

SYDNEY WESTERN CITY PLANNING PANEL

Panel No	2017SSW013
DA Number	2017/45/1
Local Government Area	Camden
Proposed Development	Concept development application for a mixed use development containing 18 bulky goods premises, nine business premises, five food and drink premises, six recreation facilities (indoor), two hotels, a cinema, subdivision and associated site works
Street Address	A and 7 Gregory Hills Drive, Gledswood Hills
Applicant/Owner	Gregory Hills Corporate Park Pty Ltd / Gregory Hills Corporate Park Pty Ltd and Soma Holdings Pty Ltd
Number of Submissions	Five (four objecting to the proposed development and one raising matters for consideration)
Recommendation	Approve with conditions
Regional Development Criteria (Schedule 4A of the Act)	General development capital investment value >\$20 million
List of All Relevant s79C(1)(a) Matters	• State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 33 – Hazardous and Offensive Development • State Environmental Planning Policy No 55 – Remediation of Land • Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River • Camden Development Control Plan 2011 • Turner Road Development Control Plan 2007
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	Yes
List all documents submitted with this report for the panel's	• Assessment report • Recommended conditions • Proposed plans

consideration	• Correspondence from the NSW Rural Fire Service, the Roads and Maritime Services, TransGrid, Endeavour Energy and the Camden Local Area Command • Turner Road Indicative Layout Plan Figure • Turner Road Neighbourhood and Employment Areas Figure • Street Network Plan Figure • Preferred Land Use Plan Figure • Movement Network Plan Figure • Applicant's cinema and hotels assessment reports • Economic assessments peer review • Submissions
Report prepared by	Ryan Pritchard, Principal Planner
Report date	December 2017

Summary of Section 79C 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 SEPP) has been received, has it been attached to the assessment report?	N/A
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions (S94EF)?	Yes
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a development application (DA) for a mixed use development at A and 7 Gregory Hills Drive, 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 is \$86.5 million. This exceeds the CIV threshold of \$20 million for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2017/45/1 for the construction and use of a mixed use development pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a mixed use development at A and 7 Gregory Hills Drive, Gledswood Hills.

Pursuant to Section 83B of the *Environmental Planning and Assessment Act 1979* the applicant has requested that this DA be treated as a concept DA. Concept approval is sought for the development of two business premises buildings, two hotels and a bridge across a riparian corridor as shown on the proposed plans. Detailed proposals for those parts of the site will be subject to separate DAs. Detailed proposals for the first stage of the development, being everything excluding the concept business premises, hotels and bridge, are included as part of this DA.

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.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (State and Regional Development) 2011	The Panel is the determining authority for this DA as the proposed development has a CIV of \$86.5 million which exceeds the CIV threshold of \$20 million for Council to determine the DA
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	The proposed development is permitted with consent in the applicable B5 Business Development and RE2 Private Recreation zones, is consistent with the zones' objectives and generally compliant with the other matters for consideration
State Environmental Planning Policy (Infrastructure) 2007 (SEPP)	The DA was referred to the Roads and Maritime Services (RMS), TransGrid and Endeavour Energy for comment pursuant to the SEPP and the comments received have been considered
State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP)	Specific details regarding dangerous goods storage and transportation cannot be provided by the applicant's at this time. This is because the exact end users of the proposed development are not known at this time. A condition is recommended that requires the quantities of dangerous goods to be

	stored on or transported to/from the site to be kept below the SEPP's screening thresholds
State Environmental Planning Policy No 55 – Remediation of Land	Council staff have assessed a phase 2 detailed contamination assessment and associated information submitted in support of the DA. Council staff are satisfied that the site is suitable for the proposed development
Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP)	The proposed development is consistent with the aim of the SREP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 8 to 22 February 2017. Five submissions were received (four objecting to the proposed development and one raising matters for consideration).

Following the submission of amended plans and additional information the DA was publicly re-exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The re-exhibition period was from 3 to 16 October 2017. No submissions were received.

The issue raised in the submissions broadly relate to:

- consistency with applicable planning policies and controls including the Draft Western City District Plan, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the Turner Road Development Control Plan 2007;
- potential economic impacts upon surrounding centres;
- traffic impacts and road access issues;
- the proposed built form and interface with adjoining roads and a tributary of South Creek; and
- stormwater management.

The proposed development has been assessed against the Draft Western City District Plan, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the Turner Road Development Control Plan 2007. The development is consistent with these planning policies and controls in that it will provide an appropriate mix of employment generating land uses for the site that will contribute to the overall development of the Turner Road Business Development Area. The development is also generally consistent with the area specific development controls of the Turner Road Development Control Plan 2007.

The potential economic impacts of the development upon surrounding centres have been considered by the applicant and independently reviewed by a property economics and valuation consultant engaged by Council staff. The proposed development is unlikely to have an adverse impact upon the viability of surrounding centres.

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the proposed development will not have a significant negative impact upon the surrounding road network and the operation of surrounding intersections. Council staff have reviewed the report and supporting information and agree with their conclusions.

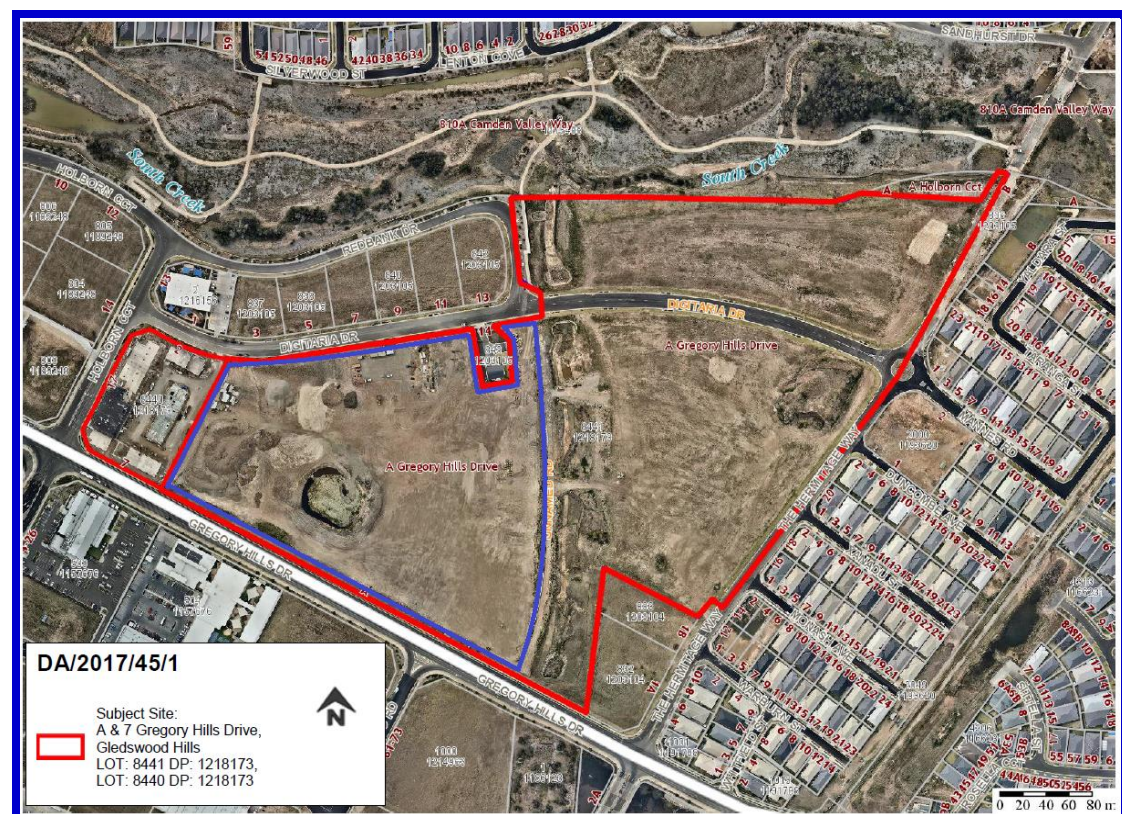
Through the assessment of the DA the applicant has provided amended plans that have improved the interface of the proposed development with surrounding roads. Overall, a reasonable balance will be achieved between attractive, articulated and landscaped frontages, separating heavy and light vehicular traffic on the site and maximising pedestrian linkages within it.

The applicant has submitted an adequate stormwater management strategy that, subject to the attached conditions, will provide adequate stormwater management.

The applicant proposes a variation to Section B5.1 of Camden Development Control Plan 2011. The DCP requires that 1,260 off-street car parking spaces be provided for the proposed development however only 905 spaces are proposed (a 355 space deficit). The applicant has requested, and Council staff have considered, appropriate reduction factors for some of the proposed land uses based on the principle of multi-purpose vehicular trips to the site. Balanced by recommendations for some additional spaces to be provided on the site, the variation will equate to 211 spaces. This is a 16.7% variation to the DCP but a reasonable reflection of the likely off-street car parking demands of the proposed development.

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

AERIAL PHOTO



THE SITE

The site comprises two properties that are commonly known as A and 7 Gregory Hills Drive, Gledswood Hills and are legally described as lots 8441 and 8440, DP 1218173 (highlighted in red). Almost all of the proposed development will be located on the western half of A Gregory Hills Drive (highlighted in blue). At 7 Gregory Hills Drive, minor works are proposed to connect the proposed development to an adjoining car park that is currently under construction.

The site is irregular in shape and has a frontage of 116m to The Hermitage Way, 499m frontage to Gregory Hills Drive, a maximum depth of 467m and an area of 18ha. The site is vacant except for a temporary works compound associated with surrounding development, an undedicated section of Digitaria Drive, an Endeavour Energy padmounted substation fronting Gregory Hills Drive and a tributary of South Creek which flows south to north through the middle of the site.

The site is partially mapped as bush fire prone land and is located within the Turner Road Precinct of the South West Priority Growth Area.

The surrounding area is characterised by developed and developing business development land containing a mix of land uses including bulky goods premises, retail premises and child care centres to the south and west. Developed and developing residential land characterised by single detached dwellings lies to the east.

To the north of the site are South Creek and the developing Gledswood Hills residential suburb. To the east are the developing Gregory Hills residential suburb, St. Gregory's College and the Camden/Campbelltown LGA boundary. To the south is developing business development land and the Smeaton Grange industrial estate. To the west are Camden Valley Way and the Harrington Grove and Catherine Park residential estates.

The Turner Road Precinct (the Precinct) contains a number of centres and employment areas which are identified in Figure 4: Neighbourhood Centres and Employment Areas of the Turner Road Development Control Plan 2007. Figure 4 with the site highlighted is provided as an attachment to this report. The centres include the planned Gregory Hills neighbourhood centre to the east and the Entertainment Precinct to the north. Outside of the Turner Road Precinct, the Narellan Town Centre is located in Narellan 3.1km to the south west of the subject site.

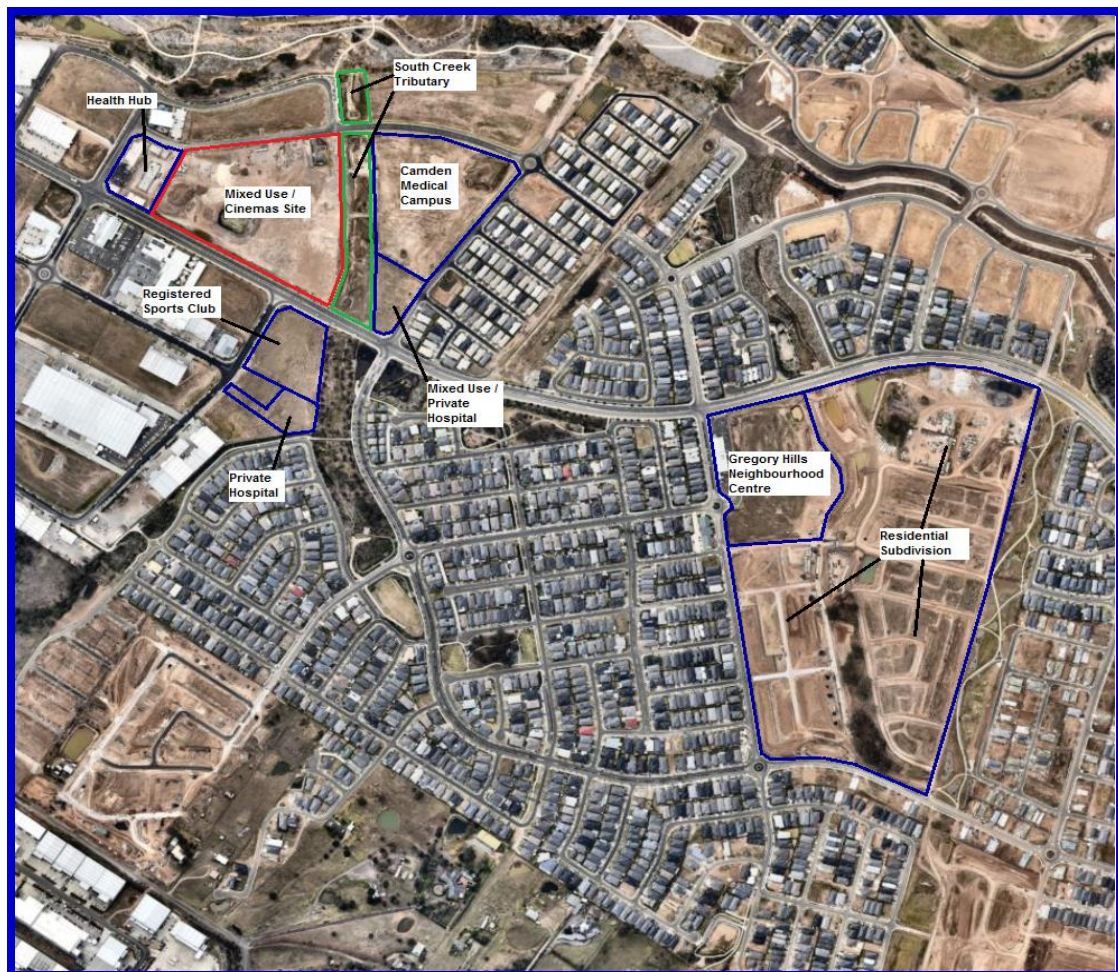
The surrounding area has been subject to a number of DAs for significant developments. These are:

- a 60 bed private hospital at 49 Rodeo Road, Gregory Hills to the south of the site approved by the Sydney West Joint Regional Planning Panel on 11 May 2015;
- a mixed use development containing medical centres, cafes, bulky goods premises, business premises and shops, known as the 'Heath Hub,' at 7 Gregory Hills Drive, Gledswood Hills to the west of the site approved by the Sydney West Joint Regional Planning Panel on 3 August 2016;

- a State Significant development proposal for a 473 bed private hospital, known as the 'Camden Medical Campus,' on the eastern half of the site approved by a delegate of the Minister for Planning on 27 April 2017;
- a staged residential subdivision to create 365 residential lots and construction of 101 dwelling houses at A, B & C Village Circuit and B Gregory Hills Drive, Gregory Hills to the south east of the site approved by the Sydney South West Planning Panel on 9 June 2017;
- a registered community sports club and ancillary bottle shop at 61-73 Rodeo Road, Gregory Hills to the south of the site approved by Council at the Ordinary Council meeting of 27 June 2017; and
- a mixed use development containing medical centres, a food and drink premises and a 60 bed private pediatric hospital at 1A and 1B The Hermitage Way, Gledswood Hills on the eastern side of the South Creek tributary approved by the Panel on 27 November 2017.

A DA for the planned Gregory Hills neighbourhood centre (containing a supermarket, retail premises and a service station site) at A and 33 Village Circuit, Gregory Hills to the east of the site is currently being assessed by Council staff. That DA will also be determined by the Panel.

An aerial map showing the location of these significant development proposals is provided below for context:



HISTORY

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

Date	Development
14 August 2012	Approval of DA/2012/277/1 for a staged business development subdivision
26 May 2015	Approval of DA/2014/997/1 for a staged business development subdivision

THE PROPOSAL

DA/2017/45/1 seeks approval for the construction and use of a mixed use development.

Specifically the proposed development involves:

- construction and use of a mixed use development comprising the following land uses:
 - 18 bulky goods premises with a combined area of 18,803.97m²;
 - seven business premises with a combined area of 1,836.41m².
 - four food and drink premises with a combined area of 285.48m²;
 - six recreation facilities (indoor) with a combined area of 2,119.98m²; and
 - a six screen cinema with a total of 1,380 seats.

The DA seeks approval for the construction and use of the buildings as described above. The internal fit outs for the buildings will be subject to either separate DAs or complying development certificates;

- concept approval only is sought for the following buildings and land uses:
 - business premises 3 and 4 with a combined area of 6,884.5m²; and
 - a food and drink premises with an area of 168.96m² adjoining business premises 4; and
 - two hotels with 160 rooms and ancillary restaurant areas of 300m² (combined);
- all of the proposed uses will be contained in multiple buildings that will be constructed of a mix of prefinished fibre cement sheeting, colorbond cladding, finished concrete and glazing elements. The buildings' maximum heights will be 14.95m above finished ground level.

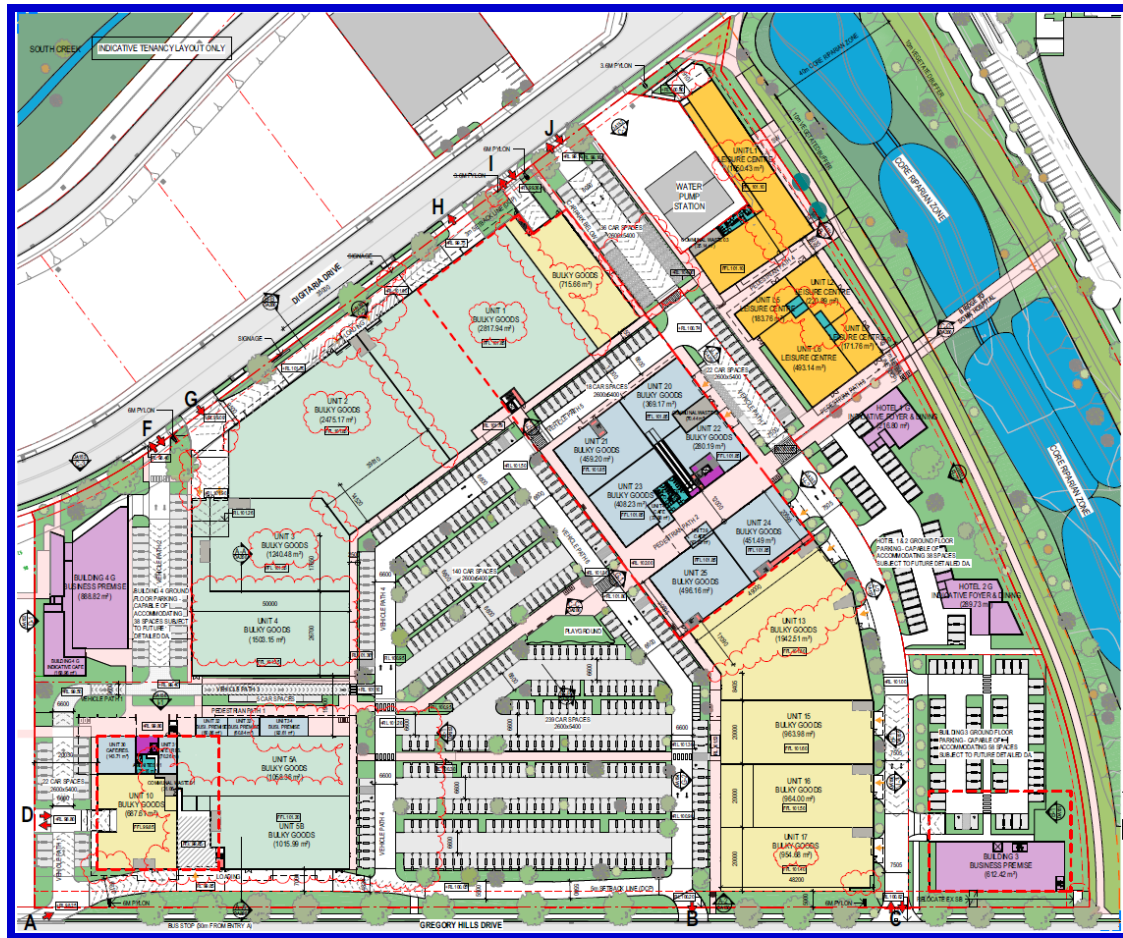
Approval is not sought for the display of any signage as part of the proposed development. The signage shown on the proposed plans is indicative only and not part of this DA;

- construction of 905 car parking spaces through a combination of at grade and basement car parks;
- construction of 19 motorcycle spaces and 30 bicycle spaces;
- construction of a pedestrian bridge across the site's South Creek tributary to provide a connection to the approved 'Camden Medical Campus' to the east. Concept approval only is sought for the pedestrian bridge;
- associated site works including the construction of earthworks, drainage, services and landscaping;
- subdivision to create five business development lots and one residue lot; and
- operating hours of:
 - bulky goods premises and business premises: 7am-10pm, seven days a week;
 - food and drink premises and recreation facilities (indoor): 7am-11pm, seven days a week; and
 - cinema: 9am-Midnight, seven days a week.

The CIV of the proposed development is \$86.5 million.

The concept elements of the proposed development will be subject to separate DAs for their detailed proposals.

GROUND FLOOR PLAN



GREGORY HILLS DRIVE ELEVATIONS



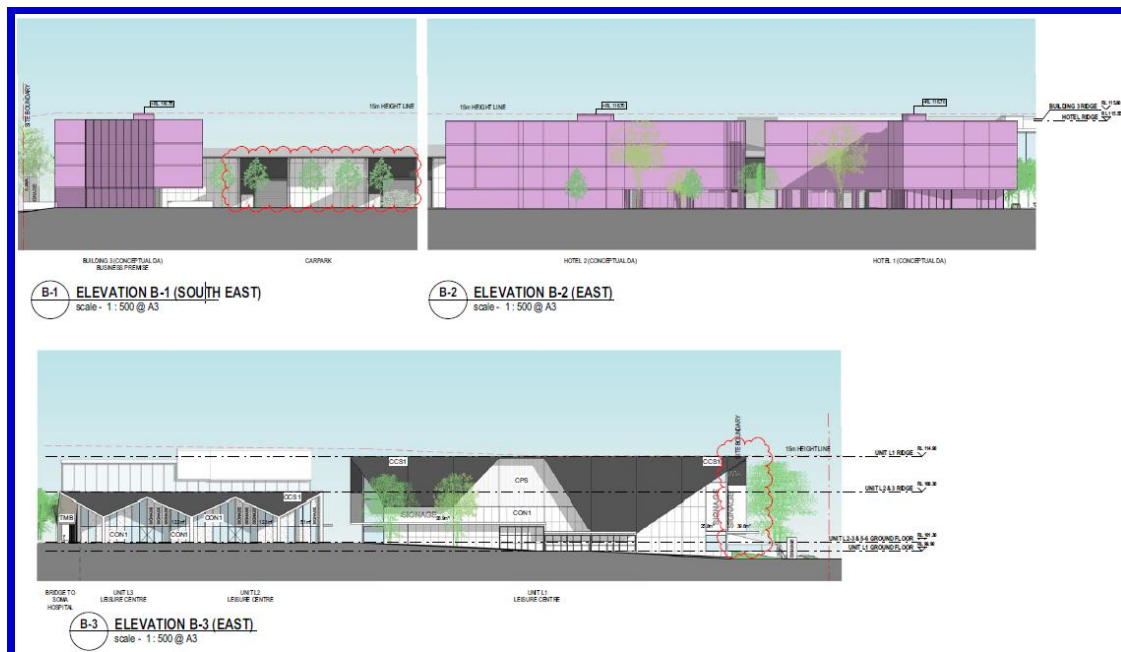
GREGORY HILLS DRIVE PERSPECTIVES



DIGITARIA DRIVE PERSPECTIVE



SOUTH CREEK TRIBUTARY ELEVATIONS



SOUTH CREEK TRIBUTARY PERSPECTIVE



OVERALL AERIAL PERSPECTIVE



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 (Infrastructure) 2007
- State Environmental Planning Policy No 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No 55 – Remediation of Land
- Sydney Regional Environmental Plan 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 Part 4 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of \$86.5 million. This exceeds the CIV threshold of \$20 million for Council to determine the DA and therefore it is referred to the Panel for determination.

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

Permissibility

The site is zoned B5 Business Development and RE2 Private Recreation under the provisions of the SEPP. The proposed development is defined as a “mixed use development” comprising “bulky goods premises,” “business premises,” “food and drink premises,” “recreation facilities (indoor),” “hotel or motel accommodation,” an “entertainment facility” and an “environmental facility” by the SEPP.

All of the proposed development is permitted with consent in the zones in which it is proposed.

Zone Objectives

The objectives of the B5 Business Development zone are:

- 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 substantial bulky goods retailing opportunities in a mix of unit sizes (including units with large floor areas). A range of business premises sizes is also proposed.

The site is in close proximity to identified centres in the Turner Road Precinct, being the Gregory Hills neighbourhood centre to the east and the Entertainment Precinct to the north. The potential impacts upon the viability of those centres are assessed in the “likely impacts...” section of this report.

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

Officer comment:

The proposed development will provide a range of employment generating land uses appropriate for the zone.

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

Officer comment:

The proposed development will provide a mix of uses that will ultimately help support other employment generating development on the site and in the zone.

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

Officer comment:

The proposed development does not include the retailing of any food, clothing or convenience shopping and does not propose any “retail premises” land uses.

- 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 provide a range of uses, including recreational uses, that will complement other employment generating land uses on the site and within the zone.

The objectives of the RE2 Private Recreation zone are:

- To enable land to be used for private open space or recreational purposes.

Officer comment:

The proposed bridge across the site’s South Creek tributary and adjacent landscaping will assist in its use for open space and recreational purposes.

- To provide a range of recreational settings and activities and compatible land uses.

Officer comment:

The proposed bridge will allow pedestrian access across the site’s South Creek tributary and the proposed landscaping will contribute to an appropriate recreational setting for it.

- To protect and enhance the natural environment for recreational purposes.

Officer comment:

Subject to compliance with the attached conditions, the South Creek tributary will be protected from potential construction impacts from the proposed development. The proposed bridge will enhance accessibility to the tributary for recreational purposes.

- To preserve and maintain the natural values of core riparian areas and to allow development where it can be demonstrated that the development will not destroy, damage or have any other adverse effect on those values.

Officer comment:

The proposed works in the RE2 zone are consistent with the Oran Park and Turner Road Waterfront Land Strategy 2009 and will not destroy or damage or have any other adverse effects on the natural values of the South Creek tributary.

- To ensure that residential development does not have an adverse effect on those values.

Officer comment:

This objective is not relevant to the proposed development as it does not propose any residential development.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
Appendix 1, 4.3 Height of Buildings	Maximum building height of 15m above finished ground level	The proposed development's maximum building height will be 14.95m above finished ground level	Yes
Appendix 1, 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 provided when required	Yes
Appendix 1, 6.6 Development in Special Areas	Development consent is not to be granted for development	The Turner Road Development Control Plan 2007 applies to the site and Part B3 of that development	Yes

Clause	Requirement	Provided	Compliance
	within a special area unless a development control plan that provides for detailed development controls has been prepared for the land	control plan specifies detailed development controls for the Turner Road Employment Area in which this site is located	

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

Roads and Maritime Services (RMS)

The DA was referred to the RMS for comment pursuant to Clause 104 of the SEPP as pursuant to Schedule 3 of the SEPP the proposed development is classed as traffic generating development.

The RMS requested additional information including clarification on the trip generation rates used in the applicant's traffic report and additional traffic modelling. The applicant provided a response to the RMS request which was subsequently re-referred to the RMS for further comment.

Further comments were received in which the RMS requested the applicant to upgrade the Camden Valley Way/Gregory Hills Drive intersection to ensure that right turning movements from Gregory Hills Drive will be at an acceptable level of service. Council's traffic engineer has considered the above request and recommends that it not be imposed upon the applicant.

The submitted traffic modelling demonstrates that even if the proposed development were not approved, by 2036 the intersection of Camden Valley Way and Gregory Hills Drive will operate at level of service F (due to assumed increasing development in the surrounding area). Levels of service are a standard measure of delay used to understand the operational performance of a road network and intersections with level F being the worst level. If the proposed development were approved, the submitted traffic modelling demonstrates that by 2036 this intersection will still operate at level of service F albeit with a small delay increase. The increased delay is 3.2 seconds in the AM weekday peak and 9.6 seconds in the PM weekday peak

It is evident that by 2036 the intersection will suffer from a poor level of service whether or not the proposed development is approved. The proposed development may result in only an inconsequential increased cumulative delay at the intersection which does not warrant the applicant undertaking any upgrade works. The modelled level of service at the intersection is an existing issue and not caused or significantly intensified by the proposed development.

Furthermore, as substantial parts of the proposed development are bulky goods premises and a cinema, it is anticipated that its peak traffic generation will be at weekends and not weekdays. It is also noted that Camden Valley Way will eventually undergo a further upgrade by the State government and that the intersection performance will be improved by the addition of extra traffic lanes. Upgrade works for Camden Valley Way are funded by the State government's Special Infrastructure Contribution that is levied on new development (including the subject development).

Council's traffic engineer considers that, apart from the State government's future upgrade works, there are no works at the intersection that can be reasonably undertaken to improve performance without the acquisition of adjacent private property.

It is noted that Council has advocated for the further upgrade of Camden Valley Way through separate submissions to the State government.

TransGrid

The DA was referred to TransGrid for comment pursuant to Clause 45 of the SEPP as parts of the northern area of the site are within/directly adjacent to an existing TransGrid electricity transmission line and easement. It is noted that the proposed development works will be located at least 126m away from the edge of the TransGrid easement.

TransGrid raised no objections to the proposed development and recommended several construction safety related conditions should any vehicles require access to the easement during construction. Imposition of TransGrid's conditions is recommended.

Endeavour Energy (Endeavour)

The DA was referred to Endeavour for comment pursuant to Clause 45 of the SEPP as the site contains an existing pad mounted electrical substation.

Endeavour raised no objections to the proposed development and recommended compliance with a number of technical guidelines and requirements. A condition requiring compliance with Endeavour's technical guidelines and requirements is recommended.

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 detailed design of the proposed development is incomplete and that the exact end users of the proposed uses are unknown at this time. Therefore specific details regarding dangerous goods storage and transportation cannot be provided at this time.

To address the SEPP, a condition is recommended that requires the quantities of all dangerous goods to be stored on or transported to/from the site to be kept below the SEPP's screening thresholds. Should the dangerous goods quantities ultimately need to exceed the SEPP's screening thresholds a Section 96 Modification application can be lodged to assess and address the exceedance.

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

The applicant has submitted a phase two detailed contamination assessment and supporting information in support of the DA. This assessment found the site to be suitable for the proposed development from a contamination perspective. Council staff have reviewed the assessment and agree with its findings.

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.

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP)

The proposed development is consistent with the aim of the SREP (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 and water pollution control devices have been proposed as part of the development.

(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.

Control	Requirement	Provided	Compliance
A2 Notification Requirements	DAs are 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 matter	Yes
B1.2 Earthworks	Cut and fill should be minimised	Only relatively minor earthworks are proposed and are	Yes

		considered reasonable to facilitate the proposed development	
	Only virgin excavated natural material should be used as fill	A standard condition is recommended to address this matter	Yes
B5.1 Off Street Car Parking Rates/ Requirements	Off-street car parking compliant with the car parking rates provided in the Camden DCP	A variation to the off-street car parking requirements of the Camden DCP is proposed	No – Camden DCP variation 1
	27 motorcycle and 27 bicycle parking spaces are required	The proposed development includes 19 motorcycle spaces and 30 bicycle spaces. A condition requiring the provision of 27 motorcycle spaces is recommended	Yes
	Four loading bays are required for the proposed hotels and two loading bays are required for the proposed food and drink premises. Additional provision is to be provided at Council's discretion. Council may consider proposals for shared parking and loading areas subject to appropriate time restrictions	The proposed hotels have not been provided with any loading bays however as they are only a concept proposal this issue can be addressed in a separate DA for their detailed proposals. Communal and time restricted loading areas are proposed in the vicinity of the proposed food and drink premises and will provide sufficient loading facilities for these land uses. The majority of the proposed bulky goods premises will have their own dedicated loading bays and the proposed recreation facilities (indoor) will be close to the time restricted loading bays. All of the above are considered to be reasonable for the proposed development	Yes

Camden DCP Variation 1 - Off Street Car Parking Provision

DCP Control

The Camden DCP base car parking rates equate to 1,260 off-street car parking spaces for the proposed development as follows:

- Bulky goods premises = 1 space per 50m² = 18,803.97m² / 50 = 376.08.
- Business premises = 1 space per 40m² = 8,720.91m² / 40 = 218.02.
- Food and drink premises = 1 space per 30m² = 454.44m² / 30 = 15.15.
- Recreation facilities (indoor) = 1 space per 13.3m² = 2,119.98m² / 13.3 = 159.39.
- Hotels =
 - 1 space per room = 160 x 1 = 160.
 - 1 space per 2 employees = 20 / 2 = 10.
 - 15 spaces per 100m² of restaurant = 300m² / 100 x 15 = 45.
 - Total for hotels = 215.
- Cinema = 1 space per 5 seats (consistent with the car parking rate applied to the existing cinema at the Narellan Town Centre) = 1,380 / 5 = 276.
- Total spaces = 1,259.64 (1,260) spaces.

The applicant proposes to provide 905 spaces (a 355 space deficit on the base rates).

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

Variation Assessment

Council's traffic engineer has assessed the applicant's parking submission and undertaken an analysis of the car parking demands of the proposed development (with consideration of the layout of the development). It is recommended that reduced car parking rates be supported for the following reasons and using the following methodology:

- Given the range of land uses proposed for the site it is highly likely that many of the vehicle trips it will generate will be multi-purpose. This will involve many patrons visiting two or more of the proposed land uses and walking between them due to their close proximity.

This has the effect of reducing the total number of vehicle movements within the site as patrons will not need to drive and park in different locations to access the different land uses. This ultimately frees up more parking spaces for use due to the reduced manoeuvring of vehicles into and out of parking spaces.

- In acknowledgement of the above point, it is recommended that appropriate reduction factors be applied to some of the car parking rates for the proposed land uses. The following reduction factors are recommended:
 - 20% reduction for bulky goods premises.
 - No reduction for concept business premises 3 and 4 as they are spatially divorced from the car parking on the rest of the site.
 - 80% reduction for all other business premises as their peak usage will likely not share the Saturday peak usage of the other land uses.
 - 20% for the food and drink premises.
 - 20% reduction for the recreation facilities (indoor).
 - 30% reduction for the hotels on the basis that business premises 3's at grade car park can be used by hotel patrons in the evenings.
 - No reduction for the cinema.
- Once the above reduction factors are applied to the proposed development a reduced car parking rate of 1,049 spaces is produced. This equates to a 16.7% variation to the Camden DCP's base car parking rates. A 144 space deficit would still remain however.
- To address the 144 space deficit the following measures are recommended:
 - With a reduction factor, the hotels will require an additional 113 spaces. As only concept approval is sought for the proposed hotels this additional car parking can be addressed via separate DAs for their detailed proposals. This could either be by providing the additional car parking or reducing the size of the hotels.
 - With reduction factors, business premises 3 will require three additional spaces and business premises 4 will require 19 additional spaces. As concept approval only is sought for these business premises this additional car parking can be addressed via separate DAs for their detailed proposals. This could either be by providing the additional car parking or reducing the size of the business premises.
 - 14 additional spaces should be provided in the vicinity of the recreation facilities (indoor). A condition is recommended that requires the 14 additional spaces to be provided in the nearby basement car park that is accessed from access point 'I.'
- When the aforementioned measures are implemented the off-street car parking deficit is eliminated and compliance with the reduced car parking rate is achieved.
- It is noted that reduction factors were applied to the adjoining 'Health Hub' site to the west of the subject site in order to address a car parking deficit for that development. Those reduction factors were accepted by the Panel who approved the DA on 3 August 2016. This equated to a 16.2% variation to the Camden

DCP's base car parking rates. The proposed base car parking rate variation of 16.7% is of a similar scale to that approved for the 'Health Hub.'

- The proposed development will include 30 bicycle spaces which is in excess of the 27 bicycle spaces required.

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

Turner Road Development Control Plan 2007 (DCP)

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

Control	Requirement	Provided	Compliance
Part A, 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 compatible land uses as identified for the site	Yes
Part A, 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, including bulky goods premises and business premises	The proposed development is consistent with this requirement in that it will provide a range of business development type activities and compatible land uses including bulky goods premises and business premises	Yes
Part A, 3.1 Street Network and Design	The street network is to be provided in accordance with the DCP's Figures 2 and 5	The proposed development varies the DCP's Figures 2 and 5 in that it will not provide three north-south local roads through the site, including one that abuts the South Creek tributary. This variation is supported as the aforementioned local roads are not identified in the area specific development controls for the site in Part B3 of the DCP, including Figure 3: Movement Network Plan of that part of the DCP. The traffic generation	No, however minor variation recommended to be supported

		and access to/from the site have been assessed and the provision of these roads is not required for it to operate safely and efficiently. It is noted that the north-south road identified to be adjacent to the South Creek tributary will be replaced by a two way driveway that will provide a north-south access option through the site	
	Direct vehicular access to four lane sub-arterial roads will be considered for neighborhood centres in exceptional circumstances	A direct access from/to Gregory Hills Drive is proposed in the form of a one way 'slip lane' configuration. This 'slip lane' configuration is identified for the site by Figure 3: Movement Network Plan of Part 3 of the DCP and a similar configuration was previously approved by DA/2012/277/1 for the original business development subdivision of the site. A direct access in the form of a two way driveway running north-south from Gregory Hills Drive to Digitaria Drive is also proposed. This driveway will replace an identified local road and so does not represent a new vehicular access from/to Gregory Hills Drive	Yes
Part A, 6.1 Riparian Corridors	Development in and adjoining riparian corridors shall be consistent with the DCP and the Oran Park and Turner Road Waterfront Land Strategy 2009	The proposed bridge crossing and adjacent landscaping in the South Creek tributary will be consistent with the Oran Park and Turner Road Waterfront Land Strategy 2009. Further details demonstrating compliance will be provided as part of a	Yes

		separate DA for the detailed proposals for the bridge	
Part A, 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 DCP's environmental stormwater objectives	The DA has demonstrated compliance with the DCP's environmental stormwater objectives	Yes
Part A, 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
Part A, 6.6 Bushfire Hazard Management	Asset protection zones to be provided generally in accordance with the DCP, subject to detailed design at DA stage	The proposed development's hotels are defined as a special bush fire protection purpose pursuant to Section 100B(6)(d) of the <i>Rural Fires Act 1997</i> and therefore the proposed development is classed as integrated development. A bush fire safety authority containing bush fire protection related conditions has been received from the NSW Rural Fire Service (RFS). A standard condition requiring compliance with this bush fire safety authority is recommended. This matter is detailed further in the "likely impacts..." section of this report	Yes
Part A, 6.8 Contamination Management	A contamination assessment in accordance with Council's Management of Contaminated	The applicant has submitted a phase two detailed contamination assessment and supporting information in support of the DA. This	Yes

	Lands Policy is required	assessment found the site to be suitable for the proposed development from a contamination perspective. Council staff have reviewed the assessment and agree with its findings. 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	
Part A, 6.10 Acoustics	Compliance with Council's Environmental Noise Policy (ENP)	The applicant has submitted an acoustic report in support of the DA. The report demonstrates that the proposed development can comply with the ENP. Council staff have reviewed the report, agree with its findings and are satisfied that the proposed development can comply with Council's ENP subject to the conditions attached to this report	Yes
Part A, 8.1 Sustainable Building Design	Development must achieve a 40% reduction of baseline potable water consumption	A condition is recommended to address this matter	Yes
Part A, 8.2 Stormwater and Construction Management	A stormwater concept plan must be submitted with DAs	An adequate stormwater concept plan has been submitted in support of the DA	Yes
Part A, 8.3 Waste Management	A waste management plan must be submitted with DAs	Adequate waste management plans have been submitted in support of the DA	Yes
Part A, 8.6 Safety and	Buildings must be designed to	The proposed development will provide	Yes

Surveillance	provide casual surveillance, avoid blank walls and comply with Crime Prevention Through Environmental Design (CPTED) principles	casual surveillance opportunities, avoids blank walls and is consistent with CPTED principles	
Part B2. 5.0 Controls for Riparian Corridor Areas	Outcomes for watercourses must be consistent with the Oran Park and Turner Road Waterfront Land Strategy 2009	The proposed bridge crossing and adjacent landscaping in the South Creek tributary will be consistent with the Oran Park and Turner Road Waterfront Land Strategy 2009. Further details demonstrating compliance will be provided as part of a separate DA for the detailed proposals for the bridge	Yes
Part B3, 3.1 Land Uses	Development is to be undertaken generally in accordance with the DCP's Preferred Land Use Plan which identifies the site for a mix of bulky goods, highway retail, light industrial, recreation, function, education, trade services and business premises	The proposed development is generally consistent with the DCP's Preferred Land Use Plan in that it proposes a mix of bulky goods premises, business premises and recreation land uses. Other land uses are also proposed, e.g. hotels and food and drink premises, however these are supported as they are compatible with the preferred land uses for the site	Yes
	Active uses that provide visual interest are to front Gregory Hills Drive	The proposed development will provide a reasonably active and visually interesting frontage to Gregory Hills Drive	Yes
Part B3, 3.2 Subdivision	Lot sizes should be diverse to meet a range of different land uses. Irregular shaped lots should be	The proposed lots will reflect the proposed built form for the site and generally be regular in shape	Yes

	avoided.		
	Lots should be orientated and aligned so that future buildings can face the street, to facilitate solar efficiency and to encourage building design that has frontage to landscaped areas	The proposed lots will facilitate the proposed built form which will face the surrounding streets, be reasonably solar efficient and have frontage to landscaped areas	Yes
	Where subdivision does not provide a perimeter road adjacent to a riparian corridor, it shall facilitate articulated and landscaped development, not impact the environment or amenity, facilitate pedestrian and cyclist connections and provide opportunities for passive surveillance	The proposed development removes a DCP identified perimeter road along the South Creek tributary. However the DA includes the built form along much of the corridor which will provide active, articulated and landscaped interfaces that achieve the requirements of this control. It is noted that separate DAs for detailed proposals for the hotels and business premises 3 will need to demonstrate how they address the tributary	Yes
Part B3, 3.3 Movement Network	The road network should be generally consistent with the DCP's Movement Network Plan	The proposed development is generally consistent with the DCP's Movement Network Plan except that it will not provide a north-south local road abutting the South Creek tributary. This variation is supported as this road will be replaced by a two way driveway that will provide a north-south access option through the site	No, however minor variation recommended to be supported

Part B3, 3.4 Public Domain and Interface Areas	The principles of CPTED must be incorporated into the design of all development	The proposed development is generally consistent with CPTED principles and will provide a reasonable level of passive surveillance, territorial reinforcement and access control	Yes
	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, high quality landscaping, addresses and emphasises corners and avoids the use of blank walls	Yes
	Where lots directly adjoin riparian corridors a number of controls relating to setbacks, building design, landscaping and pedestrian/cyclist connections must be complied with	The proposed development is compliant with the DCP's setbacks, building design and articulation, landscaping and pedestrian/cyclist connection controls	Yes
Part B3, 3.5 Site Planning	The following building setbacks are required: 5m to Gregory Hills Drive. 5m from the 'slip lane' from/to Gregory Hills Drive. 3m to Digitaria Drive	The proposed development generally complies with the required building setbacks along each of the site's road frontages by providing: Minimum 5m to Gregory Hills Drive. Bulky goods premises 5B and 10 directly front the 'slip lane' and therefore do not provide any setback. This variation is supported as it will facilitate loading	No, however minor variation recommended to be supported

		areas for these premises separated from light vehicle (cars) and pedestrian movements on the northern side of the building. Due to the 'slip lane,' these premises will have a 12m setback from Gregory Hills Drive. This will set them behind adjoining buildings on the 'Health Hub' site to the west and the mixed use/hospital site to the east which will have lesser setbacks of 5m and 7m respectively. Minimum 4.5m to Digitaria Drive	
	Front setbacks are to be landscaped and not dominated by parking areas or loading facilities	All of the building setbacks along each of the two road frontages will be appropriately landscaped. A loading bay faces Gregory Hills Drive near the western end of the site however it is a relatively small component of that frontage, will not be visually dominant and be softened by landscaping. Four loading bays are proposed along Digitaria Drive however two of them will be significantly recessed behind the building line, all will be softened by landscaping and none will be unreasonably visually dominant	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
Part B3, 3.6 Building Design	Scale and massing of buildings should	The proposed development's scale and massing is suitable for	Yes

	reinforce the desired urban design character with larger buildings used to signify prominent corners	the desired character of this area and it's corners have been sufficiently articulated	
	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 reasonably high proportion of glazing and be articulated through a variety of building features, materials and landscaping	Yes
	Blank building facades facing the primary street frontage are not permitted	No blank building facades are proposed to face the primary street frontages	Yes
	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 metal cladding is proposed as part of an architectural design solution in association with masonry and glazing	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	Proposed awnings will provide sufficient sun-shading for the development. The proposed roof form will be reasonably articulated and the key entries reasonably 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	A standard condition is recommended to address this matter	Yes

	building to create an integrated appearance		
Part B3, 3.7 Employment Operations	Access, parking & loading is to comply with Section B5.1 of the Camden DCP	A variation to the off-street car parking requirements of the Camden DCP is proposed	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
Part B3, 3.9 On Site Landscaping	Front setback areas are to be landscaped	All of the proposed front setback areas will be landscaped	Yes
	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 will be used where possible	Yes

(a)(iiiia) 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 attached to 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.

Adverse Impacts Upon the Locality

Centres in the Precinct

The Precinct is planned to contain a number of centres and employment areas which are identified in Figure 4: Neighbourhood Centres and Employment Areas of the DCP. Figure 4 with the site highlighted is provided as an attachment to this report.

The site is located within Figure 4's Turner Road Business Development Area which is planned to provide a range of business development, bulky goods retail, business premises, light industry, warehouses and distribution uses, together with small-scale retail uses. It is considered that the proposed development is generally consistent with the characteristics identified for this area.

However it is important to consider the proposed development's potential impacts upon the viability of other existing and planned centres. This is to ensure that there are no detrimental economic impacts upon the locality evidenced by a reduction in the availability or adequacy of services or facilities currently enjoyed by or planned for those centres. Consideration of potential impacts upon the viability of Narellan Town Centre, although located outside of the Precinct, is considered warranted as that centre contains the Camden LGA's only existing cinema.

Importantly, the purpose of this consideration is not to regulate commercial competition as this is not a planning matter for consideration in the assessment of a DA.

The proposed development includes a range of land uses including bulky goods premises, business premises, food and drink premises and recreation facilities (indoor) that will generally support surrounding centres. These are considered to be typical and expected uses for all business development zones and not proposed on such a scale that they are likely to adversely affect the viability of other planned centres. However the proposed hotels and cinemas are not typical in business development zones and further consideration of their potential impacts is warranted.

Applicant's Demand Analyses for a Cinema and Hotels

In support of the DA, the applicant has submitted reports assessing the demand for the proposed cinema and hotels and a peer review of the demand assessment for the cinema. These reports conclude there that there is demand for the proposed cinema and hotels based on existing undersupply and projected growth in the area. It is also argued that these land uses are permitted with consent in the B5 Business Development zone, are consistent with the zone objectives and will not detract from surrounding centres.

Independent Peer Review of Demand Analyses for a Cinema and Hotels

To assist in the assessment of this issue, Council staff engaged a property economics and valuation consultant to undertake an independent peer review of the applicant's reports. The peer review was requested to advise on the accuracy of the applicant's demand analyses and whether the proposed cinema or hotels will adversely impact upon the viability of other planned centres. A copy of the peer review is provided as an attachment to this report.

In summary the peer review advises that:

- the Precinct is likely to be able to support only one cinema;
- a cinema on the subject site is unlikely to impact the viability of the Gregory Hills neighbourhood centre. A cinema is not expected to be developed there as that centre predominantly serves local needs;

- a cinema on the subject site is unlikely to impact the viability of Narellan Town Centre to any great extent. That centre has a large catchment due to its diverse retail and service offerings;
- a cinema could serve as an anchor for the Entertainment Precinct and would assist in supporting its aims and objectives;
- a cinema is not essential to the viability of the Entertainment Precinct and there are other uses that could anchor it. However if a cinema is proposed to anchor the Entertainment Precinct it should take precedence over the subject site;
- the proposed hotels will not adversely impact upon the viability of other centres. Sources of demand for hotels are diverse and their supporting function to the future surrounding medical uses will be positive; and
- the combination of the proposed uses on the site will not significantly magnify potential impacts upon the viability of other centres as many of the uses do not inter-relate well, e.g. bulky goods premises and hotels.

Key points raised in the peer review are that the Precinct will likely only be able to support one cinema and that if a cinema were to be proposed in the Entertainment Precinct, a cinema there should take precedence over a cinema on the subject site.

Planning Policy Context

The subject site is zoned B5 Business Development and the Entertainment Precinct is zoned B4 Mixed Use. A cinema is permitted with consent in both zones and would be consistent with the objectives of both zones. Part B1 of the DCP, which provides detailed controls for the Entertainment Precinct, does not specifically identify a cinema to be developed in that area and instead provides for a variety of recreation, entertainment, residential and support uses.

Conclusions

Following consideration of both the applicant's reports and the peer review, the proposed cinema and hotels are supported on the subject site for the following reasons:

- demand exists for hotels and those proposed by the DA will support the future surrounding medical uses that are envisaged adjacent to the site;
- the proposed cinema is unlikely to have an adverse impact upon the viability of the Gregory Hills neighbourhood centre or Narellan Town Centre;
- there is no applicable planning policy that specifically identifies a cinema to be developed anywhere in the Precinct, nor in the Entertainment Precinct more than on the subject site;
- the development of a cinema is considered to not be inconsistent with the objectives of the subject site's B5 Business Development zone; and
- the viability of the Entertainment Precinct can be achieved by other anchors as acknowledged by the peer review.

Traffic Impacts

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the proposed development will not have a significant negative impact upon the surrounding road network and the operation of surrounding intersections. Council staff have reviewed the report and supporting information and agree with their conclusions.

Bush Fire Impacts

A small part of the site is mapped as bush fire prone land along its South Creek frontage which renders the proposed hotels defined as a special bush fire protection purpose pursuant to Section 100B(6)(d) of the *Rural Fires Act 1997*. Therefore the proposed development is classed as integrated development and the DA was referred to the NSW Rural Fire Service (RFS) for approval.

However as this is a developing urban release area it is also relevant to consider any planned revegetation of surrounding land and its potential bush fire impacts. A tributary of South Creek flows south to north through the middle of the site. The tributary is required to be revegetated by a vegetation management plan (VMP) and development consent that approved the original business development subdivision of the site (DA/2012/277/1) by the same developer.

The revegetation would result in a bush fire threat to the proposed development. To resolve this issue, on 19 December 2016 the developer lodged a Section 96 Modification application to DA/2012/277/1 to modify the approved VMP for the tributary. The modification proposed to amend the VMP such that the revegetation would no longer present a bush fire risk to adjoining development. This would be achieved through tree spacing and limiting the planting of shrubs and sedges.

Council staff approved this modification application on 16 March 2017 and advised the RFS. The RFS has subsequently issued a Bush Fire Safety Authority (containing bush fire protection related conditions) for the proposed development. Compliance with the Bush Fire Safety Authority is a recommended condition and in doing so any potential bush fire impacts upon the proposed development will be satisfactorily mitigated.

(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 Camden Development Control Plan 2011. The exhibition period was from 8 to 22 February 2017. Five submissions were received (four objecting to the proposed development and one raising matters for consideration).

Following the submission of amended plans and additional information the DA was publicly re-exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The re-exhibition period was from 3 to 16 October 2017. No submissions were received.

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

1. *The proposed development is inconsistent with the Draft South West District Plan. Insufficient employment opportunities will be provided and little information has been provided to support the anticipated 684 jobs.*

Officer comment:

The Draft South West District Plan has been replaced by the Draft Western City District Plan (the Plan). The Plan is not a mandatory matter for consideration in the determination of a DA. However it is considered to be in the public interest to consider the proposed development's consistency with the Plan given that it is publicly exhibited government planning policy.

The Plan provides productivity actions which seek to support employment and protect industrial lands for appropriate land uses.

It is not considered that the proposed development is inconsistent with the Plan in that it will provide a wide range of employment generating land uses, including bulky goods premises and business premises. The majority of the proposed development's floor plate will be for these land uses which is considered appropriate for the site given its B5 Business Development zoning.

The applicant has provided employment generation rates for the proposed land uses which estimate that 681 jobs will be created by the proposed development. It is noted that there are no planning controls that require a minimum number of jobs to be provided by development however maximum employment opportunities are desirable. The proposed land use mix will generate new, appropriate employment opportunities which are supported.

2. *The proposed development is inconsistent with the general purpose, objectives and intended uses of the B5 Business Development zone and will essentially result in a new centre.*

Officer comment:

The proposed development's consistency with the B5 Business Development zone objectives is assessed in the "Provisions of any Environmental Planning Instrument" section of this report. It is considered that the proposed development is consistent with the zone objectives.

The submission writer refers to the Department of Planning and Environment's LEP Practice Note and advises that the B5 zone was originally intended to provide for bulky goods retail uses that require large floor areas close to and in support of centres. The writer also advises that the practice note envisages "employment generating uses such as 'warehouses or distribution centres,' 'bulky goods premises,' 'hardware and building supplies,' 'landscaping material supplies' and 'garden centres'" for the B5 zone.

The advice contained within the practice note is acknowledged however it is noted that the aforementioned land uses are not exclusively envisaged for the B5 zone. The practice note seeks a range of employment generating uses which may include the aforementioned uses and/or others. The practice note suggests that B5 zones (and the uses therein) should support and not detract from the viability of centres.

The potential impacts upon the viability of surrounding centres is assessed in the “likely impacts...” section of this report.

3. *The DCP’s hierarchy of centres and employment areas will be undermined. Too little bulky goods floor space is proposed, no light industry or manufacturing development is proposed and the entertainment, leisure and accommodation uses would be more appropriate located in other centres.*

Officer comment:

As aforementioned, the Precinct is planned to contain a number of centres and employment areas which are identified in Figure 4: Neighbourhood Centres and Employment Areas of the DCP.

The site is located within Figure 4’s Turner Road Business Development Area which is planned to provide a range of business development, bulky goods retail, business premises, light industry, warehouses and distribution uses, together with small-scale retail uses. It is considered that the proposed development is generally consistent with the characteristics identified for this area.

There is no minimum requirement for a quantum of bulky goods premises floor space to be provided on this or any other site in the area. Notwithstanding, 18,803.97m² of bulky goods premises is proposed which is a reasonable contribution to the DCP’s objective of providing bulky goods retail opportunities in this area.

Light industry or manufacturing development is not essential for this or every site in the area. The proposed cinema, recreation facilities (indoor) and hotels will complement the site’s predominant bulky goods premises and business premises uses, and the surrounding medical uses which are being developed.

Importantly, the full range of uses sought for the area by the DCP cannot reasonably be provided on every site. This site will contribute to the achievement of that full range of uses across the area.

4. *No economic justification or detailed analyses have been provided to demonstrate that the uses are appropriate and will not detract from the viability of other centres.*

The applicant has submitted reports assessing the demand for the proposed cinema and hotels and a peer review of the demand assessment for the cinema. Council staff engaged a property economics and valuation consultant to undertake an independent peer review of the applicant’s reports.

The potential impacts upon the viability of surrounding centres are assessed in the “likely impacts...” section of this report.

5. *The proposed development is non-compliant with Part B3 of the Turner Road Development Control Plan 2007. Part B3 envisages a range of uses for the site that have not all been proposed.*

Officer comment:

The proposed development is generally consistent with Part B3 of the DCP and its Preferred Land Use Plan in that it proposes a mix of bulky goods premises, business premises and recreation land uses. Other land uses are also proposed, e.g. hotels

and food and drink premises, however these are supported as they are compatible with the preferred land uses for the site.

As aforementioned, the full range of uses sought for the area by the DCP cannot reasonably be provided on every site. This site will contribute to the achievement of that full range of uses across the area.

6. *The proposed development includes retail floor space outside of the DCP's active hubs where retail floor space is identified to be located.*

The proposed development does not include any retail premises floor space.

7. *The proposed development is not in the public interest in that it may undermine the role and function of both existing and planned centres due to its size and proposed land use mix.*

Officer comment:

The proposed development is considered to be within the public interest in that it is consistent with the B5 Business Development zone objectives, consistent with the majority of planning controls and unlikely to have any significant unreasonable impacts upon the surrounding locality.

8. *Size of the proposed development and the impact it will have upon the local community.*

Officer comment:

The potential impacts of the proposed development have been assessed and it is considered to be of an appropriate scale for the site and surrounding area. It is noted that the development complies with the maximum 15m building height development standard that applies to the site. The proposed development will not have any unreasonable negative impacts upon the local community but will provide employment and service opportunities that will be of benefit to the community.

9. *The proposed development will not provide the 'missing link' of The Hermitage Way which is a vital road connection that should be required with such a substantial development.*

The 'missing link' of The Hermitage Way refers to a section of that road that has been granted development consent but not yet constructed. The completion of that road is not proposed by this DA and, although its completion is desirable for the benefit of the broader community, is not justified from a traffic impact perspective under this DA.

10. *The proposed development will add pressure to the existing roads in and around Gregory Hills, e.g. Gregory Hills Drive and Camden Valley Way, and will make them extremely busy.*

Officer comment:

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrates that the proposed development will not have a significant negative impact upon the surrounding road

network and the operation of surrounding intersections. Council staff have reviewed the report and supporting information and agree with their conclusions.

11. *The proposed hotels are not supported. There is no need for any hotels in Gregory Hills as it is not a tourist destination.*

Officer comment:

Approval for the proposed hotels is sought to cater for visitor demand for the medical land uses that are approved and developing around the site (the 'Health Hub,' the 'Camden Medical Campus' and a private pediatric hospital). The concept of the hotels in this location is supported and detailed proposals for them will be subject to separate DAs.

12. *Careful consideration should be given to the economic impact of the proposed cinemas upon Narellan Town Centre (including the existing cinemas therein) and the Entertainment Precinct. This should include demand and economic assessments.*

Officer comment:

The potential economic impacts on the locality have been assessed in the "likely impacts..." section of this report.

13. *Activation of the South Creek tributary should be enforced either through conditions or through future DAs for buildings along its boundary.*

Officer comment:

The proposed recreation facilities (indoor) will provide reasonably active, articulated and landscaped interfaces with the South Creek tributary. Detailed proposals for the hotels and business premises 3 will be further assessed when separate DAs are lodged for them.

14. *It appears that insufficient off-street car parking will be provided for the range of land uses proposed. Sufficient car parking should be ensured by requiring the proposed underground car parking areas to be provided as part of any development consent.*

Officer comment:

The proposed off-street car parking variation has been assessed in the "Provisions of any Development Control Plan" section of this report.

15. *Direct access to and from Gregory Hills Drive is not permitted, will set an undesirable precedent and may have an adverse impact upon traffic flow.*

Officer comment:

Part B3 of the DCP permits direct vehicular access from/to Gregory Hills Drive in the form of a 'slip lane' and the proposed development is consistent with this. Direct vehicular access to Gregory Hills is proposed via a two-way driveway near the South Creek tributary however this is supported as it simply replaces a DCP required local road in generally the same location.

16. *A 'slip lane' from Gregory Hills Drive is proposed and must have suitable separation distances from nearby intersections as well as providing a safe entry and exit. Consideration should also be given to whether or not a deceleration lane is required for the proposed slip lane.*

Officer comment:

It is noted that a similar slip lane was previously approved by Council as part of Development Consent 2012/277/1 which approved the original business development subdivision of the site.

The proposed 'slip lane' from Gregory Hills Drive has been designed with sufficient separation distances from nearby intersections. The need for a deceleration lane on Gregory Hills Drive has been considered however is not deemed necessary. It is considered that the proposed 'slip lane' will operate reasonably effectively and efficiently and it is noted that the RMS has not raised any objection to it.

17. *The proposed development exceeds the applicable 15m maximum building height development standard that applies to the site.*

Officer comment:

The proposed development's maximum building height will be 14.95m from finished ground level which complies with the maximum building height development standard for the site.

18. *The proposed development is bulky and inconsistent with the objectives of Appendix 1, Clause 4.3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.*

Officer comment:

The proposed development is not considered to be unreasonably bulky. The development's bulk has been reasonably broken down by the use of a number of different buildings, varied roof forms and heights, articulation such as recessed and projecting building elements and a variety of materials and finishes. The overall outcome is considered to be consistent with the relevant objective Clause 4.3 which seeks "to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale."

19. *Concerns regarding the proposed loading docks fronting Gregory Hills Drive and a visually unattractive outcome.*

Officer comment:

The original plans lodged with the DA proposed three loading docks fronting Gregory Hills Drive. The applicant has since provided amended plans which now propose one combined loading dock. This is an improvement to the presentation of the development to Gregory Hills Drive and it is noted that the loading dock as amended will be well screened by proposed landscaping. Combined with a 12m setback to Gregory Hills Drive, this design outcome is reasonable for this frontage.

20. *Loading bays are proposed to front Digitaria Drive which will use this road as a service road and diminish the value of neighbouring properties. An alternative*

streetscape presentation with appropriate architectural elements that fronts and addresses this road should be provided.

Officer comment:

Four loading bays are proposed along Digitaria Drive. However the two bays closest to Digitaria Drive will be recessed into the building and the two remaining bays will be set significantly behind the main building line and softened by planting on steel cabling. The applicant has also provided amended plans that introduce an additional colour finish and glazing the Digitaria Drive frontage. It is noted that the loading bays will also be well screened by landscaping.

The above is considered to be a reasonable design outcome for Digitaria Drive. The visual impacts of loading bays have been considered against the safety benefits of having those loading bays physically separated from light vehicular traffic inside the site.

This outcome is similar to the interface approved for a large bulky goods premises development at 2-64 Steer Road, Gregory Hills to the south of the site by the Sydney West Joint Regional Planning Panel on 18 April 2013. The photograph below shows that development's loading docks fronting the site's Central Hills Drive boundary:



21. Particular attention needs to be paid to the proposed stormwater strategy to ensure that stormwater runoff is managed effectively.

Officer comment:

Council staff have assessed the applicant's proposed stormwater management strategy and are satisfied that, subject to the attached conditions, stormwater run-off will be managed effectively.

(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.

Draft Western City District Plan (the Plan)

A draft district plan or district plan is not a mandatory matter for consideration in the determination of a DA. However it is considered to be in the public interest to consider the proposed development's consistency with the Plan given that it is publicly exhibited government planning policy.

The Plan provides productivity actions which seek to support employment and protect industrial lands for appropriate land uses.

It is considered that the proposed development is generally consistent with the Plan in that it will provide a wide range of employment generating land uses, including bulky goods premises and business premises. The majority of the proposed development's floor plate will be for these land uses which is considered appropriate for the site given its B5 Business Development zoning.

EXTERNAL REFERRALS

NSW Rural Fire Service (RFS)

The DA was referred to the RFS for approval as the proposed hotels are defined as a special bush fire protection purpose pursuant to Section 100B(6)(d) of the *Rural Fires Act 1997*. The proposed development is therefore classed as integrated development.

The RFS has raised no objection to the proposed development and has issued a bush fire safety authority containing bush fire protection related conditions. Compliance with this bush fire safety authority is a recommended condition.

Roads and Maritime Services (RMS)

The DA was referred to the RMS for comment pursuant to Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP) as pursuant to Schedule 3 of the SEPP the proposed development is classed as traffic generating development.

The RMS requested additional information including clarification on the trip generation rates used in the applicant's traffic report and additional traffic modelling. The applicant provided a response to the RMS request which was subsequently re-referred to the RMS for further comment.

Further comments were received in which the RMS requested the applicant to upgrade the Camden Valley Way/Gregory Hills Drive intersection to ensure that right turning movements from Gregory Hills Drive will be at an acceptable level of service. Council's traffic engineer has considered the above request and recommends that it not be imposed upon the applicant.

The submitted traffic modelling demonstrates that even if the proposed development were not approved, by 2036 the intersection of Camden Valley Way and Gregory

Hills Drive will operate at level of service F (due to assumed increasing development in the surrounding area). Levels of service are a standard measure of delay used to understand the operational performance of a road network and intersections with level F being the worst level. If the proposed development were approved, the submitted traffic modelling demonstrates that by 2036 this intersection will still operate at level of service F albeit with a small delay increase. The increased delay is 3.2 seconds in the AM weekday peak and 9.6 seconds in the PM weekday peak

It is evident that by 2036 the intersection will suffer from a poor level of service whether or not the proposed development is approved. The proposed development may result in only an inconsequential increased cumulative delay at the intersection which does not warrant the applicant undertaking any upgrade works. The modelled level of service at the intersection is an existing issue and not caused or significantly intensified by the proposed development.

Furthermore, as substantial parts of the proposed development are bulky goods premises and a cinema, it is anticipated that its peak traffic generation will be at weekends and not weekdays. It is also noted that Camden Valley Way will eventually undergo a further upgrade by the State government and that the intersection performance will be improved by the addition of extra traffic lanes. Upgrade works for Camden Valley Way are funded by the State government's Special Infrastructure Contribution that is levied on new development (including the subject development). Council's traffic engineer considers that, apart from the State government's future upgrade works, there are no works at the intersection that can be reasonably undertaken to improve performance without the acquisition of adjacent private property.

It is noted that Council has advocated for the further upgrade of Camden Valley Way through separate submissions to the State government.

TransGrid

The DA was referred to TransGrid for comment pursuant to Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 as parts of the northern area of the site are within/directly adjacent to an existing TransGrid electricity transmission line and easement. It is noted that the proposed development works will be located at least 126m away from the edge of the TransGrid easement.

TransGrid raised no objections to the proposed development and recommended several construction safety related conditions should any vehicles require access to the easement during construction. Imposition of TransGrid's conditions is recommended.

Endeavour Energy (Endeavour)

The DA was referred to Endeavour for comment pursuant to Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 as the site contains an existing pad mounted electrical substation.

Endeavour raised no objections to the proposed development and recommended compliance with a number of technical guidelines and requirements. A condition requiring compliance with Endeavour's technical guidelines and requirements is recommended.

Sydney Water

The DA was referred to Sydney Water for comment in accordance with Sydney Water's DA Referral Guidelines. No response was received

Standard conditions requiring Sydney Water approval prior to works commencing and prior to the issue of a subdivision certificate are recommended.

Camden Local Area Command (CLAC)

The DA was referred to the CLAC for a safer by design/CPTED analysis.

The CLAC has raised no objection to the proposed development, identified its risk rating as being a low crime risk and recommended a number of conditions related to CCTV cameras, building security, lighting, vegetation management and signage. Compliance with the majority of the CLAC's comments is a recommended condition.

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/2017/45/1 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That the Panel approve DA/2017/45/1 for a mixed use development at A and 7 Gregory Hills Drive, Gledswood Hills subject to the conditions attached to this report.