

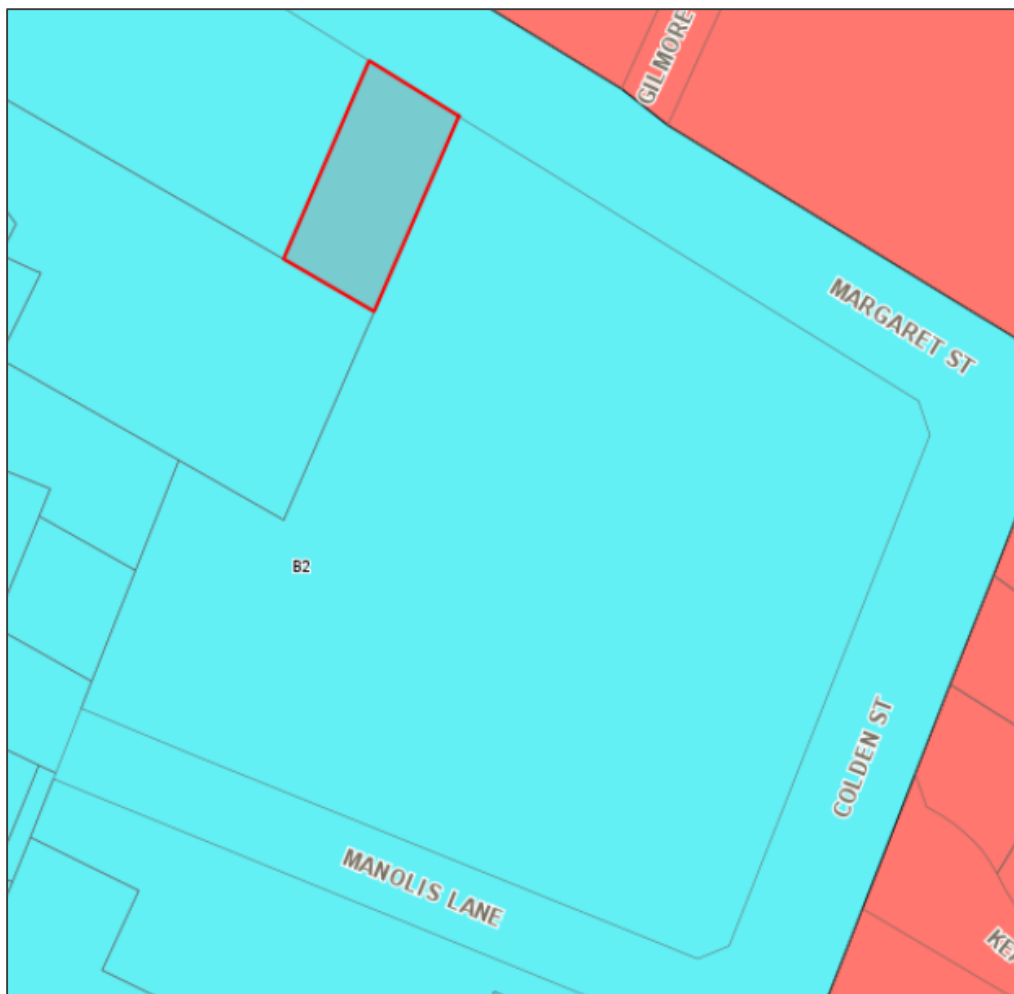
**GR4 – Development Application No. 010.2017.00000043.001 – 7-9 Margaret Street, Picton**

**GR4**

**Development Application No. 010.2017.00000043.001 – Construct Retail Building, Basement Car Park & Demolish Old Fire Station Building – 7-9 Margaret Street, Picton**

278264

010.2017.00000043.001



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**LOCATION & ZONING MAP**



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**DEVELOPMENT INFORMATION**

<b>Development Application No:</b>	010.2017.00000043.001
<b>Property Details:</b>	7 & 9 Margaret Street PICTON
<b>Applicant:</b>	John Corbett
<b>Owner:</b>	John Corbett
<b>Proposal Details:</b>	Construct retail building, basement Car park & Demolish Old Fire Station Building
<b>Zone:</b>	Wollondilly Local Environmental Plan 2011 - B2 Local Centre

**EXECUTIVE SUMMARY**

- The purpose of this report is to assess the development for a new commercial building and associated basement car park.
- It has been requested that the application be determined by Council.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that the application be refused, due to its poor design and non compliance with Council's LEP and DCP requirements for commercial buildings.

**REPORT**

**BACKGROUND**

The application was lodged with Council on the 2 February 2017.

The applicant was requested to provide additional information addressing Council's controls and a number of State Government Planning Policies.

On 2 March 2017 the applicant replied with the information in which the preliminary assessment continued.

On 4 April 2017 Council received comments back from the Heritage Advisor.

On the 7 June 2017 the applicant was requested to provide the following additional information as a result of referral comments from internal sections of Council.

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1. *A loading zone is not proposed for the new development. The proposed use of the existing Picton Mall car park for small deliveries and the existing loading dock located on Colden Street at the rear of Picton Mall for larger deliveries is not accepted. Provide an accessible loading zone on the site, ensuring that the loading/bay zone be designed in accordance with council's design specifications.*
2. *An amended Traffic Impact Assessment to include pedestrian access to and from the site to Picton Mall. Assessment should consider likely desire lines of pedestrians between the two developments and recommend appropriate pedestrian facilities and safety measures.*

*REASON: The hours of operation of the Picton Mall car park are extended past the usual business hours due to the current land use. The lack of convenient delivery practices during normal business hours.*

*In addition the Colden Street loading zone is considered too disconnected and not located conveniently to the development to be of practical use. Access routes from the loading dock to the development are via public footpaths and through the busy car park or through the shopping centre which may cause public safety issues.*

3. *The primary access for pedestrians has been nominated as through the Picton Mall car park, please provide details on security of access to the development (if one development is sold off) either appropriate access easement or consolidation of the two lots to create one lot under one ownership to be considered.*
4. *Please amend the Concept basement Floor Plan to show appropriate sight distance of 2.5 metres from exit point to the footpath (i.e. a 2.5m splay). In addition parking space 16 and the entry point to the basement has a possible conflict, please provide adequate measures to ensure appropriate sight distance into the car park areas for vehicles entering the car park or provide adequate vehicle controls to ensure low speed approaches down the access ramp.*
5. *Amended plans showing a possible garbage collection point in Margaret Street for the proposed standard Council garbage services. This information is required to assess the possible impact of storage and collection of bins of the use of the public footpath and road network.*

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6. *The current adopted 1% AEP flood level is 158.0 and the proposed lower ground floor is set at 158.5m AHD. Please note that the draft 1% AEP floor level is significantly higher at 158.6m AHD with a potential future flood planning level of 159.5 AHD factoring climate change. This will impact upon the basement tenancy and the DCP2016 requires an economic analysis to justify the proposed floor level if the future Flood Planning Level was in place. Please acknowledge the possible flood risk impact of these levels to the satisfaction of council.*
7. *A BCA Compliance report is required to be submitted. Specific items that need to be addressed are:*
  - *Car parking ventilation*
  - *Location of building in relation to the boundary.*
8. *Amend plans to provide a fire isolated staircase. Please ensure that the fire stair case has suitable access to the public domain (Note: the car park of the Mall is private property).*
9. *A drainage plan is required to be submitted.*
10. *The disabled access ramp while it does generally comply; this proposal does not provide a suitable access for disability access to the shops. It is recommended this be addressed with the other amendments.*
11. *In addition to the above mention information for this application, to move forward all non-compliances with the Development Control Plan will be required to be addressed within an amended Statement of Environmental Effects. Current non-compliance has been noted, however due to the changes required these issues may be resolved.*
12. *Provide pedestrian accessible doors on the front elevation to the first level shops instead of inaccessible windows.*
13. *The proposed elevations architectural features which match Picton Mall are not accepted. Please provide details with features in accordance with the DCP2016 and the heritage conservation area. Examples of this include brick base walls to 900mm in height, brick columns with rendered walls between to provide articulation.*
14. *Landscaping planting on Margaret Street recommended to be deep soil planting to support tree architectural scale. All landscaping to be detailed on a Landscaping plan.*

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15. *Due to the proposal's site coverage all colours are recommended to be recessive walls, roofs that complement themes of the conservation area. Examples include cove for walls, Gully for wall panels, Gully for external framing and galvanising for awning roofs.*
16. *If wall panels are used to articulate the walls, the panels must contain sufficient depth and colour variation to visually read as panels (minimum depth to be 200mm if they are to properly read as panels, not just superficial wall paintings).*

Comment:

Multiple variations to the DCP are proposed and there is a lot of information that remains outstanding. The design is not of a suitable standard.

The applicant has addressed some of the information requests (dated 7 June 2017, 6 July 2017 and 21 July 2017) however a number of matters remain outstanding and the applicant has refused to provide any further information.

**Notification**

The application was notified for a period of 15 days from 16 March 2017, in which no submissions were received.

**1.1 DESCRIPTION OF SITE AND SURROUNDING AREA**



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The subject site is described as Lot 1 DP 212204 and Lot 101 DP 1068508, 7 and 9 Margaret Street, Picton.

No. 9 Margaret Street is the site of the existing Picton Mall, due to the design of the proposal the new retail building will partly spill over into Picton Malls Northern open Car park.

The Site is zoned B2 Local Centre with the adjoining being zoned the same.

**1.2 DESCRIPTION OF DEVELOPMENT**

The proposal is the demolition of the Old Fire Station Building and the Construction of a Retail Building with a Basement Car park.

**CONSULTATION**

1. Development Engineer - Supported Subject to conditions (if all the variations are supported)
2. Building Surveyor - Does not support the proposal
3. Design Engineer - Supported subject to conditions
4. Heritage Adviser - Does not support the proposal
5. No external agency referrals were required

**1.3 SECTION 79C ASSESSMENT**

**1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS**

**State Environmental Planning Policy No - 55 - Remediation of Land**

The site has been inspected and a review of the property file associated with this site has not identified any hazardous issues. In addition the current use of the site is for existing commercial uses.

**Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River**

The proposal will not create any issues around the total catchment management of the area or affect any environmentally sensitive areas. In addition it is not anticipated that the water quality that leaves the site will be altered, however the quantity is expected to increase with any overflow from the proposed water tank.

**Wollondilly Local Environmental Plan, 2011**

The proposal is located within a B2 Local Centre, as such commercial premises are permitted with consent.

**1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

No draft Environmental Planning Instruments are applicable to the site.

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**1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS**

<b>Volume 1 – General</b>		
Relevant Provisions		Comment
Part 1 - Preliminary		
1.2 Objectives of the Plan		
1	To assist in the realisation of the aims of Wollondilly Local Environmental Plan, 2011.	The proposal generally complies with the majority of the objectives of the DCP.
2	The specific controls and volumes of this plan each have objectives as detailed throughout this plan.	
1.4	Application of the volumes of this plan If there is an inconsistency between the volumes of this plan then the earlier volume shall prevail over the later volume. For example, if there is an inconsistency between Volumes 2 and 5, Volume 2 would prevail because it is found earlier in this plan.	
Part 2 - General considerations for all development		
2.1 Objectives		
1	To ensure that developments are undertaken with due regard to human safety.	
2	To ensure that developments do not unreasonably impact on their surrounds.	
3	To ensure that developments achieve a satisfactory level of social equity.	
2.2 Controls		
1	The consent authority shall consider the following safety and human health risks in assessing a development application under this volume:	
a)	Road and traffic hazards;	Road and traffic issues have been managed with conditions of consent if approved. The proposal will result in a delivery area in front of the building on Margaret street.
b)	Bushfire threat;	Not applicable

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<b>Relevant Provisions</b>		<b>Comment</b>
c)	Flood risk;	The proposal has been reviewed by the flood engineer, the proposal will comply with conditions of consent if recommended for approval.
d)	Noise, vibration, pollution, odour, radiation or waste from surrounding land uses;	Not applicable
e)	Exposure to electricity transmission systems;	Not applicable
f)	Exposure to radiation from telecommunications infrastructure;	Not applicable
g)	Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex services premises;	Not applicable
h)	Hazards from vehicles within car parking areas; and	Not applicable
i)	Hazard from potential contamination of the land.	Not applicable
<b>Part 3 - Variation</b>		
There may be situations where the strict application of the controls in this plan is inappropriate. In such cases Council may vary the controls in the plan. The controls in this part apply where a development application proposes to vary a control in this plan.		
<b>3.1 Controls</b>		
1.	In cases where a variation to a control in this plan is sought, the applicant (or person acting on behalf of the applicant) must include in the development application a written request for Council to consider a variation to that control. The written request to vary a control in this plan must: Identify the control being varied Outline the non-compliance with the relevant control Include reasons and justification for the non-compliance Outline why compliance with the control is unreasonable or	Variations are required for this proposal. Please see further in this report for more detail.

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	unnecessary in the case of their development
2.	Council must be satisfied that the variation meets at least one of the following principles before issuing consent for the development:
a)	The objectives of the standard are achieved not withstanding non-compliance with the standard;
b)	The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
c)	The underlying object or purpose of the control would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
d)	The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary or unreasonable;
e)	The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary.
<b>Part 4 – Community Engagement</b>	
The purpose of this part is to ensure that members of the public potentially affected by a proposed development have input into the assessment process before a final decision is made on a development application. It outlines Council's notification and advertising procedure for development applications.	
<b>4.2 Requirements for notification</b>	

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Part 6 - Heritage (Specific Locations)	
6.1 Objectives	
a)	To provide specific guidance and controls for development of key conservation areas in Wollondilly.
6.2 Application (refer to DCP for further details of controls)	
	These controls apply in addition to the controls contained in Part 6 of this volume. Where there is an inconsistency between Parts 5 and 6 of this volume Part 6 shall prevail to the extent of the inconsistency.
	Council's Heritage advisor does not support the development application on architectural grounds, as the existing fire station building is a contributory item within a Heritage Conservation Area.
6.4 Heritage Conservation Area – Picton (refer to DCP for further details of controls & specific precinct areas)	
	<p>The proposal is located within the heritage conservation area. As such the proposal has been referred to the Heritage Advisor. Comments have been received and the recommendation is the proposal is not a good development in relation to the heritage conservation area. The landscaping proposed to the south and west of the site is narrow and the other proposed landscaping is either located on the existing site of the Picton mall or location within the council road reserve.</p> <p><i>The proposal has a design which is reflective of the Picton Mall which is a "negative impact on the conservation area". (Picton Mall is not located within the heritage conservation zone)</i></p> <p><i>A redesign is recommended.</i></p>
Part 8 – Flooding	
8.1 Objectives	
	To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public

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	losses resulting from floods, utilising ecologically positive methods wherever possible.
<b>8.2 Controls (refer to DCP for further details of controls)</b>	
There are a number of areas in Wollondilly Shire which are subject to inundation by flooding or overland stormwater flows. If Council has any doubts as to whether an area is flood prone or subject to stormwater inundation it will require a report as to the extent of flooding from a suitably qualified Engineer or Surveyor. Controls for flood affected land are identified in Table C and applied based on the combination of land use category (refer to Table A) and flood risk precinct for the site (refer table B or further information may be available from Council via an application for flood information).  Table C and the associated Key provides development controls which apply to flood affected land including overland flow flooding unless a Current Floodplain Risk Management Plan provides site specific controls.	The proposal has been referred to the Flood Engineer, it is considered to be out of the 1 in 100 year flood, (however it is within the Probable Maximum Flood) no conditions and no concerns.
<b>Part 11 – Landscaping</b>	
<b>11.1 Objectives</b>	
1.	To encourage the planting of endemic species in landscaping.
2.	To reduce the impact of landscaping on the environment, infrastructure and human safety.
3.	To create a landscape character that is defined by native vegetation and not introduced species.
<b>11.2 Recommended Species (refer to DCP for further details of controls)</b>	
<b>11.3 Banned Species</b>	
The following species are not to be used in landscaping within Wollondilly: Conifers, Species specified in Clause 10.3(1)(a) of this volume,	The Heritage adviser has recommended a full landscape plan to be provided by a Qualified landscape Architect.

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	Species identified as Noxious Weeds under the Noxious Weeds Act, Species identified as a weed under any adopted policy of Council.	
<b>11.4 Street Trees</b>		
	Street tree planting must comply with the Council's Tree Risk Management Plan.	
<b>Part 12 – Signage</b>		
<b>12.1 Objectives</b>		
1.	To provide controls for the implementation of the Advertising structures in commercial or industrial zones section of Schedule 2 of Wollondilly Local Environmental Plan, 2011.	
2.	To ensure signage that is exempt development does not have adverse impacts on traffic safety and pedestrian amenity.	
3.	To ensure signage that is carried out as exempt development does not significantly detract from the amenity of the commercial and industrial built environments.	
<b>12.2 Signage as exempt development</b>		
1.	To be an exempt advertising structures under Schedule 2 of Wollondilly Local Environmental Plan, 2011, the structure must:	The proposed signage has been reviewed under the State Environmental Planning Policy 64. The intended location of illuminated signage is ad-hoc.
a)	Not be located within a road reserve; and	
b)	Be a fixed sign; and	
c)	In the case of a sign attached to a building have no part of the sign higher than the part of the building on which it is attached; and	
d)	Not be located within 100m of a heritage item or a heritage conservation area	
e)	No be located within 100m of a classified road; and	
f)	Be designed and installed in accordance with the requirements of a professional engineer; and	
g)	Not be used for the promotion or advertising of any product or business other than a business	

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	operation from the site on which the structure is located; and	
h)	Not be used for the promotion or advertising of any sex services premises, brothel or restricted premises; and	
i)	Must not be illuminated; and	
j)	Be the one and only advertising structure on the lot constructed as exempt development under this schedule.	

<b>Volume 5 – Commercial and Community Uses</b>		
Relevant Provisions		Comment
<b>PART 1 – PRELIMINARY</b>		
<b>1.2 Objectives</b>		
The object of this volume is to ensure commercial and community development achieves the aims of Wollondilly Local Environmental Plan, 2011 by promoting economic activity and local job creation while ensuring developments achieve excellent planning outcomes.		
<b>1.3 Parts of this volume</b>		
The requirements contained within Part 2 apply to all development types to which this volume applies. Part 3 applies to specific land uses: Part 4 applies to specific locations:		
<b>Part 2 – General Requirements for all Commercial and Community Uses</b>		
<b>2.1 Sustainability</b>		
<b>Objectives</b>		
To ensure the application of Ecologically Sustainable Development (ESD) principles at all stages of development including demolition, construction and ongoing use over time.		
<b>Controls</b>		
1	Timber sourced from old growth forests may not be used in development subject to this volume.	Noted, no timber is proposed for the structure of the proposal.
2	Impacts to groundwater must be minimised by:	No impacts have been identified in relation to ground water.
a)	Ensuring no contaminated runoff enters the groundwater system; and	
b)	Retaining and protecting significant stands of native vegetation; and	

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c)	Minimising cut and fill; and	
d)	Maximising landscaped areas that are deep soil and are hydraulically connected to the natural soil and groundwater system.	
3	All development resulting in more than 200 square metres of new GFA must provide rainwater collection tank(s) to collect rainfall and runoff from roof areas. The minimum volume of the tank(s) shall be 1,000 litres per 100m <sup>2</sup> (rounded down to the nearest 100m <sup>2</sup> ) of new GFA. Such tank(s) must have their overflows connected to a point for suitable integration with the natural or constructed stormwater drainage system.	A water tank has been provided in the waste room (5000L), the total retail floor area is 574.55sqm, complies.
4	Water from rainwater collection tank(s) must be used for at least one of the following:	
a)	Irrigation and maintenance of landscaped areas;	
b)	Cleaning and maintenance of built development;	
c)	Toilet flushing;	
d)	Laundry purposes; or	
e)	Car washing.	
5	All plumbing fittings connected to potable water supply must be Triple A or higher rated devices.	
6	Connection to recycled water is required if serviced by a dual reticulation system. Such water shall be used for all of the purposes listed above at control 4. The requirement to provide water tank(s) does not apply if the development is connected to a recycled water system.	Condition of consent is recommended if approved.
7	Commercial developments where the capital investment value are more than \$500,000 and that result in more than 100m <sup>2</sup> of new GFA must install a photovoltaic system to complement consumption of electricity from the grid	The proposal is required to provide 25kW.

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	system. The capacity of the system must be no less than 5kW per 100m <sup>2</sup> of new GFA. Details of the system shall be provided to the consent authority prior to the granting of any development consent	
<b>2.2 Setbacks</b>		
<b>Objectives</b>		
1.	To achieve safe, attractive, equitable and functional buildings.	
2.	To enhance and protect the public space adjacent to commercial premises.	
3.	To preserve the broader rural village character of the towns and their centres.	
<b>Controls</b>		
1.	Buildings on sites adjoining public open space must not cast a shadow onto more than one third of that open space between the hours of 10am and 2pm during the winter solstice (measured at ground level).	The site does not adjoin any open public space, not applicable.
2.	Colourbond materials shall not be used in the external construction of buildings within the Business (B) Zones unless they account for less than 25% of each front elevation.	No Colourbond materials are proposed, complies,
3.	External materials used for newly constructed or extended commercial buildings within the business (B) zones shall be consistent with the materials used in adjoining commercial development or shall have a superior quality external finish.	The proposal has reflected the materials and design of the Picton Mall. This design and colour choice is not an accepted aspect in relation to the heritage conservation zone.
4.	Shipping containers shall not be used for storage within developments for commercial or community purposes.	Not applicable
5.	Building designs must ensure that main entry and exit points are readily identifiable to intending patrons.	The proposal does not allow a clear access to be achieved from the street, however access from Picton Mall is clear.
6.	All building facades visible from a public place must be designed to reduce bulk and enhance the appearance of the	The proposal incorporates unnecessary parapet walls which conceive visually an undesirable bulk and

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	building using appropriate architectural features, articulation and finishes.	scale, not appropriate for the immediate street scape.
7.	Commercial developments must have active frontages for the majority of the total frontage of the development to public spaces including roads and reserves. An active frontage must have a minimum of 75% glazing area which must be transparent.	The proposal will achieve a glazing area facing onto Margaret street of 45%, this does not comply with the minimum requirements of 75%.  This design approach reduces an activated street frontage.
8.	All facades must be designed in accordance with the Crime Prevention through Environmental Design (CPTED) Guidelines including allowance for casual surveillance of streets and other public places.	The proposal will achieve an active frontage through the elevation, which faces onto Picton Mall.
9.	There must be a universally accessible and continuous path of travel to connect the public footpath to all car parking areas and the main public entry and exit point of a building.	The path of travel from the parking area to the retail shops is not considered appropriate. This proposed path of travel separates the stair access and the disability access to separate sides of the site and creates a hazardous environment for the disability access ramp.
10.	Other uses within a basement car parking area (like switch rooms and waste storage areas) must be physically separated from vehicle and pedestrian movement.	The switch room and waste storage area are separated with walls, complies.
11.	The applicant for any proposal for mixed use development shall demonstrate, to the satisfaction of the Consent Authority, that the development provides adequate amenity to any proposed and/or existing residential use.	Noted
12.	Building services, fittings and utilities (including, without limitation,	The proposed design integrates all fittings and

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	downpipes, conduits and vents and air conditioning units and components) must be integrated with the features of any facade fronting public open space or a public street.	utilities into the design of the proposal, complies.
13.	Building lights shall illuminate buildings and signs from the top-down rather than the bottom-up to reduce light spill into the night sky.	No specific signs have been proposed as part of this application.
14.	Lift towers and overruns, satellite dishes, motor rooms and service plants, air conditioning units, antennae, telecommunications devices, vent pipes and the like must not be visible from any publically accessible place.	Not applicable
15.	Security shutters and roller doors on primary facades to a public street are not permitted unless they are open form or transparent. Security devices must be integrated within the design of the shop front structure.	No security shutters have been proposed.
16.	The design and siting of Automatic teller machines (ATM's) must allow for queuing of users without obstructing the free movement of pedestrians and others within the public footpath and must be structurally protected to prevent ram-raid opportunities.	No automatic tellers are proposed.
17.	Commercial and community buildings constructed within a rural or residential zone must be designed to complement the character of the established built form of the locality. Building and infrastructure that contrast with the established built forms in the locality shall not be used in any rural or residential zone.	Noted
18.	Commercial and community building developments that will result in a floor area greater than 400m <sup>2</sup> shall provide amenities for the changing of infants and shall accommodate for both male and female parents/guardians undertaking this activity.	No toilets or changing facilities have been indicated on this proposal. A condition of consent shall require facilities to be required in accordance with the BCA if approved.

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2.4 Open space		
Objectives		
1.	To provide a variety of open spaces integrated with, and enhancing, the design and function of buildings such as verandahs, courtyards, balconies and roof top gardens,	
Controls		
1.	Communal Open Space must be provided for developments exceeding the thresholds tabulated below at the rate provided in the table: (See DCP for further details)	The proposal is a retail space which has less than 900 square metres, no open space is required.
2.	Communal open space for residential development on the same or adjoining land cannot be counted towards open space required by this clause. Public open space on land immediately adjoining the commercial development site may be considered as an offset to the provision of Communal Open Space within a development site providing it is suitably embellished.	
3.	Communal Open space shall not be narrower than 3 metres in each and every direction.	
4.	Communal Open space must be located and designed to be compatible with any nearby residential uses. There must be no direct line of sight to residential private open spaces and windows.	
5.	Communal open space must be suitably embellished for outdoor eating and must be provided with waste management facilities.	
6.	Communal open space must be sited and designed to achieve a minimum of 3 hours of solar access (measured at ground level) to at least 50% of its area between the hours of 9:00am and 3:00pm on the winter solstice.	
2.5 Outdoor eating and seating		
Objectives		
1.	To encourage aesthetically attractive, comfortable, convenient and safe	Noted

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	outdoor furniture for seating and eating areas ancillary to nearby premises or for general public use,	
<b>Controls</b>		
1.	A minimum 1.8 metres wide linear, unobstructed pedestrian movement pathway must be maintained through the public footpath at all times.	No outdoor seating is proposed.
2.	Outdoor seating and eating areas operating outside daylight hours must be provided with lighting to the relevant Australian Standard.	
3.	Portable heating devices that are gas powered must be fitted with safety devices that automatically shut down the device when tilted.	
Note	Where the use of a public road reserve is proposed for commercial activities separate approval is required from Council and/or NSW Roads and Maritime Services. Where Council approval is required reference should be made to Council's policies relevant to use of public spaces for commercial activities.	
<b>2.6 Landscaping</b>		
<b>Objectives</b>		
1.	To achieve landscaping that is integrated with the design, layout and scale of development and is sensitive to site attributes, streetscape, views and vistas.	
<b>Controls</b>		
1.	Landscaping around the external perimeter of new commercial buildings with a GFA greater than 1,000m <sup>2</sup> must be provided at the rate of at least 20m <sup>2</sup> of consolidated / continuous planted area for every 500m <sup>2</sup> GFA and address the street frontages.	Minimal landscaping has been proposed and is not sufficient. The large trees proposed are all located within Council's reserve and no deep soil planting is proposed on 7 Margaret street. The site plan has indicated trees are to be installed throughout the existing mall car park however this will result in the reduction of parking on the site. Additionally the proposed foot path to access this
2.	Landscaping for new commercial developments shall be in the form of garden beds and achieve the following:	
a)	Use at least 50% native vegetation;	
b)	Use only low maintenance vegetation;	
c)	Reduce or eliminate the need for fencing;	
d)	Use only vegetation that will not damage infrastructure; and	

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Relevant Provisions		Comment
e)	Provide adequate landscaped area for plants when fully grown.	new building will remove existing landscaping on the Picton Mall site.
3.	All plant species in landscaping must be non-toxic and low-allergen.	
4.	Contiguous landscaping areas with an area greater than 50m <sup>2</sup> shall be provided with and automatic irrigation system(s).	
<b>2.7 External storage</b>		
Objectives		
1.	To ensure wastes are stored in a safe location that does not detract from the aesthetic qualities of commercial developments.	
Controls		
1.	There shall be no storage of goods or waste in areas that are visible to the public or patrons of facilities.	No external storage is proposed.
<b>2.8 Public realm</b>		
Objectives		
1.	To create and maintain a consistent character for each town and village centre through the development of a public realm strategy addressing on-street parking, public footpath, public / street furniture, signage and street trees.	
Controls		
1.	All works within the public domain must comply with Council's adopted Design and Construction Specification, Plans of Management and any other strategy adopted by Council for public spaces.	The proposal has complied with Council's Design and Construction Specification, Plans of Management and any other strategy adopted. In addition the access to the car park is provided with a pedestrian island due to the wide of the driveway.
2.	Where a driveway crosses a public road frontage and is 5 metres or wider the vehicle lanes on the driveway must be separated to provide a pedestrian refuge within the footpath.	
3.	Where on street parking is not already provided (including paved shoulder and kerb and guttering) along the full frontages of the site it shall be installed prior to the occupation of any development subject to this volume.	
<b>2.9 Access and Traffic Generation</b>		
Objectives		
1.	To provide the opportunity to access development sites by the widest feasible variety of transport modes,	

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2.	To ensure delivery areas are suitably isolated from patron traffic to promote pedestrian safety.	
<b>Controls</b>		
1.	Service and delivery vehicles must have a separate access for developments with a GFA greater than 500m <sup>2</sup> . This access may not be shared with the access to be used by patrons of the development.	The proposal has a GFA greater than 500m <sup>2</sup> and as such a separate delivery area is required. This loading dock has not been provided on the site.
2.	Commercial premises must be provided with a minimum of one (1) loading / unloading space with sufficient capacity for the site.	As such the proposal does not comply with the Development Control Plan. The engineering department has recommended a space be provided on the road as an alternative loading and unloading dock. This Space would directly conflict with the pedestrian access to the site especially the accessibility access. Therefore, non-compliant.
3.	Forward entry/exit onto the street from the loading/unloading space must be provided.	
4.	Premises exceeding the thresholds provided below must provide secured storage areas for bicycles, skateboards, prams and the like at the specified ratio. The secured area must be either within the main building or within a shed or similar structure protected from the weather and located to provide appropriate casual surveillance. (See DCP for further details for this control)	Not applicable the proposal has an area less than 750 square metres.
5.	Premises exceeding the threshold in control (4) above must provide showering amenities and personal storage lockers for staff for the storage of clothing and other personal items.	Not applicable
6.	Where secured storage areas are required the minimum dimensions shall be 2 metres wide in each and every direction.	Not applicable

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<b>Relevant Provisions</b>		<b>Comment</b>
7.	Sites located on a shared pathway route adopted by Council must construct the section of the pathway within the appropriate frontage(s) of the site and connect to the existing pathway network where required by the Consent Authority.	Not applicable
8.	Bicycle racks shall be provided for any retail development subject to this plan with a GFA greater than 500m <sup>2</sup> . Bike racks shall be provided at the rate of 1 bicycle “space” per 100m <sup>2</sup> of retail GFA.	The proposal has a total area greater than 500 square metres and must provide a minimum of 6 bike racks. None are proposed. Therefore, non-compliant.
9.	Where new public roads are created street lighting shall be provided in accordance with relevant Australian Standards.	The site has existing street lighting which has been determined to be sufficient for the area.
10.	Where existing public roads adjoining commercial developments are not provided with adequate street lighting, additional lighting shall be provided in accordance with relevant Australian Standards.	
<b>2.10 Parking and Manoeuvring</b>		
<b>Objectives</b>		
a)	To achieve vehicle parking and manoeuvring spaces that do not dominate the streetscape, and	
b)	To ensure developments accommodate parking demands of private land uses within private property.	
<b>Controls</b>		
1.	The construction of vehicle parking and manoeuvring areas must comply with Council’s adopted Design and Construction Specifications.	Non-compliant.  All parking has been reviewed by the development engineer; if approved, conditions of consent shall control the
2.	Vehicle parking that is located within the front setback must be physically separated by permanent safety structures from road pavement and must not detract from the aesthetics of the streetscape.	
3.	Where security doors or gates are proposed to control access to vehicle	

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	parking an intercom system must be provided to facilitate access. Such doors and gates must also be positioned to ensure vehicles stand clear of the public footpath and any specified pedestrian access while the doors and gates are opening.	parking area. It is noted that 15 parking spaces have been provided with 1 staff parking space, not suitable for the public. No accessible parking spaces have been provided.	
4.	All above ground parking areas with more than 12 parking spaces must be landscaped including shade trees provided at the rate of one (1) canopy tree for every four (4) car parking spaces of part thereof. Shade trees must be located to provide shade to parked vehicles.		
5.	Manoeuvring space must be sufficient to permit all vehicles to enter and leave a site in a forward direction in accordance with relevant Australian Standards.		
6.	Parking areas must be linked via a pedestrian path with the nearest public footpath.		
7.	Parking spaces adjoining pedestrian accesses must be provided with wheel stops or upright kerbs to protect the safety of pedestrians.		
8.	Parking areas for developments that operate outside of daylight hours must be lit in accordance with relevant Australian Standards.		
9.	Multi-unit complexes must provide a consolidated car parking area for patrons. No more than 50% of the total parking spaces on site shall be allocated to a single unit.		
10.	Parking must be provided at the rate tabulated below. The number of spaces shall be rounded up to the nearest whole number of spaces. Note: In a mixed use development the total number of car parking spaces shall be sum of the number of parking		The proposal is to be used as a retail premises and as such must include 2.5 spaces per 100 square metres. The proposal has a retail floor area of 574.55 and as such requires 14.364 parking

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	spaces required for each component use. a) Numerical Parking Rates (see the DCP for further details of this control)	spaces. This is rounded up to a total of 15 spaces required. 15 Parking spaces are provided.  In addition to this the accessibility parking requirements require 1 accessibility parking space for a class 6 building to be provided. No parking space has been indicated on the plans with no area to provide this or an alternative solution.  The proposal does not create a desirable urban planning outcome in relation to the accessibility access.  While accessibility parking could be provided within the existing car park of the mall this would not allow both separate sites to have a form of accessibility parking.
11.	Car parking areas shall be designed, embellished and located to minimise adverse visual impacts in the locality.	Noted
12.	Large developments for retail (or mixed use including retail) that give rise to a need for 200 or more car parking spaces shall provide one (1) space for Seniors and one (1) for parents with prams for each 100 spaces (rounded down) required by this volume. Such spaces shall measure no less than 2.8m x 5.5m and shall be signposted and marked with line marking paint. They shall be located to minimise travel distance to the entry points for the	Not applicable

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	facility. The spaces required by this clause are not in addition to the spaces that are otherwise required by this plan.	
<b>2.11 Waste Management</b>		
<b>Objectives</b>		
1.	To ensure appropriate waste storage and collection facilities,	
2.	To minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene,	
<b>Controls</b>		
1.	A completed Site Waste Minimisation and Management Plan (SWMMP) complying with the template in Appendix A of the NSW Office of Environment and Heritage's Model Waste must accompany an application for commercial buildings greater than 500m <sup>2</sup> in GFA or any commercial development that is likely to produce hazardous waste products.	No SWMMP has been provided which addresses the template in Appendix A of the NSW Office of Environment and Heritage's Model Waste.
2.	There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).	Complies
3.	Every development must include adequate waste/recycling storage area(s) to accommodate all relevant waste management processes and storage.	Complies
4.	Special arrangements for storage, collection and disposal of medical and hazardous waste must be detailed in the Site Waste Minimisation and Management Plan (SWMMP)	Complies
5.	Waste/recycling storage areas must not be visible from outside of the building or by patrons.	Complies

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Relevant Provisions	Comment
2.12 On-site waste water and stormwater management	
Note	The following documents will be used by Council (without limitation) in assessing any development application: Managing Urban Stormwater: Soils and Construction (Volume 1 – The Blue Book provides guidance during the construction of urban subdivisions and is available from Landcom. Volume 2 provides guidance for erosion and sediment control for a range of other activities) <a href="http://www.environment.nsw.gov.au/stormwater/publications.htm">www.environment.nsw.gov.au/stormwater/publications.htm</a> Model Code of Practice for erosion and sediment control (A resource guide for local Councils – Landcom) Managing urban stormwater: harvesting and reuse <a href="http://www.environment.nsw.gov.au/stormwater/publications.htm">www.environment.nsw.gov.au/stormwater/publications.htm</a> Australian Runoff Quality <a href="http://www.ncwe.org.au/arq">www.ncwe.org.au/arq</a>
Objectives	
1.	To minimise the impacts of urban development on the environmental values of waterways, groundwater systems and bushland areas,
Controls	
1.	On sites without reticulated sewer, provision shall be made for the disposal of treated effluent in a manner that minimises the risk to the natural environment and to human health.
2.	All stormwater management systems shall comply with Council’s Design & Construction Specification.
3.	For developments providing more than 1000m <sup>2</sup> of new GFA, a detailed stormwater treatment assessment shall be provided detailing how the development will result in improved stormwater quality and will achieve the principals of Water Sensitive Urban Design.
Complies, refer to the Stormwater management concept plan by GF Murphy & Assoc.	

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Part 3 – Specific Land Use Controls
No specific Land use controls have been identified

Part 4 – Controls for Specific Locations:
4.1 Maps and Definitions
1. In this section Commercial Building refers to any building for which the construction or use is subject to this volume.

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Part 4 – Controls for Specific Locations:		
2.	A reference to a map in this part is a reference to one or more of the maps below: (See DCP for further details for this control)	
4.5 Picton		
Objectives		
1.	To ensure commercial and community development contributes to the character and amenity of Picton.	
2.	To promote efficient and safe all weather access for pedestrians in Picton.	
Controls		
1.	Commercial buildings within the Picton Commercial Precinct shown in Map 4.1.4 shall be sited with a setback no greater than 1 metre from any boundary of the site with Margaret, Colden, Menangle and/or Argyle Streets.	The proposal complies with the minimum requirement of 1 metre setback.
2.	Commercial buildings referred to in Control 1 shall provide an awning from the façade of any building to Margaret, Colden, Menangle and/or Argyle Streets that shall extend from the building façade to a point 0.8 metres from the edge of the road pavement.	An awning has been proposed on approximately one third of the elevation which faces onto Margaret Street.  Numerically complex but is of poor urban design.
3.	Commercial buildings within the Margaret Street Intersection Key Site shown in Map 4.1.4 shall:	Not applicable
a)	Be designed to principally address the intersection of Cliffe, Argyle and Margaret Streets;	
b)	Incorporate adequate setbacks to allow for safe sight distances at the intersection;	
c)	Minimise setbacks to each street frontage	
d)	Ensure no vehicular access is provided directly to Argyle Street	
4.	Commercial buildings within the Menangle Street Intersection Key Site shown in Map 4.1.4 shall be designed with due regard to its visual impacts on both items of heritage significance located at the intersection.	Not applicable
5.	Council has an adopted strategy to deliver more public car parking in Picton.	

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Part 4 – Controls for Specific Locations:	
Proponents may, in lieu of providing some or all of the car parking in accordance with Part 2 of this volume, make contribution towards the provision of such parking through dedication of particular lands and through financial contributions as part of a Voluntary Planning Agreement.	No land has been dedicated to Council in accordance with the car parking strategy nor is a VPA proposed.

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**1.3.4 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER INTO**

Nil

**1.4 IMPACT OF THE DEVELOPMENT**

Development Contributions are payable in accordance with Council's Development Contribution Plan 2011 based on the estimated cost of the contribution would be \$1.5 million.

The developer contributions payable are

The amount payable is calculated under section 94A and is percentage based.

Proposed Cost of works	\$ 1,500,000.00
Based on a 1% rate	x 1%
Total Contributions to Council	\$15,000.00

**1.5 SUITABILITY OF THE SITE**

The site is suitably zoned however, the design and provision for onsite parking is considered sub-standard in meeting basic manoeuvring and loading provision onsite.

**1.6 SUBMISSIONS**

The proposal was notified between for 15 days from 16 March 2017. No Submissions have been received for this Proposal.

**1.7 THE PUBLIC INTEREST**

Notwithstanding no submissions from formal public notification, the development proposal does not create a streetscape character appropriate for the Picton Town Centre.

**FINANCIAL IMPLICATIONS**

This matter has no financial impact on Council's adopted budget or forward estimates.

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**ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET**

1. Margaret St – Shop elevation
2. Margaret St - Section elevation
3. Margaret St - Site Plan

**RECOMMENDATION**

That the proposal to construct a retail building, basement carpark and demolition of the old Fire Station at 7-9 (being Lot 1 DP 212204 and Lot 101 DP 1068508) Margaret Street, Picton (010.2017.00000043.001) be refused for the following reasons:

1. The proposal does not comply with the Wollondilly Development Control Plan Volume 1 General and Volume 5 Commercial and Community with regards to the public realm as the development proposal fails to maintain a consistent commercial character of Picton Town Centre through addressing public access, signage, streetscape and architectural design.
2. The proposal not be supported due to the design not meeting the Australian Standard 1428.1.
3. The proposal not be supported as it does not comply with the National Construction Code (NCC) in relation to ventilation and fire safety considerations.
4. The design of the proposal does not meet clause 5.10(4) of Wollondilly Local Environmental Plan 2011 with regards to “*Effect of proposed development on heritage significance*”. The development proposal fails to appropriately address the significance of the heritage conservation area.
5. Unsatisfactory arrangements for loading and unloading of service vehicles off site are proposed.