

SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-209.
Application Number:	2021/1737/1.
Local Government Area:	Camden.
Development:	Construction and use of a mixed use commercial development, lot consolidation and associated site works.
Capital Investment Value:	\$59,438,839.
Site Address(es):	6, 8, 10, 12 and 14 Holborn Circuit, Gledswood Hills.
Applicant:	Astute Constructions Pty Ltd.
Owner(s):	<ul style="list-style-type: none"> • Gregory Hills Village Centre Pty Ltd. • Gledivest Pty Ltd. • Christine Properties Pty Ltd. • Meleven Pty Ltd.
Date of Lodgement:	12 November 2021.
Number of Submissions:	Three (all objecting to the development).
Number of Unique Objections:	Three.
Classification:	Regionally significant development.
Recommendation:	Approve with conditions.
Regional Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021):	General development capital investment value >\$30 million.
List of All Relevant Section 4.15(1)(a) Matters:	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021. • State Environmental Planning Policy (Precincts - Western Parkland City) 2021. • State Environmental Planning Policy (Transport and Infrastructure) 2021. • State Environmental Planning Policy (Resilience and Hazards) 2021. • State Environmental Planning Policy (Biodiversity and Conservation) 2021. • Camden Development Control Plan 2019. • Turner Road Development Control Plan 2007.
List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> • Assessment report. • State Environmental Planning Policy (Precincts - Western Parkland City) 2021 assessment table. • Camden Development Control Plan 2019

	<p>assessment table.</p> <ul style="list-style-type: none"> • Turner Road Development Control Plan 2007 assessment table. • Applicant's written request to contravene development standards. • Recommended conditions. • Proposed plans. • Submissions.
Development Standard Contravention Request(s):	<ul style="list-style-type: none"> • State Environmental Planning Policy (Precincts - Western Parkland City) 2021. • Maximum shop area. • Maximum shop area per development. • B5 Business Development.
Summary of Key Submission Issues:	<ul style="list-style-type: none"> • Inconsistency with the applicable maximum shop area development standards, the B5 Business Development zone objectives and the Turner Road Development Control Plan 2007's vision for the Turner Road Business Development Area. • Overdevelopment of the site and related visual, overshadowing and solar access impacts. • Traffic impacts and the provision of insufficient off-street car parking spaces. • Noise impacts and disturbance upon residential properties to the north.
Report Prepared By:	Ryan Pritchard, Coordinator Statutory Planning Services.
Report Date:	28 November 2022.

Summary of Section 4.15 Matters

	Yes
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Legislative Sections Requiring Consent Authority Satisfaction

	Yes
Have relevant sections 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?	<input checked="" type="checkbox"/>

Development Standard Contraventions

	Yes	N/A
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Special Infrastructure Contributions

	Yes	No
Does the application require Special Infrastructure Contributions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Conditions

	Yes
Have draft conditions been provided to the applicant for comment?	<input checked="" type="checkbox"/>

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 commercial development at 6, 8, 10, 12 and 14 Holborn Circuit, Gledswood Hills.

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is \$59,438,839. The CIV threshold for Council to determine the DA is \$30 million pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2021/1737/1 for a mixed use commercial development pursuant to Section 4.16 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 commercial development at 6, 8, 10, 12 and 14 Holborn Circuit, Gledswood Hills.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies.

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

State Environmental Planning Policy (Planning Systems) 2021.	The Panel is the consent authority for this DA as the CIV of the development is \$59,438,839. The CIV threshold for Council to determine the DA is \$30 million.
State Environmental Planning Policy	The development is permitted with

(Precincts - Western Parkland City) 2021 (Western Parkland City SEPP).	consent in the applicable B5 Business Development zone, is consistent with the zone's objectives and acceptable in terms of the Western Parkland City SEPP's other matters for consideration.
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).	The DA was referred to Endeavour Energy and Transport for NSW for comment pursuant to the Transport and Infrastructure SEPP and the comments received have been considered.
State Environmental Planning Policy (Resilience and Hazards) 2021.	Council staff have considered the contamination investigation history and status of the site and are satisfied that it is suitable for the development.
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP).	The development is consistent with the aim of the Biodiversity and Conservation SEPP (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 50 days in accordance with Camden Community Participation Plan 2021 and Schedule 1 of the *Environmental Planning and Assessment Act 1979*. The exhibition period was from 26 November 2021 to 14 January 2022 and three submissions were received (all objecting to the development).

The key issues raised in the submissions relate to:

- inconsistency with the applicable maximum shop area development standards, the B5 Business Development zone objectives and the Turner Road Development Control Plan 2007's vision for the Turner Road Business Development Area,
- overdevelopment of the site and related visual, overshadowing and solar access impacts,
- traffic impacts and the provision of insufficient off-street car parking spaces, and
- noise impacts and disturbance upon residential properties to the north.

Following feedback from Council staff the applicant submitted amended plans and additional information. The key amendments included:

- reduction in height of Building 4 from seven storeys to six storeys, and
- replacement of a supermarket with smaller shop tenancies.

The applicant proposes contraventions to two development standards that limit the amount of shop area in the B5 Business Development zone (to 2,500m²) and the amount of shop area per development (to 500m²). The development will result in 7,787.5m² of shop area in the B5 zone and the development proposes 3,703m² of

shop area. The contraventions are assessed in detail in this report and are supported by Council staff.

The applicant proposes a variation to Section 2.18.2 of Camden Development Control Plan 2019 (Camden DCP). The Camden DCP requires that 589 off-street car parking spaces be provided for the development however only 512 spaces are proposed (a 77 space deficit). The variation is assessed in detail in this report and is supported by Council staff.

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

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
Maximum 2,500m ² shop area in the B5 Business Development zone.	7,787.5m ² shop area in the B5 Business Development zone (inclusive of 4,084.5m ² already approved by other DAs).	5,287.5m ² shop area (211.5%).
Maximum 500m ² shop area per development in the B5 Business Development zone.	3,703m ² shop area.	3,203m ² shop area (640.6%).
589 car parking spaces	512 car parking spaces	77 car parking spaces (13.1%).

AERIAL PHOTO



THE SITE

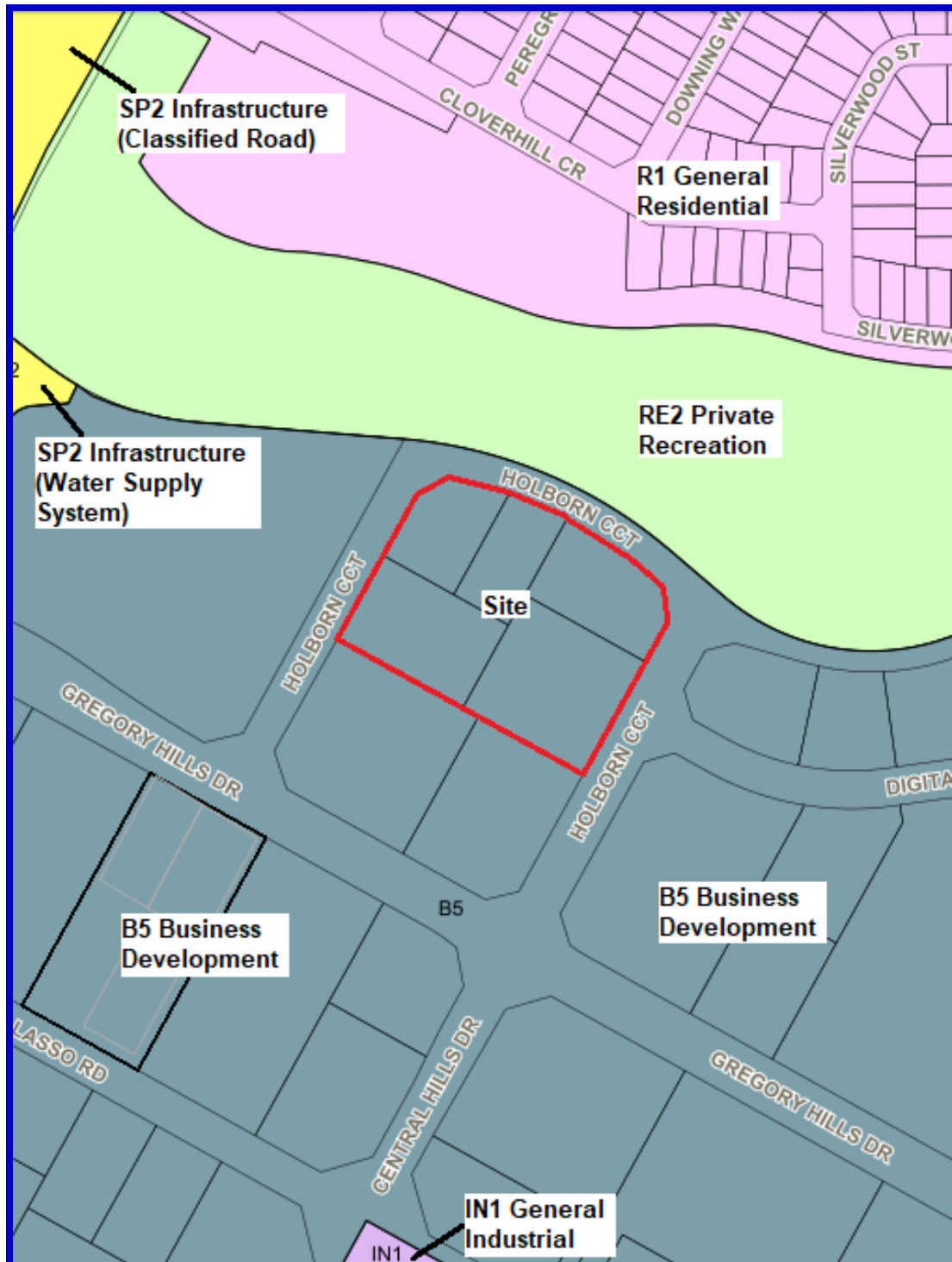
The site comprises five properties that are commonly known as 6, 8, 10, 12 and 14 Holborn Circuit, Gledswood Hills and are legally described as lots 808, 807, 806, 805 and 804, DP 1189248.

The site is rectangular in shape and has a combined frontage of 346m to Holborn Circuit along three of its sides. The site has an area of 1.62ha and crests in its middle before falling gently to either side. The site is vacant apart from two electrical substations located along its western and eastern sides and is located within the Turner Road Precinct of the South West Growth Area. Specifically, the site is located within the Precinct's employment area.

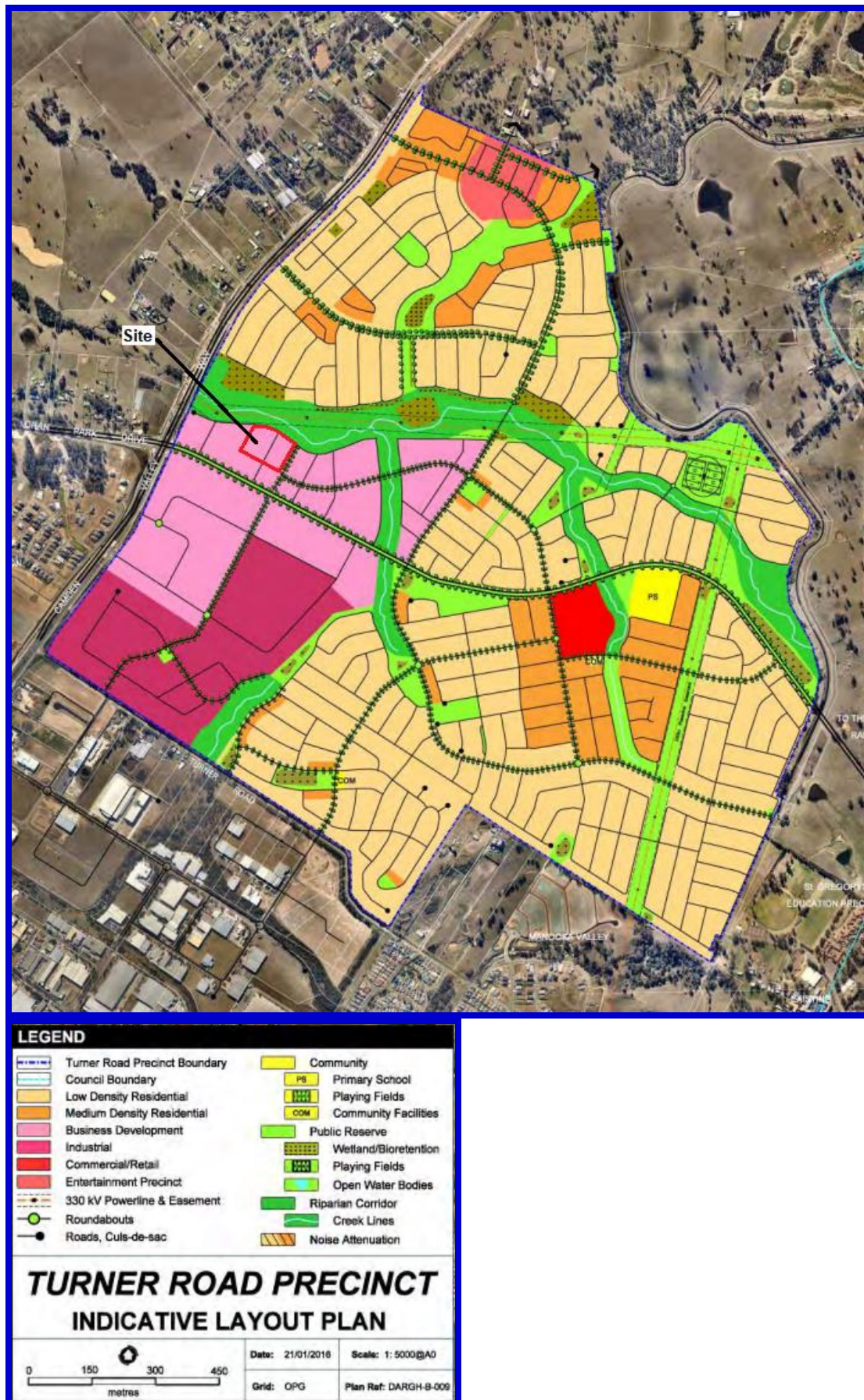
The surrounding area is characterised by a mix of public open space and business development lands. To the north lies South Creek which is a large, publicly accessible riparian corridor containing bridge crossings and extensive pedestrian and cyclist paths. Further to the north lies the low density residential part of

Gledswood Hills. To the east, south and west lie business development lands comprising a range of bulky goods premises, business premises, retail premises, medical centres, food and drink premises, centre-based child care facilities and the Gregory Hills Tavern. Much of the surrounding land has yet to be developed for similar purposes. Camden Valley Way, a divided four lane arterial road lies to the west. Gregory Hills Drive, a divided four lane sub-arterial road connection between the Camden and Campbelltown local government areas, lies to the south. The Gregory Hills neighbourhood centre is located 1.1km to the south east of the site.

ZONING PLAN



AREA MASTER PLAN



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 that also created the site.

THE PROPOSAL

DA/2021/1737/1 seeks approval for a mixed use commercial development.

Specifically, the development involves:

- construction and use of a mixed use commercial development across nine buildings that will comprise the following land uses:
 - business premises with a combined area of 11,676m²,
 - food and drink premises with a combined area of 3,861m²,
 - shops with a combined area of 3,703m², and
 - back of house areas including waste storage, toilets and servicing rooms.

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,

- the buildings will be constructed of a mix of off form, polished and patterned concrete, fibre cement cladding, metal sheeting and glazing. The buildings will range between two and six storeys high (up to 24.5m) and will be separated by several communal plazas embellished by landscaping, shade structures and seating,
- construction of a communal, landscaped 'break-out' space along the northern boundary of the site and a children's play area in the northern corner of the site,
- construction of 512 car parking spaces, 8 motorcycle spaces and 27 bicycle spaces through a combination of at grade and basement car parks,
- associated site works including the construction of earthworks, drainage, services and landscaping,
- consolidation of the site's five existing lots to create one lot, and
- installation of a pedestrian crossing on Holborn Circuit (adjacent to Building 4) that will link to existing pedestrian and cyclist paths across South Creek to the north.

PANEL BRIEFINGS

Council staff briefed the DA to the Panel on 21 February and 17 October 2022. The following discussion provides an assessment of how the issues raised by the Panel at the briefings have been addressed:

1. *The consolidation of a number of adjoining lots provides an opportunity for an integrated development across 1.62ha.*

Officer comment:

It is noted that the development will consolidate five existing lots into one lot and provide an integrated development which would otherwise be unlikely to occur across multiple smaller lots.

2. *Due to its location in the middle of a commercial zone the development is unlikely to generate substantial amenity impacts on neighbours provided that parking and traffic are suitably managed.*

Officer comment:

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse amenity impacts on neighbours. The traffic and car parking impacts of the development have been assessed and are considered to be acceptable.

3. *A relevant consideration regarding the shop development standard contravention is Action 14 of the Camden Centres and Employment Land Strategy which recommends that the development standards limiting shop area in the B5 Business Development zone be removed because they are not feasible and impede economic viability in the area.*

Officer comment:

This matter is assessed in the 'State Environmental Planning Policy (Precincts - Western Parkland City) 2021' section of this report. The proposed development standard contraventions are supported.

4. *The development's height would be in excess of anything comparable in the area. The impacts of the height would seem to be largely visual. The Panel noted an argument that the corner location was likely to be the appropriate place for additional height.*

Officer comment:

This matter is assessed in the 'likely impacts of the development...' section of this report. The development's proposed height is supported.

5. *The proposed shortfall of parking with reference to the applicable controls would need to have regard to the potential to undermine those controls and compromise their objectives.*

Officer comment:

The proposed car parking deficit has been assessed and is considered to be acceptable in the particular circumstances of this case.

ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Precincts - Western Parkland City) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Planning Systems SEPP identifies development that is State significant development, infrastructure and critical infrastructure and regionally significant development.

The Panel is the consent authority for this DA as the CIV of the development is \$59,438,839. The CIV threshold for Council to determine the DA is \$30 million pursuant to Schedule 6 of the Planning Systems SEPP.

State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP)

The Western Parkland City SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area.

Site Zoning

The site is zoned B5 Business Development pursuant to Appendix 2, Section 2.2 of the Western Parkland City SEPP.

Development Characterisation

Pursuant to Chapter 3, Section 3.9 of the Western Parkland City SEPP, the dictionary from the repealed State Environmental Planning Policy (Sydney Region

Growth Centres) 2006 (Growth SEPP) must be used to characterise the development.

The development is characterised as 'business premises', 'food and drink premises' and 'shops' by the Growth SEPP.

Permissibility

'Business premises', 'food and drink premises' and 'shops' are permitted with consent in the B5 Business Development zone pursuant to the land use table in Appendix 2 of the Western Parkland City SEPP.

Planning Controls

An assessment table in which the development is considered against the Western Parkland City SEPP's planning controls is provided as an attachment to this report.

Proposed Contravention

The applicant proposes two contraventions to the maximum shop area development standards that apply to the site. These are:

Development Standard	Proposed	Contravention
Maximum 2,500m ² shop area in the B5 Business Development zone.	7,787.5m ² shop area in the B5 Business Development zone (inclusive of 4,084.5m ² already approved by other DAs).	5,287.5m ² shop area (211.5%).
Maximum 500m ² shop area per development in the B5 Business Development zone.	3,703m ² shop area.	3,203m ² shop area (640.6%).

Contravention Assessment

Pursuant to Appendix 2, Section 4.6(3) of the Western Parkland City SEPP, the applicant has submitted a written request that seeks to justify the contraventions of the development standards. In summary, the applicant's written request provides the following justification for the contraventions:

- although the development standards have no objectives the development is consistent with their intent which is to ensure that any retail development does not adversely impact on the viability or vitality of centres. Consistency with this intent has been demonstrated through the submitted economic impact assessment (EIA),
- the development is consistent with the objectives of the B5 Business Development zone,
- the development is a direct response to the local area's growing need for additional retail space and will result in a positive retail and economic impact on the area and region,

- based on the foregoing:
 - the objectives of the development standards are achieved notwithstanding the contraventions,
 - the underlying intent of the development standards is no longer relevant to the development so compliance is unnecessary, and
 - the development standards are considered to have been abandoned by Council due to the 2017 approval of a shop with an area of 1,130.51m². This resulted in a contravention of the maximum 2,500m² of shop area in the B5 Business Development zone of 45.2%. Furthermore, the Camden Centres and Employment Lands Strategy acknowledges that maintaining the standards is untenable.

A copy of the applicant's written request is provided as an attachment to this report.

Pursuant to Appendix 2, Section 4.6(4) of the Western Parkland City SEPP, Council staff are satisfied that:

- the applicant's written request has adequately addressed the matters required to be demonstrated by Appendix 2, Section 4.6(3) of the Western Parkland City SEPP, and
- the development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out. It is noted that although the development standards do not have any objectives their core purpose is to protect the viability and vitality of centres. The development is consistent with that purpose as demonstrated by the applicant's EIA and a peer review obtained by Council staff.

The development standard contraventions are supported for the following reasons:

- the development is consistent with the objectives for development within the zone in which the development is proposed to be carried out:
 1. *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.*

The development will enable business uses through the provision of 11,676m² of business premises in a location that is close to and that will support the viability of centres.

2. *To provide for a wide range of employment generating development.*

The development will provide for a wide range of employment generating development in the form of business premises, food and drink premises and shops.

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

The development will provide a range of business, food and drink and shop land uses that will support other employment generating development in the zone.

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

The development will maintain the economic strength of centres as an EIA submitted by the applicant and a peer review obtained by Council staff demonstrate that it will not significantly impact upon centres.

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

The development will provide a range of business, food and drink and shop land uses that will complement other permissible employment generating land uses within the zone,

- the Camden Centres and Employment Lands Strategy (CCELS) notes that the development standards were established in 2007, that the area has changed significantly since then and that their application has become increasingly difficult to enforce due to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

The CCELS advises that a Council staff shop area audit indicates that the development standards are not feasible and impede economic viability in the area. The CCELS acknowledges that the maximum 2,500m² shop area in the B5 Business Development zone has already been exceeded and that many developments exceed the maximum 500m² shop area.

The development is consistent with actions 13 and 14 of the CCELS:

- *Action 13 - Protect and retain the industrial and urban services land at Smeaton Grange, Gregory Hills and Narellan.*

The majority the development will be used for business premises (11,676m² or 60.7%). The provision of business premises is a core purpose of the B5 Business Development zone and the proposal will ensure that this purpose is achieved on the site.

- *Action 14 - Remove the shop area development standards applying to the B5 Business Development zone.*

The development standard contraventions are consistent with action 14 which recommends removal of them,

- the Codes SEPP was gazetted after the Precinct was established in 2007. Part 2, Subdivision 10A of the Codes SEPP allows for business premises to be changed to shops as exempt development in many instances. Part 5A of the Codes SEPP allow for premises to either be used as, or change their use to, shops as complying development in many instances,

- the applicant has submitted an EIA in support of the development. The EIA concludes that the additional shop area will assist in addressing the area's growing retail demands and provide essential retail services for workers on the site and in the immediate area. The EIA also advises that the additional shop area will not redirect trade from surrounding centres.

Council staff engaged an independent consultant to peer review the applicant's EIA. The key conclusions of the peer review were that:

- issues were identified with the applicant's EIA however an amended EIA is not required as the peer review also undertook a separate retail analysis using a different assessment model,
- the development will not have any significant impacts upon any surrounding centres. This is based on strong anticipated population growth driving retail demand in the area,
- traditional retail floor space should not be approved unless the majority of floor space on the site will be used for bulky goods retail, urban services or business premises,
- supermarket development should not be permitted in the B5 Business Development zone,
- the development will assist in reducing car dependency in the local area by improving on foot retail accessibility for workers and residents, and
- up to 640 jobs can be created.

The development is consistent with the peer review in that the majority of it will be used for business premises. Following feedback from Council staff the applicant submitted amended plans removing the supermarket. The removal of the supermarket removes a potential anchor tenant for traditional retail tenancies that are best located in planned centres,

- it is acknowledged that the CCELS does not identify the Turner Road employment area as a retail centre. However, it is considered that the area can accommodate the development due to its lack of significant impacts upon identified retail centres and the projected retail demand in the area,
- the site is located within the Turner Road Business Development Area as identified in the Turner Road Development Control Plan 2007. This area is planned to provide a range of business development type activities, including bulky goods retail, business premises, light industry, warehouses and distribution uses and small-scale retail uses to cater for the needs of employees of the business development and industrial areas. Although the development includes a sizeable shop component in an area not identified as a retail centre, this is considered acceptable in this instance. The peer review has advised that strong anticipated population growth will drive retail demand in the area and confirmed that the development will not have any significant impacts upon centres. Furthermore, the development will provide substantial business premises area and thus fulfill one of the core purposes of the B5 Business Development zone. The underlying intent of the Turner Road Business Development Area will still be achieved notwithstanding the development standard contraventions,

- it is acknowledged that whilst the overall proposed shop area (3,703m²) is not small in scale, the area of each individual shop tenancy will not exceed 500m². This will ensure that each individual shop is small in scale which is consistent with the Turner Road Business Development Area's planned characteristics,
- the development's central location between the eastern and western edges of the Turner Road Business Development Area and its close proximity and proposed link to existing pedestrian and cyclist paths across South Creek will enhance on foot retail accessibility and reduce car dependency in the local area, and
- approval of the development will not establish an automatic precedent for large shop developments in the area because:
 - the development has been thoroughly assessed and its lack of impacts upon other centres has been established,
 - the peer review recommends the submission of EIAs and the obtaining of third party peer reviews where substantial shop area increases are proposed. This recommendation is supported and will be implemented on a case by case basis dependent upon the particulars of future developments,
 - the development will provide substantial business premises area with the shop area being only 19.2% of the total area, and
 - the development's central location between the eastern and western edges of the Turner Road Business Development Area and its close proximity and proposed link to existing pedestrian and cyclist paths across South Creek provide it with a characteristic not found in most other sites in the area.

It is noted that the Panel may assume the concurrence of the Secretary pursuant to Planning Circular PS 20-002.

Consequently it is recommended that the Panel support the proposed contraventions to the Western Parkland City SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State.

Referral to Endeavour Energy (Endeavour)

The DA was referred to Endeavour for comment pursuant to Section 2.48 of the Transport and Infrastructure SEPP as the site contains two electrical substations located along its northern and eastern sides.

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

Referral to Transport for NSW (TfNSW)

The DA was referred to TfNSW for comment pursuant to Section 2.122 of the Transport and Infrastructure SEPP as, pursuant to Schedule 3 of the Transport and Infrastructure SEPP, the development is classed as traffic generating development.

TfNSW requested additional traffic and parking demand modelling. The applicant provided a response to this request which was subsequently re-referred to TfNSW for assessment. TfNSW provided further feedback advising that as the development will be located within the local road network, Council should ensure that the surrounding road network can accommodate the development. TfNSW also recommended conditions should the development be approved. Council staff verbally confirmed with TfNSW that the agency does not object to the DA and that it is a matter for Council to determine.

The applicant has submitted traffic reports in support of the DA and Council's traffic engineer has considered these together with TfNSW's feedback. The reports indicate that the impacts on the following three key intersections in the surrounding road network will be:

Intersection of Camden Valley Way, Gregory Hills Drive and Oran Park Drive

% Traffic Increase 2026 AM Peak Hour:	+3.3%.
% Traffic Increase 2026 PM Peak Hour:	+3.5%.
% Traffic Increase 2036 AM Peak Hour:	+2.1%.
% Traffic Increase 2036 PM Peak Hour:	+2.1%.
Level of Service Change 2026 AM Peak Hour:	Decreases from E to F.
Level of Service Change 2026 PM Peak Hour:	Remains at F.
Level of Service Change 2036 AM Peak Hour:	Remains at F.
Level of Service Change 2036 PM Peak Hour:	Remains at F.

Intersection of Gregory Hills Drive, Central Hills Drive and Holborn Circuit

% Traffic Increase 2026 AM Peak Hour:	+6.4%.
% Traffic Increase 2026 PM Peak Hour:	+7.6%.
% Traffic Increase 2036 AM Peak Hour:	+5%.
% Traffic Increase 2036 PM Peak Hour:	+6.3%.
Level of Service Change 2026 AM Peak Hour:	Remains at C.
Level of Service Change 2026 PM Peak Hour:	Remains at D.
Level of Service Change 2036 AM Peak Hour:	Remains at D.
Level of Service Change 2036 PM Peak Hour:	Decreases from E to F.

Intersection of Gregory Hills Drive, The Hermitage Way and Donovan Boulevard

% Traffic Increase 2026 AM Peak Hour:	+3.1%.
% Traffic Increase 2026 PM Peak Hour:	+3.4%.
% Traffic Increase 2036 AM Peak Hour:	+3.3%.
% Traffic Increase 2036 PM Peak Hour:	+2.9%.
Level of Service Change 2026 AM Peak Hour:	Remains at D.

Level of Service Change 2026 PM Peak Hour:	Remains at D.
Level of Service Change 2036 AM Peak Hour:	Remains at C.
Level of Service Change 2036 PM Peak Hour:	Decreases from B to C.

It is evident that the development will impact upon the surrounding road network. However, it is accepted that the ultimate level of service of these intersections largely results from existing conditions and that the development will not have an unreasonable adverse impact upon them when considered in that context.

It is noted that Camden Valley Way has been designed to accommodate a future upgrade from its current two lanes in each direction to three lanes in each direction. Council has advocated for this to occur through separate submissions to the State government as it would significantly improve the operation of the intersection.

Furthermore, the applicant has modelled potential upgrades of two of these key intersections. Following assessment, it is considered that the following works should be implemented to mitigate the development's traffic impacts:

- the existing right turn bays at the intersection of Camden Valley Way, Gregory Hills Drive and Oran Park Drive should be extended in length by 40m. This will provide more storage capacity at the intersection's eastern leg and help remove vehicles waiting to turn right across Camden Valley Way from the travel lanes, and
- widening and reconfiguring Holborn Circuit north of the intersection of Gregory Hills Drive, Central Hills Drive and Holborn Circuit to accommodate two southbound right turn lanes and one southbound through lane beginning at the intersection of Holborn Circuit and Digitaria Drive. This will provide more storage capacity at the intersection's northern leg for vehicles waiting to turn right across Gregory Hills Drive.

Conditions are recommended that require these works to be completed pursuant to separate approval under the *Roads Act 1993*. The conditions recommended by TfNSW are also recommended to be imposed.

Pursuant to Section 2.122 of the Transport and Infrastructure SEPP, Council staff have assessed the accessibility of the site, including the efficiency of people and freight movement to and from it, the extent of multi-purpose trips, the potential to minimise the need for travel by car and any potential traffic safety, road congestion and parking implications of the development. The development is considered to be acceptable in terms of these matters in that:

- safe and efficient access to the site will be provided via the proposed access driveways,
- the development's mixed-use nature and location within a mixed use area will support multi-purpose trips,
- pedestrian linkages through the development and to the existing path network in the surrounding roads and across South Creek will help facilitate pedestrian movement,

- subject to the recommended conditions, the development's scale and design will not result in any unreasonable adverse traffic safety or road congestion issues, and
- the proposed off-street car parking provision is acceptable having regard to the development's mixed-use nature and that it is highly likely that many of the vehicle trips it will generate will be multi-purpose.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

The Resilience and Hazards SEPP provides a Statewide planning approach to the remediation of contaminated land.

Section 4.6 of the Resilience and Hazards SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

The site was previously subject to a contamination investigation as part of its previous subdivision by DA/2012/277/1 in 2012. Council staff note that the site has remained vacant since that time and that there is no evidence of any material dumping or other areas of environmental concern. Council staff are therefore satisfied that the site is suitable for the development.

A standard contingency condition is recommended that requires any contamination found during works to be managed with development consent obtained for remediation if required.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The Biodiversity and Conservation SEPP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is consistent with the aim of the Biodiversity and Conservation SEPP and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the development. Appropriate erosion, sediment and water pollution control measures have been proposed as part of the development.

(a)(ii) the provisions of any proposed 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

Draft Remediation of Land State Environmental Planning Policy (Draft Remediation of Land SEPP)

The development is consistent with the Draft Remediation of Land SEPP in that it is consistent with the Resilience and Hazards SEPP.

(a)(iii) the provisions of any development control plan

The development control plans that apply to the development are:

- Camden Development Control Plan 2019.
- Turner Road Development Control Plan 2007.

Camden Development Control Plan 2019 (Camden DCP)

Planning Controls

An assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report.

Proposed Variation

The applicant proposes a variation to Section 2.18.2 of the Camden DCP regarding off-street car parking provision.

The Camden DCP car parking rates for the development are:

Business Premises

- Car parking spaces = $11,676\text{m}^2 / 40 = 291.9$.
- Motorcycle parking spaces = $242 / 50 = 4.8$.
- Bicycle parking spaces = $267 / 25 = 10.7$.

Food and Drink Premises

- Car parking spaces = $3,861\text{m}^2 / 30 = 128.7$.

Shops

- Car parking spaces = $3,703\text{m}^2 / 22 = 168.3$.
- Motorcycle parking spaces = $119 / 50 = 2.4$.
- Bicycle parking spaces = $144 / 25 = 5.8$.

Total Required

- Car parking spaces = 588.9 (589).
- Motorcycle parking spaces = 7.2 (8).

- Bicycle parking spaces = 16.5 (17).

Total Proposed

- Car parking spaces = 512.
- Motorcycle parking spaces = 8.
- Bicycle parking spaces = 27.

Therefore, a car parking deficit of 77 spaces (13.1%) is proposed. The applicant has submitted a detailed parking submission in support of the DA.

Variation Assessment

Council's traffic engineer has assessed the applicant's parking submission. It is recommended that reduced parking for the development be supported for the following reasons:

- given the range of land uses that exist in the area and that are proposed for the development, 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 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 development 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,
- it is accepted that the different land uses' parking demands will likely peak at different times and therefore all of the parking spaces that each use would individually require are unlikely to be required at the same time,
- the Panel has accepted the application of this rationale to other mixed use developments in the surrounding area including:
 - DA/2015/1326/1 for a mixed use commercial development at 7 Gregory Hills Drive opposite the subject site to the south east (a 16.2% car parking space variation),
 - DA/2017/45/1 for a mixed use commercial development at 6 Digitaria Drive to the south east (a 16.7% car parking space variation), and
 - DA/2022/371/1 for a mixed use commercial development at 28-36 Lasso Road to the south (an 8.2% car parking space variation),
- the development requires only 17 bicycle parking spaces but will provide 27 spaces. The surplus of 10 spaces will provide additional sustainable transport options and help offset the car parking space deficit.

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

Turner Road Development Control Plan 2007 (Turner Road DCP)

An assessment table in which the development is considered against the Turner Road DCP is provided as an attachment to this report.

(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

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

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2000* 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 in the locality

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

Visual Impacts

It is considered that the development will positively contribute to the character of the area. The development will be well articulated as it will incorporate a range of building setbacks, heights, materials and finishes and will provide a high degree of visual interest to the area.

The site is not subject to a maximum building height development standard however buildings in the area typically reach a maximum height of 15m, allowing for up to four commercial storeys. The development's Building 4 will be six storeys high however this is supported because:

- building 4 will be located adjacent to the corner of Holborn Circuit East and North where a pedestrian crossing is proposed to link the development to existing pedestrian and cyclist paths across South Creek to the north. The additional building height here is justified as it will visually mark this corner out as a 'gateway' to the site and area which will assist with wayfinding,
- most of the development will be two to three storeys high and providing a taller building element will ensure greater modulation, articulation and visual interest than if the development had a consistent height of 15m,
- the applicant has submitted a visual impact analysis in support of the DA which demonstrates that the development will not have an unreasonable adverse impact upon the surrounding area, and
- conditions are recommended that require the provision of replacement street tree landscaping that will ensure a suitable degree of softening for Building 4.

All other likely impacts have been assessed in other sections of this report.

(c) *the suitability of the site for the development*

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

(d) *any submissions made in accordance with this Act or the regulations*

The DA was publicly exhibited for a period of 50 days in accordance with Camden Community Participation Plan 2021 and Schedule 1 of the *Environmental Planning and Assessment Act 1979*. The exhibition period was from 26 November 2021 to 14 January 2022 and three submissions were received (all objecting to the development).

The following discussion addresses the issues raised in the submissions.

1. *Inconsistency with the maximum shop area development standards that apply to the site.*

Officer comment:

The proposed development standard contraventions are supported. The rationale for this is detailed in the 'State Environmental Planning Policy (Precincts - Western Parkland City) 2021' section of this report.

2. *Inconsistency with the objectives of the B5 Business Development zone.*

Officer comment:

The development is considered to be consistent with the B5 Business Development zone objectives as detailed in the 'State Environmental Planning Policy (Precincts - Western Parkland City) 2021' section of this report.

3. *Inconsistency with the Turner Road DCP's vision for the Turner Road Employment Area's Business Development Lands and the Gregory Hills Neighbourhood Centre.*

Officer comment:

The development is considered to be consistent with the Turner Road DCP's vision for the business development lands as detailed in the 'State Environmental Planning Policy (Precincts - Western Parkland City) 2021' section of this report.

4. *Negative impacts upon the hierarchy of centres in the Camden local government area and the Western City District and the setting of an undesirable precedent.*

Officer comment:

As detailed in the 'State Environmental Planning Policy (Precincts - Western Parkland City) 2021' section of this report, the development will not have a significant impact upon centres and will contribute towards meeting projected retail demand. The development will not set an undesirable precedent for the reasons described in that section of this report.

5. *An over-supply of retail floor space within the area which is excessive for an important employment and urban services area that should be protected and retained.*

Officer comment:

The development will provide a mix of land uses with shops being the smallest component at only 19.2% of the total area. The majority of the development will be business premises at 60.7% of the total area. The proposed shop area is supported as detailed in the 'State Environmental Planning Policy (Precincts - Western Parkland City) 2021' section of this report.

6. *Overdevelopment of the site and consequential built form impacts including visual impacts, overshadowing and loss of solar access and daylight.*

Officer comment:

The development's scale, built form and visual impacts are supported as detailed in the 'likely impacts of the development...' section of this report.

The development will self-overshadow itself to various degrees throughout the year with the greatest impacts being in mid-winter. However, at other times of the year the development will achieve a reasonable degree of solar access to its communal plazas. It is noted that the development is commercial in nature and that it is not subject to any solar access planning controls.

The applicant has submitted shadow diagrams in support of the DA which demonstrate that it will not unreasonably impact solar access to an existing centre-based child care facility to the east or the surrounding area generally. It is also considered that the child care facility will continue to enjoy adequate natural daylight access given the development's lack of significant overshadowing, its separation by a 25m wide public road reserve and that most of the facility's activity rooms face north and south, i.e. away from the development.

7. *The extensive basement car park limits the opportunity for deep soil planting and should be amended.*

Officer comment:

The development is not subject to any deep soil zone planning controls. Notwithstanding, the development is consistent with the building setbacks required by the Turner Road DCP, including 3m along Holborn Circuit West and North and 0m along Holborn Circuit East. The development must also provide reasonable access driveways and pedestrian paths. In this context opportunities for extensive deep soil landscaping are limited. Notwithstanding, 967.7m² or 6% of the site area will be provided as deep soil zones with a substantial consolidated zone provided in the communal 'break-out' space along the northern boundary of the site. This is considered to be reasonable, noting also that conditions are recommended that require the provision of replacement, larger street tree landscaping.

8. *Provision of insufficient off-street car parking spaces.*

Officer comment:

The proposed car parking space deficit is supported as detailed in the 'Camden Development Control Plan 2019' section of this report.

9. *Traffic impacts.*

Officer comment:

Subject to the recommended conditions which require road upgrade works, it is not considered that the development will have any unreasonable adverse traffic impacts as detailed in the 'State Environmental Planning Policy (Transport and Infrastructure) 2021' section of this report.

10. *Noise impacts and disturbance upon existing low density residential properties to the north across South Creek.*

Officer comment:

The applicant has submitted an acoustic report in support of the DA. Council staff have assessed the report and are satisfied that, subject to the recommended conditions, the development can comply with the Turner Road DCP and Council's Environmental Noise Policy. These conditions include prohibitions on the making of offensive noise and limiting the development's hours of operation to 7am-10pm Monday to Saturday and 8am-10pm on Sundays and public holidays. It is not anticipated that the development will result in any unreasonable adverse noise impacts upon residential properties to the north across South Creek.

11. *Lack of information regarding staging and the assessment of construction impacts.*

Officer comment:

The development is not proposed to be staged. Standard conditions are recommended that require the preparation of construction, noise, environmental and traffic management plans prior to works commencing.

(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 assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

The external referrals undertaken for this DA are summarised in the following table:

Transport for NSW.	No objection and conditions recommended.
Endeavour Energy.	No objection and conditions recommended.

Sydney Water.	No objection and conditions recommended.
Camden Police Area Command.	No objection and conditions recommended.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That the Panel approve DA/2021/1737/1 for the construction of a mixed use commercial development at 6, 8, 10, 12 and 14 Holborn Circuit, Gledswood Hills subject to the conditions attached to this report.