 2016
DA-201 C	Section BB	Architects Nicholas & Associates	9 March 2016
DA-900 C	Perspective 01	Architects Nicholas & Associates	9 March 2016
DA-901 B	Perspective 02	Architects Nicholas & Associates	9 March 2016
DA-990 C	Materials	Architects Nicholas & Associates	9 March 2016
DA-920 C	Precedents	Architects Nicholas & Associates	24 May 2016
MMD-362693-C- DR-CA-0001 – 0014 (all revision P3)	Engineering and related plans	Mott MacDonald	17 March 2016
LP01 – LP04 (all revision D)	Landscaping and related plans	Moir Landscape Architecture	18 March 2016

Document Title	Prepared by	Date
Statement of Environmental Effects	City Plan Services	November 2015
Response to Request for Further Information	City Plan Services	18 March 2016
Noise Assessment	Atkins Acoustics	January 2016
Salinity Investigation and Management Plan	Douglas Partners	May 2012
DA Civil Engineering Report	Mott MacDonald	March 2016
Memo Describing Loading Area Arrangements	Mott MacDonald	13 April 2016

(5) **Modified Plans and Documents** - The development shall be modified as follows:

- a) The functional vehicle connections to the future adjacent car park must be reconfigured to provide 4 additional car parking spaces. The total number of car parking spaces on the site must be 145.
- b) The pre-cast concrete panel building elements of the development facing Gregory Hills Drive, Holborn Circuit and Digitaria Road must incorporate a coloured and patterned appearance as detailed in the precedent image in the bottom left corner of drawing no. DA-920 Issue C dated 24 May 2016 by Architects Nicholas & Associates.
- c) The south western boundary of the external courtyard area, facing Gregory Hills Drive and adjacent to adjacent to café 1, is to be fitted with a clear PVC channel blind to provide wind protection to patrons in the courtyard area.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.

(6) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the applicant will have for a 12 month period, the establishment and maintenance responsibility for all landscaping associated with this Consent.

The DPC is taken to mean completion of all civil works, soil preparation, weed control, planting, turf installation, street tree installation and mulching.

The 12 month maintenance period includes the Applicant's responsibility for the successful establishment of all planting's, including street tree installations.

At the completion of the 12 month landscaping maintenance and establishment period, all road verge areas, street trees, street tree protective guards and bollards, must be in an undamaged, safe and functional condition and all planting's display healthy and vigorous growth.

(7) **Outdoor Lighting** – The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.

- (8) **Glass Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (9) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.
- (10) **Noxious Weeds** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.
- (11) **Approved Uses** – This development consent approves the use of the approved tenancies as medical centres and an ancillary chemist/dispensary, cafes, bulky goods, business and retail premises as defined by State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and as detailed on the approved plans.
- (12) **Separate Approval for Fit Out** - A separate development application for the fit out of each tenancy shall be provided to, and approved by, the Consent Authority prior to that use commencing (unless the fit out of those tenancies is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).
- (13) **Separate Approval for Signs** - A separate development application for any proposed signage shall be provided to, and approved by, the Consent Authority prior to the erection or display of any such signs (unless the display of that signage is exempt development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

Note. Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.
- (2) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (3) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS

1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (4) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (5) **Environmental Management Plan** - An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment is not unacceptably impacted upon by the proposal.

The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
 - b) measures to suppress odours and dust emissions;
 - c) soil and sediment control measures;
 - d) measures to control air emissions that includes odour;
 - e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) any other recognised environmental impact; and
 - g) community consultation.
- (6) **Food Premises** - The design, construction, fit-out, use and ongoing operation of the food premises and/or food storage area shall comply with all applicable Acts, Regulation, codes and standards including:
 - a) the *Food Act 2003*;
 - b) the Food Regulation 2004;
 - c) Food Standards Australia and New Zealand – Food Standards Code 2003;
 - d) Council's Food Premises Code;
 - e) AS 1668 'The use of ventilation and air conditioning in buildings';
 - f) the BCA; and
 - g) AS 4674-2004. Design, construction and fitout of food premises

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (7) **Mechanical Ventilation** - Any room or area not provided with natural ventilation in accordance with the relevant requirements of the Building Code of Australia must be provided with a system of mechanical ventilation that complies with the requirements of Australian Standard 1668, Parts 1 & 2.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (8) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2.0m from the external walls of the building. Where the external walls are within 2.0m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (9) **Driveway Gradients and Design** - For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design shall comply with AS 2890.1-2004 'Off street car parking' and:
- a) the driveway shall comply with Council's Engineering Specifications;
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Public Road Activity approval must be obtained prior to the commencement of any works.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (10) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 94EE of that Act and as in force on the date of this consent. This contribution shall be paid to the DP&E.

Evidence of payment of the SIC shall be provided to Council and the Certifying Authority.

Alternatively, the applicant must obtain written confirmation from the Department of Planning and Environment that the SIC is not required to be paid for the approved development.

- (11) **Public Open Space Street Trees Protection Standards** - All existing street trees that may be impacted by this Development must be protected. The protection installed must comply with the Australian Standard AS4970-2009 Protection of Trees on Development Sites.

In the event that a street tree is to be unavoidably impacted by the development works then approval must be sought from the Consent Authority (i.e. Camden Council) to relocate or replace the street tree.

Any relocations or replacements needed to the street trees, their garden bed surrounds, tree guards or 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 completed prior to the issue of the Occupation Certificate.

- (12) **Potable Water Consumption** - Details must be provided to the Certifying Authority which demonstrate the ability of the building to achieve a 40% reduction of baseline potable water consumption.
- (13) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the Certifying Authority for approval. Garbage room(s) are to be constructed of solid material, cement rendered and trowelled to a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste. Walls are to be smooth impervious surfaces. Ventilation, pest proofing and a hose tap to be provided.
- (14) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (3) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in

accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:

- a) the name and address of the person by whom the notice is being given;
- b) a description of the work to be carried out;
- c) the address of the land on which the work is to be carried out;
- d) the registered number and date of issue of the relevant development consent and construction certificate;
- e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
- f) the date on which the work is intended to commence.

(4) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:

- a) a Construction Certificate has been issued by a Certifying Authority;
- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

(5) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:

- a) that unauthorised entry to the work site is prohibited;
- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
- c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (6) **Performance Bond** - Prior to commencement of works a performance bond of \$10,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (7) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall 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).

- (8) **Site is to be Secured** - The site shall be secured and fenced to the satisfaction of the PCA. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.

- (9) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.

4.0 - During Works

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

- (1) **Additional Approvals Required** - Where any works are proposed in the public road reservation, the following applications shall be made to Council, as applicable:

- a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc, an application shall be made for a Road Opening Permit and an approval under Section 138 of the *Roads Act 1993*;
- b) For construction / reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application shall be made for a Roadworks Permit under Section 138 of the *Roads Act 1993*.

Note: Private stormwater drainage is the pipeline(s) that provide the direct connection between the development site and Council's stormwater drainage system, or street kerb and gutter.

- (2) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.

- (3) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction

Traffic Management Plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.

- (4) **Site Signage** – The following practices shall be implemented during construction works:

- a) A sign shall be erected at all entrances to the site. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm and read as follows:

“WARNINGS UP TO \$1500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution.”

The wording shall be a minimum of 120mm high and the remainder a minimum 60mm high. The warning and fine details shall be in red capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (5) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.

- (6) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the Salinity Management Plan in the report “Report on Salinity Investigation and Management Plan, Proposed Subdivision Lot 701 in DP 1154772 Gregory Hills Drive, Gledswood Hills, Project 76510.00 dated May 2012” and prepared by Douglas Partners.

- (7) **Noise During Work** - All work shall not give rise to an ‘offensive noise’ as defined in the *Protection of the Environment Operations Act 1997*.

All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority’s Environmental Noise Manual.

- (8) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.

- (9) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be installed and maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

- (10) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (11) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- (12) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (13) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the street gutter.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

(14) **Site Management Plan** - The following practices are to be implemented during construction:

- a) 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 site;
- b) 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;
- c) waste shall not be burnt or buried on site, nor shall wind blown rubbish be allowed to leave the site. All waste shall be disposed of at an approved waste disposal facility;
- d) a waste control container shall be located on the site;
- e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
- f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.

(15) **Building Height** - A survey report prepared by a registered land surveyor confirming that the building height complies with the approved plans or as specified by the development consent, shall be provided to the PCA prior to the development proceeding beyond frame stage.

(16) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.

(17) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.

(18) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste

material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2008) (refer to: www.environment.nsw.gov.au/waste/envguidlms/index.htm)

Once assessed, the materials shall be disposed to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (19) **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 provided 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;
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics;
- c) be prepared in accordance with;

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 6000m³ - 3 sampling locations;
- f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ 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 ³)
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.

- (20) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (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) **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.
- (23) **Public Open Space Street Trees Repair or Replacement** - During any development works relating to this Consent, the applicant is responsible to ensure that any Street Trees, their tree guards, protective bollards, garden bed surrounds or root barrier installations which are disturbed, removed, or damaged must be restored or replaced at the time the damage or disturbance occurred.

Any repairs, relocations or replacements needed to the street trees, their garden bed surrounds, tree guards or root guard barriers, are to be completed with the same type, species, plant maturity and materials and the works and successful establishment of the trees completed prior to the issue of the Occupation Certificate.

- (24) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to

protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Food Premises** - The following notifications shall occur:
 - a) Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Registration' form can be found on Council's website; and
 - b) the NSW Food Authority shall be notified and a copy of the notification shall be provided to Council. Notification can be completed on the NSW Food Authority website.
- (2) **Waste Disposal** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on public land (e.g. footpaths, roadways, plazas, reserves etc.) at any time.
- (3) **Mechanical Exhaust System** - A Certificate of Compliance prepared by a suitably qualified engineer confirming that the mechanical exhaust systems have been designed, constructed and installed in accordance with the relevant requirements of Clause F4.12 of the BCA and AS1668 Parts 1 and 2, shall be provided to the PCA. Certification shall 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.
- (4) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (5) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (6) **Building Height** - A registered surveyor shall certify that the maximum height of the building is consistent with the height in the approved plans and this consent. The certification/verification shall be provided to the satisfaction of the PCA.
- (7) **Footpath Crossing Construction** - A footpath crossing and driveway shall be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.
- (8) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:

- a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development;
- b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development; and
- c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

- (9) **Defects and Liability Bond** - The applicant is to lodge a defects and liability bond in the form of an unconditional bank guarantee or cash bond, being \$15,000, with Council.

The bond covers any defects and liabilities of the public infrastructure.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (10) **Acoustic Compliance Report** - An Acoustic compliance report shall be submitted to the PCA certifying that noise levels from the mechanical plant and operating equipment, comply with the following criteria:

- 55dB(A) when measured at the adjoining playground of the child care centre at 13 Holborn Circuit, Gledswood Hills (lot 2, DP 1216156).
- 65dB(A) when measured at the boundary of any other commercial premises.

For any non-compliance, the acoustic compliance report must make recommendations for compliance or further attenuation of noise sources and these recommendations will be enforced by Council at the cost of the owner / occupier.

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 above criteria and with the EPA's "Industrial Noise Policy."

- (11) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent.

- (12) **Subdivision Registration** – The subdivision approved by Development Consent 1273/2015 must be registered.

6.0 – Ongoing Use

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

- (1) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of

the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).

- (2) **Medical Waste** - Waste disposal containers with securely fitting lids shall be kept on the property for the storage of any clinical, contaminated or related waste prior to the final disposal of the material at a facility approved by the EPA.
- (3) **Waste Collection** - Waste collection is to occur wholly within the site with waste collection vehicles utilising the approved loading bays shown on the approved plans and detailed in this development consent.

Waste bins must be moved from the waste bin storage room to the approved loading bays within the site for waste collection. The bins must be moved back within the waste storage room directly following the collection of the waste.

All waste collection must be completed prior to 9am each day.

- (4) **Hours of Operation** - The medical centre and ancillary pharmacy, retail and business premises are only to be open and used within the following hours:

Day	Hours of Operation
Monday	7am-7pm
Tuesday	7am-7pm
Wednesday	7am-7pm
Thursday	7am-7pm
Friday	7am-7pm
Saturday	7am-7pm
Sunday	7am-7pm

The bulky goods premises are only to be open and used within the following hours:

Day	Hours of Operation
Monday	9am-7pm
Tuesday	9am-7pm
Wednesday	9am-7pm
Thursday	9am-7pm
Friday	9am-7pm
Saturday	9am-7pm
Sunday	9am-7pm

Note – The bulky goods premises may operate prior to 9am and after 7pm for the purposes of receiving deliveries only. They must remain closed to customers from 7pm to 9am.

The cafes are only to be open and used within the following hours:

Day	Hours of Operation
Monday	7am-10pm

Tuesday	7am-10pm
Wednesday	7am-10pm
Thursday	7am-10pm
Friday	7am-10pm
Saturday	7am-10pm
Sunday	7am-10pm

Note – The first floor function room of café 1 is only approved to operate after 6pm each day.

- (5) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan and the conditions of this development consent.
- (6) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (7) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (8) **Loading to Occur On Site** - All loading and unloading operations are to be carried out wholly within the site in the approved loading areas shown on the approved plans, as detailed in this development consent and in the Memo Describing Loading Area Arrangements by Mott MacDonald dated 13 April 2016.

The time limited loading bays shall not be used for any loading/unloading or waste collection activities after 9am each day with appropriate signage provided to clearly advise staff and patrons of this.

Loading area 1 adjacent to café 1 may be utilised during the operating hours of café 1 as detailed in the Memo Describing Loading Area Arrangements by Mott MacDonald dated 13 April 2016.

- (9) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (10) **Parking Areas to be Kept Clear** - At all times, the loading areas, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (11) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 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, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all

planting, turn installation, street tree installation and mulching.

At the completion of the 12 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, etc.) shall 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 shall comply with the approved landscape plans.

- (12) **State Environmental Planning Policy (SEPP) 33 – Hazardous and Offensive Development** - This development is prohibited from storing any dangerous goods on the site which exceed the quantities listed in “Table 1. Screening Method to be Used” on page 17 of the Hazardous and Offensive Development Application Guidelines Applying SEPP 33 dated January 2011.

Furthermore, this development is prohibited from transporting to and from this site any dangerous goods which exceed the quantities listed in “Table 2. Transportation Screening Thresholds” on page 18 of the Hazardous and Offensive Development Application Guidelines Applying SEPP 33 dated January 2011.

- (13) **Ancillary Chemist/Dispensary** - The ancillary chemist/dispensary is only approved to operate ancillary to the approved medical centre tenancies and generally in accordance with the information submitted with the DA.

RECOMMENDED

That the Panel approve DA 1326/2015 for a mixed use commercial development at 11 and 15 Holborn Circuit, Gledswood Hills subject to the conditions listed above.