

SYDNEY SOUTH WEST PLANNING PANEL

Panel Reference	2016SYW172
DA Number	DA/925/2016
Local Government Area	Camden
Proposed Development	Change of use of an existing commercial building to a medical centre including pharmacy and associated alterations and additions including car park reconfiguration, tree removal, and associated landscaping.
Street Address	19 Queen Street, Narellan
Applicant/Owner	Primary Health Care / Camden Council
Number of Submissions	Two (2) objections
Recommendation	Approve with conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Council related development over \$5 million Capital Investment Value (CIV) of \$7,456,000
List of All Relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 55 – Remediation of Land • Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River • Mine Subsidence Compensation Act • Water Management Act 2000 • Camden Local Environmental Plan 2010 • Camden Development Control Plan 2011
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	No
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Assessment report and recommended conditions of consent • Statement of environmental effects • Architectural plans • Landscape plans • Arboricultural Impact Appraisal and Method Statement • Phase 1 and Phase 2 Contamination Assessment

	<ul style="list-style-type: none"> • Stormwater Plan • Traffic and Parking Impact Assessment • Lighting Calculation plans • Operational Management Plan • Waste Management Plan
Report prepared by	SJB Planning, consultant town planners to Camden Council
Report date	16 January 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions (S94EF)?	Not Applicable
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Conditions

Have draft conditions been provided to the applicant for comment?	No
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PURPOSE OF REPORT

The purpose of this report is to seek the Sydney South West Planning Panel's (the Panel) determination of a development application (DA) for DA-925/2016 which proposes the change of use of an existing commercial building to a Medical Centre including pharmacy and associated alterations and additions including car parking reconfiguration, tree removal, and landscaping at 19 Queen Street, Narellan.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the application is council related development that has a capital investment value (CIV) of \$7,456,000 which exceeds the CIV threshold of \$5 million for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel:

1. Determine DA 925/2016 for a change of use to a medical centre and associated works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report;
2. That the objectors be notified of this decision; and
3. That a copy of the development consent be forwarded to NSW Office of Water and NSW Mine Subsidence Advisory Board.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a change of use to a Medical Centre including ancillary pharmacy and associated works at 19 Queen Street, Narellan. It is noted that the development proposes to remove a total of 13 trees.

The consent authority for the purposes of determining the application is the South West Planning Panel (formerly Sydney South West Joint Regional Panel (JRPP)) as the proposal has a Capital Investment Value over \$5 million for a Council related development.

The DA was originally notified to adjoining property owners for 14 days between 9 September 2016 to 22 September 2016. However, as the application is nominated Integrated Development due to the proximity of the site to a watercourse the application was subsequently publicly exhibited for 30 days (25 October 2016 to 22 November 2016) in accordance with the DCP. A total of two submissions were received (both objecting to the proposed development).

The issues raised in the submission relate to traffic and parking impacts resulting from the proposed use and associated noise. The matters raised in the submissions are discussed in detail in the report.

The proposed medical centre has a GFA of approximately 1686m² and therefore requires a minimum of 68 car parking spaces to be provided. The development proposes a total of 82 car parking spaces and therefore exceeds the control by 14 spaces. The parking arrangement has been reviewed by Council's traffic engineer who has advised that the car parking provision is in accordance with Council's DCP. Furthermore, the proposed parking arrangement will ensure that 73 parking spaces are maintained for the nearby Narellan Library. To alleviate any potential conflict with library customers, a condition is recommended requiring that a minimum of 3 free parking will be provided for medical centre customers.

The application proposes the removal of 13 trees resultant from the reconfiguration of the existing car park. Council's landscape and tree management officers have reviewed the proposal and have no objection subject to replacement plantings.

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.

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

AERIAL PHOTO



Figure 1. Aerial photo of 19 Queen Street, Narellan (NB: development area in blue outline)

THE SITE

The site is commonly known as 19 Queen Street, Narellan and is legally described as lot 2, DP 1085432. The allotment contains Council's former administration building, the State Emergency Service building and the Narellan library on an overall site area measuring approximately 2.169ha.

The development area of the site has a frontage of 112m to Queen Street, a depth of 120m and an area of 1.1ha. A dry creek bed traverses the central portion of the site to the east of the existing car park

The surrounding area is characterised by low density residential to the west and south, Narellan town Centre shopping mall to the north and vacant land to the east.

HISTORY

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

Date	Development
27 January 2004	Approval of DA 1467/2003 for the construction of a new library, associated car parking, community centre, plaza and the removal of 17 trees. It is noted that Condition 14 of the consent required a minimum of 22 new car parking spaces resulting a total of 73 car parking spaces.
14 February 2005	Approval of modification of DA 1467/2003 relating to deletion of Condition No. 15 relating to pavement finish requirements.

THE PROPOSAL

DA 925/2016 seeks approval for alterations and additions to an existing commercial building to be used as a Medical Centre incorporating a pharmacy and reconfiguration of an existing car park and associated tree removal and landscaping. Details are as follows:

Internal works:

Ground floor

- 17 consulting rooms for general practitioners
- A pharmacy
- 1 pathology room
- 1 treatment room including 4 beds
- 1 ECG treatment room
- Laundry and cleaning room
- Reception and administration
- Patient amenities
- Waiting area and
- Internal stairs and lift access

First floor

- 7 specialist consultant rooms
- Patient and staff amenities
- Dental clinic including 3 consulting rooms
- Physiotherapist including 4 consulting rooms, gym and
- Radiology clinic including 3 ultrasound facilities, waiting areas, x-ray Machines, CT exams and reception area.

External works:

- Removal of 13 trees and associated landscape works and replacement plantings including onsite detention basin
- Reconfiguration of existing car park layout to include 82 car parking spaces (14 staff and 67 patient/ visitors), emergency vehicle parking, loading bays, staff parking and associated boom gates
- Allocation of a new set down area for SES
- Replacement of existing windows

- New alucabond cladding to parapet and sun shade louvers at ground and first floor.

Hours of operation:

- The medical centre is proposed to operate from 7:00am to 10:00pm Monday to Sunday including public holidays.

It is noted the no signage is proposed as part of this application.

PROPOSED PLANS

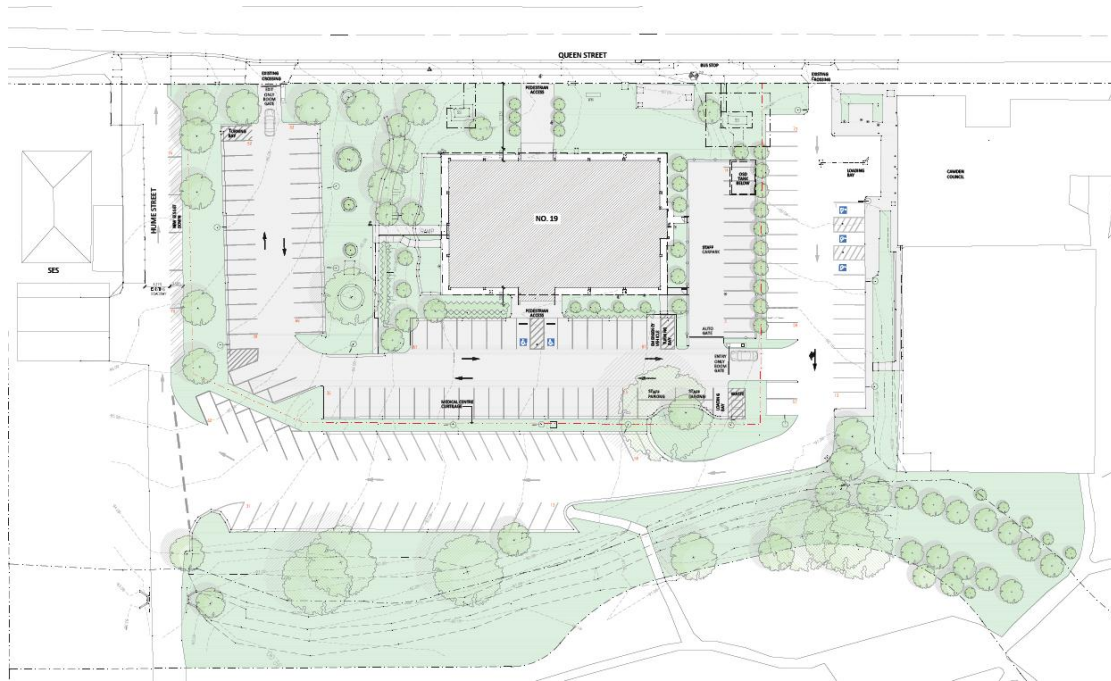


Figure 2. Proposed site plan



Figure 3. Proposed ground floor plan

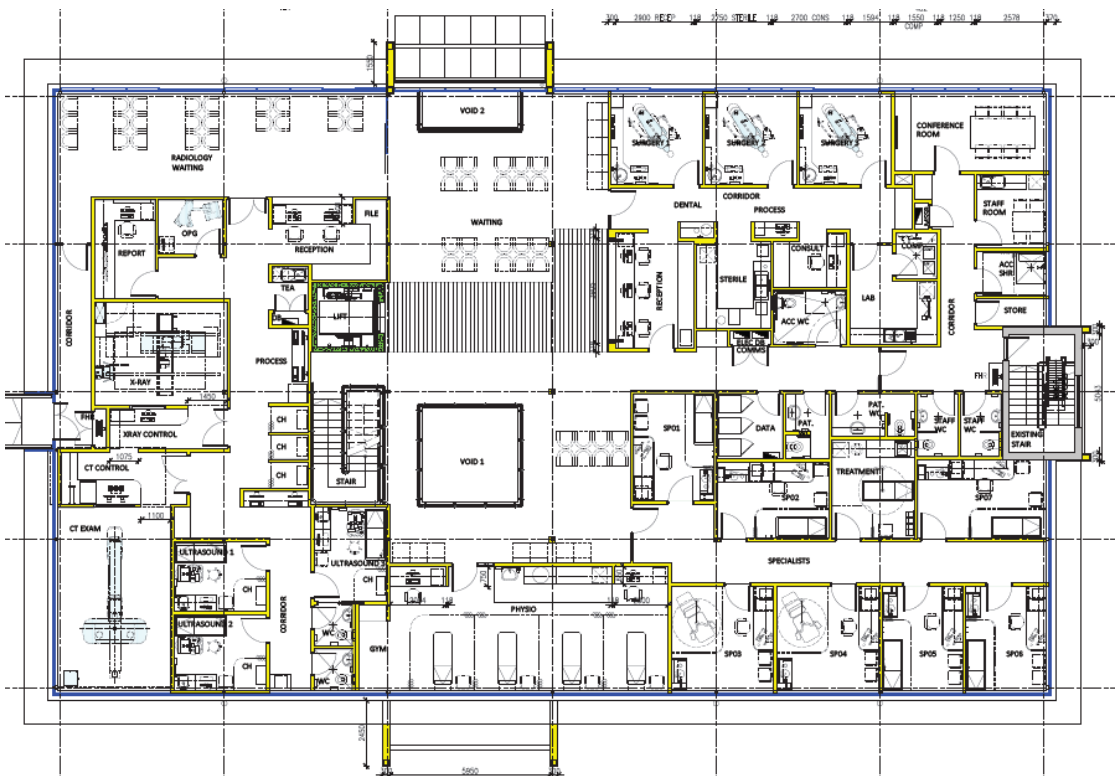


Figure 4. Proposed first floor plan

PROPOSED ELEVATIONS

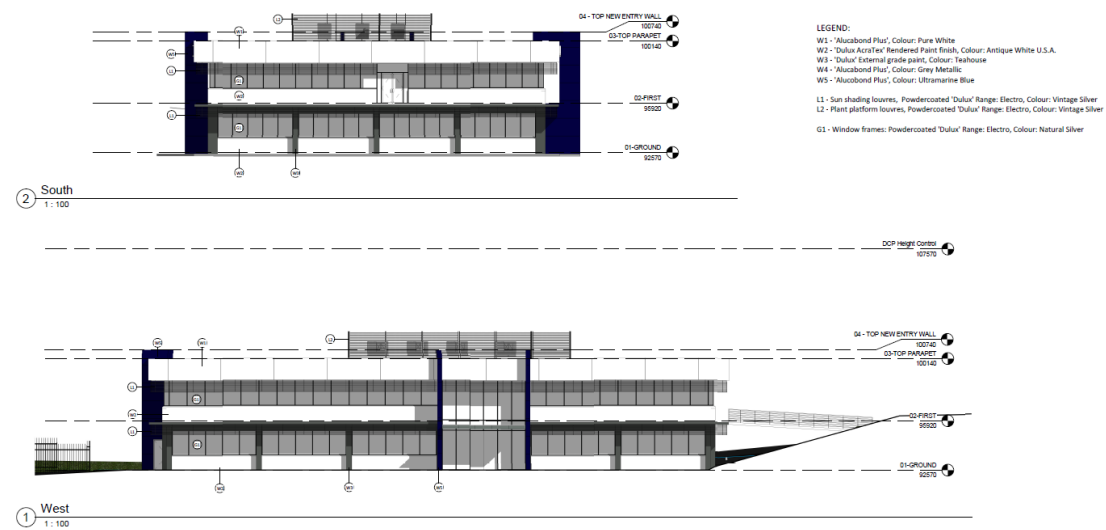


Figure 5. Proposed elevation – South and West

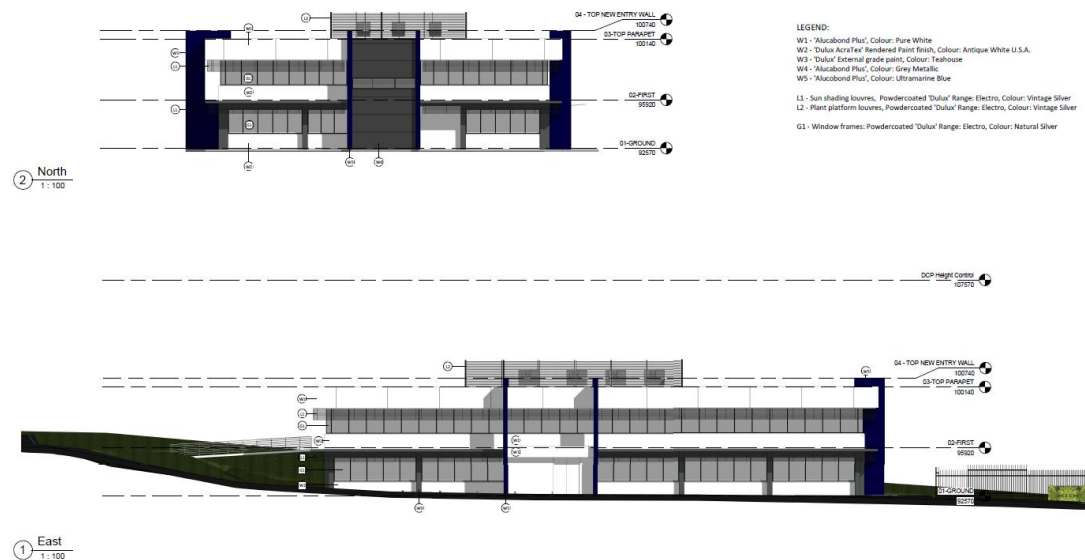


Figure 6. Proposed elevation – North and East

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 No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Mine Subsidence Compensation Act
- Water Management Act 2000
- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2011

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

Environmental Planning and Assessment Act 1979 – Integrated Development

The proposed development constitutes Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) due to the proximity of a watercourse to the rear of the site. Accordingly, the NSW Office of Water have provided the general terms of approval and water permit which will be included as recommended conditions of consent.

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

Pursuant to Clauses 20 and 21 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of \$7,456,000. This exceeds the CIV threshold of \$5 million for Council to determine the DA and therefore it is referred to the Panel for determination.

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 applicant has submitted a phase 1 contamination assessment prepared by GETEX (dated 16 June 2016) for the site in support of this DA. The assessment notes prior to the site being occupied by Council Offices the site was used as a coal and chemical testing laboratory. As such hazardous waste was formerly stored on site. The laboratory had a permit to discharge trade wastewater into the sewer from Sydney Water. Furthermore, the property to the east (1 Elyard Street) was formerly occupied by a landfill. A walkover inspection was undertaken by GETEX on 26 May

2016 and identified potential contamination sources including an underground storage tank, storage pit and two substations. Given the historic uses of the site and adjoining properties the report recommended that a Phase 2 Contamination is to be undertaken to ascertain the potential for underground contamination.

A Phase 2 Site Contamination Assessment prepared by GETEX (dated 17 October 2016) was subsequently submitted to Council. The Phase 2 assessment included the collection of soil and groundwater samples. In addition, water sampling was undertaken on the underground detention tank. The soil samples identified a range of potential contaminants, however they do not represent an unacceptable risk to human and environmental health with respect to the proposed use. Chemical contaminant levels identified in groundwater samples were below the adopted criteria with the exception of copper, nickel and zinc. The levels identified for these contaminants are indicative of disturbed urban ecosystems. As the depth of water bearing zone is below the maximum depth of construction works, there is no expected human contact with groundwater provided it not used as a drinking source.

Council's Environmental Health Officer has reviewed the findings of the Phase 2 Contamination Assessment. Further clarification was sought in relation to the elevated levels of copper, nickel and zinc in the groundwater samples. As a result of this discussion Council's Officer confirmed that these elevated levels are considered indicative of a disturbed ecosystem and cannot be attributed to any adjoining contaminating activity of any previous use of the site. As such it is considered that no further action including groundwater monitoring is required subject to a condition ensuring that groundwater is not be used as a drinking source at any time. In addition, a standard contingency condition is recommended that requires if any contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.

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 and sediment control measures have been proposed and a condition is recommended to provide a water pollution control device as part of the development.

Mine Subsidence Compensation Act 1961

The subject site is identified within the proclaimed Mine Subsidence District under the Mine Subsidence Compensation Act 1961. The NSW Subsidence Advisory Board have provided the general terms of approval which will be included as recommended conditions of consent.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site subject to this DA straddles land zoned B2 Local Centre and B5 Business Development under the provisions of the LEP. The proposed development is defined as a "Medical Centre" by the LEP which is a permissible land use in both zones. The Pharmacy is an ancillary component of the development as contemplated by the Medical Centre definition.

Zone Objectives

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

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To enable other land uses that are complementary to and do not detract from the viability of retail, business, entertainment and community uses within the zone.

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

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To encourage development that supports or complements the primary office and retail functions of the local centre zone.
- To enable other land uses that are complementary to and do not detract from the viability of retail, business and warehouse uses within the zone.

Officers Comments

The proposed development consisting of a Medical Centre is consistent with the above mentioned zone objectives in that it supports the office and retail functions of the Narellan local centre and provides services to the community.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP. Discussion of any variations of the controls is provided after the compliance table.

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum building height 15m	8.2m	Yes
4.4 Floor Space Ratio	There is no maximum floor space ratio specified for this area of the site.		N/A
5.9 & 5.9AA Trees or Vegetation	Removal of trees or vegetation requires development consent.	The proposed development seeks consent for the removal of 13 trees. An Arboricultural impact statement prepared by Naturally Trees has been submitted in support of the application. Council's landscape officer has reviewed the application and has no objection subject to the provision of replacement plantings in accordance with Council's standard tree and landscape species policy.	Yes – subject to conditions
7.1 Flood Planning	Minimise the flood risk to life and property associated with the use of land.	A flood drainage plan has been submitted with the application which indicates the extent and levels of the 1 in 100 flood to the east of the car park. The plan identifies that the medical centre is located	Yes

Clause	Requirement	Provided	Compliance
		<p>above the 1% AEP and 0.6m flood level.</p> <p>Council's Engineer has reviewed the proposal and confirms that the existing floor level of the building of 92.6m AHD is above the required Flood Planning Level.</p> <p>As such there are no flooding constraints on the existing building for the proposed change of use.</p>	
7.4 Earthworks	Consider a number of matters relation to earthworks including detrimental effects on drainage patterns, fill quality and amenity of adjoining properties.	<p>The proposed development includes earthworks associated with the alteration to impervious areas associated with modification of the car park. As such an OSD tank with a total capacity of 20m³ and 10m² bio retention filter bed (raingarden) is proposed to address stormwater management.</p> <p>Council's Engineer has reviewed the proposed stormwater management system and confirms that no additional post</p>	Yes – subject to conditions

Clause	Requirement	Provided	Compliance
		development flows will discharge to the drainage channel to the east of the site. Notwithstanding, concerns are raised that the proposed raingarden will restrict access to two car parking spaces. As such a condition is recommended to ensure that the raingarden is positioned on site to ensure no obstruction of the proposed car parking area.	

(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 are no draft Environmental Planning Instruments applicable to the proposed development.

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

Camden Development Control Plan 2011 (DCP)

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

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Conditions are recommended to ensure appropriate erosion and sediment control measures are provided during construction.	Yes
B1.3 Salinity Management	Salinity resistant construction	The proposed development consists of alterations and additions to an existing commercial building. As such the proposed works will not impact the salinity of the site. Notwithstanding a condition is recommended that all infrastructure must meet the mandatory requirements outlined in Council's Engineering Design Specification.	Yes – subject to conditions
B1.4 Water management	Compliance with Council's engineering specifications	A stormwater plan has been prepared by for the site which demonstrates compliance with Council's Engineering specifications.	Yes – subject to conditions
B1.5 Trees and Vegetation	Removal of trees higher than 3m requires consent	An aboricultural impact statement has been submitted which supports the removal of vegetation and 13 trees to accommodate the reconfiguration of the existing car park area subject to replacement plantings in accordance with Council tree and landscape species policy.	Yes – subject to conditions
B1.7 Riparian Corridor	Ensure that development does not adversely impact upon	As previously stated the site is within 40m of a watercourse located to the east of the existing car park. The proposal is accordingly	Yes – subject to conditions

Control	Requirement	Provided	Compliance
	riparian lands.	classified as a controlled activity requiring approval under the Water Management Act. The application was subsequently referred to the Office of Water who subsequently provided General Terms of Approval (GTAs) including the preparation of an erosion and sediment control plan to protect the watercourse and associated riparian corridor. The GTAs are included as recommended conditions of consent.	
B1.9.9 Waste Management Plan	Waste management plan	A waste management plan prepared by Shellshear Young detailing that the ongoing disposal of medical waste will be undertaken by an appropriate contractor in accordance with relevant legislation.	Yes – subject to conditions
B1.10 Bushfire Risk Management	Ensure that all new and redeveloped allotments have measures sufficient to minimise the impact of bushfires.	It is noted that the wider site is identified on Council's Bush Fire Prone Land map as vegetation Category 2 and vegetation buffer 100m and 30m. However, these areas are located outside of the proposed development area. Given the proposed development seeks alterations to an existing commercial building no additional bush fire land management is required.	N/A
B1.11 Flood Hazard Management	Minimise the potential impact of flooding on development.	The proposed development has been designed to mitigate potential flood impacts. In particular, onsite detention is proposed to accommodate the addition of 0.022m ³ per second of post development flows in a 1 in 100-year event. The proposed medical centre is located above the 1% AEP and 0.6m flood level. Council's Engineer has	Yes

Control	Requirement	Provided	Compliance
		reviewed the proposal and confirms that the existing floor level of the building (92.6m AHD) is above the required Flood Planning Level. As such there are no flooding constraints on the existing building for the proposed change of use.	
B1.12 Contaminated and Potentially Contaminated Land	Contamination assessment and remediation (if required)	<p>A Phase 1 environmental assessment prepared by GETEX (dated 16 June 2016) was submitted which identified that the was used for coal analytical laboratory and associated chemical testing that generated and stored hazardous waste onsite. As such the report identified that a Phase 2 Contamination Investigation be undertaken to confirm the extent of any contamination onsite.</p> <p>A Phase 2 Site Contamination Assessment prepared by GETEX (dated 17 October 2016) was subsequently submitted to Council. The assessment included the collection of soil and groundwater samples. In addition, water sampling was undertaken on the underground detention tank. The soil samples identified a range of potential contaminants however they do not represent an unacceptable risk to human and environmental health with respect to the proposed use. Chemical contaminant levels identified in groundwater samples were below the adopted criteria with the exception of copper, nickel and zinc. The levels identified for these contaminants are indicative of disturbed urban ecosystems. As the depth of water bearing zone is below</p>	Yes – subject to conditions

Control	Requirement	Provided	Compliance
		<p>the maximum depth of construction works, there is no expected human contact with groundwater provided it is not used as a drinking source.</p> <p>Council's Environmental Health Officer has reviewed the findings of the Phase 2 Contamination Assessment. Further clarification was sought in relation to the elevated levels of copper, nickel and zinc in the groundwater samples. As a result of this discussion Council's Officer confirmed that these elevated levels are considered indicative of a disturbed ecosystem and cannot be attributed to any adjoining contaminating activity of any previous use of the site. As such it is considered that no further action including groundwater monitoring is required subject to a condition ensuring that groundwater is not be used as a drinking source at any time. In addition, a standard contingency condition is recommended that requires if any contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.</p>	
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	<p>It is noted that no acoustic assessment was submitted supporting the DA. Council's Environmental Health Officer has reviewed the application and notes that given the previous use of the site as a Council office building coupled with the location of potential sensitive noise receptors it is considered the proposal will not result in adverse noise impacts. Notwithstanding, standard</p>	Yes -subject to conditions

Control	Requirement	Provided	Compliance
		conditions are recommended to ensure the development will comply with Council's Environmental Noise Policy.	
B2 Landscape Design	A landscape plan is required	A landscape plan prepared by Taylor Bremmar has been submitted in support of the proposed development.	Yes – subject to conditions
B5.1 Off-street Car Parking Rates and Requirements	4 parking spaces per 100m ² GFA	<p>The proposed development provides a total of 82 car parking spaces including 65 visitor / customer spaces, 2 accessible parking spaces, 14 staff car parks, 1 loading bay and 1 emergency vehicle car space. Access to the parking area will be obtained via boom gates.</p> <p>The proposed medical centre has a GFA of approximately 1686m² and therefore requires 68 car parking spaces to be provided.</p> <p>The DA has been accompanied by a traffic assessment report prepared by Cardno (dated 4 November 2016) which assessed the traffic generation trips of the development. The report concludes a peak traffic generation of 176 vehicle trips in the AM peak period and 149 vehicle trips in the PM peak period.</p>	Yes
D3.2.1 Function and Uses	Development in business zones to incorporate a range of uses	The proposed medical centre and associated services will provide a use that will complement the existing retail uses within the Narellan Town Centre.	Yes
D3.2.2 Layout/ Design	Development to address the street or public place	The development consists of alterations to an existing building. The development will provide direct pedestrian	Yes

Control	Requirement	Provided	Compliance
		access from Queen Street to the west and from the car park to the east.	
D3.2.3 Built form and appearance	Business development must feature a high quality architectural design	As noted above the development consists of alterations to an existing building. Notwithstanding, the proposal features high quality materials and finishes including alucabond cladding and aluminium sun shades.	Yes
D3.2.6 Parking and Access	Parking areas to provide safe pedestrian access	The proposed modification to the existing on site parking arrangement will provide safe pedestrian access within the site including lighting.	yes
D3.8 Narellan Business Park	Development must be complementary to function of Narellan township as a local centre.	The proposed medical centre and associated services will provide a use that will complement the existing retail uses within the Narellan Town Centre.	Yes
D4.2.7 Stormwater	Water quality strategies	The proposed stormwater plan features an OSD tank and raingarden to accommodate stormwater runoff within the site. The plan has been deemed acceptable by Council's Engineer subject to conditions.	Yes – subject to conditions
D4.2.10 Noise and Vibration	Compliance with Council's Environmental Noise Policy	As previously noted no acoustic assessment was submitted supporting the DA. Standard conditions are recommended to ensure compliance with Council's Environmental Noise Policy relating to proposed construction works and ongoing use of the site.	Yes – subject to conditions
D4.3.1 Landscaping and Public Domain	Detailed landscaping plans and street tree planting	A landscape plan prepared by Taylor Bremmar has been submitted in support of the proposed development. The plan details the proposed landscaping of the site including replacement	Yes – subject to conditions

Control	Requirement	Provided	Compliance
		plantings. The plan has been reviewed by Council's Landscape Officer and Public Tree Management and is deemed acceptable subject to conditions relating to replacement plantings.	
D4.4 Parking and Access	Compliance with DCP Section B5 and maximum of one driveway where frontage is less than 60m.	The site will utilise the two existing vehicle crossovers onsite. Entry and exit will be restricted by boomgates resulting in the car park being accessed by one rather than two entries. This alteration will change the driveway category from 2 to 3 for a Local Frontage Road in accordance with AS 2890.1. As such the shared entry driveway with the Library site off Queen Street is required to be widened from 4.2m to 6m in accordance with AS2890.1 – Table 3.2.	Yes – subject to conditions

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

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in 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, or the social and economic conditions of the locality.

Visual Impacts

The proposed development is compatible with existing development in terms of its bulk and scale noting that the proposal consists of predominantly internal alterations for the fitout of a medical centre and associated pharmacy. The proposed works include alterations to the existing car parking arrangement resulting in tree removal

and associated landscaping. It is considered that there will not be any adverse visual impact on the surrounding properties noting that replacement plantings are recommended by way of condition.

Traffic Impacts

The DA has been accompanied by a traffic assessment report prepared by Cardno (dated 4 November 2016) which assessed the traffic generation trips of the development. The report concludes a peak traffic generation of 176 vehicle trips in the AM peak period and 149 vehicle trips in the PM peak period. The assessment report has been reviewed by Council's traffic engineering officer who has advised that the traffic generated from the proposed use can be appropriately accommodated within the existing road network.

Vehicular access to the site is proposed by way of a controlled boom gate located off Queen Street. The access arrangements have been reviewed by Council's traffic engineering officer who has advised that access is satisfactory subject to the widening of the vehicle crossover from 4.2m to 6.0m in accordance with Australian Standards by way of condition.

The DA proposes to provide 82 car parking spaces (including staff parking) for the medical centre and associated pharmacy. The parking arrangement has been reviewed by Council's traffic engineer who has advised that the car parking provision is in accordance with Council's DCP. Furthermore, the proposed parking arrangement will ensure that 73 parking spaces are maintained for the Narellan Library. To alleviate any potential conflict with library customers, a condition is recommended requiring that a minimum of 3 hours free parking will be provided for medical centre customers.

Base on the above, it is considered that the proposed development will not have any adverse traffic impacts on the surrounding road network.

Other Environmental Impacts

It is noted that a Phase 2 contamination assessment prepared by GETEX has identified that the site is suitable for the proposed use. Given the proposed use will incorporate a medical centre and associated waste generation, ongoing operational waste will therefore be disposed of through a suitably qualified contractor.

As demonstrated by the above assessment, the proposed development is unlikely to have a significant adverse 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.

- The zoning of the site permits the proposed use;
- The size and dimensions of the site are appropriate for accommodating the proposed development;
- Subject to conditions the proposed car parking arrangement will not adversely impact the adjoining library car park and surrounding locality;

- The proposal will provide a well-designed medical centre within the Narellan local centre; and
- The proposal is consistent with the objectives and provision of the Camden LEP 2011 and Camden DCP 2011.

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

The DA was originally notified to adjoining property owners for 14 days between 9 September 2016 to 22 September 2016. However, as the application is nominated Integrated Development the application was subsequently publicly exhibited for 30 days (25 October 2016 to 22 November 2016) in accordance with the DCP. A total of two submissions were received (all objecting to the proposed development).

The key issues raised are outlined below:

Traffic and parking impacts

Issues

- Access to the medical centre will be shared with the Narellan Library off Queen Street.
- The additional traffic resultant from the proposal including increased operating hours will adversely impact the Narellan Town Centre.
- The traffic study has underestimated traffic numbers on streets within the locality.
- Does the traffic study incorporate development at adjoining properties (i.e. Former Council Depot)?
- Demolition works will adversely impact the users of the Library car park.
- Car parking capacity to the Narellan Library is not adequate which results in pressure on on-street parking within the area.
- Time restricted parking will adversely impact the Narellan Library car park.
- Will the pharmacy be accessible by non-medical centre customers? If so this will result in additional traffic and parking pressure.
- Is Hume Street proposed to be extended?
- What is a “quality controlled” intersection?

Traffic and Transport Officers Comment:

- The shared entry driveway with the Library site off Queen Street is required to be widened from 4.2m to 6m in accordance with AS2890.1 – Table 3.2 by way of condition.
- The traffic assessment undertaken by Cardno utilises survey information undertaken in April 2016. Council's Traffic and Transport Officer has reviewed the assessment and has confirmed that the methodology undertaken is satisfactory. Whilst it is noted that the proposal will result in an increase of 36 car spaces, the proposal will satisfy the numerical requirements of Council's Development Control Plan for the proposed medical centre whilst maintaining the required number of car parking spaces (73) for the library site as approved under DA 1467/2003.
- Traffic modelling has been undertaken using survey data rather than estimates and is considered satisfactory.

- Parking assessment for development on neighbouring properties will be assessed on a merit basis. Notwithstanding, it is considered that the proposed development will not adversely impact traffic and parking within the site and adjoining area subject to conditions.
- The majority of the Narellan Library car park will not be disturbed by the proposed development. Subject to the implementation of a suitable Construction Management Plan no impacts are considered to arise.
- Council undertook a detailed occupant survey of the Library carpark in 2013 which indicated that it is suitably sized for the adjacent uses. The parking generation predicted by the traffic and parking assessment is considered reasonable and similar to the existing use. The development proposes to increase parking provision and in this regard is considered acceptable and in accordance with the objectives of Council's DCP.
- The proposed development originally sought to undertake a paid car parking scheme for the proposed development. The application was subsequently revised to ensure that the free parking is provided for a period up to three hours for visitors to the site. Parking would remain unrestricted for the library car park. Given the It is considered that the revised car parking scheme will ensure no adverse impact to the existing Narellan library car park.
- The estimate of traffic generation is based on the GFA of the proposed development including the Pharmacy. The overall parking and traffic generation rates are considered satisfactory.
- It is noted that the Hume Street / Queen Street intersection is controlled by Give Way and Stop signs and therefore can be referred to 'priority controlled'. Furthermore, no extension of Hume Street is proposed in this application.

Noise

Issues

- Will waste collection and deliveries will adversely impact the amenity of the area.
- Will waste collection and deliveries occur within the proposed operating hours?

Officers Comment

- The waste management plan prepared by Shellshear Young identifies that waste collection will occur between 7:00am and 8:00am weekdays. In addition, a condition is recommended that noise resultant from the proposed use shall not give rise to any offensive noise within the Protection of the Environment Operations Act 1997.

(e) *The public interest*

The application was notified to all adjoining land owners and publically exhibited for a period of 30 days. Council received two submissions to the proposed development. The issues raised in the submissions have been suitably addressed above.

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

NSW Office of Water

The development is integrated development in that it requires activity approval under Part 3 Chapter 3 of the Water Management Act 2000 relative to the proximity of a watercourse to the rear of the site. The NSW Office of Water have provided the general terms of approval and water permit which will be included as recommended conditions of consent.

NSW Subsidence Advisory Board

The subject site is identified within the proclaimed Mine Subsidence District under the Mine Subsidence Compensation Act 1961. The NSW Subsidence Advisory Board have provided the general terms of approval which will be included as recommended conditions of consent.

INTERNAL REFERRALS

Traffic and Transport

Council's Traffic and Transport Officers have reviewed the development and have no objection subject to a number of conditions including the provision of a construction management plan and increased width of the vehicular entrance off Queen Street.

Waste

Council's Waste Management Officer has reviewed the development and has no objection subject to conditions.

Landscaping

Comments provided by Council's Landscape and Tree Management Officers have been reproduced below:

Part of the medical centre fitout requires the reconfiguration of the existing car park. Several existing trees and garden areas will be directly impacted by creation of new staff parking areas and realignment of existing angle parking bays to 90 degree parking by modifying landscaped blisters and widening of a section of internal road. Trees proposed to be removed include:

2 x Jacaranda (T4 & T8)

1 x Blue Spruce (T10)

2 x Liquidambar (T19 & T20)

1 x Port Wine Magnolia (T23)

6 x Bottlebrush (T24-T29)

1 x Himalayan Cedar (T32)

Detailed assessment of the tree removal is outlined below;

T4 - Jacaranda mimosifolia (Jacaranda)

Dimensions (H x W): 5 m x 4 m

Est. Age: 10yrs

Useful Life Expectancy: > 15 years

Statement of Significant: Relatively healthy tree free from pest and disease however it has poor branch structure likely to become problematic overtime through pre mature limb failure. Corrective and ongoing remedial pruning can improve tree structure. The tree is currently located in a position that can accommodate future growth and compliment nearby Jacaranda plantings. Direct impact of proposed kerb and car park reconfiguration will cause greater than 10% encroachment of calculated Tree Protection Zone (TPZ). It is for this reason removal can be supported. Replacement planting is proposed using 150lts container stock however the nominated species needs to be substituted with suitable species e.g. a new Jacaranda.

T8 - Jacaranda mimosifolia (Jacaranda)

Dimensions (H x W): 5 m x 4 m

Est. Age: 10yrs

Useful Life Expectancy: >15 years

Statement of Significant: Relatively healthy tree with typical and even branch structure located in a position that can accommodate future growth. The type and location of this tree compliments existing row of Jacaranda trees on the opposite side of the car park. Direct impact of proposed kerb and car park reconfiguration will cause greater than 10% encroachment of calculated Tree Protection Zone (TPZ). It is for this reason removal can be supported. Replacement planting is not proposed in the landscape plan however there appears to be room for replacement planting in similar position, possibly a new Jacaranda.

T10 - Picea pungens (Blue Spruce)

Dimensions (H x W): 5 m x 4 m

Est. Age: 25yrs

Useful Life Expectancy: <15 years

Statement of Significant: Stunted form due to inhospitable growing environment for this species. Poor to moderate health with low vigour this tree provides little amenity value. This tree is not impacted by proposed works but is proposed to be replaced with 150lts container stock. The nominated species needs to be substituted to suitable variety.

T19 - Liquidambar styraciflua (Liquidambar)

Dimensions (H x W): 6 m x 5 m

Est. Age: 20yrs

Useful Life Expectancy: <15 years

Statement of Significant: Poor to moderate health with dead central leader causing untypical lateral branch growth. This tree struggles in a hostile environment unlikely to be improved by tree care or corrective pruning. Removal can be supported with conditions for 150lts replacement planting elsewhere on the site. Proposed landscaping within the island strip is appropriate.

T20 - Liquidambar styraciflua (Liquidambar)

Dimensions (H x W): 6 m x 5 m

Est. Age: 20yrs

Useful Life Expectancy: <15 years

Statement of Significant: Poor to moderate health with missing central leader causing untypical lateral branch growth. This tree also struggles in a hostile environment unlikely to be improved by tree care or corrective pruning. Removal can be supported with conditions for 150lts replacement planting elsewhere on the site. Proposed landscaping within the island strip is appropriate.

T23 – T29

- Michelia figo (Port Wine Magnolia)

- Callistemon sp. (Bottlebrush) x 6

Dimensions (H x W): 2 - 5 m x 1 - 4 m

Est. Age: 5 to 20yrs

Useful Life Expectancy: <15 years

Statement of Significant: Semi effective vegetative screening provided by species with average health and vigour. Proposed landscaping adequately provides replacement screening along the northern face of the built form.

T32 – Cedrus deodara (Himalayan Cedar)

Dimensions (H x W): 9 m x 6 m

Est. Age: 20yrs

Useful Life Expectancy: >20 years

Statement of Significant: The tree has high relative retention value based on current health and condition. This species has intrinsic local cultural landscape significance. It is but one of a handful of exotic large evergreen species that are climatically suited to Camden district. Proposed realignment and widening of driveway will cause unacceptable encroachment of TPZ of the Cedrus.

Removal is not supported due to relative significance of the species and warrants special efforts to secure long term retention.

In light of the above Council's Landscape Officer has no objection subject to a number of conditions including details of replacement plantings in accordance with Council's Tree and Landscape Species policy.

Development Engineer

Comments provided by Council's Development Engineer have been reproduced below:

Based on the best available flood information available to Council from 2 historic design plans, the existing floor level of the building of 92.6m AHD appears to be above the required Flood Planning Level (1% AEP plus 600mm freeboard) at the relevant chainage. Thus, there are no flooding constraints on the existing building for the proposed change of use.

The additional impervious area associated with the carpark extension has been modelled to increase the total stormwater discharge from the site by 0.022m³ or 22 L/s in a 1% AEP event. An OSD tank with total capacity 20m³ and a 10m² bioretention filter bed (raingarden) will be provided as part of this development to address stormwater quantity management. Post-development

peak flows will be managed to no greater than pre-development peak flows. No additional post-development flows will discharge to the drainage channel east of the site.

With regard to water quality management, the submission has been supported by a MUSIC model demonstrating that Council's pollutant reduction targets have been complied with. The proposed OSD and water quality device has been provided end-of-line to treat stormwater collected by the new impervious area in a targeted fashion. Discharge of the new carpark will be via an existing pit at the northwestern corner of the carpark, which currently facilitates drainage of the existing carpark. I have one concern in relation to the proposed location of the WSUD raingarden over 2 new parking spaces. However, there is no reason why the footprint of the raingarden cannot be relocated away from the parking spaces, parking spaces removed (given the surplus) or even replaced by a proprietary GPT to achieve the same water quality outcomes. Accordingly, I consider it appropriate for this issue to satisfactorily for the purposes of DA assessment.

Environmental Health – Medical procedures/ Waste

Council's Environment Health Officer has reviewed the development application with regard to medical procedures and associated waste management guidelines for health care facilities. Council's officer has no objection subject to conditions.

Environmental Health – Contamination

Comments provided by Council's Development Engineer have been reproduced below:

Noise

A noise assessment has not been provided with the application. I do not consider that noise will be an issue. Boom gates have been proposed at entry and exit points and hours proposed are to 10.00pm, 7 days a week. Considering the previous use of the premises as an administration building and location of potentially sensitive receptors, I do not feel there will be unnecessary noise impacts.

Contamination

The Detailed Site Investigation included;

- A review of the Phase 1 Preliminary Assessment prepared by Getex.*
- Collection of soil samples from 16 locations and 3 groundwater samples.*
- Water sampling and analysis regime on the underground detention tank.*
- Soil samples were analysed for a broad range of identified potential contaminants. Chemical contaminant concentrations within soils do not indicate an unacceptable risk to human and environmental health with respect to the proposed future site use.*
- Chemical contaminant concentrations from groundwater samples were below the adopted criteria with the exception of copper, nickel and zinc. The levels detected are considered indicative of disturbed urban ecosystems. As the depth of the water bearing zone is below the maximum depth of construction works, there is no expected*

human contact with the groundwater. Therefore, it is the opinion of the consultant that the elevated Copper, nickel and zinc are acceptable provided;

- *The groundwater is not used as a drinking source; and*
- *A follow-up groundwater monitoring round is completed prior to construction works commencing from metals to confirm the metal concentrations within the groundwater.*

Comment:

Further clarification was sought from the consultant on the elevated copper, nickel and zinc levels found in the groundwater samples. These elevated levels are considered indicative of a disturbed urban ecosystem and cannot be attributed to any adjoining contaminating activity or anything that has previously occurred on the subject site. This matter is considered satisfactory and not requiring further action.

Salinity

No Salinity Assessment has been undertaken. No new building works are proposed other than alterations and additions to the carpark. I can condition the matter of salinity accordingly.

Building

Council's Building surveyor has reviewed the proposed development and has no objection subject to conditions.

Camden Contributions Plan

Council's S94 Officer has reviewed the proposed development and notes that as the number of car parking spaces exceeds the minimum requirements no additional contributions are required to be levied.

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 925/2016 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) **General Terms of Approval** – The General Terms of Approval from state authorities shall be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

- a) NSW Department of Primary Industries Office of Water, Reference 10 ERM2016/0828 dated 9 November 2016.
- b) Subsidence Advisory NSW, Reference TBA 16-37779P1 dated 14 October 2016

- (2) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Date
663-00.50 Issue F	Site Plan Proposed Demolition	Shellshear Young Pty Ltd	03/08/2016
663-10.01 Issue C	Ground Floor Proposed Demolition Plan	Shellshear Young Pty Ltd	03/08/2016
663-10.02 Issue C	First Floor Proposed Demolition Plan	Shellshear Young Pty Ltd	03/08/2016
663-10.03 Issue D	Roof Proposed Demolition Plan	Shellshear Young Pty Ltd	03/08/2016
663-00.51 Issue H	Site Plan Proposed	Shellshear Young Pty Ltd	03/08/2016
663-10.11 Issue D	Ground Floor Proposed Plan	Shellshear Young Pty Ltd	04/08/2016
663-10.12 Issue D	First Floor Proposed Plan	Shellshear Young Pty Ltd	04/08/2016
663-10.13 Issue E	Roof Proposed Plan	Shellshear Young Pty Ltd	04/08/2016
20.01 Issue G	Elevations – Sheet 1	Shellshear Young Pty Ltd	24/08/2016
20.02 Issue G	Elevations – Sheet 2	Shellshear Young Pty Ltd	24/08/2016
S1001 Revision G	External finishes Schedule	Shellshear Young Pty Ltd	24/08/2016
003 Stage 1 Issue B	Stormwater drainage plan	EWFW Consulting Engineers	26/05/2016
LA000 Revision H	Tree removal and retention	Taylor Brammer Landscape	02/08/2016

	plan	Architects Pty Ltd	
LA01 Revision H	Landscape Concept Plan	Taylor Brammer Landscape Architects Pty Ltd	02/08/2016
LA02 Revision B	Landscape Concept Plan	Taylor Brammer Landscape Architects Pty Ltd	12/05/2016
Rev A Page 1 of 5	Lighting calculation plan	Inlite	15/07/2016
Rev A Page 2 of 5	Lighting calculation plan	Inlite	15/07/2016

Document Title	Prepared by	Date
Operational Management Plan	Shellshear Young Pty Ltd	31/10/2016
Waste Management Plan	Shellshear Young Pty Ltd	27/08/2016

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

- (3) **Engineering Specifications** – The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (4) **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.
- (5) **Water Quality Facility** – A water quality facility must be constructed for the site in accordance with the approved plans and Council's Engineering Specifications.
- (6) **Water Quality Facility Operation, Maintenance and Monitoring Manual/s** – Operation, Maintenance and Monitoring Manual/s ('Manuals') for the permanent water quality facility shall be provided for approval to the PCA. The Manuals shall be prepared by a suitably qualified person in accordance with Council's Engineering Specifications.
- (7) **Tree Removal** – Consent is granted for the removal of trees and vegetation on the site in accordance with Landscape Plan Drawing number LA00 revision H, LA0 revision B dated 12/5/2016 with exception of T32.

The following conditions apply:

- a) Approved tree works are to be undertaken in accordance with the relevant provisions of AS 4372 'Pruning of amenity trees' and is to be carried out in accordance with the Work Cover NSW Code of Practice for the Amenity Tree Industry.
- b) Approved tree work should only be carried out by a fully insured and qualified Arborist. Suitable qualifications for an Arborist are to be a minimum `standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5

in Arboriculture of Hazard, Tree Health and Risk Assessments and Reports.

- c) This consent does not grant access to adjoining land. The applicant must negotiate any issues of access with adjoining property owners.
- d) Green waste and or timber generated from the approved tree work is to be recycled into mulch and reused on site or transferred to a designated facility for composting. Stock piles of green waste or processed timber for reuse including firewood must be stored behind the building line or placed out of view from the street within 28 days of the tree works authorised by this consent.
- e) All reasonable measures must be taken to protect neighbouring vegetation on and off the site from damage during the approved tree works.
- f) Tree work is inherently noisy and potentially disruptive to normal traffic conditions; as such the applicant shall notify (at least 24 hours prior) surrounding neighbours of the time and date of the approved tree works.

- (8) **Separate Approval for Signs** – A separate development application for proposed signage shall be provided to and approved by the Consent Authority prior to the erection or display of any such signs.

2.0 – Prior to Issue of Construction Certificate

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

- (1) **Premises Standards** – Prior to the issue of a Construction Certificate details shall be provided to the Principal Certifying Authority demonstrating compliance with the requirements of Disability (Access to Premises – Buildings) Standards 2010.
- (2) **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.
- (3) **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.
- (4) **Stormwater Detention and Water Quality** – An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications. The raingarden is to be positioned onsite to ensure there is no obstruction to the staff parking area. A detailed on-site detention and water quality report reflecting the Construction Certificate plans shall be provided to the Certifying authority with the Construction Certificate application.

- (5) **Special Medical Practitioner** – The construction and fit-out of any rooms used for medical procedures shall be in accordance with the Australian Health Infrastructure Alliance “Australian Health Facilities Guidelines’. Details demonstrating compliance shall be provided to the certifying authority.
- (6) **Special Medical Practitioner** – The proposed private medical practice must satisfy the licencing requirements of the Private Health Facilities Act 2007 and Private Health Facilities Regulation 2010 (as revised).
- (7) **Sydney Water Trade Waste** – The applicant shall contact the Commercial Trade Waste section of Sydney Water regarding the trade waste requirements. A written response from Sydney Water demonstrating compliance shall be provided to the Certifying Authority and Council.
- (8) **Regulated System** – The regulated system shall be designed and installed in accordance with the relevant provisions of:
 - a) *Public Health Act 2010*;
 - b) the Public Health Regulation 2012;
 - c) AS 1470 and AS 1657;
 - d) AS/NZS 1892.1 and 2865; and
 - e) relevant provisions for safe access in accordance with Workcover – Code of Practice for Safe Work on Roofs Part 1: Commercial and Industrial Buildings.

Plans and Specifications for the design, installation, operation and maintenance of the regulated system(s), including details on the locations of all plant and equipment, shall be provided to the Certifying Authority with the Construction Certificate application.

- (9) **Landscape Plan** – A detailed landscape plan shall be prepared in accordance with the following:
 - a) Substitute Pistacio vera with species of similar mature dimensions.
 - b) Provide 5 additional trees in the vicinity of eastern car park landscape areas to offset removals.
 - c) Tree species for a & b above to be derived from Council’s preferred street tree planting list on pages 2-4 of Tree and Landscape Species list.
 - d) Raingarden principle design to be incorporated in vicinity of T30, T31 and T32.
- (10) **Car Park Lighting** – Lighting for the approved car park and driveway lighting must demonstrate that the orientation and intensity of lighting will comply with AS 4282 and AS 1158.
- (9) **Parking spaces** – Parking spaces, circulation areas and accesses must be in accordance with AS 2890.1, 2890.2 and 2890.6.
- (10) **Parking spaces** – The Construction Certificate Plans are to demonstrate that 73 car parking spaces for the Narellan Library are provided.
- (11) **Salinity** – In the absence of a Salinity Investigation all infrastructure must meet the mandatory infrastructure requirements as outlined in Council’s Engineering Design Specification.

3.0 – Prior to Commencement of Works

- (1) **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 shall be prepared.
- (2) **Construction Traffic Management Plan** – A construction traffic management plan that includes construction waste, dust, soil and sediment and traffic management relating to the operation of the adjacent Narellan Library, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.
- (3) **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.
- (4) **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) 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.
- (5) **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.

- (6) **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.
- (7) **Sydney Water Approval** – The approved development plans shall be approved by Sydney Water.
- (8) **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.
- (8) **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;
 - c) the name, address and telephone number of the PCA.
- (9) **Performance Bond** – Prior to the 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.
- (10) **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).
- (11) **Driveway entry** – The driveway entrance off Queen Street is required to be widened from 4.2m to 6.0m in accordance with AS2890.1. Details demonstrating compliance shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.
- (12) **Site Management Plan** – The following practices are to be implemented during construction:

- Waste shall not be burnt or buried on site, nor shall windblown rubbish be allowed to leave the site. All waste shall be disposed of at an approved waste disposal facility.
- A waste control container shall be located on the site.

(13) **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 of 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.

4.0 – During Works

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

- (1) **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.
- (2) **Construction Noise Levels** – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends:

Construction period of four (4) weeks and under:

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

Construction period greater than four (4) weeks:

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

(3) **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.

(4) **Tree Protection During Construction Work** – In general all trees on and off the site must be protected in accordance with the standards, specified in the "Australian Standard for Protection of Trees on Development Sites - AS 4970-2009".

In particular, special measures must be installed to protect the trunk and roots of existing tree/s from any form of damage either accidental or from approved construction processes. It is essential for ongoing tree health that damage to any bark or roots within the structural root zone is avoided as determined in clause 3.3.5 of the Standard for Protection of Trees on Development Sites.

Protective fencing or other approved barrier must be installed in accordance with clause 4.5.3 of the Standard. Signage must be installed to inform builders and other workers to strictly observe installed tree protection measures. Nothing including the signage is to be nailed or screwed into the tree. No parking of vehicles or storage of materials is permitted within the dripline of existing street trees.

- (5) **Stormwater – Collection and Discharge Requirements** – The roof of the display 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 via a suitable overland flow path.

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.

- (6) **Traffic Management 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.

- (7) **Compliance with BCA** – All building work shall be carried out in accordance with the requirements of the BCA.

- (8) **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 footing sofa building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage; and
- 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.

- (9) **Hazardous Building Materials Assessment** – All works (including demolition and materials handling, storage, transport and disposal) shall be undertaken in accordance with the requirements outlined in the hazardous building material assessment).

(10) **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.

(11) **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 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.

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

- 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*.

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) **Occupation Certificate Required** – An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Fire Safety Certificates** – A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (3) **Waste Disposal** – The building owner shall ensure that there is a contract with a licensed contractor removal of all waste. No garbage is to be placed on the public land (e.g. footpaths, roadways, plazas, reserves etc) at any time.
- (4) **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.

6.0 – Ongoing Use

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

- (1) **Hours of Operation** – The property is only to be open for business and used for the purpose approved within the following hours:

Monday to Sunday including Public Holidays 7:00am to 10:00pm

- (2) **General requirements** – The use and operation of the premises shall comply with the requirements of:
- a) The Medical Board of Australia
 - b) The NSW Department of Health
 - c) The Australian Health Practitioner
- (3) **Regulated System** – The regulated system shall be operation and maintained in accordance with the *Public Health Act 2010* and the Public Health Regulation 2012.
- (4) **Medical Waste** – The business proprietor shall enter into a commercial contract for the collection of waste and medical waste. All clinical waste is to be stored and disposed of in accordance with the NSW Health 'Waste Management Guidelines'. A copy of this agreement shall be held on the premises at all times.
- (5) **Liquid Waste** – All liquid waste shall be collected and disposed of in a manner which does not pollute waters as defined under the Protection of the Environment Operations Act 1997.
- (6) **Infection control** – The use and operation of the premises shall comply with the requirements of the NSW Health Infection Control Policy.
- (7) **Prohibition of Food Activities** –The preparation and/or serving of food to the Public, is prohibited on the premises without prior written approval from Council.
- (8) **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).
- (9) **Waste Management Plan** – The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (10) **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.
- (11) **Maintenance of Landscaping** – Landscaping shall be maintained in accordance with the approved landscape plan.
- (12) **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, planting, 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 planting, turn installation, street tree installation and mulching.

At the completion of the one (1) 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) **Parking Management – Medical Centre customers / patients** – Free visitor car parking for the medical centre / pharmacy shall be provided for a minimum period of 3 hours subject to ticket validation. Suitable signage is to be installed providing details of time restrictions and any associated costing. Details of the signs are to be submitted to Council for approval prior to installation.

(13) **Parking Management – Staff** – Free access shall be provided to all onsite staff and emergency vehicle car parking.

(14) **On-site car parking** – The on-site car parking provision shall be arranged as follows:

- 67 patient / visitor spaces
- 14 staff spaces
- 1 Emergency vehicle space

The 82 car parking spaces are to be physically identified on site and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products.

(15) **Parking Management** – A minimum of 73 parking spaces are to be maintained for the Narellan Library.

(16) **Storage of goods** – The storage of goods and materials shall be confined within the building. At no time shall goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.

(17) **Amenity** – The business shall be conducted and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.

(18) **Groundwater** – Groundwater is not permitted to be used as a source for drinking at any time.

RECOMMENDATION

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 925/2016 is recommended for approval subject to conditions.