

Business Paper

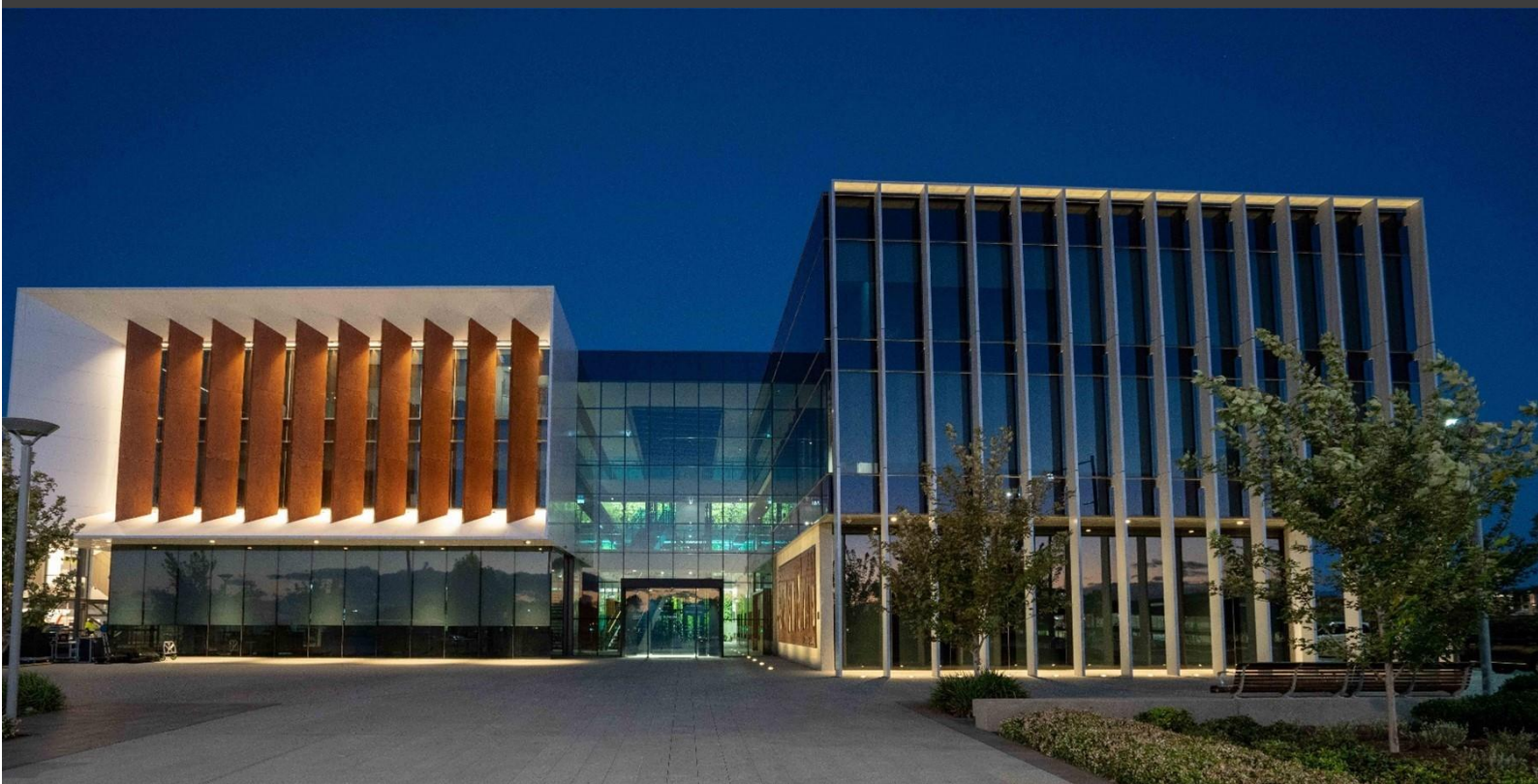
Camden Local Planning Panel

Camden Council

Administration Centre

70 Central Avenue, Oran Park

15 December 2022



camden
council

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SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.

SUBJECT: RECORDING OF LOCAL PLANNING PANEL MEETINGS

In accordance with Camden's Local Planning Panel Operational Procedures, this meeting is being audio recorded by Council staff for publication on Council's website.

No other recording by a video camera, still camera or any other electronic device capable of recording speech, moving images or still images is permitted without the prior approval of the panel.

SUBJECT: DECLARATION OF INTEREST

This section provides an opportunity for Panel Members to disclose any interest that they may have relating to a Report contained in this Agenda.

CLPP01

CLPP01

SUBJECT: DA/2022/246/1 - ESTABLISHMENT OF A SEALED HARDSTAND AREA WITH ASSOCIATED STORMWATER DRAINAGE CONSTRUCTION FOR THE STORAGE AND STACKING OF CONTAINERS AND EQUIPMENT (24 HOURS OPERATION) AS PART OF THE EXISTING GLENLEE INTERMODAL DEVELOPMENT

FROM: Manager Statutory Planning

EDMS #: 22/270712

DA Number:	DA/2022/246/1
Development:	Establishment of a sealed hardstand area with associated stormwater drainage construction for the storage and stacking of containers and equipment (24 hours operation) as part of the existing Glenlee Intermodal Development.
Estimated Cost of Development:	\$1,184,270
Site Address(es):	Lot: 38 DP: 1098588 50 Barrow Road, Spring Farm
Applicant:	Space Urban Pty Ltd
Owner(s):	Space Urban Pty Ltd
Number of Submissions:	None
Development Standard Contravention(s):	<ul style="list-style-type: none"> Camden Local Environment Plan 2010 Clause 4.3 – Height of buildings
Classification:	Local Development
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Contravene a development standard by >10%
Report Prepared By:	Mitch Anderson – Senior Town Planner

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel’s (the Panel’s) determination of a development application (DA) for the establishment of a sealed hardstand area with associated stormwater drainage construction for the storage and stacking of containers and equipment (24 hours operation) as part of the existing Glenlee Intermodal Development at 50 Barrow Road, Spring Farm.

The Panel is the consent authority for this DA as the application seeks to vary the maximum height of buildings development standard by more than 10%.

Pursuant to Clause 4.3(2) of Camden LEP 2010, the maximum building height permitted on this site is 12 metres. The proposed height of the stacked storage containers varies between 13m and 18.2 metres (at its highest point). Numerically this

results in a development standard contravention of 8.3% (when containers are full) and 51.6% (when containers are empty).

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/246/1 for the establishment of a sealed hardstand area with associated stormwater drainage construction for the storage and stacking of containers and equipment (24 hours operation) as part of the existing Glenlee Intermodal 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 establishment of a sealed hardstand area with associated stormwater drainage construction for the storage and stacking of containers and equipment (24 hours operation) as part of the existing Glenlee Intermodal Development at 50 Barrow Road, Spring Farm. The application proposes to extend the hard stand area for shipping container storage across the border into the Camden LGA to be consistent with the approved use in the Campbelltown LGA portion of the site (under development consent 1324/2020/DA-U issued by Campbelltown Council).

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.

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 30 March to 26 April 2022 and no submissions were received.

The application seeks to contravene the maximum height of buildings development standard (under Clause 4.3 of the Camden LEP 2010) for the site which is 12m. The stacking of shipping containers between 5 and 7 containers high will result in an exceedance of the development standard of between 1m (8.3%) and 6.2m (51.6%). The contravention is assessed in detail in this report and is supported by Council staff.

The proposal has been assessed against the provisions of the Camden Development Control Plan 2019. The development has demonstrated compliance with controls of the DCP and is considered to be suitable development for the site.

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
Clause 4.3 (height of buildings) of the Camden LEP - 12m.	Maximum stacked height of 13m (when containers are full) and 18.2m (when containers are empty).	1m or 8.2% (when containers are full) / 6.2m or 51.6% (when containers are empty)

AERIAL PHOTO



THE SITE

The site is legally described as Lot 38 DP1098588 and is known as 50 Barrow Road, Spring Farm. The site is zoned predominantly IN1 General Industrial with a small portion of vegetated areas of environmental significance clear of the proposed and existing developments being zoned C2 Environmental Conservation.

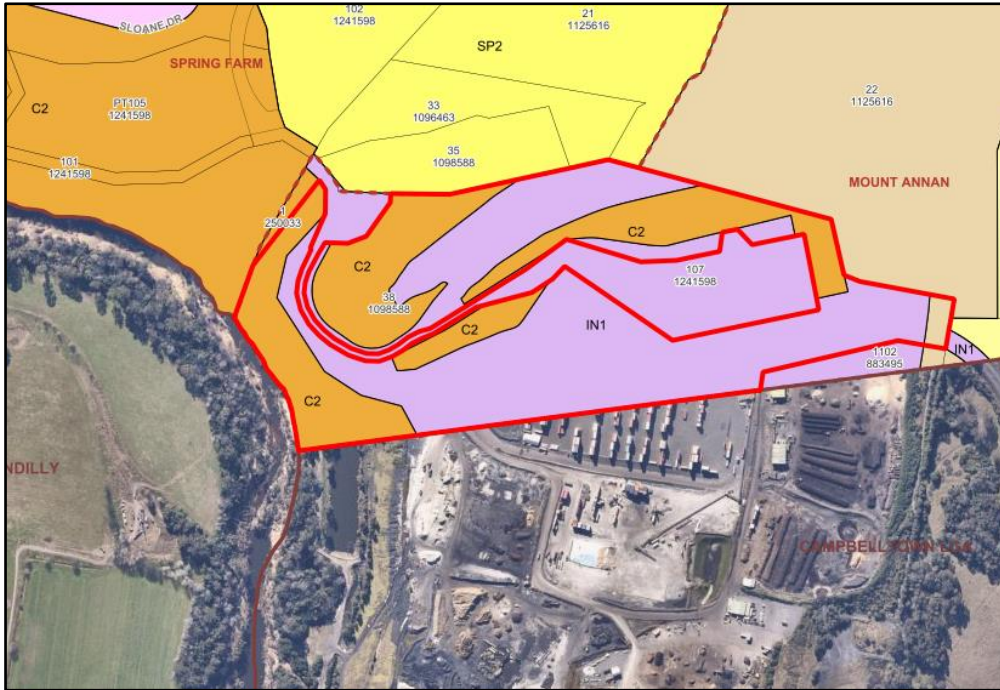
The site is part of the ‘Glenlee Intermodal’ which contains a number of industrial land use approvals across both Campbelltown and Camden Council such as a coal washery and wash plant, rail unloader and conveyor, and the storage & distribution of shipping containers. To the north of the site there are existing workshops for TRN and the Suez Waste Management Facility.

The surrounding locality contains a mixture of SP1 Special Activities, SP2 Infrastructure, RU1 Primary Production, RU2 Rural Landscape and C2 Environmental Conservation zoned land allowing for a variety of adjoining land uses that are not detrimentally affected by the various industrial land use approvals over the subject site.

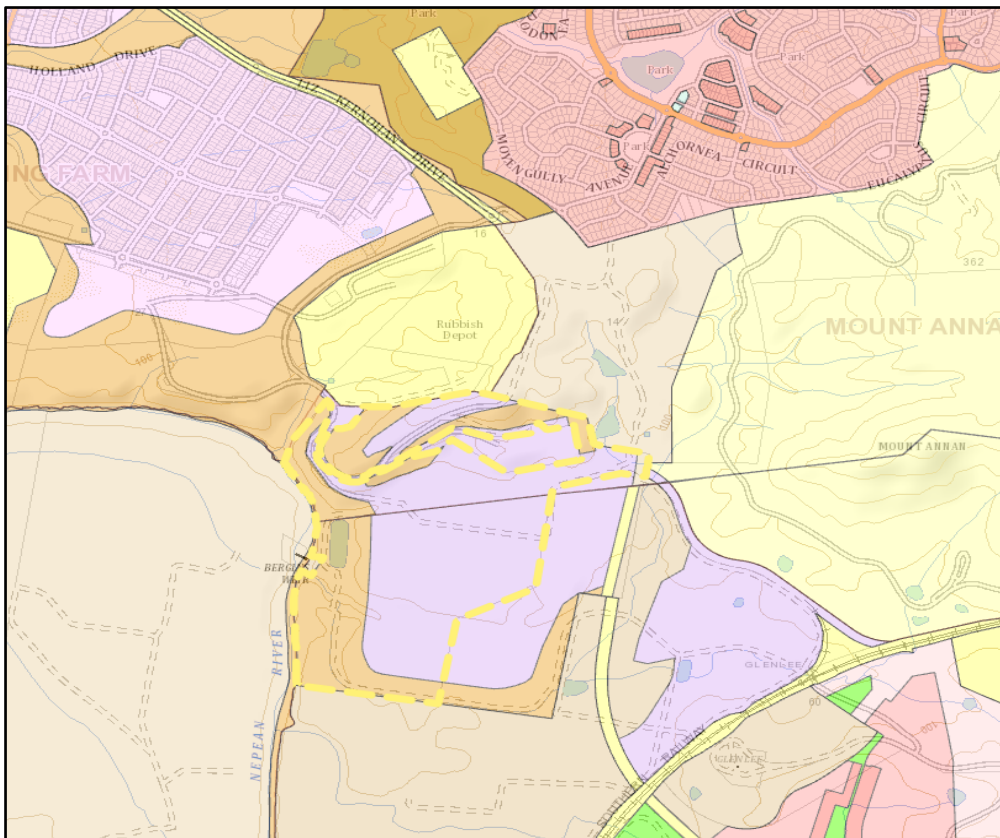
The site is zoned IN1 General Industrial and the proposed use (shipping container storage) is located more than 900m from the nearest residential zoned land located in Mount Annan and 800m from residential properties in Spring Farm.

The site is surrounded by steep escarpments and vegetation corridors which provides a physical barrier from the nearby / surrounding residential areas.

ZONING PLAN



Zoning Map of Camden LGA



Zoning map reproduced from Department of Planning and Environment E-spatial Viewer showing Land Zoning including Wollondilly, Campbelltown and Camden LGA areas.

HISTORY

The site contains various approvals issued by both Camden Council and Campbelltown Council which are summarised below:

Development	LGA
DA E3/94 - Coal washery and an extension to the existing coal wash plant,	Campbelltown Council
1947/2017/DA-CW - Construction of a rail unloader, conveyor, and radial stacker,	Campbelltown Council
1945/2017/DA-CW - Construction of an access road, sealing of loading/unloading area and drainage works	Campbelltown Council
1324/2020/DA-U - Storage and distribution of shipping containers, materials, and equipment	Campbelltown Council
DA/2018/714/1 - Construction of a new section of under-rail unloader and conveyor for the existing coal washery	Camden Council

THE PROPOSAL

DA/2022/246/1 seeks approval for the establishment of a sealed hardstand area with associated stormwater drainage construction for the storage and stacking of containers and equipment (24 hours operation) as part of the existing Glenlee Intermodal Development at 50 Barrow Road, Spring Farm.

Specifically, the development involves:

- Establish a sealed hardstand area of 15,580m²
- Extend existing stormwater systems to cater for increased hardstand areas
- Stacking and storage of shipping containers (7 containers high when empty at 18.2m height and 5 containers high when full at 13m high), materials and equipment.

The estimated cost of the development is \$1,184,270.

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

Camden Local Environmental Plan 2010 (Camden LEP)

Site Zoning

The site is partly zoned IN1 General Industrial and C2 Environmental Conservation pursuant to Clause 2.2 of the Camden LEP. The proposed development is only proposed on that part of the site zoned IN1 General Industrial.

Land Use/Development Definitions

The development is characterised as a 'General Industry' under the Camden LEP 2010. Pursuant to Camden LEP the term 'General Industry' means "a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity".

The development is considered to be an industrial activity where shipping containers are stored and distributed to transport goods between other storage and distribution centres operated by the landholder.

Permissibility

A 'General Industry' is permitted with development consent in the IN1 General Industrial zone and the proposal is consistent with the objectives of the zone.

Planning Controls

An assessment table in which the development is considered against the Camden LEP's planning controls is provided as an attachment to this report.

Proposed Contravention

Pursuant to clause 4.3 of the Camden LEP the maximum building height prescribed for the site is 12m. The proposed development contravenes the development standard by between 1m (8.3%) and 6.2m (51.6%).

The applicant identifies that the heights at which the shipping containers are stacked will vary depending on whether the containers are empty or full. The development proposes a maximum stacking of shipping containers 7 high (when empty) at 18.2m and stacking of shipping containers 5 high (when full) at 13m above finished ground level.

Contravention Assessment

Approval of the application is reliant on favourable consideration of a contravention request pursuant to Clause 4.6 of the LEP. The objectives of the clause include:

- (a) *To provide an appropriate degree of flexibility in applying certain development standards to particular development, and,*
- (b) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Consent must not be granted to development that contravenes a development standard unless the consent authority has considered a written request that demonstrates:

- (a) *That compliance with the standard is unreasonable or unnecessary in the circumstances, and,*

(b) There are sufficient environmental grounds to justify contravening the development standard.

Pursuant to Clause 4.6(3) of the Camden LEP, the applicant has submitted a written request that seeks to justify the contravention of the development standard. In summary, the applicant's written request provides the following justification for the contravention:

- the development is consistent with the objectives of the development standard in that it will not impact upon the amenity of any residential areas and will achieve an appropriate bulk and scale in the context of the surrounding commercial environment.
- the development is consistent with the objectives of the IN1 General Industrial zones in that it will continue to provide an existing approved use (within Campbelltown Council LGA) an expanded work area for ongoing storage and stacking of shipping containers which are considered to be defined as light industrial, warehouse and related land uses that will create additional employment opportunities to support the viability of the industrial centres.
- The variation to the height standard is for the stacking and storage of shipping containers. Shipping containers, whilst only temporary structures, are still classified as a building and therefore require development consent to vary a development standard.
- The land on which the land use is proposed / approved is divided by two Local Government Areas, with the existing land use approved under Campbelltown City Council's Determination No. 1324/2020/DA-U. Although the sites are adjoining between the two local government areas, the mapped maximum building heights are significantly different with Camden Council's maximum height being 12m and Campbelltown City Council's being 19m. Therefore, the maximum stacking height of the proposed shipping containers (being 7 high) results in a total height of 18.2m which is compliant with Campbelltown City Council's LEP but not Camden Council's LEP.

On lodgement of development application 1324/2020/DA-U, Camden Council was notified as an adjoining land holder however did not object to the maximum building height proposed by the applicant at the time of development. As a result of the difference in height where the Local Government boundaries adjoin Campbelltown Council imposed a condition of consent which limited to the development to stacking of shipping containers to 12m to be consistent with Camden Council's maximum permitted building height. A modification application has since been approved by Campbelltown Council that modified the maximum height permitted by Condition 3 from 12m to 18.2m which is consistent with the height proposed under the subject application in Camden Council LGA.

- The increased height would not be greatly perceived when viewed from the public domain as the local residential properties are screened by the sloped natural topography and existing escarpments which limit viewpoints from Mount Annan and Spring Farm.
- The proposed contravention does not result in any unacceptable amenity impacts (visual bulk, privacy or overshadowing) for residents of adjoining residential

properties as the nearest residential properties in Mount Annan are located 920m away and the nearest Spring farm residences are 800m away. Both of which are protected by the existing escarpment which reduces sightlines from the Glenlee Intermodal Development.

- The site is surrounded by an existing escarpment and vegetation which assists in managing any acoustic impacts for the nearest residential zoned properties 800m away in Spring Farm and 920m away in Mount Annan.

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

Pursuant to Clause 4.6(4) of the Camden LEP 2010, Council staff are satisfied that:

- the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Camden LEP 2010, and
- the development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zones in which the development is proposed to be carried out.

The development standard contravention is supported for the following reasons:

- the development is consistent with the objectives of the development standard:

Clause 4.3 Height of Buildings

(a) to establish the maximum height of buildings,

The proposing stacking and storage of shipping containers 7 high results in a maximum stacked height of 18.2m above ground level. Clause 4.3 of the Camden LEP height of building map permits a structure with a maximum height of 12m. The proposed development will result in contravention of the development standard by 6.2m being a 51.6% variation to the control.

The applicant's clause 4.6 written request has demonstrated that the maximum building height standard is unreasonable and unnecessary in the circumstances of the case. The proposed items for stacking are temporary structures and the height exceedance will not cause any increased environmental / visual impacts for adjoining / surrounding properties as the site is bordered by steep natural topography.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development

The nearest residentially zoned land is located 800m away in Spring Farm and 920m away in Mount Annan and will therefore not have any impact in terms of visual impact, disruption of views or the loss of privacy and solar access to any existing developments. As noted above, the site is bordered by steep natural topography which restricts views towards the proposed activity.

(c) to minimise the adverse impact of development on heritage conservation areas and heritage items.

The development is not located on or within the vicinity of any listed heritage items or heritage conservation areas and is therefore satisfactory with this clause.

- the development is consistent with the objectives for development within the zones in which the development is proposed to be carried out:

IN1 General Industrial

1. *To provide a wide range of industrial and warehouse land uses.*

The proposed shipping container stacking and storage will allow for continued industrial use of the site as approved within the Campbelltown Council LGA. It is assessed that the proposal is compatible with the adjoining land uses within the Glenlee Precinct.

2. *To encourage employment opportunities.*

The approval of the application will allow for increased employment opportunities.

3. *To minimise any adverse effect of industry on other land uses.*

The development proposes an expansion of an existing industrial use (stacking and storage of shipping containers) as approved in the adjoining Campbelltown Council LGA. As outlined above, the proposal is compatible with the adjoining land uses within the Glenlee Precinct.

4. *To support and protect industrial land for industrial uses.*

The proposed development is wholly contained within the IN1 General Industrial zoned land and the proposed development is permitted with consent in the zone. The proposed shipping container storage will continue to support the existing industrial developments and the Glenlee Intermodal Precinct which plays an important part in Sydney's freight network.

5. *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

The development seeks to expand the existing approved shipping container storage and stacking within the Campbelltown Council LGA which assists the Freight network of NSW transport goods around the state. The proposal provides increase employment opportunities to the local industrial precinct of Camden Council LGA.

6. *To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.*

The development is not located within close proximity of any non-industrial land uses and therefore these areas remain unimpacted by the proposed shipping container stacking and storage proposed as 'general industry' under the LEP.

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 contravention to the Camden Local Environment Plan 2010.

(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

Camden Development Control Plan 2019 (Camden DCP)

An assessment table in which the development is considered against the Camden 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 2021* 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. The proposed development is assessed to be consistent with the existing operations within the Glenlee Intermodal Precinct and approval of the subject application would allow for the continued use / expansion of the shipping container stacking and storage yards as approved within the adjoining Campbelltown Council LGA.

(c) the suitability of the site for the development

As demonstrated by the above 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 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 30 March to 26 April 2022 and no submissions were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

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

External Referral	Response
Water NSW	A letter of support was received advising that no objections were raised subject to conditions of consent ensuring the ongoing maintenance of the basin to ensure discharge water quality and pollution reduction measures are met. Sediment and erosion requirements are conditioned within this development consent to address this.

Conditions that require compliance with the external referral recommendations are 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:

- i. support the applicant’s written request lodged pursuant to Clause 4.6(3) of Camden Local Environmental Plan 2010 to contravene the maximum height of buildings development standard in Clause 4.3 of Camden Local Environmental Plan 2010;**

- ii. **approve DA/2022/246/1 for the establishment of a sealed hardstand area with associated stormwater drainage construction for the storage and stacking of containers and equipment (24 hours operation) as part of the existing Glenlee Intermodal Development at 50 Barrow Road, Spring Farm subject to the conditions attached to this report.**

REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene Camden Local Environmental Plan 2010 in relation to the maximum height of buildings standard. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances, and that despite the contravention of the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the circumstances of the case.
2. The development is consistent with the objectives of the Camden Development Control Plan 2019.
3. The development is unlikely to have any unreasonable adverse impact on the natural or built environment.
4. In consideration of the aforementioned reasons, the development is a suitable use of the site and its approval is in the public interest.

ATTACHMENTS

1. Recommended Conditions
2. Assessment Tables
3. Clause 4.6 Written Request
4. Architectural Plans

RECOMMENDED CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. Water NSW, letter dated 22 April 2022, ref: D2022/31350.
- (2) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
DA000 Rev: D	Cover Sheet	Space Urban	4 April 2022
DA010 Rev: B	Existing Part Site Plan		18 January 2022
DA020 Rev: D	Proposed Part Site Plan		4 April 2022
DA021 Rev: D	Proposed Container Yard & Stormwater Details		4 April 2022
DA030 Rev: C	Container Elevation Stacked Height		14 February 2022
DA100 Rev: D	Erosion & Sediment Control Plan		4 April 2022
DA101 Rev: A	Erosion & Sediment Control Details		14 February 2022

Document Title	Prepared by	Date
Phase 2 Site Investigation Report	ADE Consulting Group	1 February 2022
Bushfire Report Rev: 2	Space Urban	7 February 2022
Acoustic Report Rev: C	RWDI	20 October 2022
Waste Management Plan	Space Urban	14 March 2022
Stormwater Management Plan Rev: A	Torque Projects	14 February 2022
Geotechnical Report Project: 40950.09	Douglas Partners	February 2016

- (3) **Maximum Storage Height** – The maximum height of the shipping containers when loaded must not exceed 13m (i.e. stacked 5 containers high) and 18.2m when empty (i.e. stacked 7 containers high).

- (4) **Car Parking Spaces** – Six car parking spaces are to be provided in the hardstand areas as identified in the approved plans.
- (5) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (6) **Shoring and Adequacy of Adjoining Property** - If the approved development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land gives written consent to the condition not applying.

A copy of the written consent must be provided to the principal certifier prior to the excavation commencing.

- (7) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (8) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this development consent.

The following procedures shall be strictly observed:

- a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval; and
- b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

The works and procedures involved with the protection of existing trees and other landscape features, are to be carried out by suitable qualified and experienced persons

or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (9) **Prohibition of Burning** - The open burning of waste and other refuse is prohibited throughout the Camden LGA.
- (10) **Noxious Weeds Management** - Weed dispersion must be minimised and weed infestations must be managed during all stages of the development. Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material to prevent the spread of all weeds to or from the property.

Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*.

- (11) **Infrastructure in Road and Footpath Areas** – Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development shall be borne by the applicant, and not Council.

Note. The issue of this development consent does not imply concurrence or approval of any required public infrastructure work associated with the development.

- (12) **Storage Areas** – The storage of shipping containers is strictly limited to the areas identified on the approved site plan.
- (13) **Shipping Containers on Unsealed Land** – Prior to the stacking of shipping containers on any unsealed land, the applicant must obtain written Geotechnical Advice from a suitably qualified and experienced geotechnical engineer to certify the stacking of shipping containers, up to seven containers high, is suitable for the unsealed land. The Geotechnical Advice must include a Management Plan which includes measures and recommendations to be followed to ensure the unsealed areas will be maintained to an appropriate standard to accommodate the stacking of shipping containers.

The stacking of shipping containers must be undertaken in accordance with the Geotechnical Advice and Management Plan at all times, and a copy of the Geotechnical Advice and Management Plan must be submitted to Council for Council's records prior to the commencement of the stacking of shipping containers on unsealed land.

2.0 - Prior to Issue of a Construction Certificate

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

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

A stormwater plan is to be submitted to the certifier prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the certifier.

Note. Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (2) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book')'. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (3) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council.

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
 - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
 - f) a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the

Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice shall include:

- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
 - b) a principal certifier has been appointed by the person having benefit of the development consent;
 - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited,
 - b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c) the name, address and telephone number of the principal certifier for the work.
- The sign must be maintained while the work is being carried out and removed when the work has been completed.
- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.
- A copy of the approval receipt from Sydney Water must be submitted to the principal certifier.
- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.

- (9) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.
- (10) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the principal certifier.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
- b) measures to suppress odours and dust emissions;
- c) soil and sediment control measures;
- d) measures to control air emissions that includes odour;
- e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
- f) any other recognised environmental impact;
- g) work, health and safety; and
- h) community consultation.

4.0 - During Works

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

- (1) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste storage area shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.

- (2) **Survey Report** - The construction site shall be set out by a registered land surveyor. A peg out survey detailing the siting of the works in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (3) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:
"WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."

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

- (4) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - the wheels of vehicles leaving the site:
 - do not track soil and other waste material onto any public road adjoining the site; and
 - fully traverse the site's stabilised access point.
- (5) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (6) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (7) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (8) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (9) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.

- (10) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks; and
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics; and
- c) be prepared in accordance with;

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
- ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."
- d) confirm that the fill material;
 - i) provides no unacceptable risk to human health and the environment;
 - ii) is free of contaminants;
 - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - iv) is suitable for its intended purpose and land use; and
 - v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m³ - 3 sampling locations; and
- f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for contamination and salinity must be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
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Virgin Excavated Natural Material	1 (see Note)	1000 or part thereof
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Note – Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (11) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (12) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

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

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

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

5.0 - Prior to Issue of an Occupation Certificate

An Occupation Certificate shall be obtained prior to any use or occupation of the development. The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the works proposed in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier.
- (2) **Waste Management Plan** - The principal certifier shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.

6.0 - Ongoing Use

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

- (1) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.

- (2) **Hours of Operation** - The property is approved to be used for the purpose approved 24 hours a day, 7 days a week.
- (3) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the site.
- (4) **Parking Areas to be Kept Clear** - At all times, the loading docks, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (5) **Offensive Noise and Noise Compliance** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*. Noise must also comply with the NSW Noise Policy for Industry 2017.
- (6) **No Waste to Be Stored Outside of the Site** – No waste is to be placed on any public land (eg. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.
- (7) **Storage or Hazardous Goods** - Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover Authority requirements, dependant on the quantities stored. Any flammable or combustible liquids shall be stored in accordance with AS 1940 'The Storage and Handling of Flammable and Combustible Liquids'.

Hazardous and/or industrial waste arising from the use shall be removed and/or transported in accordance with the requirements of the EPA and the NSW WorkCover Authority.

- (8) **Acoustic Compliance** - Within 90 days of the commencement of operation of the development and during a period in which the development is operating under design loads and normal operating conditions, the applicant shall undertake a program to confirm the noise emission performance of the development. The program shall include, but not necessarily be limited to:
- a) noise monitoring, consistent with the guidelines provided in the New South Wales Noise Policy for Industry (EPA, 2017), to assess compliance with the Noise and Vibration Impact Assessment, Author: AECOM, Job No: 60519347, Dated: 04-Sep-2020 and Acoustic assessment for proposed modification, Author: RWDI, ref: 22001712, dated 2 February 2022.
 - b) methodologies for noise monitoring;
 - c) location of noise monitoring;
 - d) frequency of noise monitoring;
 - e) identification of monitoring sites at which pre- and post-development noise levels can be ascertained; and
 - f) details of any entries in the Complaints Register (condition 13 of this consent) relating to noise impacts.

A report providing the results of the program shall be submitted to Council) within 28 days of completion of the testing required under (a).

In the event that the program undertaken to satisfy this condition of consent indicates that the operation of the development, under design loads and normal operating conditions, will lead to greater noise impacts than permitted, then the applicant shall provide details of remedial measures to be implemented to reduce noise impacts to levels required by that condition. Details of the remedial measures and a timetable for implementation shall be submitted to Council for approval.

- (9) **Repair and Maintenances of Shipping Containers or Associated Plant Vehicles** – The repair and maintenance of shipping containers or associated plant vehicles is not permitted on site.
- (10) **Truck Movements** – The total number of truck movements to and from the site must not exceed 245 movements per day.
- a) The 245 truck movements are inclusive of movements associated with the use approved as part of this consent, as well as Determination No. 1324/2020/DA-U (for shipping container storage and stacking) and E3/94 for the coal washery operations issued by Campbelltown Council.
 - b) The applicant must record all truck movements entering and exiting the site within a Traffic Log. The Traffic Log must record registration details, truck arrival time, truck departure time and be kept up to date. The Traffic Log must be kept on site at all times and be available and presented for inspection by Campbelltown City Council and Camden Council Officers and other State and Local Government authorities upon request.
- (11) **Lighting** – The orientation and intensity of any lighting must comply with AS 4282 and AS 1158.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Formally State Environmental Planning Policy 55 (Remediation of Land))		
Chapter 4	Assessment	Compliance?
<p>4.6 Contamination and remediation to be considered in determining development application</p> <p>A consent authority must not consent to the carrying out of any development on land unless –</p> <p>a) it has considered whether the land is contaminated, and</p> <p>b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	<p>A detailed Phase 2 Site Contamination Assessment, prepared by ADE Consulting Group, dated 1 February 2022, determined that the site was suitable for the proposed land use (general industry / shipping container stacking and storage).</p> <p>Council's Specialist Support Environmental Health Officer (SSEHO) has reviewed the Phase 2 Site Investigation which included 30 samples from 15 test pits dug out for soil sampling to a maximum depth of 2m.</p> <p>Council's SSEHO has confirmed that the reporting provided is satisfactory and supports the findings/conclusions of the Phase 2 Report (i.e. that the site is suitable for the proposed development). Appropriate conditions of consent are recommended.</p>	Yes

Camden Local Environmental Plan 2010		
Clause	Assessment	Compliance?
<p>2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p>	<p>The site is partly zoned IN1 General Industrial and C2 Environmental Conservation pursuant to Clause 2.2 of the Camden LEP. The proposed development is only proposed on that part of the site zoned IN1 General Industrial.</p> <p>The objectives of the zones are as follows:</p> <ul style="list-style-type: none"> • To provide a wide range of industrial and warehouse land uses. • To encourage employment opportunities. • To minimise any adverse effect of industry on other land uses. • To support and protect industrial land for industrial uses. • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. • To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses. <p>The application is seeking to extend the existing hardstand areas to allow for the expansion of the</p>	Yes

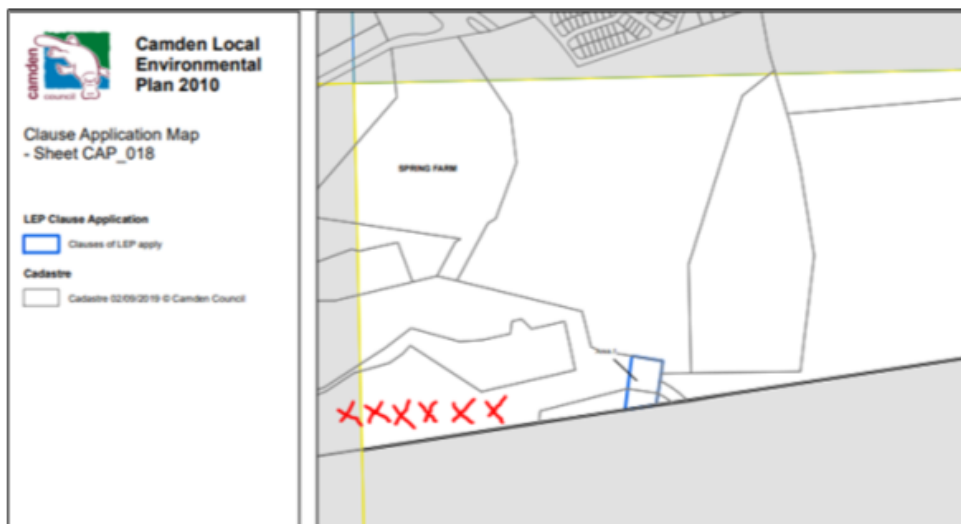
Camden Local Environmental Plan 2010		
Clause	Assessment	Compliance?
	existing shipping container storage use approved on the portion of the site in the Campbelltown LGA. The proposal is consistent with the IN1 General Industrial zone objectives as it will allow for appropriate industrial development / creating employment opportunities while protecting the amenity of the surrounding area.	
4.3 Height of buildings	An 12m height limit applies to the subject site. The maximum height proposed for container stacking varies between 13m (8.2%) and 18.2m (51.6% variation) depending on whether containers are full or empty. The applicant has submitted a Clause 4.6 written request in relation to the development standard contravention.	No – variation proposed see Clause 4.6 assessment in main body of report
7.4 Earthworks		
Before granting development consent for earthworks the consent authority must consider the following matters:	No extensive earthworks are proposed as part of this application. Minor regrading may occur prior to laying pavement/bitumen upgrades.	Yes
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	(a) The applicant has demonstrated that existing drainage will not be affected by the proposed extension of hardstand areas.	Yes
(b) the effect of the proposed development on the likely future use or redevelopment of the land,	(b) The applicant proposes to lay bitumen over the existing hardstand area for shipping container stacking/storage.	Yes
(c) the quality of the fill or the soil to be excavated, or both,	(c) A condition of consent is recommended concerning the use of VENM. The Detailed Site Contamination Investigation report details the site being suitable for ongoing commercial / industrial use. Council's Specialist Support Environmental Health Officer has reviewed the information provided and recommended condition where necessary.	Yes
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	(d) The proposed development will require the use of heavy machinery. The adjoining sites within the Glenlee Intermodal Precinct are not sensitive uses and the nearest residential receivers are more than 800m from the site.	Yes
(e) the source of any fill material and the destination of any excavated material,	(e) Conditions of consent are recommended requiring the certification of any fill coming on to site and a condition concerning the removal of any waste materials from site being disposed in accordance with the Waste Management Plan.	Yes

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Camden Local Environmental Plan 2010		
Clause	Assessment	Compliance?
(f) the likelihood of disturbing relics,	(f) A condition of consent is recommended concerning any unexpected finds. As detailed earlier in this report, it is considered unlikely any relics would be discovered during excavation works.	Yes
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	(g) The site contains no mapped watercourse or drinking water catchments.	Yes
7.9 Industrial Development at Glenlee		
(1) This clause applies to land in Zone IN1 General Industrial in the urban release area shown as "Glenlee" on the Urban Release Area Map .	The proposed development is located in the IN1 General Industrial mapped area within the Glenlee Precinct and therefore this section of the LEP is applicable.	Yes
(2) Development consent must not be granted to development on land to which this clause applies if the development will result in more than 25,000 square metres of gross floor area (GFA) on the land being used for the purposes of industry.	No GFA is proposed. The development proposes the extension of existing hardstand areas to allow the stacking of shipping containers. No permanent structures are proposed as part of the application.	Yes
(3) In this clause, <i>industry</i> includes warehouse or distribution centres.		
7.10 Use of Certain Land at Glenlee		
(1) This clause applies to land identified as "Area 1" on the Clause Application Map .	The property contains land within marked Area 1 on the Clause Application Map however the proposed area for shipping container stacking is not specifically located in the marked area (refer image below).	N/A
(2) The objectives of this clause are as follows: (a) to ensure that development will not compromise future development of the land, (b) to promote the orderly development of the land.	Although this clause is not applicable, the development is consistent with the objectives of the clause as it does not compromise future development of land and is consistent with the principles of orderly development of land.	
(3) Before granting development consent to development on land to which this clause applies, the consent authority must consult with Transport for NSW in regards to the potential effects of the development on existing and proposed future road infrastructure in the locality.	The development does not propose to intensify or increase any truck movements as part of this application and therefore there will be no increase to traffic on the surrounding local road network.	
(4) A requirement in this clause to consult with Transport for NSW in respect of a development is a requirement as follows—	Existing conditions apply under the Campbelltown Council consent that limit truck movements within the site to 245 per day inclusive all consents between	

Camden Local Environmental Plan 2010		
Clause	Assessment	Compliance?
(a) to give written notice of the development to Transport for NSW within 7 days of receiving a development application, (b) to take into account any comments received from Transport for NSW within 28 days after the notice has been given. (5) In this clause— Transport for NSW has the same meaning as in the <i>Transport Administration Act 1988</i> .	Campbelltown and Camden Council approvals. An ongoing use condition for this DA is recommended to ensure this consent has the same requirements with respect to keeping traffic movements in accordance with the existing approvals.	



Source: Clause Application Map – Camden LEP 2010. Area marked in Red X's is the location of shipping container storage.

Camden Development Control Plan 2019			
Control	Requirement	Provided	Compliance
2. General Land Use Controls			
2.1 Earthworks	1. Subdivision and building work should be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill (e.g. for steep land houses will need to be of a 'split level' design or an appropriate alternative and economical solution).	No subdivision and building work proposed. The extent of works is limited to minor regrading prior to bitumen/pavement being laid.	Yes

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	2. Subdivision and building work must be designed to ensure minimal cut and fill is required for its construction phase.	The extent of works is limited to minor regrading prior to bitumen/pavement being laid.	Yes
2.2 Salinity Management	Salinity assessment of soil and ground water must be undertaken and submitted to Council with the development application for subdivision. Investigations and sampling for salinity should be conducted in accordance with the requirements of the Heritage (Department of Premier and Cabinet) booklet Site Investigations for Urban Salinity .	The applicant was not required to address salinity given the nature of the site and development.	Yes
2.3 Water Management	All development must demonstrate compliance with the relevant provisions of Council's Engineering Specifications including requirements for detention, drainage and water sensitive urban design.	The application has been reviewed by Council's Civil Engineers with conditions of consent recommended to ensure appropriate stormwater management.	Yes
2.5 Environmentally Sensitive Land		The site is mapped on Council's Environmental Sensitive Land map which includes Cumberland Plain Woodland and some riparian forest. Council's Natural Resource Officer has reviewed the application and confirmed that there is no existing vegetation in the location of the areas proposed for shipping container stacking and the application does not include any trees or vegetation for removal.	Yes
2.9 Contaminated and Potentially Contaminated Land Management	<p>1. An assessment is to be made by the applicant under <i>SEPP (Resilience and Hazards) 2021</i> as to whether the subject land is contaminated prior to the submission of a development application.</p> <p>2. If contamination is present on the land, Council must consider whether the proposed land use is suitable or, if not suitable, can the land be made suitable following remediation pursuant to SEPP No. 55.</p> <p>Where land is proposed to be remediated, appropriate documentation is to be presented to Council supporting the works to be undertaken to achieve suitability.</p> <p>3. Where development is proposed on a site where the Council suspects that contamination may be present or for applications proposing a change of use to a more sensitive land use (e.g. residential, education, public recreation facility etc), a Site Contamination Investigation must be submitted with the</p>	<p>As noted above, a detailed Phase 2 Site Contamination Assessment, prepared by ADE Consulting Group, dated 1 February 2022, determined that the site was suitable for the proposed land use (general industry / shipping container stacking and storage).</p> <p>Council's Specialist Support Environmental Health Officer (SSEHO) has reviewed the Phase 2 Site Investigation which included 30 samples from 15 test pits dug out for soil sampling to a maximum depth of 2m.</p> <p>Council's SSEHO has confirmed that the reporting provided is satisfactory and supports the findings/conclusions of the Phase 2 Report (i.e. that the site is suitable for the proposed development). Appropriate conditions of consent are recommended.</p>	Yes

	DA. Depending on the outcome of the investigation, more detailed Environmental Site Investigations may also be required.		
2.11 Development affected by the Western Sydney Airport	The WSA must be notified of all development applications buildings, structures or activities that will penetrate the Western Sydney Airport OLS and / or PANS-OPS.	The site does not affect the Western Sydney Airport and is located clear of the Wildlife Buffer Zone. The proposed height of Shipping Container Stacking does not penetrate the Western Sydney Airport OLS.	Yes
2.12 Acoustic Amenity	Acoustic reports are to be prepared by suitably qualified acoustic consultants.	Council's SSEHO has reviewed the acoustic report submitted as part of the DA which confirms compliance is achieved with Condition 26 of the existing development consent issued by Campbelltown Council (Determination No. 1324/2020/DA-U) for the existing / primary use. The application is considered reasonable having regard to acoustic amenity subject to recommended conditions relating to offensive noise and acoustic compliance.	Yes
2.13 Air Quality and Odour	<p>1. Development that is likely to result in the emission of atmospheric pollutants, including odours, as determined by Council must include operating practices and technology to ensure that such emissions are acceptable. Details of these measures are to be provided at development application stage.</p> <p>2. Development that is likely to be impacted upon by atmospheric pollutants and/or odours from existing land uses, may require the undertaking of an odour impact assessment or similar assessment dependent on the type of pollutant being assessed. For odour impact, assessment will be undertaken in accordance with the NSW EPA Technical Framework "Assessment and Management of Odour from Stationary Sources in NSW". For other pollutants, assessment may be required to determine if pollutants comply with the Protection of the Environment Operations Act 1997 and supporting Regulations. The assessment may need to be undertaken at rezoning stage for rezoning and subdivision proposals, or at development application stage for other proposed land uses where relevant.</p>	The proposed land use will not result in emissions of pollutant and other odorous particles. Conditions of consent have been recommended that ensure acoustic compliance is achieved in accordance with approved Development Consent 1324/2020-DA-U by Campbelltown Council and the accompanying acoustic report.	Yes

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2.14 Waste Management	A Waste Management Plan (WMP) must be submitted for all new development, including demolitions, construction and the ongoing (or change of) use. A WMP outlines the waste that will be generated and how the development proposes to manage the waste.	A waste management plan has been provided and is considered satisfactory and appropriate conditions of consent recommended.	Yes
2.16 Environmental Heritage	A development is required to be considered in the context of Environmental Heritage being a combination of significant places, buildings, works, relics, moveable objects and precincts. It comprises elements of both the natural and built environment and related landscapes including Aboriginal items and places.	The site is not located near any registered heritage items or and known places of heritage significance.	N/A
Industrial Development	<p>1. 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 waste storage and collection areas.</p> <p>2. Every development must include a designated general waste/recycling storage area or room(s), as well as designated storage areas for industrial waste. These must be designed in accordance with specific waste and environmental laws, protocols, workplace health and safety guidelines and technical design guidelines and standards</p> <p>3. The waste/recycling storage room/areas must be able to accommodate storage bins that are of sufficient volume to contain waste generated from the site.</p> <p>4. Waste management storage rooms/areas must be suitably enclosed, covered and maintained to prevent ingress of rainwater and stormwater into the stormwater system.</p> <p>5. Production, storage and disposal of liquid or hazardous waste (such as contaminated or hazardous material or products) must be designed according to the appropriate NSW EPA, SafeWork NSW and other technical standards.</p> <p>6. Appropriate vehicle access must be made for the collection of each waste type, designed to Australian Standard AS 2890.2</p>	<p>A suitable waste management plan has been submitted with the DA. The proposed development does not generate significant waste as the development proposes stacking and storage of shipping containers.</p> <p>There are sufficient bin/recycling opportunities on site should it be required. It should be noted there is no amenities building with this application and its purely for storage of shipping containers.</p> <p>As above.</p> <p>As above</p> <p>A condition of consent has been included in the recommendation which deals with how hazardous waste is to be disposed of if found.</p> <p>Suitable vehicle access is available across the entire site.</p>	Yes
2.18 Traffic Management	1 car parking space per 70m ² of GFA.	The proposed use for stacking of shipping containers for storage purposes related to the existing	N/A

<p>and Off-Street Parking Industry / Light industry</p>	<p>1 bicycle space per 25 car parking spaces in excess of the first 25 car parking spaces; and 1 motorcycle space per 50 car parking spaces in excess of the first 50 car parking spaces. The parking provision rate is increased when: - Retailing is permitted on-site. The rate for Industrial retail outlets is applied for this component of the development. - The office space component is in excess of 20% of the floor area. The rate for Office Premises and Business Premises applies for the amount of this floor space in excess of 20% of GFA.</p>	<p>approval issued under 1324/2020-DA-U within the adjoining Campbelltown Council area of the site. A total of 6 car parking spaces are proposed within the area of proposed hardstand being sealed. In addition, there is sufficient area for the parking of approximately 20 vehicles at the existing site office located to the north.</p>
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Site Image: Site office located in the area highlighted yellow demonstrating additional staff car parking areas.

<p>2.19 Landscape Design</p>	<p>A landscape plan is to be submitted for all development that, in Council's opinion, will significantly alter the existing and intended landscape character of the land.</p>	<p>No landscaping is proposed as the site is proposed as hardstand area over the top of existing gravel within the IN1 General Industrial zoned land. The site contains areas of land zoned C2 Environmental Conservation where no works are proposed. This area adjoins the</p>	<p>Yes</p>
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Attachment 2

		area where the stacking of shipping containers will be carried out and contains a highly vegetated escarpment which provides suitable landscaping around the perimeter of the hardstand areas proposed.	
6. Specific Land Use			
6.3 Industrial Land Uses			
6.3.2 Built Form and Design	Minimum width at the building line must be 32m	No built form proposed as part of this application. The development proposes the stacking and storage of shipping containers only.	N/A
Setbacks	Front setback 7.5m Side and rear setbacks to be assessed on merit.		
6.3.3 Landscaped Area and Public Domain	A landscaped area along any street frontage is required with a minimum depth of 3 metres (excluding the driveway)	Natural landscaping exists around the site within the portions of the site zoned C2 Environmental Conservation. All roads are surrounded by natural vegetation and bushland and no further landscaping is proposed / required as part of this application.	Yes
Landscaped area			
Nature Strip/Road Verge and Street Tree Landscaping	The road verge/nature strip area adjoining the development site must be turfed and planted with appropriate upper canopy street trees at the rate of approximately 1 tree per 15 metres	All roads are surrounded by natural vegetation and bushland and no further landscaping is required / required as part of this application.	N/A
Lighting	All lighting must comply with AS 1158 - Lighting for Roads and Public Spaces and AS 4282 - Control of the obtrusive effects of outdoor lighting. Lighting in public space must have timer switches installed for managing time of operation and power consumption.	A condition of consent is recommended requiring all lighting to comply with the Australian standards.	Yes
6.3.6 Stormwater	2. Water quality strategies must be incorporated to manage water generated from the site.	The applicant has demonstrated that the existing stormwater lines are sufficient and any runoff will fall to the existing pits.	Yes
	3. Water quality strategies must be incorporated to manage water generated from the site.	As above	Yes
	4. The water in the retention system would be available for use for non-potable uses such as the watering of landscaped areas and use in toilets.	As above	Yes
6.3.7 Liquid and Solid Waste	1. A detailed Waste Management Plan (WMP) must be submitted for the ongoing use of the site. A WMP must outline the waste that will be generated from the site and proposed	A suitable waste management plan has been provided and is considered satisfactory.	Yes

	arrangements for managing waste onsite and for collection.		
6.3.9 Air Quality	The emission of air impurities is to be strictly controlled in accordance with the Clean Air (Plant & Equipment) Regulation and must not exceed the prescribed standard concentration and emission rates.	Emissions will not exceed air quality standards as the development proposes a layer of bitumen for pavement sealing and storage of shipping containers. The use of heavy machinery will not be intensified from what is already approved over the site within both Camden and Campbelltown Council LGA's.	Yes
6.3.10 Hazardous Goods and Materials	Where a development involves the storage and/or use of dangerous goods, full details of the quantities and types of goods and chemicals are to be submitted with the development application, together with the storage locations, mediums and the use intended for the goods and chemicals.	Conditions of consent are recommended to deal with any hazardous goods and materials.	Yes
6.3.11 Parking and Access	3. A maximum of one access driveway is permitted per lot frontage where the frontage is less than 60m.	Not proposed.	N/A
	4. Multiple access driveways servicing a single lot are limited to a maximum of two (2) driveways per lot frontage which must have a minimum separation distance of 30m, measured from the inside edge of each driveway crossover.	Not relevant.	N/A
	5. All loading and unloading must take place within the loading docks for each building. Where practical, loading facilities or vehicular entries to buildings must not be provided on any street elevation. Where such facilities can only be provided to street frontages, they must be screened by suitable landscaping	Not relevant	N/A
	6. Car parking on individual sites must be located to integrate with proposed landscaping	Car parking is existing under previous approvals. Further car parking is proposed on the bitumen near the entrance to the shipping container stacking areas.	Yes
	7. Access driveways must be constructed as a kerb return not as a splay and must otherwise be designed generally in accordance with Australian Standard 2890.2. <300m ² Medium Rigid >300m ² Large Ridged Vehicle	No changes are required to the existing entrances to Glenlee Intermodal Site as the development is not proposing to increase truck movements to the site (above that already approved).	N/A
6.3.12 Opposite, Adjacent or in the Vicinity of a	1. Details of the proposed operation including mechanical operations, deliveries, vehicle movements, acoustic	The Glenlee Intermodal Precinct is shared by land governed by both Camden Council and Campbelltown Council.	Yes

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Attachment 2

CLPP01

Attachment 2

<p>Residential Area</p>	<p>impacts and hours of operation must be provided for all development.</p> <p>2. Noise emitting activities, such as loading docks should be located away from residential areas to reduce the impact of the development.</p> <p>3. Loading and unloading times must not impact on the amenity of nearby residential areas. Details of vehicle movements and their routes are to be provided in the development application.</p> <p>4. The storage of plant, equipment, goods and other materials must be suitably screened from residential development.</p> <p>5. Lighting must not create a nuisance to adjoining residential development. Council may require a lighting mitigation strategy to be submitted with a development application.</p>	<p>There are a number of existing approvals that permit industrial uses throughout the site including 24/7 operation.</p> <p>As noted above, Council's SSEHO has reviewed the acoustic report submitted as part of the DA which confirms compliance is achieved with Condition 26 of the existing development consent issued by Campbelltown Council (Determination No. 1324/2020/DA-U) for the existing / primary use.</p> <p>The application is considered reasonable having regard to acoustic amenity subject to recommended conditions relating to offensive noise and acoustic compliance.</p> <p>The site benefits from being sunk down between the escarpment of Mount Annan and Spring Farm with the closest residential zoned land being over 900m from the subject site.</p> <p>24/7 operations have been existing over the site for a number of years and ongoing compliance with the acoustic report is required to be demonstrated.</p> <p>Residential properties are in excess of 900m from the subject site and are unable to view materials and equipment.</p> <p>Appropriate conditions are recommended in relation to lighting.</p>
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DOCUMENT	SEE DA Camden LGA	AUTHOR	Shaun Smith
PROJECT	Glenlee	POSITION	Principal Environmental Planner
VERSION	1.0	DATE	07/03/2022



APPENDIX H – Clause 4.6 Variation

CLPP01

Attachment 3

CLPP01

Attachment 3



Metroplan Services

**214 SPRINGS ROAD MOUNT ANNAN (LOT 38
DP1098588)**

**REQUEST TO VARY HEIGHT DEVELOPMENT
STANDARD PURSUANT TO CLAUSE 4.6 OF
CAMDEN LOCAL ENVIRONMENTAL PLAN
2010**

**Prepared on behalf of:
Space Urban Pty Ltd**

For submission to:

CAMDEN COUNCIL

Prepared by:



Metroplan Services

ABN 15 611 368 846

265 King Street Newcastle NSW 2300

P 0424 424 503

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31 JANUARY 2022



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CLAUSE 4.6 VARIATION REQUEST

1. INTRODUCTION

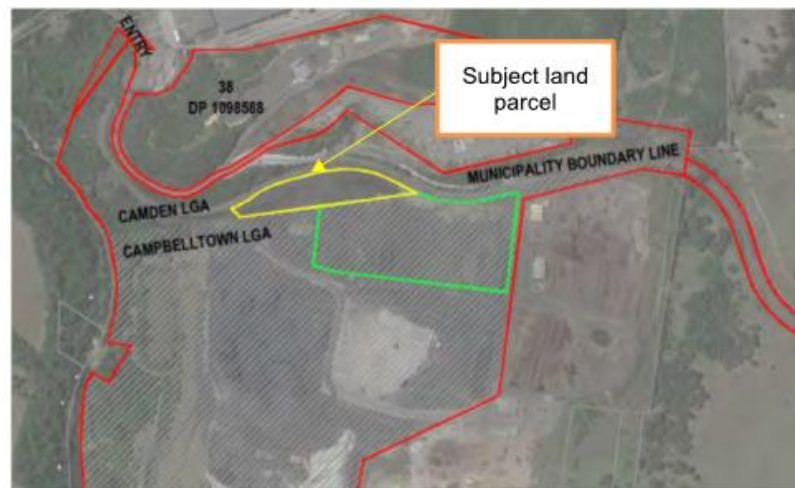
Metroplan Services has been engaged by Space Urban Pty Ltd to prepare a request to vary the maximum height of buildings development standard in Camden Local Environmental Plan (LEP) 2010.

This request has been prepared in support of an application lodged pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify DA 2018/714/1 granted by Camden Council at 214 Springs Road, Mount Annan (Lot 38 DP 1098588) – the site. The modification includes establishing a bitumen hardstand area and to store and stack shipping containers, materials, and equipment.

The site is intersected by the boundaries of two Local Government Areas (LGAs), being Campbelltown LGA in the south and Camden LGA in the north – refer **Figure 1** below. While the proposed modification relates to a parcel of land (within the greater site), in Camden LGA, an application has also been lodged for an adjoining land parcel (within the greater site) within the Campbelltown LGA, seeking an extension to an existing hardstand area and an increase to the container stacking height.

The land parcel within Camden LGA is zoned IN1 General Industrial pursuant to Camden Local Environmental Plan (LEP) 2010, and has a maximum height limit of 12m as set out in Clause 4.3 of the LEP. The land parcel within Campbelltown LGA is zoned IN1 pursuant to Campbelltown LEP 2015, and has a maximum height limit of 19m.

As part of the Section 4.55(2) modification application to Camden Council, it is proposed to stack empty containers 7 high, (or 18.2m). This Clause 4.6 request has been prepared to support the proposed variation to the 12m height development standard.





-  EXISTING HARDSTAND AS PER APPROVED
CAMPBELLTOWN CITY COUNCIL 1324/2020/DA-U
-  PROPOSED WORKS CAMDEN LGA

Figure 1 – LGA Boundaries



CLAUSE 4.6 VARIATION REQUEST

The report should be read in conjunction with the following drawings prepared by Space Urban and submitted with the modification application:

Drawings prepared by Space Urban			
Drawing Number	Drawing Title	Issue	Date
DA-000	Cover Sheet	A	15/10/2021
DA-010	Existing Part Site Plan	A	15/10/2021
DA-020	Proposed Part Site Plan	A	15/10/2021
DA-022	Proposed Container Yard and SW Details	1	15/10/2021
DA-030	Container Elevation Stacked Height	1	15/10/2021

- Statement of Environmental Effects (SEE) prepared by Space Urban dated 27 October 2021;
- Landscape Character and Visual Impact Assessment prepared by RPS dated 25 January 2022

1.1 What is the Environmental Planning Instrument (EPI) that applies to the land?

The Environmental Planning Instrument (EPI) to which this variation relates is Camden Local Environmental Plan (LEP) 2010.

1.2 What is the zoning of the land?

The land is zoned IN1 General Industrial pursuant to Camden Local Environmental Plan (LEP) 2010.

1.3 What are the objectives of the zone?

The objectives of the IN1 General Industrial zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.*

1.4 What is the development standard being varied?

The development standard being varied is the "maximum height of buildings."

1.5 Under what Clause is the development standard listed in the EPI?

The development standard is listed under Clause 4.3 of LEP 2010, and the maximum building height is 12m.



CLAUSE 4.6 VARIATION REQUEST

1.6 What are the objectives of the development standard?

The objectives of the height development standard are set out below:

- (1) *The objectives of this clause are as follows—*
- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
 - (b) *to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
 - (c) *to minimise the adverse impact of development on heritage conservation areas and heritage items.*

1.7 What is the numeric value of the development standard in the EPI?

The subject site has a maximum permitted height 12m.

1.8 What is the numeric value of the development standard in the DA?

The numeric value of the development standard in the DA relates to that part of the proposed development which exceeds the 12m height limit, which is 18.2m in this instance or 7 empty containers – refer drawing DA-030 – Container Elevation Stacked Height.

1.9 Matters to be considered under Clause 4.6 of the relevant EPI

How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The NSW Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council [2007] NSW LEC 827*. Under *Wehbe*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met the objectives of the standard regardless of the variation. Under *Four2Five*, whilst this can still be considered under this heading, consideration of the remaining four (4) ways in *Wehbe* was considered to be warranted. The following discussion provides a response to each of these five (5) "tests".

Test 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Consistency with the objectives, and the absence of any environmental impacts, would demonstrate that strict compliance with the building height standard would be both unreasonable and unnecessary. The contentions below demonstrate how this proposal is consistent with the objectives set out in Clause 4.3:

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) *to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) *to minimise the adverse impact of development on heritage conservation areas and heritage items.*



CLAUSE 4.6 VARIATION REQUEST

2. SITE CONTEXT

The overall site (Lot 38 DP1098588) has an area of approximately 71ha. Figure 1 shows the relative extent of the subject land parcel within the overall site, as well as the area within Campbelltown LGA where approval is being sought to extend the existing hardstand area and increase the container stacking height.

To the west of the site is the Nepean River and the Wollondilly Shire local government boundary. To the north of the site and above are offices and a Suez waste facility. Immediately to the east is an independently owned waste and recycling operation. Further east (850m) is the Menangle Park Urban Release Area. To the north-east are the Mount Annan Botanical Gardens, while to the south are undeveloped rural lands and the Menangle Park Paceway. The photographs below show the site context.



Photograph 1- View south towards and across the existing site from hardstand area above on northern side

CLPP01

Attachment 3



CLAUSE 4.6 VARIATION REQUEST



Photograph 2 – View south-west across the site towards Nepean River and Wollondilly Shire local government boundary.



Photograph 3 – View south across existing site with proposed container stacking location (land parcel) in Camden Council area in the foreground. Campbelltown Council area is located behind.



CLAUSE 4.6 VARIATION REQUEST

CLPP01

Attachment 3



Photograph 4 – View north towards proposed container stacking area with offices and Suez waste facility above.



Photograph 5 – View north-east from proposed container stacking area.



CLAUSE 4.6 VARIATION REQUEST

3. DISCUSSION

The proposed development is consistent with the objectives of the maximum building height development standard for the following reasons:

The location where the empty containers are to be stacked to a height of 18.2m is a low-lying area which forms part of a larger established industrial site whose landform has been significantly modified over time. Visual impacts associated with stacking empty containers to a height of 18.2m in the location concerned will be negligible on surrounding sensitive land uses including Menangle Park Urban Release Area (850m to the east) and Mount Annan Botanical Gardens, since the location is substantially lower, screened and separated on the eastern, northern and western sides by topography and existing vegetation.

It should further be noted that while the location has a maximum height limit of 12m as set out in Clause 4.3 of the Camden LEP, the adjacent land parcel which is located within Campbelltown LGA, and where containers are also proposed to be stacked, has a maximum height limit of 19m under Campbelltown LEP 2015.

Breaching the 12m height limit in this instance will ensure that the bulk and scale of the development will be consistent with that adjoining within Campbelltown, and will not alter the overall character of the locality. There will also be no disruption of existing views, loss of privacy or loss of solar access to existing development.

The proposed development is also consistent with the objectives of the IN1 General Industrial zone. Approval of the DA in its current form will encourage employment opportunities and support and protect industrial land for industrial uses.

Test 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

We do not rely on this reason. The underlying objectives or purpose of the standard is relevant to the development and is achieved as outlined in Test 1 above.

Test 3: The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

Strict compliance with the building height limit in this case would unreasonably undermine Objectives (a) and (b) above, in that the ability to provide a compatible built form outcome would be hindered.

Test 4: 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 and unreasonable;

We do not rely on this reason.

Test 5: The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

Compliance with the development standard in this instance is unreasonable and inappropriate due to existing use of land and current environmental character of the particular parcel of land. As discussed above it should be noted that while the subject land



CLAUSE 4.6 VARIATION REQUEST

parcel has a maximum height limit of 12m as set out in Clause 4.3 of the Camden LEP, the adjoining land parcel which is located within Campbelltown LGA, and where containers are also proposed to be stacked, has a maximum height limit of 19m.

For the reasons set out above, it is considered that compliance with the standard is unreasonable and unnecessary in the circumstances of the case. Compliance in this instance would not result in a better planning outcome.

Sufficient Environmental Planning Grounds to Justify Contravention of the Development Standard.

The SEE prepared by Space Urban provides a holistic environmental planning assessment of the proposed development and concludes that there are sufficient environmental planning grounds to support the development.

A height compliant development (12m) adjoining a land parcel where a height compliant development is 19m would, in this instance, result in a sub-optimal development outcome for the overall site. A height of 18.2m, or 7 stacked containers on the subject land parcel, would not result in any additional impacts on the surrounding locality.

There is robust justification throughout the SEE and accompanying documentation to support the overall height, bulk and scale of the development and contend that the outcome is appropriate on environmental planning grounds.

Is the variation in the public interest?

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the standard have been addressed above and are satisfied. Moreover, if strict compliance were to be achieved, it is considered that the objectives of the standard would be defeated or thwarted.



CLAUSE 4.6 VARIATION REQUEST

4. CONCLUSION

In every instance, the objectives of the zone, as well as the objectives for the standard have been satisfied. Therefore, the variation to the building height standard is in the public interest.

Matters of state or regional significance (c4.6(5) (a))

There is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application.

The public benefit of maintaining the standard (cl 4.6(5)(b))

Pursuant to case law of *Ex Gratia P/L v Dungog Council* (NSWLEC 148), the question that needs to be answered is "whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development".

There is no public benefit in maintaining strict compliance with the development standard in this instance, given that there are no unreasonable impacts that would result from the variation of the height standard.

Is the variation well founded?

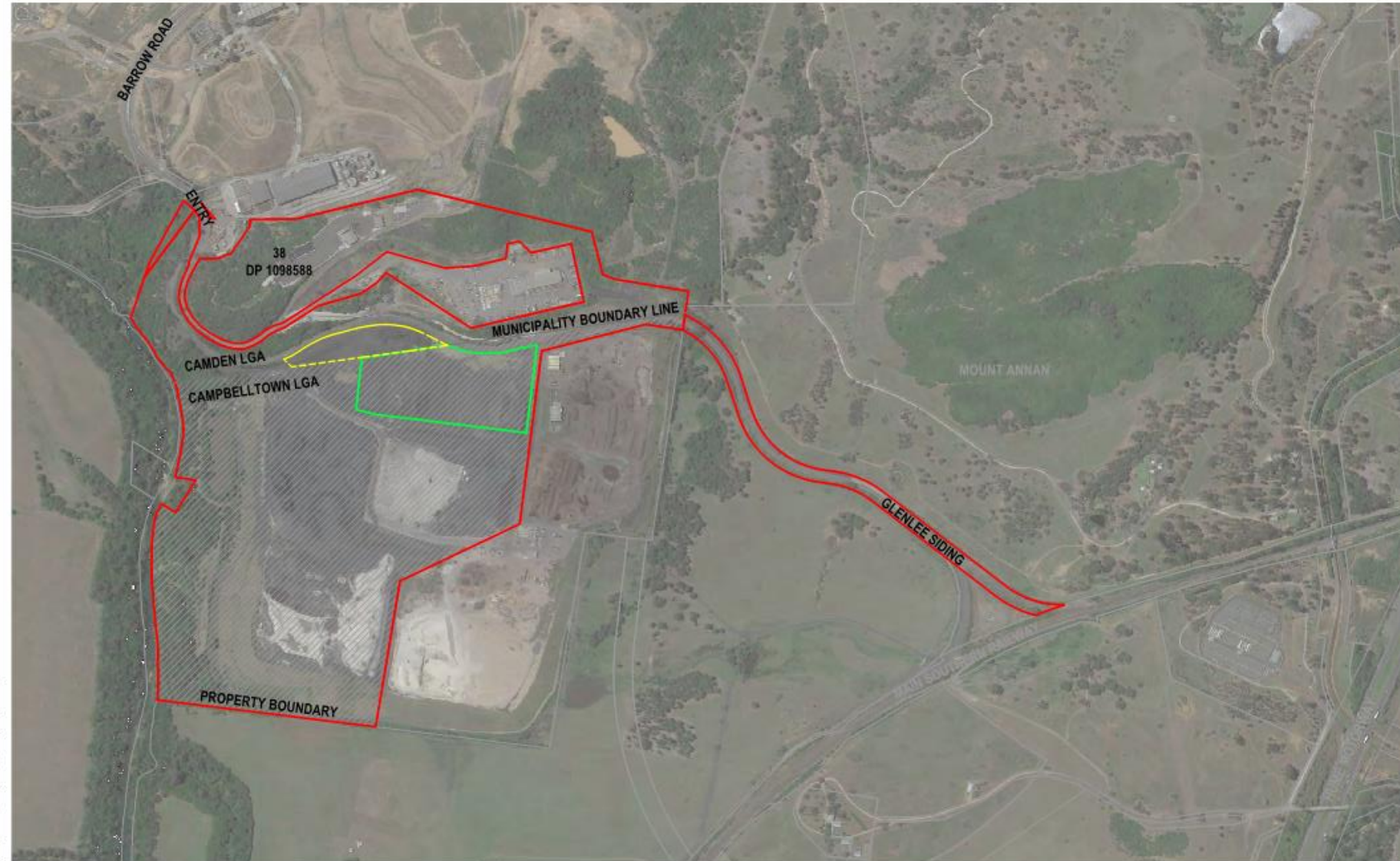
This Clause 4.6 variation request is considered to be well founded as it demonstrates, as required by Clause 4.6 of LEP 2010, that:


- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development to achieve the objectives of the standard;
- To comply with the standard would thwart and defeat the achievement of those objectives inasmuch as the underlying objectives are to allow for development that represents the desired future character of the locality;
- There are sufficient environmental planning grounds to justify the contravention;
- The development meets the objectives of the development standard and the objectives of the IN1 zone, notwithstanding the variation;
- The proposed development is in the public interest and there is no public benefit in maintaining the standard;
- The proposed variation will not hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning & Assessment Act 1979; and
- The contravention does not raise any matter of State or Regional Significance.

DEVELOPMENT APPLICATION CAMDEN LGA

PROPOSED EXTENSION OF HARDSTAND.
PROPOSED STACKING HEIGHT OF CONTAINERS.

50 BARROW ROAD, SPRING FARM - CAMDEN LGA



-  PROPOSED WORKS CAMDEN LGA
-  EXISTING HARDSTAND AS PER APPROVED CAMPBELLTOWN CITY COUNCIL 1324/2020/DA-U

DRAWING LIST

NO.	DRAWING TITLE	ISSUE	DATE
DA000	COVERSHEET	D	04-04-2022
DA010	EXISTING PART SITE PLAN	B	18-01-2022
DA020	PROPOSED PART SITE PLAN	D	04-04-2022
DA021	PROPOSED CONTAINER YARD & S.W. DETAILS	D	04-04-2022
DA030	CONTAINER ELEVATION STACKED HEIGHT	C	14-02-2022
DA100	EROSION & SEDIMENT CONTROL PLAN	B	04-04-2022
DA101	EROSION & SEDIMENT CONTROL DETAILS	A	14-02-2022

ISSUE	DESCRIPTION	DATE	DRAWN	AUTH
D	DEVELOPMENT APPLICATION	04-04-2022	TS	AS/JS
C	DEVELOPMENT APPLICATION	14-02-2022	DC	AS/JS
B	DEVELOPMENT APPLICATION	18-01-2022	DC	AS/JS
A	DEVELOPMENT APPLICATION	15-10-2021	DC	AS/JS



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PROJECT
PROPOSED EXTENSION OF HARDSTAND.
PROPOSED STACKING HEIGHT OF CONTAINERS.

LOCATION
50 BARROW ROAD,
SPRING FARM

DRAWING
COVER SHEET

SCALE N.T.S.	STAGE DA
PROJECT NUMBER 7474-01T	DRAWING NUMBER DA000
ISSUE D	

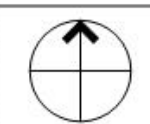


01 EXISTING PART SITE PLAN
SCALE: 1:2000(A1)

LEGEND:
 EXISTING HARDSTAND AS PER APPROVED CAMPBELLTOWN CITY COUNCIL 1324/2020/DA-U

NOTES:
 TOTAL SITE AREA: 750,000m²

ISSUE	DESCRIPTION	DATE	DRAWN	AUTH
B	DEVELOPMENT APPLICATION	18-01-2022	DC	AS/JS
A	DEVELOPMENT APPLICATION	15-10-2021	DC	AS/JS

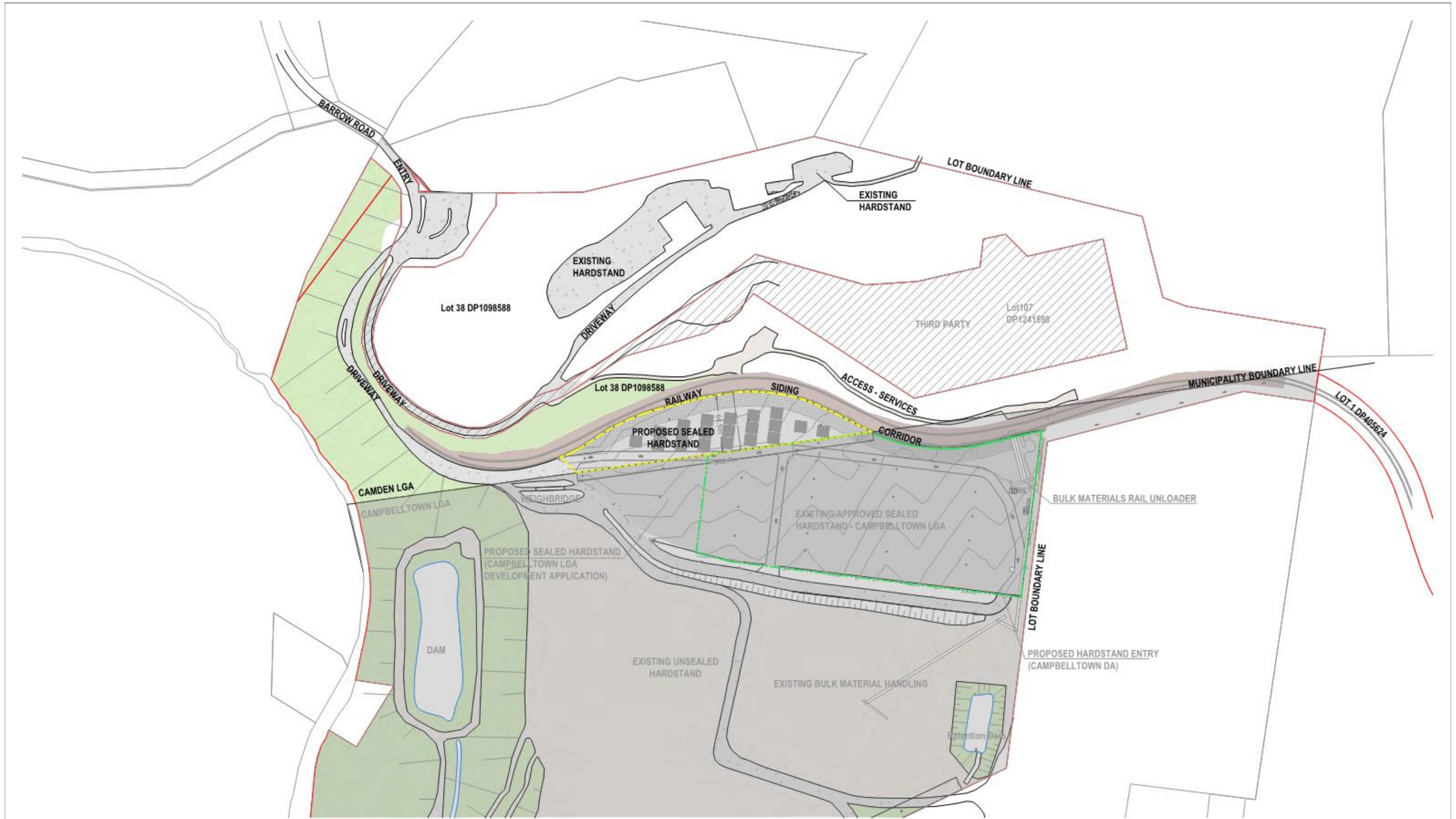


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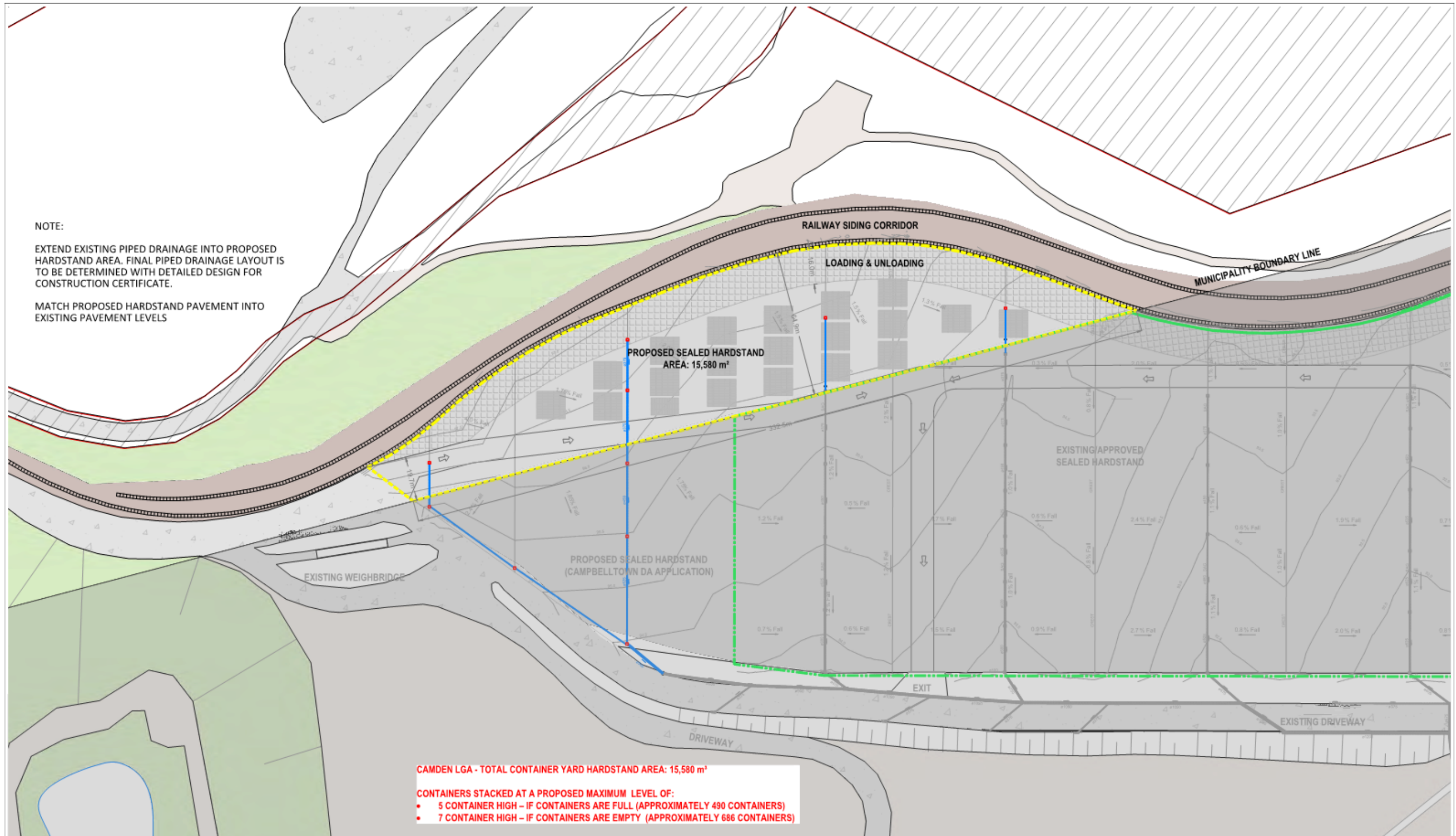
PROJECT: PROPOSED EXTENSION OF HARDSTAND. PROPOSED STACKING HEIGHT OF CONTAINERS.
 LOCATION: 50 BARROW ROAD, SPRING FARM

DRAWING: EXISTING PART SITE PLAN		STAGE: DA
SCALE: 1:2000 @ A1, 1:4000 @ A3	PROJECT NUMBER: 7474-01T	DRAWING NUMBER: DA010
		ISSUE: B



01 PROPOSED PART SITE PLAN
SCALE: 1:2000(A1)

LEGEND: EXISTING HARDSTAND AS PER APPROVED CAMPBELLTOWN CITY COUNCIL 1324/2020(MA-U) PROPOSED WORKS CAMDEN LGA	NOTES: TOTAL SITE AREA: 750,000m ²		 COPYRIGHT: THIS DRAWING AND THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE COPYRIGHT OWNER SPACE URBAN PTY. LTD. AND MAY NOT BE COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION. A B O R O C O M P A N Y 2 WELLS WAY TORRENSBY N.S.W. 2259 AUSTRALIA Tel: 62-2348-9900 Fax: 62-4348-9200	PROJECT PROPOSED EXTENSION OF HARDSTAND. PROPOSED STACKING HEIGHT OF CONTAINERS.	DRAWING PROPOSED PART SITE PLAN	
	LOCATION 50 BARROW ROAD, SPRING FARM	SCALE 1:2000 @ A1, 1:4000@A3		STAGE DA	PROJECT NUMBER 7474-01T	DRAWING NUMBER DA020



NOTE:

EXTEND EXISTING PIPED DRAINAGE INTO PROPOSED HARDSTAND AREA. FINAL PIPED DRAINAGE LAYOUT IS TO BE DETERMINED WITH DETAILED DESIGN FOR CONSTRUCTION CERTIFICATE.

MATCH PROPOSED HARDSTAND PAVEMENT INTO EXISTING PAVEMENT LEVELS

CAMDEN LGA - TOTAL CONTAINER YARD HARDSTAND AREA: 15,580 m²

CONTAINERS STACKED AT A PROPOSED MAXIMUM LEVEL OF:

- 5 CONTAINER HIGH – IF CONTAINERS ARE FULL (APPROXIMATELY 490 CONTAINERS)
- 7 CONTAINER HIGH – IF CONTAINERS ARE EMPTY (APPROXIMATELY 686 CONTAINERS)

01 PROPOSED CONTAINER STORAGE YARD DETAILS
SCALE: 1:500 (A1)

LEGEND:

	EXISTING HARDSTAND AS PER APPROVED CAMPBELLTOWN CITY COUNCIL 1324/2020/DA-U		PROPOSED STORMWATER PIT		PROPOSED UNDERLYING S.W. PIPES
	PROPOSED WORKS CAMDEN LGA		EXISTING STORMWATER PIT		EXISTING UNDERLYING S.W. PIPES

ISSUE	DESCRIPTION	DATE	DRAWN	AUTH
D	DEVELOPMENT APPLICATION	04-04-2022	TS	AS/JS
C	DEVELOPMENT APPLICATION	14-02-2022	DC	AS/JS
B	DEVELOPMENT APPLICATION	18-01-2022	DC	AS/JS
A	DEVELOPMENT APPLICATION	15-10-2021	DC	AS/JS

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 A B O W O COMPANY

 2 WELLS WAY SOMERSET

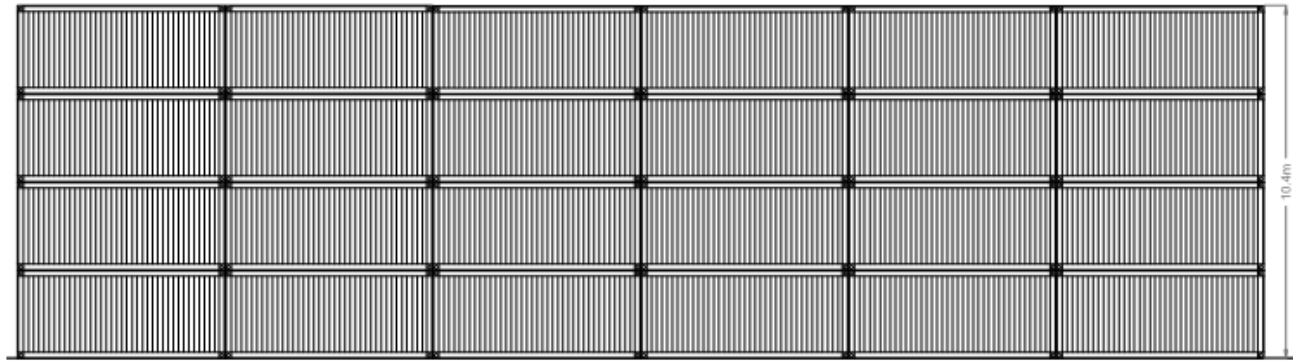
 N.S.W. 2259 AUSTRALIA

 Tel: 02-4340-8900

 Fax: 02-4340-8293

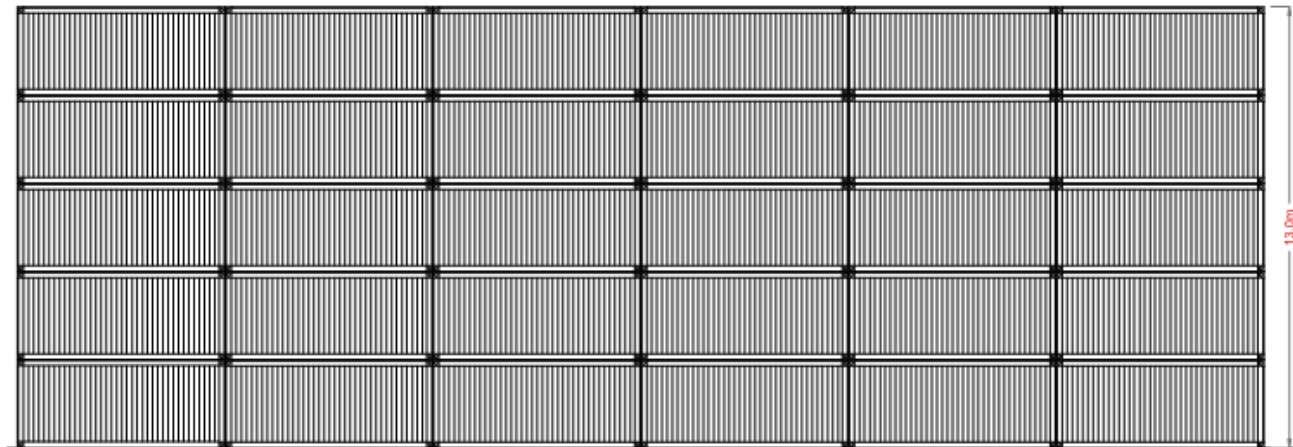
PROJECT: PROPOSED EXTENSION OF HARDSTAND. PROPOSED STACKING HEIGHT OF CONTAINERS.
 LOCATION: 50 BARROW ROAD, SPRING FARM

DRAWING: PROPOSED CONTAINER YARD & STORM WATER DETAILS		STAGE: DA
SCALE: 1:500 @ A1, 1:1000@A3	PROJECT NUMBER: 7474-01T	DRAWING NUMBER: DA021
		ISSUE: D



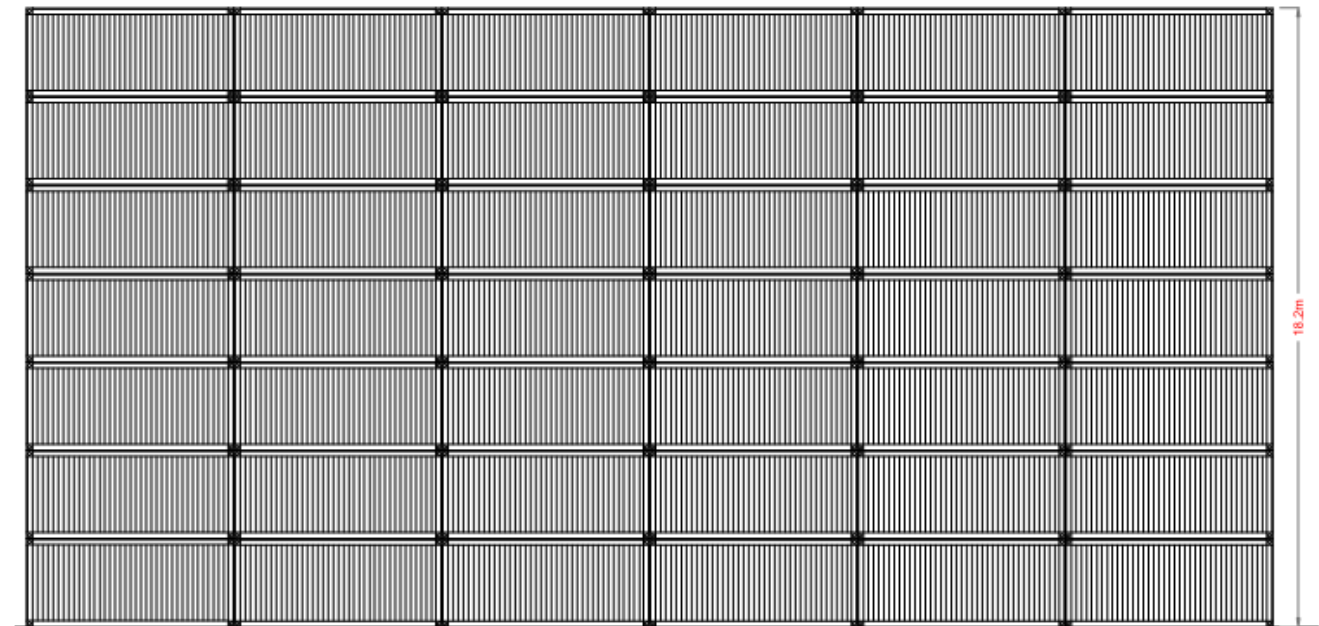
CONTAINER'S SIDE ELEVATION

01 APPROVED STACKED CONTAINER HEIGHT
SCALE: 1:100 (A1)




5 CONTAINERS HIGH - FULL CONTAINERS SIDE ELEVATION

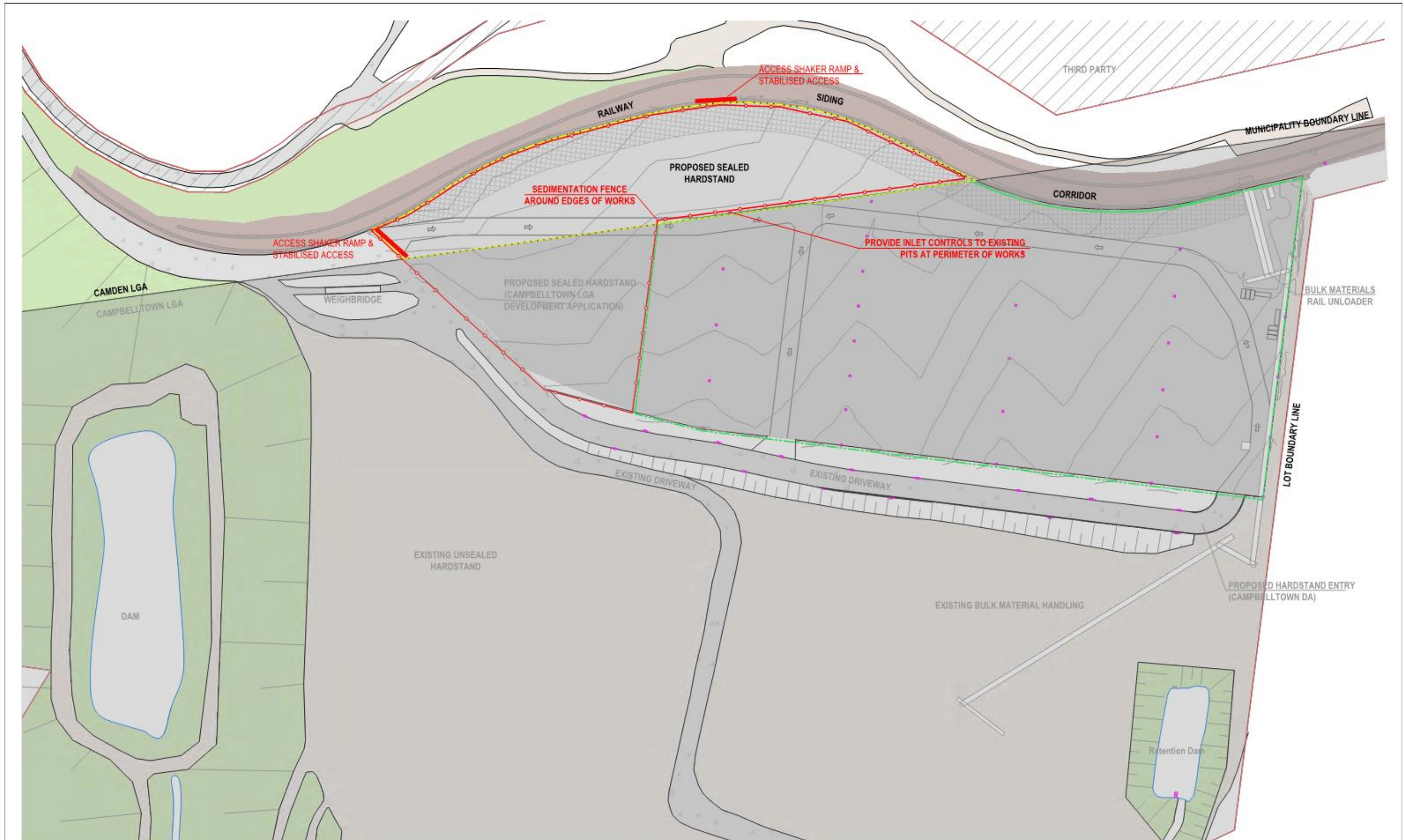
02 PROPOSED STACKED CONTAINER HEIGHT
SCALE: 1:100 (A1)



7 CONTAINERS HIGH - EMPTY CONTAINERS SIDE ELEVATION

03 PROPOSED STACKED CONTAINER HEIGHT
SCALE: 1:100 (A1)

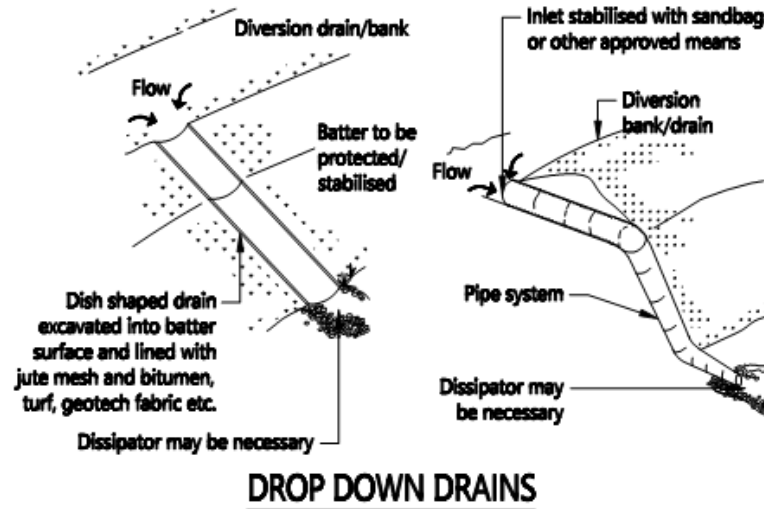
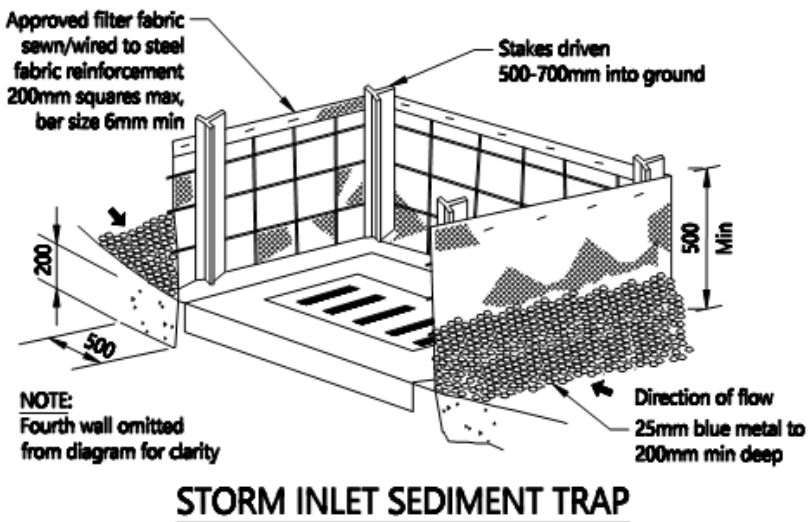
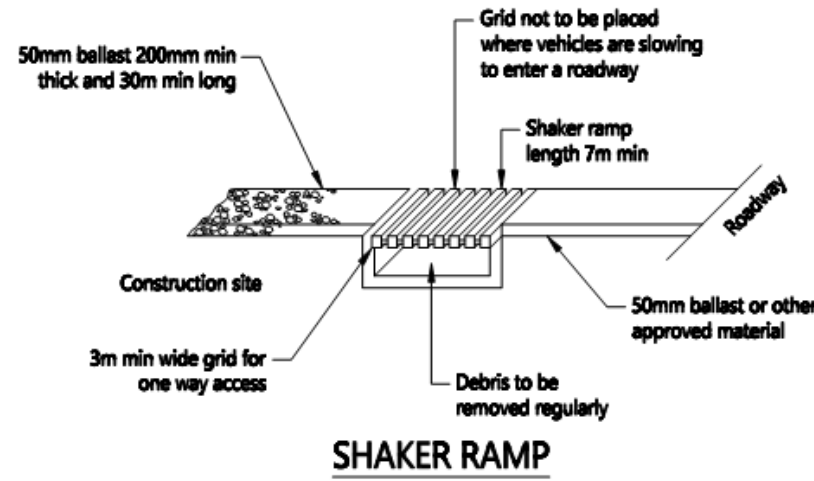
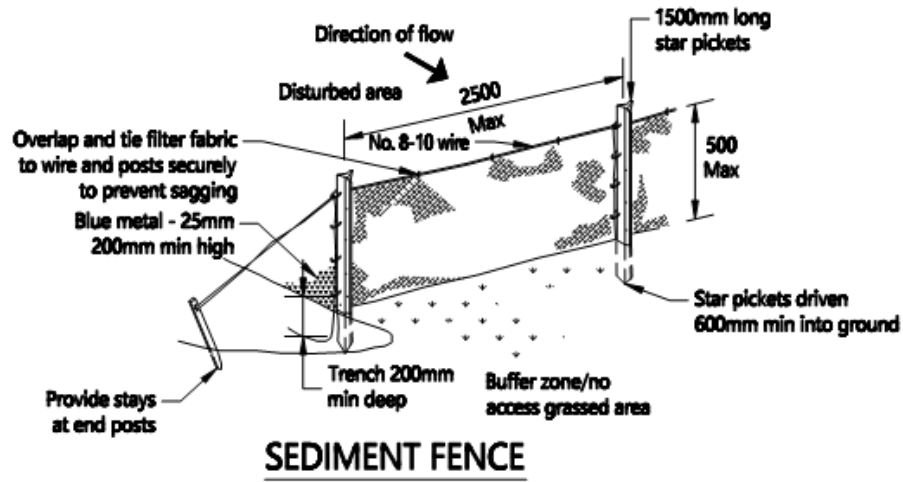
LEGEND:	NOTES: TOTAL SITE AREA: 750,000m ²	<table border="1"> <tr> <th>ISSUE</th> <th>DESCRIPTION</th> <th>DATE</th> <th>DRAWN</th> <th>AUTH</th> </tr> <tr> <td>C</td> <td>DEVELOPMENT APPLICATION</td> <td>14-02-2022</td> <td>DC</td> <td>AS/JS</td> </tr> <tr> <td>B</td> <td>DEVELOPMENT APPLICATION</td> <td>19-01-2022</td> <td>DC</td> <td>AS/JS</td> </tr> <tr> <td>A</td> <td>DEVELOPMENT APPLICATION</td> <td>12-10-2021</td> <td>DC</td> <td>AS/JS</td> </tr> </table>	ISSUE	DESCRIPTION	DATE	DRAWN	AUTH	C	DEVELOPMENT APPLICATION	14-02-2022	DC	AS/JS	B	DEVELOPMENT APPLICATION	19-01-2022	DC	AS/JS	A	DEVELOPMENT APPLICATION	12-10-2021	DC	AS/JS	 <p>space URBAN</p> <p><small>Copyright: THIS DRAWING AND THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF SPACE URBAN PTY LTD AND MAY NOT BE COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION.</small></p> <p><small>A B C P R O C O M P A N Y 2 WILLOW WAY SOMERSET N.S.W. 2259 AUSTRALIA Tel: 02-2349-9999 Fax: 02-4349-8293</small></p>	PROJECT PROPOSED EXTENSION OF HARDSTAND. PROPOSED STACKING HEIGHT OF CONTAINERS.	DRAWING CONTAINER ELEVATION STACKED HEIGHT	STAGE DA
			ISSUE	DESCRIPTION	DATE	DRAWN	AUTH																			
C	DEVELOPMENT APPLICATION	14-02-2022	DC	AS/JS																						
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A	DEVELOPMENT APPLICATION	12-10-2021	DC	AS/JS																						
LOCATION 50 BARROW ROAD, SPRING FARM	SCALE 1:100 @ A1, 1:200@A3	PROJECT NUMBER 7474-01T	DRAWING NUMBER DA030	ISSUE C																						



01 PROPOSED PART SITE PLAN
SCALE: 1:1000(A1)

REFER TO DRAWING DA101 FOR EROSION & SEDIMENT CONTROL DETAILS
DRAWING SHOWS PART OF THE EROSION & SEDIMENT CONTROL MEASURES ON THE CAMPBELLTOWN DA SET

LEGEND: EXISTING HARDSTAND AS PER APPROVED CAMPBELLTOWN CITY COUNCIL 1324/2020/DA-U PROPOSED WORKS CAMDEN LGA SEDIMENT FENCE ACCESS SHAKER RAMP & STABILISED ACCESS		NOTES: TOTAL SITE AREA: 750,000m ²				 COPYRIGHT: THIS DRAWING AND THE INFORMATION CONTAINED ARE THE PROPERTY OF THE COPYRIGHT OWNER SPACE URBAN LTD. AND MAY NOT BE COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION. A B O W O S O M P A N Y 2 WELLS WAY SOMERSET N.S.W. 2550 AUSTRALIA TEL: 02-4348-9900 FAX: 02-4348-9292		PROJECT: PROPOSED EXTENSION OF HARDSTAND. PROPOSED STACKING HEIGHT OF CONTAINERS. LOCATION: 50 BARROW ROAD, SPRING FARM		DRAWING: EROSION & SEDIMENT CONTROL PLAN SCALE: 1:1000 @ A1, 1:2000 @ A3 PROJECT NUMBER: 7474-01T DRAWING NUMBER: DA100		STAGE: DA ISSUE: B	
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NOTES:

- SC1. All erosion and sediment control measures are to be installed and maintained in accordance with Landcom's 'Managing Urban Stormwater - Soils and Construction'.
- SC2. All erosion and sediment control measures shall be implemented prior to the commencement of any work being carried out. All measures shall be maintained and kept in place for the duration of the works and may only be removed upon final stabilisation of the site.
- SC3. All erosion and sediment control measures shall be constructed and maintained as indicated on the approved drawings. The actual location and extent of soil and water management devices shall be confirmed on site prior to commencement.
- SC4. The contractor shall be solely responsible for the control of erosion and sedimentation to the satisfaction of Council and shall inform all subcontractors and all employees of their responsibilities with regards erosion and sediment control.
- SC5. The contractor shall regularly maintain all erosion and sediment control measures to the satisfaction of the superintendent and Council. Repairs and maintenance shall be undertaken as required, particularly after storm events.
- SC6. A self auditing program shall be established based on a check sheet developed for the site. A site inspection using the check sheet shall be made by the Site Supervisor at least weekly, immediately before site closure, and immediately following rainfall events greater than 5 mm in 24 hours.
- SC7. Site access shall only be achieved via a truck shaker at the designated access point as shown on the approved plans. The truck shaker is to be regularly maintained to ensure effectiveness.
- SC8. Dust control measures shall be implemented continuously during construction works. Such measures are to be to the satisfaction of the superintendent and Council.
- SC9. The areas over stormwater and sewer lines and electricity, telephone and gas supply trenches are to be seeded and mulched as soon as possible but no later than within 14 days after backfill.
- SC10. No more than 150 metres of trench is to be open at any one time.
- SC11. Stockpiles shall be in low mounds no more than 2 metres high and not located within 5 metres of hazard areas, including likely areas of concentrated or high velocity flows.
- SC12. The contractor shall stabilise all stockpiles and disturbed areas, by hydroseeding or as directed by the superintendent or Council, as soon as they are formed to final levels. All seeded areas shall be watered at least twice weekly until grass cover is established.
- SC13. All temporary earth berms, diversion and sediment basin embankments are to be track rolled, seeded or mulched for temporary vegetation cover as soon as they have been formed.
- SC14. All fills are to be left with a windrow at least 200 mm high at the top of the slope at the end of each day's earthworks, and all earthwork areas shall be rolled each evening to "seal" the earthworks.
- SC15. Stabilisation of all cut and fill slopes shall be commenced within 14 days of completion of formation.
- SC16. Upon completion of final earthworks or after written direction of Council, immediate silt conservation treatments shall be applied so as to render areas that have been disturbed, erosion proof within 14 days.
- SC17. All erosion and sediment control measures affected by works shall be re-established prior to the completion of each day's work.
- SC18. All topsoil is to be stockpiled on site for re-use (away from trees and drainage lines). Measures shall be applied to prevent erosion of the stockpiles.
- SC19. A strip of turf is to be placed immediately behind the kerb and gutter on all new roads and at additional locations as determined by the Council Engineer.
- SC20. Topsoil shall be re-spread on disturbed areas as required and stabilised as soon as possible and within 14 days of disturbance. All disturbed areas shall be left scarified to encourage water infiltration and assist with keying of topsoil.
- SC21. Sediment basins shall be maintained for the entire duration of the project or until such time as all disturbed areas are stabilised.
- SC22. Any basins to be de-silted shall be flocculated to settle any suspended solids. Upon approval from Council, clear water shall then be pumped out in a manner that will not cause downstream erosion. When dry, the silt shall be mixed with topsoil for future spreading or removed from site.
- SC23. The contractor shall maintain a logbook detailing:
 - (a) Records of all rainfall;
 - (b) Daily condition of all erosion and sediment control measures;
 - (c) Any application of flocculation agents to sediment basins;
 - (d) Method and volume of water discharged from basins; and
 - (e) Any additional remedial works required.
 The logbook shall be made available to any authorised person upon request and issued to the project manager upon completion of works.
- SC24. All final erosion prevention measures, including establishment of grassing, are to be completed prior to the subdivisions final inspection.

NOTES:								PROJECT PROPOSED EXTENSION OF HARDSTAND. PROPOSED STACKING HEIGHT OF CONTAINERS.		DRAWING EROSION & SEDIMENT CONTROL DETAILS		
				COPYRIGHT: THIS DRAWING AND THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE COPYRIGHT OWNER SPACE URBAN PTY. LTD. AND MAY NOT BE COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION.		A B O R O C O R P O R A T I O N 2 WELLS WAY SOMERSET N.S.W. 2259 AUSTRALIA Tel: 62-2349-9999 Fax: 62-4349-8293		LOCATION 50 BARROW ROAD, SPRING FARM		SCALE N.T.S.		STAGE DA
								PROJECT NUMBER 7474-01T		DRAWING NUMBER DA101		
										ISSUE A		

CLPP02

CLPP02

SUBJECT: DA/2021/1875/1 - CONSTRUCTION OF A NEW BIN ROOM, FRONT ENTRY AWNING AND WALL SIGNAGE- 45 OXLEY STREET, CAMDEN
FROM: Manager Statutory Planning
EDMS #: 22/479608

DA Number:	2022/1875/1.
Development:	Construction of a bin room, front entry awning and wall signage
Estimated Cost of Development:	\$15,750
Site Address(es):	45 Oxley Street, Camden
Applicant:	Camden Dental Centre
Owner(s):	Bhasin Family Pty Ltd
Number of Submissions:	23 submissions
Development Standard Contravention(s):	Nil
Classification:	Local
Recommendation:	Approve with conditions.
Panel Referral Criteria:	≥10 submissions
Report Prepared By:	Virginia Fairley (Executive Planner)

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel’s (the Panel’s) determination of a development application (DA) for the construction of a bin room, front entry awing and wall signage at 45 Oxley Street, Camden.

The Panel is to exercise Council’s consent authority functions for this DA as, pursuant to the Minister for Planning’s Section 9.1 Direction, it is subject to 10 or more submissions by way of objection.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2021/1875/1 for a bin room, front entry awning and wall signage 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 the construction of a bin room, front entry awning and three wall signs at 45 Oxley Street, Camden.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant environmental planning instruments, development control plans and policies.

There are no development standard contraventions or DCP variations proposed as part of the subject development.

The submitted plans and documents originally included repainting the building in corporate colours with the main colour being “deep ocean blue”. A number of subsequent amendments have been made to the DA to now retain the existing building’s grey colour scheme, reducing the amount of signage including deletion of all window signage.

The proposed signage and additions are now supported by Council’s Heritage Officer. The proposed bin room has no impact on existing parking spaces however necessitates a fire safety performance solution upgrade for the building. Council’s Team Leader – Building Certification has recommended conditions to manage such an upgrade in accordance with the National Construction Code of Australia prior to the issue of the Construction Certificate.



Figure 1 – Original photomontage showing the building painted in corporate colours and front elevation signage



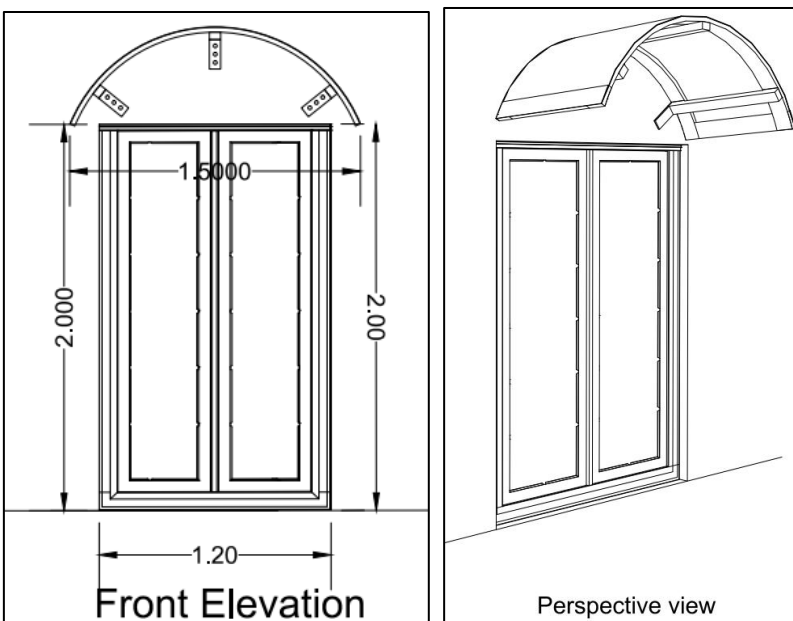
Figure 2 – Original photomontage showing the building painted in corporate colours and proposed side elevation signage



Figure 3 – Amended front elevation signage with existing grey colour scheme being retained



Figure 4 – Amended side elevations signage detail



Figures 5 & 6 – Proposed front entry awning

CLPP02

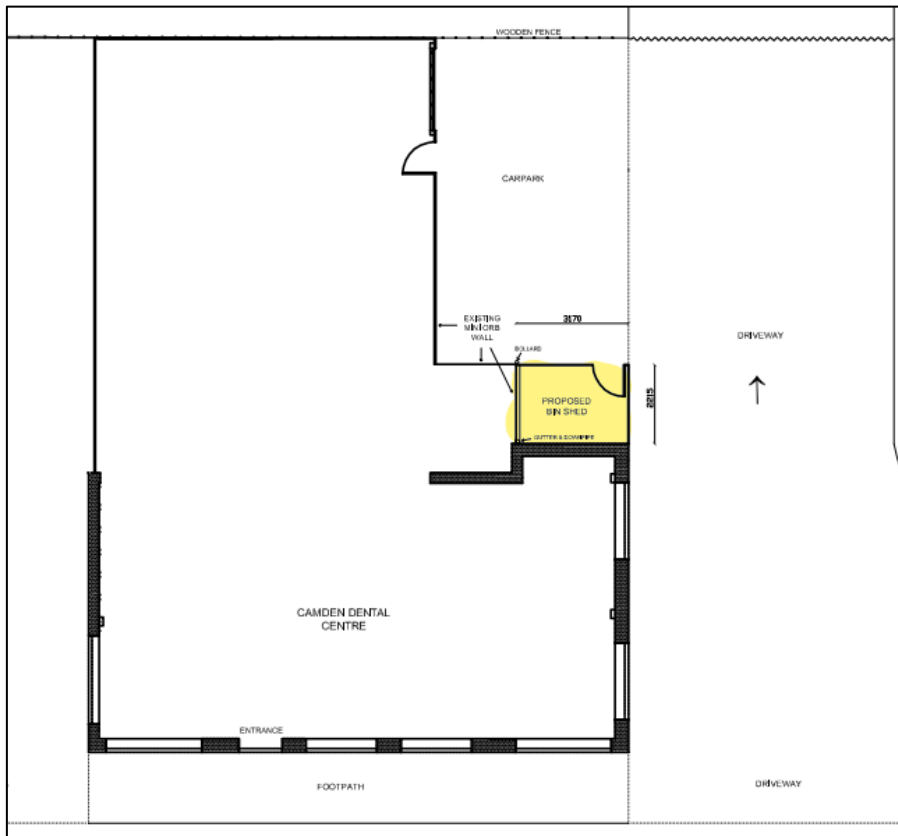


Figure 7 – Location of bin room highlighted in yellow.

The DA was publicly exhibited for a period of 41 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 14 December 2021 to 25 January 2022. During this time 11 submissions were received objecting to the development.

Following a preliminary assessment, a request for additional information (RFI) was issued by Council staff requesting the window signage be removed and the wall signage amended. The applicant submitted an amended signage plan.

In response to the amended plans that were submitted following the initial notification period, the application was renotified in accordance with Camden Community Participation Plan 2021. The exhibition period was from 1 June 2022 to 21 June 2022 and an additional 12 submissions were received objecting to the development.

A total of 23 submissions have been received objecting to the development during both public exhibition periods.

The issues raised in the submissions relate to:

- The proposed ‘deep ocean blue’ exterior colour is out of character with the Heritage Conservation Area (HCA).
- The proposed signage exceeds 20% of the front façade and is not consistent with desired outcomes for the HCA.
- The scale of the proposed signage is out of character with the HCA.

The amended proposal has been assessed to be in accordance with the relevant planning policies. Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

AERIAL PHOTO



Figure 8 – The site (outlined in red) and surrounding allotments

THE SITE

The subject site is known as 45 Oxley Street, Camden and is legally described as Lot 2 in DP 376915.

The site is in the commercial centre of Camden on land zoned B2 Local Centre and within the Camden Town Centre Heritage Conservation Area. The site contains a single storey dental surgery and associated car parking. A laneway/entry driveway located on the northern boundary serves the dental surgery, adjoining supermarket and other commercial buildings within the vicinity. Adjacent to the site is a single decked 150 space car park.

To the north is the Camden Civic Centre. To the south are the shops fronting Argyle Street, which include the former Foresters Hall and corner shop which are all heritage listed buildings.

ZONING PLAN

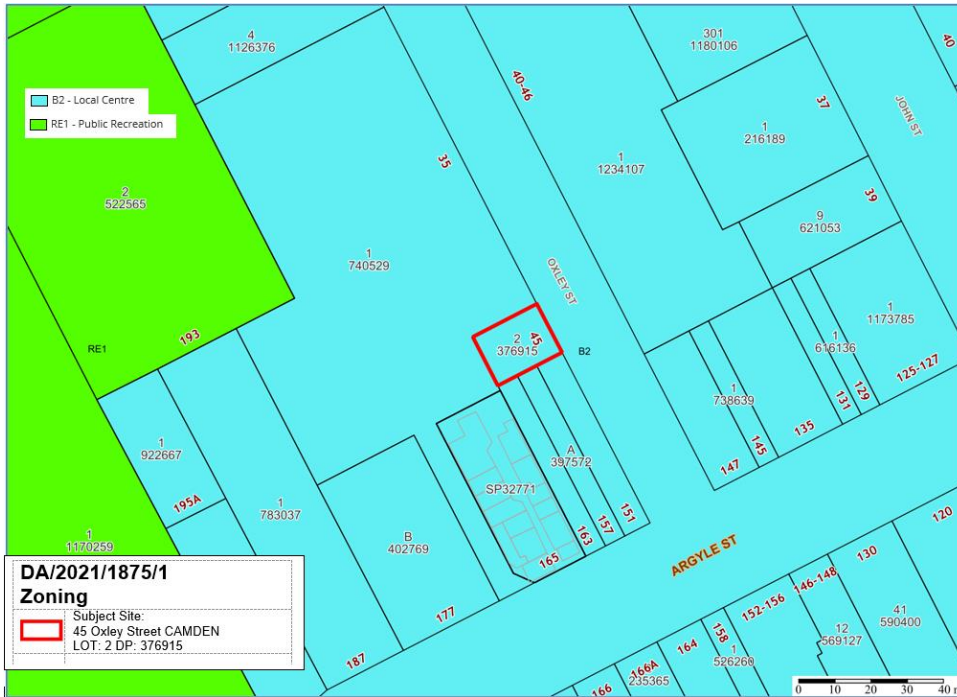


Figure 9 – The site (outlined in red) and surrounding allotments. Lots coloured in blue are zoned B2 Local Centre. Lots coloured in green are zoned RE1 Public Recreation.

HERITAGE MAP

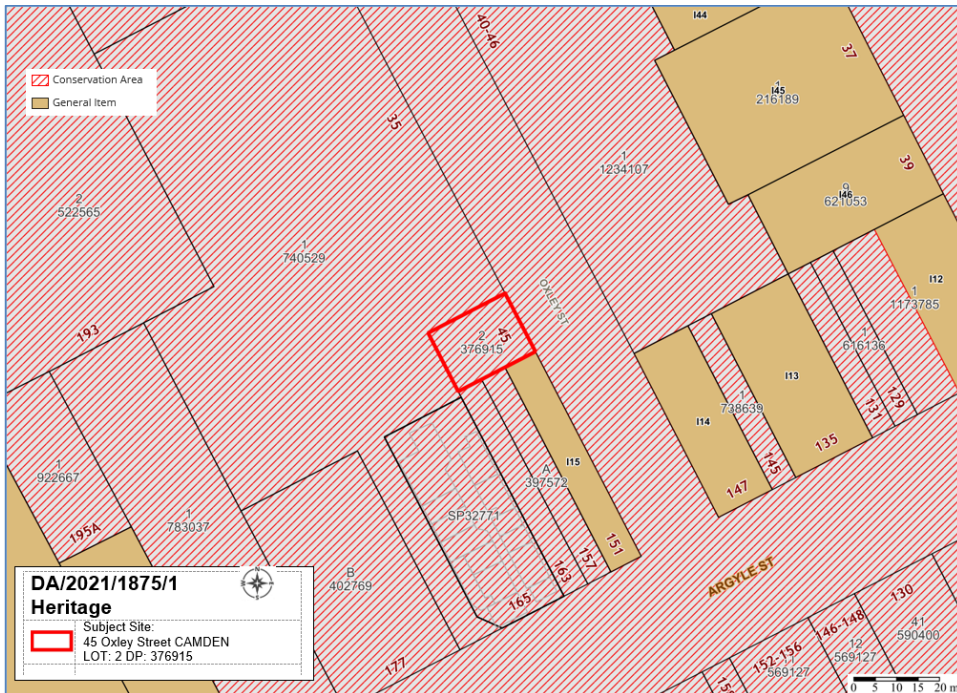


Figure 10 – The site (outlined in red) and surrounding allotments within the Heritage Conservation Area. Lots coloured in brown/gold to the south are heritage items known as the “corner shop I15” and “former Foresters Hall I14”

PUBLIC EXHIBITION/SUBMISSION MAP

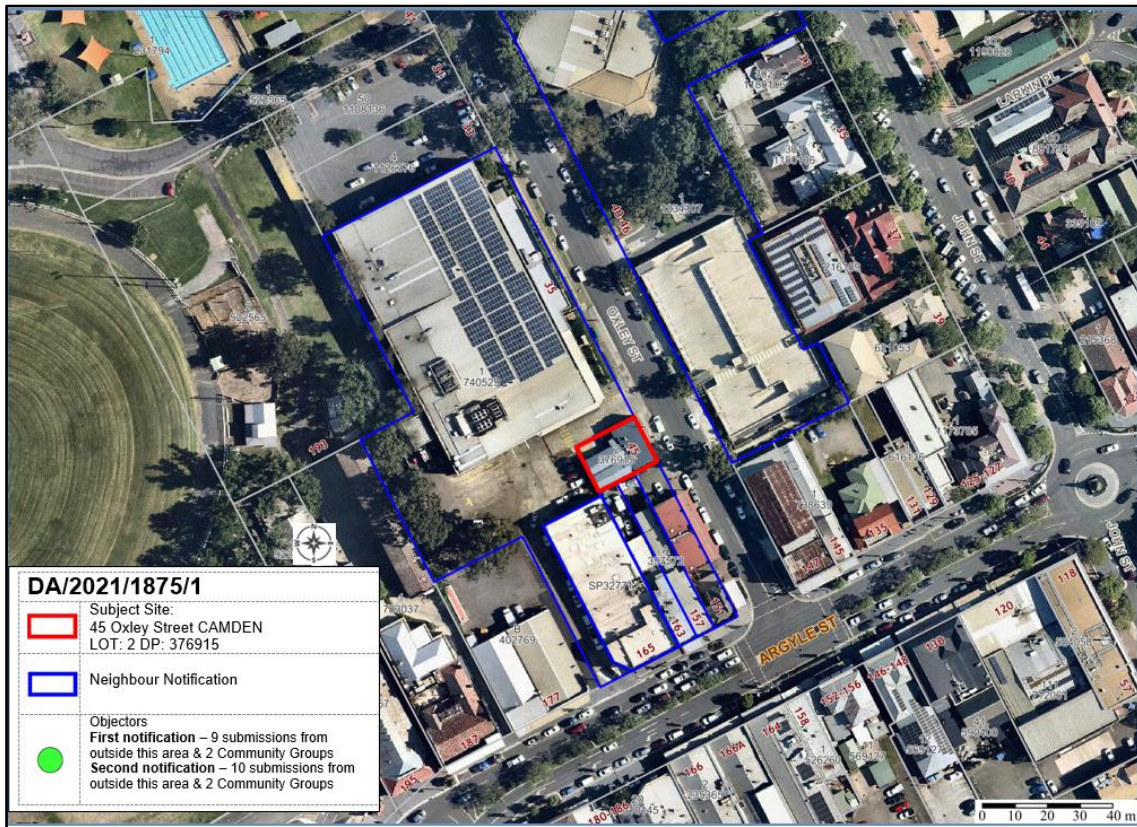


Figure 11 – The site is outlined in red while the blue outline identifies the properties notified of the proposal

HISTORY

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

Date	Development
30/10/2014	CDA/2014/1195/1 - Development consent was issued for the internal fit-out and refurbishment of the existing dental surgery.
15/8/2011	DA/2011/888/1 - Development consent was issued for the installation of advertising signs.
6/12/2010	DA/2010/1313/1 - Development consent was issued for the change of use from retail premises for the sale of automotive spare parts and accessories to dental surgery.

THE PROPOSAL

DA/2022/1875/1 seeks approval for additions and wall signage to the existing ‘medical centre’.

Specifically the development involves:

- Construction of a bin room.
- Construction of a front entry awning.

- Replacement wall signage.

The estimated cost of the development is \$15,750.

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 (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- Camden Local Environmental Plan 2010

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

The Resilience and Hazards SEPP provides a state wide 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 bin room is to be located on an existing hardstand area and accordingly no concern is raised with the potential exposure with hazardous material. Notwithstanding, a condition is recommended to manage any unexpected find contingency during construction works.

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.

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)

The Industry and Employment SEPP – Chapter 3 aims to ensure that signage is compatible with the desired amenity and visual character of an area, provide effective communication in suitable locations and is of high-quality design and finish.

Three business identification signs are sought on the front and side elevations of the development site. The signs will consist of:

Band – 600mm high x 15,300mm wide

- White alucobond with orange vinyl stripes applied
- Orange vinyl strip 40mm high
- Install with white nylon anchors and WRUTH Ms1 exterior adhesive.

Main ID Signage – 324mm high x 4300mm wide and Side ID Signage – 225mm high x 3150mm

- 10mm thick white acrylic profile cut graphics with concealed metal fixing pins to backs
- Install fixing pins into brickwork including WURTH Mx1 exterior adhesive wide
- with no illumination subject to conditions.

The development is consistent with the aim of the Industry and Employment SEPP – Chapter 3 and all of its planning controls. There will be no detrimental impacts upon the visual character of the area as a result of the development.

Camden Local Environmental Plan 2010 (Camden LEP)

Site Zoning

The site is zoned B2 Local Centre pursuant to Clause 2.2 of the Camden LEP.

Land Use/Development Definitions

The development is characterised as alterations and additions to an existing ‘medical centre’ and associated signage by the Camden LEP.

Permissibility

The development is permitted with consent in the B2 zone pursuant to Clause 2.3 and the land use table of the Camden LEP.

Planning Controls

An assessment table in which the development is considered against the Camden LEP’s planning controls is provided as an attachment to this report.

(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

Camden Development Control Plan 2019 (Camden DCP)

An assessment table in which the development is considered against the Camden 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.

The proposal will contribute to the functionality of the dental surgery and contribute to the vibrancy of the town centre. All works are sympathetic to the heritage values of the site and locality and will contribute positively to the Camden Town Centre Heritage Conservation Area.

(c) the suitability of the site for the development

As demonstrated by the above 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 41 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 14 December 2021 to 25 January 2022. 11 submissions were received objecting to the development. Due to extent of amendments to the signage provided following the exhibition period, the application was renotified from 1 June 2022 to 21 June 2022. During this time, an additional 12 written submissions were received.

The following discussion addresses the issues raised in the submissions.

1. *The 'deep ocean blue' colour scheme proposed for the exterior of the building is out of character with the HCA.*

Officer comment: Additional information has been provided by the applicant which included an amended photomontage and specifications for the exterior of the building to retain the existing grey colour scheme. The application (as amended) was reviewed by Council's Heritage Officer who raised no objection to the proposal. As such the application is supported from a heritage perspective subject to the recommended conditions attached to this report.

2. *The proposed signage exceeds 20% of the front façade and is not consistent with desired outcomes for the HCA*

Officer comment: Additional information has been provided by the applicant which included an amended photomontage of the signage with all window signage removed. The application (as amended) was reviewed by Council's Heritage Officer who raised no objection to the proposal. As such the application is supported from a heritage perspective subject to the recommended conditions attached to this report.

3. *The scale of the proposed signage is out of character with the HCA.*

Officer comment: Additional information has been provided by the applicant which included an amended photomontage reducing the scale of the signage on all elevations. The application (as amended) was reviewed by Council's Heritage Officer who raised no objection to the proposal. As such the application is supported from a heritage perspective subject to the recommended conditions attached to this report.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

No external referrals were required for this DA.

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/2021/1875/1 for the construction of a front entry awning, bin room and wall signage at 45 Oxley Street, Camden subject to the conditions attached to this report.

REASONS FOR DETERMINATION

1. The development is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy (Biodiversity and Conservation) 2021; State Environmental Planning Policy (Resilience and Hazards) 2021; State Environmental Planning Policy (Industry and Employment) and Camden Local Environmental Plan 2010.
2. The development is consistent with the objectives of the Camden Development Control Plan 2019.
3. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
4. In consideration of the aforementioned reasons, the development is suitable and its approval is in the public interest.

ATTACHMENTS

1. Recommended Conditions
2. Camden LEP Assessment Table
3. Camden DCP Assessment Table
4. Combined Submissions (First Notification) - *Supporting Document*
5. Combined Submissions (Second Notification) - *Supporting Document*
6. Architectural Plans

RECOMMENDED CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
-	Awning Section & Elevations	-	-
	Site Plan	V Bhasin	-
Dwg. No. 1	Refurbishment	Macarthur Sign & Graphics	20/05/2022

Document Title	Prepared by	Date
Waste Management Plan	Joanne Tapp	-

- (2) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (3) **Shoring and Adequacy of Adjoining Property** - If the approved development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person having the benefit of the development consent must, at the person's own expense:
- protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land gives written consent to the condition not applying.

A copy of the written consent must be provided to the principal certifier prior to the excavation commencing.

- (4) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (5) **Infrastructure in Road and Footpath Areas** – Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street

footpath area for the proposed development shall be borne by the applicant, and not Council.

Note. The issue of this development consent does not imply concurrence or approval of any required public infrastructure work associated with the development.

2.0 - Prior to Issue of a Construction Certificate

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

(1) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993*.

(2) **Damages Bond** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note. A fee is payable for the lodgement of the bond.

(3) **Hoarding Application** - A hoarding application for the erection of a class A (fence type) hoarding along the street frontage complying with WorkCover requirements shall be provided to Council for approval with a footpath occupancy fee based on the area of footpath to be occupied.

A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, shall be obtained with a copy also provided to the Roads Authority. The Policy is to note Council as an interested party and nominate the location of works. Hoardings shall not be erected until written approval has been received from Council. The copy of the Public Risk Insurance Policy is to be provided to the Roads Authority.

(4) **Structural Engineer's Certificate** - A certificate must be prepared by a practicing structural engineer certifying that the building design is capable of withstanding the effects of water and water pressure due to flooding. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.

3.0 - Prior to Commencement of Works

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

(1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.

(2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:

- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
 - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
 - f) a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
 - b) a principal certifier has been appointed by the person having benefit of the development consent;
 - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited,
 - b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c) the name, address and telephone number of the principal certifier for the work.

The sign must be maintained while the work is being carried out and removed when the work has been completed.

- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

A copy of the approval receipt from Sydney Water must be submitted to the principal certifier.

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

4.0 - During Works

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

- (1) **Work Hours** - All work (including delivery of materials) shall be:
- restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
 - not carried out on Sundays or public holidays,
- unless approved in writing by Council.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;

- c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste storage area shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (5) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a certified contaminated land consultant has be contacted and conducted a thorough assessment.

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

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

5.0 - Prior to Issue of an Occupation Certificate

An Occupation Certificate shall be obtained prior to any use or occupation of the development. The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the principal certifier in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (2) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate principal certifier must:

- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
- b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as built.

6.0 - Ongoing Use

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

- (1) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (2) **Parking Areas to be Kept Clear** - At all times, the loading docks, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (3) **No Waste to Be Stored Outside of the Site** – No waste is to be placed on any public land (eg. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

Clause	Assessment	Compliance?
<p>2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> • To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. • To encourage employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling. • To ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level. • To minimise conflict between land uses within the zone and land uses within adjoining zones. • To enable other land uses that are complementary to and do not detract from the viability of retail, business, entertainment and community uses within the zone. 	<p>The proposed alterations and additions to the existing dental practice are consistent with the zone objectives as they will assist in improving the functionality of the commercial premises (in relation to waste management) and complement the Camden town centre.</p>	Yes
<p>4.3 Height of buildings</p> <p>Maximum building heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>The maximum building height for this site is 7.0m.</p>	<p>The proposed bin room is below the existing roof and within the prescribed height limit.</p>	Yes
<p>4.4 Floor space ratio</p> <p>Maximum floor space ratios must not exceed the floor space ratio shown on the Floor Space Ratio Map.</p>	<p>No floor space ratio applies to the subject site.</p>	N/A
<p>5.10 Heritage conservation</p> <p>Before granting development consent in respect of a heritage items or a heritage conservation area, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <p>The consent authority may require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the item or heritage conservation area concerned. The</p>	<p>The subject site is located within the Camden Town Centre Conservation Area under Schedule 5 of the Camden Environmental Plan 2010.</p> <p>The heritage significance of the site and the proposed alterations have been considered for the purposes of the proposed development. The proposal will improve the functionality of the commercial use of the building and its associated</p>	Yes

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

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Attachment 2

Clause	Assessment	Compliance?
<p>submission of a heritage conservation management plan may also be required.</p> <p>Before granting consent to the carrying out of development on an archaeological site the consent authority must notify the Heritage Council of its intention to grant consent and take into consideration any response received within 28 days after the notice is sent.</p> <p>Before granting consent to the carrying out of development in an Aboriginal place of heritage significance the consent authority must:</p> <p>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p> <p>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p> <p>Before granting consent to the demolition of a State heritage item the consent authority must:</p> <p>(a) notify the Heritage Council about the application, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> <p>Development consent may be granted for any purpose of a building that is a heritage item or the land on which such a building is erected, or for any purpose on an Aboriginal Place of Significance if the consent authority is satisfied as to a number of matters listed by this clause; including if the conservation of the item or place is facilitated by the granting of consent.</p>	<p>future conservation. All works are considered appropriate and necessary for the operation of the building.</p> <p>The proposal will ensure the building continues to contribute to Camden Town Centre Heritage Conservation Area.</p>	
<p>5.21 Flood planning</p> <p>Development consent must not be granted to development on land at or below the flood planning level unless the consent authority is satisfied the development:</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p>	<p>The site is affected by flooding in the 1% AEP and PMF flood events. The proposed development involves the erection of a bin storage room and signage. The proposed development will not adversely affect flood behaviour and will not impact on the safe occupation and efficient evacuation of the existing premises.</p>	Yes

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

Clause	Assessment	Compliance?
<p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>	<p>Council's Flooding Team have considered the proposal and raised no objection to the proposed works subject to a condition that requires the new building works to be capable of withstanding the effects of water and water pressure due to flooding.</p>	

CLPP02

Attachment 2

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Control	Assessment	Compliance
<p>2.3 Water Management</p> <p>All development must demonstrate compliance with the relevant provisions of Council's Engineering Specifications.</p>	The roofwater from the proposed bin room will be disposed to the existing stormwater system in accordance with Council's Engineering Specifications.	Yes
<p>2.9 Contaminated and Potentially Contaminated Land Management</p> <p>An assessment is to be made under <i>SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land</i>.</p>	There is no change of use proposed as part of this application and the bin room is to be located on an existing hardstand area. Notwithstanding, an unexpected finds condition has been included in the recommendation.	Yes
<p>2.14 Waste Management</p> <p>A Waste Management Plan (WMP) must be submitted for all new development, including demolitions, construction and the ongoing (or change of) use.</p>	A waste management plan accompanied the DA addressing all waste likely to be generated by the proposed construction works.	Yes
<p>2.16.3 Environmental Heritage</p> <p>New work must be easily identified as such and is required to be sympathetic to the heritage place.</p> <p>When alterations or additions are proposed, the removal of any existing unsympathetic elements is encouraged.</p>	<p>The base building will principally remain unchanged with proposed additions for a front door awning for weather protection and a bin room located at the rear of the dental centre.</p> <p>The site is located within the Camden Town Centre Heritage Conservation Area however the building is not a listed heritage item.</p>	Yes

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Attachment 3

Alterations and additions to a heritage item or within a conservation area will be sited and designed to retain the intactness and consistency of the streetscape and the significance of the conservation area.	The proposed alterations are relatively minor and consist of the addition of an awning at the front entry (for weather protection) and a bin room located at the rear of the dental practice. The additions will not detract from the existing streetscape.	Yes
Where there is a uniform building front setback, new development must recognise this.	The proposed awning will provide some articulation / interest to the existing building and will have no impact on the existing building line.	Yes
The existing informal and irregular pattern of rear property building alignments is to be retained.	A minor change to the existing rear setback for the addition of a 7.02m ² bin room (9.5m away from rear boundary). The irregular pattern is maintained.	Yes
The existing pattern, pitch, materials and details of original roof forms within the Heritage Conservation Area must be retained.	Minor change to the roof form for the construction of the bin room. The skillion roof to be constructed below the existing roof form.	Yes
The significant original internal elements of a building, such as distinctive joinery, fireplaces, decorative plasterwork are generally to be retained and conserved in heritage places.	No proposed changes to the internal elements of the building.	Yes
Colour schemes on heritage items must be appropriate and sympathetic to the building type period and architectural style.	Original plans proposed a colour change to the existing building (painted blue) however the applicant has amended the plans to retain the existing grey external colour scheme of the building.	Yes
Appropriate external lighting may be used to highlight the architectural features of significant buildings.	No changes to the existing lighting scheme are proposed.	Yes
Skylights, air conditioning units, antennas, solar panels, satellite dishes etc. must not be visible from the street.	No new service infrastructure is proposed that will be visible from Oxley Street.	Yes
The demolition of a heritage place is contrary to the intent of heritage listing.	No demolition work proposed. Entry to the bin room is via the existing car park.	Yes

<p><u>2.16.4 Camden Heritage Conservation Area</u></p> <p>Views associated with the St John's Church spire must not be compromised.</p> <p>Original uses of significant buildings should be encouraged and facilitated. Where this is no longer possible, appropriate adaptive reuse opportunities can be used to facilitate the conservation of these buildings.</p> <p>A two storey height limit must prevail except for significant architectural features incorporated into the design of buildings in significant locations.</p> <p>Development of the flood affected fringes of the town must not compromise the prevailing character.</p> <p>In commercial areas where historical evidence exists, awnings and/or veranda's must be provided on the front elevation and must complement existing awnings and verandahs on adjacent buildings</p>	<p>Views to St John's Church Spire will be maintained.</p> <p>The proposed alterations will facilitate improved functionality of the commercial use of the building.</p> <p>No additional storeys are proposed to the existing single storey building.</p> <p>The addition of the bin room will not compromise the prevailing character of the area.</p> <p>The proposed awning will complement the building.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>2.17.1 General Requirements for Signs</u></p> <p>The location, quantity, type, colour, design and size of all signage must not detract from the amenity and character of the land or building to which it relates.</p> <p>All signage must be consistent with the scale of the building or the property on which it is located.</p> <p>All signage must align with an approved or exempt land use being conducted on the land to which the sign is displayed.</p> <p>All signage must remain within the property boundary except in the case of a sign attached to an awning over the footpath.</p>	<p>The proposed signage will not detract from the amenity or character of the HCA.</p> <p>The proposed banding is in the dental centre's corporate colours noting 'royal blue' is a listed heritage colour.</p> <p>Band – 600mm wide wrapping around the building. Banding in corporate colours. Front ID Signage (325mm high x 4,300mm wide) Side ID Signage – (225mm high x 3150mm wide) and is of an appropriate scale for the building.</p> <p>The signage aligns with the existing approved use for a dental surgery.</p> <p>The signs will be attached to the shopfront, inside the lot boundary.</p>	<p>Yes</p>

<p><u>2.17.2 Signs in Commercial and Mixed Use Zones</u></p> <p>The total combined signage area on a building elevation must not exceed 20% of that building elevation that is visible from a public place.</p> <p>With the exception of under awning signs, all signs must be located wholly within the property boundaries.</p> <p>All Illumination signage must comply with AS 1158 - Lighting for Roads and Public Spaces and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting.</p> <p>Window signs must be affixed to the inside of the window. The total combined window signage area must not exceed 20% of the visible window area.</p> <p>A maximum of one pole or pylon sign per street frontage, not exceeding 6m above existing ground level is permitted.</p>	<p>The proposed signage is less than 20% of each of the elevations when viewed from Oxley Street.</p> <p>All proposed wall signage is located wholly within the boundaries.</p> <p>No illumination has been proposed for the new signage.</p> <p>No window signage has been proposed.</p> <p>There are no pole signs existing or proposed.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<p><u>2.17.4 Signage on Heritage Items or in Heritage Conservation Areas</u></p> <p>All signs must be integrated into the architectural form and building elements.</p> <p>Signage and environmental graphics should not adversely detract from significant views or vistas to and from heritage items.</p> <p>Signage is permitted for the purpose of business identification for any retail, restaurant, commercial or banking use that has an active street or town square frontage. The provision of signage for each tenancy must comply with the following:</p> <ul style="list-style-type: none"> • Where a unit or tenancy is visible from a public place not more than one business identification sign per unit or tenancy is permitted • Signage must only identify the business name, unit number, address and/or any associated logos or graphics, • Signage must not exceed 20% of the visible wall area of the primary elevation of the unit or tenancy, • All signage visible from a public place must be of a complementary size, shape and style throughout the development. 	<p>The proposed signage is well integrated into the building form.</p> <p>The signage design will not detract from views or vistas of any heritage items.</p> <p>Only one wall sign identifying the business name and logo is proposed for the front and side elevations.</p> <p>One business sign proposed in corporate colours</p> <p>Signage only identifies the business name and logo.</p> <p>The proposed signage is <20% of each façade visible from Oxley Street.</p> <p>The proposed signage respects the proportions and composition of the building and does not obscure or dominate any architectural features. Overall, the signs on each elevation maintain the design coherence of the building to which it is attached and is integrated with its façade.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

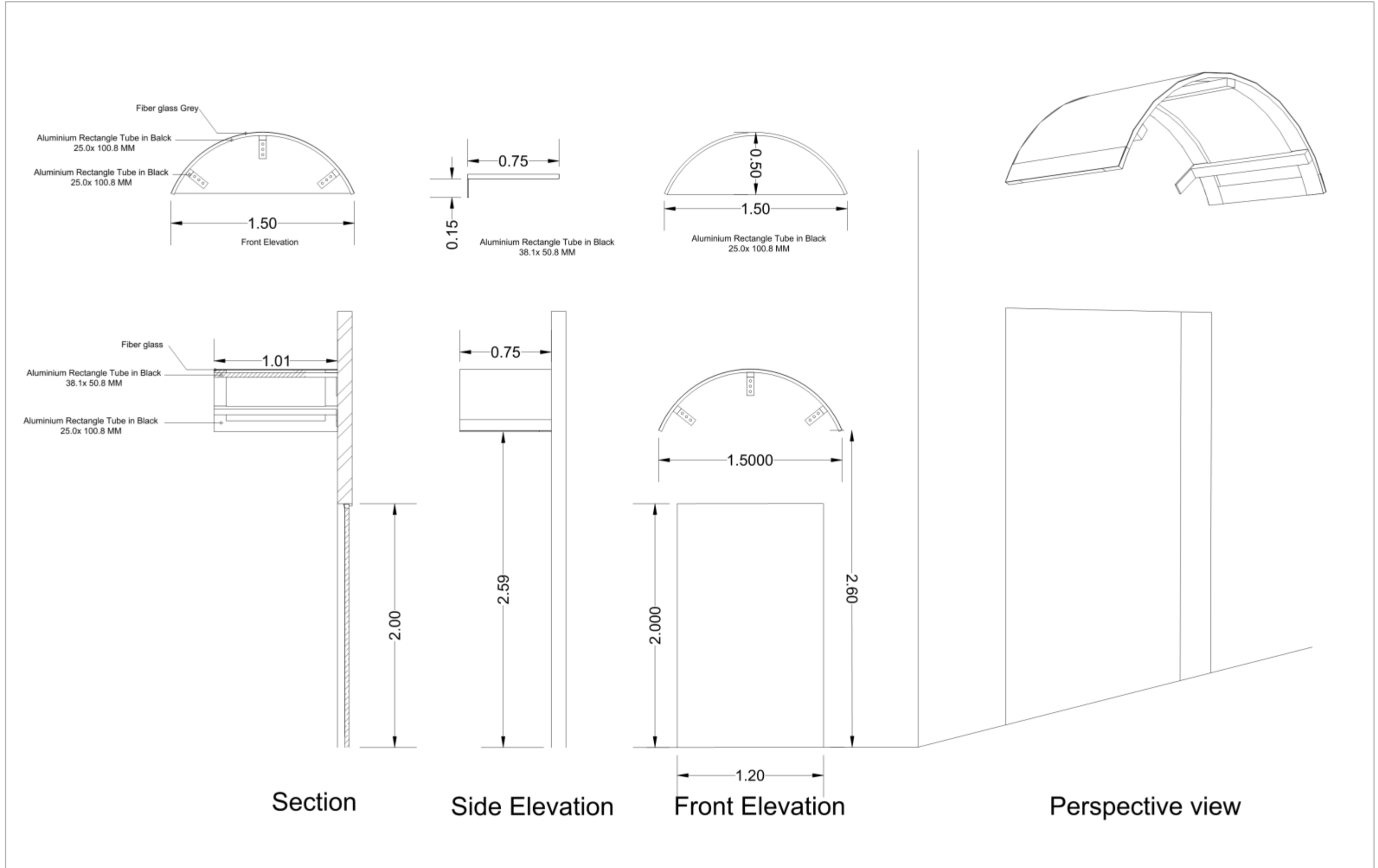
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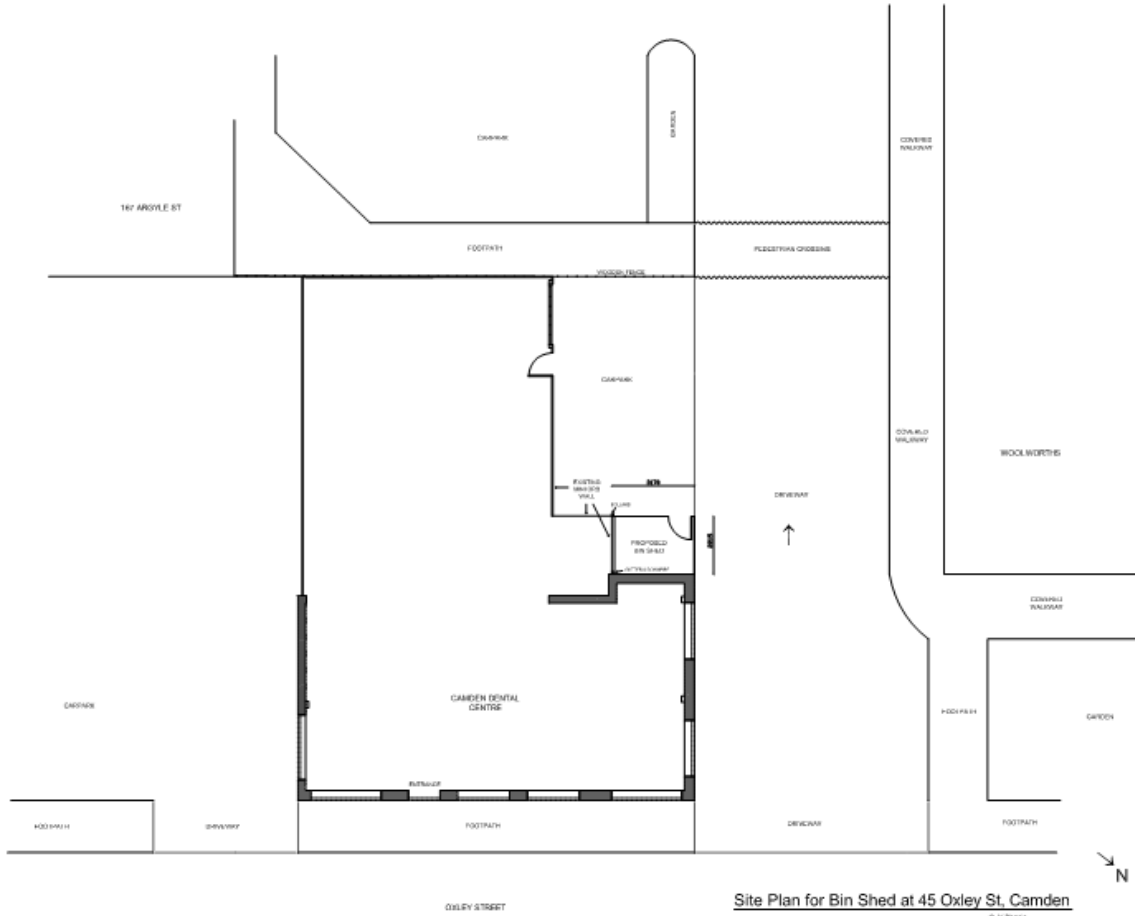
Attachment 3

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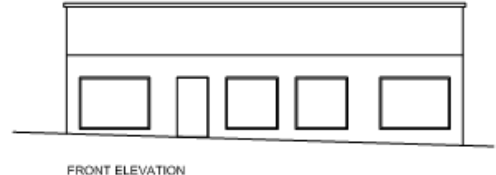
Attachment 3

<p><u>5.3.1 Camden – B2 Local Centre</u> New development should complement or reinforce the retail functions of the centre, particularly along Argyle Street frontages and associated pedestrian accessways.</p>	<p>The building whilst located in Oxley Street is approximately 50 metres from the corner of Argyle Street. The proposed awning will be providing shelter to pedestrians and also some visual interest to the existing building thus contributing to the retail function of the town centre.</p>	
<p>Buildings should maintain and enhance the historic character of Argyle, Hill and John Streets in the town centre.</p>	<p>The existing window and door openings on the front elevation remain unchanged</p>	Yes
<p>Buildings fronting Argyle Street should incorporate awning structures into their front facades in a manner consistent with the prevailing character of existing buildings.</p>	<p>The proposed awning is considered acceptable given its scale and the location of the building in proximity to Argyle Street.</p>	Yes
<p>These awnings will convenient and sheltered access for pedestrians at the frontage of the premises.</p>	<p>The proposed awning will provide weather protection to pedestrians entering the dental centre.</p>	Yes
<p>Development within the B2 Local Centre zone at Camden must be consistent with the Camden Town Centre Urban Design Framework.</p>	<p>The proposal does not result in any departure from the Camden Town Centre Urban Design Framework.</p>	Yes

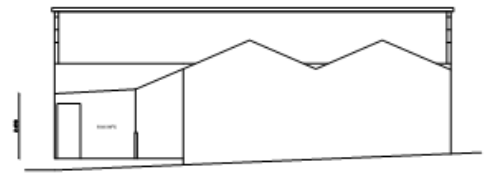




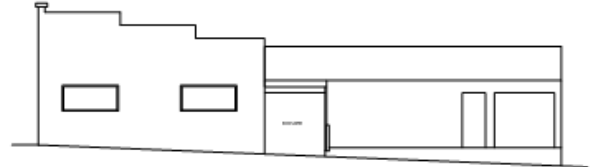
Site Plan for Bin Shed at 45 Oxley St, Camden
 SCALE 1:250 © V. Brown



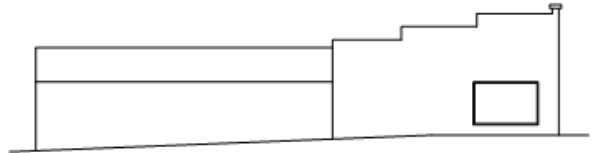
FRONT ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

CLPP02



Attachment 6



PAINTING OF BUILDING FASCIA

- Prepare wall for painting.
- No changes to current existing colour there than the inclusion of the signage banding area
- Paint Exterior paint- singage colour to use in banding are corporate colours, Royal blue, Orangeade and white.

MAIN ID SIGNAGE - 325mm high x 4,300mm wide

SIDE ID SIGNAGE - 225mm high x 3150mm wide

- 10mm thick white acrylic profile cut graphics with concealed metal fixing pins to backs.
- Install fixing pins into brickwork including WURTH Ms1 exterior adhesive.
- Current free standing signage to facing road to have no change.

BAND - 600mm high x 15,300mm wide

- White alucobond with orange vinyl stripes applied to front.
- Orange Vinyl stripe 40mm high
- Install with white nylon anchors & WURTH Ms1 exterior adhesive.

	1/4 ORIELTON ROAD, SMEATON GRANGE, N.S.W. 2567. Ph. (02) 4647 7330 e-mail: brian@macarthursigns.com.au	PROJECT CAMDEN DENTAL CENTRE 45 OXLEY STREET, CAMDEN.	DWG No. 1	SCALE NTS	DATE 20/05/2022	COMMENTS
		TITLE REFURBISHMENT	VERSION C	SHEET A4	DRAWN BY Brian Brown	

CLPP03

CLPP03

SUBJECT: DA/2021/1809/1 - PARTIAL DEMOLITION OF A HERITAGE ITEM AND CONSTRUCTION OF AN ANCILLARY BUILDING FOR USE AS A POTTERY STUDIO - 531B COBBITTY ROAD, COBBITTY

FROM: Manager Statutory Planning

EDMS #: 22/494579

DA Number:	DA/2021/1809/1.
Development:	Partial demolition of a heritage item and construction of an ancillary building for use as a pottery studio
Estimated Cost of Development:	\$853,570
Site Address(es):	531B Cobbitty Road, Cobbitty (also known as 421 The Northern Road, Cobbitty) Lot 2008 DP1168651
Applicant:	PJEP Environmental Planning Pty Ltd
Owner(s):	Mr I C & Mrs S C McIntosh
Number of Submissions:	Nil
Development Standard Contravention(s):	None
Classification:	Nominated Integrated
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Sensitive Development (partial demolition of a heritage item)
Report Prepared By:	Averil Flaxman (Senior Town Planner)

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel’s (the Panel’s) determination of a development application (DA) for the partial demolition of a heritage item and construction a pottery studio at 531B Cobbitty Road, Cobbitty.

The Panel is to exercise Council’s consent authority functions for this DA as, pursuant to the Minister for Planning’s Section 9.1 Direction, the proposal involves the partial demolition of a heritage item.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2021/1809/1 for the partial demolition of a heritage item and construction of a pottery studio 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 the partial demolition of a heritage item and construction of a pottery studio and ancillary infrastructure for the use as home occupation at 531B Cobbitty Road, Cobbitty (also known as ‘Denbigh’).

The works include the construction of a pottery studio on the foundations of the former cow bails located at the rear of the Denbigh homestead located amongst the former agricultural outbuilding group. The proposal includes the installation of a pottery studio building, with associated decks, installation of an on-site sewage management system to service the pottery studio, informal car parking and landscaping.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant environmental planning instruments, development control plans and policies.

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 23 December 2021 to 10 February 2022 and no submissions were received.

There are no development standard contraventions or Development Control Plan variations proposed.

The submitted plans and documents, including a Statement of Heritage Impact, have been reviewed and are supported by both Council’s Heritage Officer and Heritage NSW subject to recommended conditions of consent.

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

AERIAL PHOTO



Figure 1: Aerial image of the subject site (bordered in red)

THE SITE

The subject site is commonly known as 531B Cobbitty Road, Cobbitty (historically known as 'Denbigh' / 431 The Northern Road, Bringelly) and legally described as Lot 2008 DP1168651. The site has an area of 127.53Ha.

The site is zoned E4 Environmental Living and is located 2.5km west of the Oran Park town centre and 6km north of Camden town centre.

'Denbigh' including homestead, grounds, gardens, slab outbuildings, coach house, stables, machinery shed, hay shed and dairy sheds is State heritage listed.

The site contains the original Denbigh homestead, a group of ancillary buildings formally used for agriculture and farming practices including former dairy, training shed, coach house and stables, draught horse stables, calf shed, and foundations of the former cow bails. The site contains associated residence within the estate known as Cluny Hill and Robert's cottage.

The Denbigh farm estate retains a curtilage and setting of exceptional historic and aesthetic significance. The landscape and setting of the homestead and outbuildings and the views to and from these, provide a rare and intact early colonial landscape of great beauty and integrity and of exceptional significance to the state of NSW.

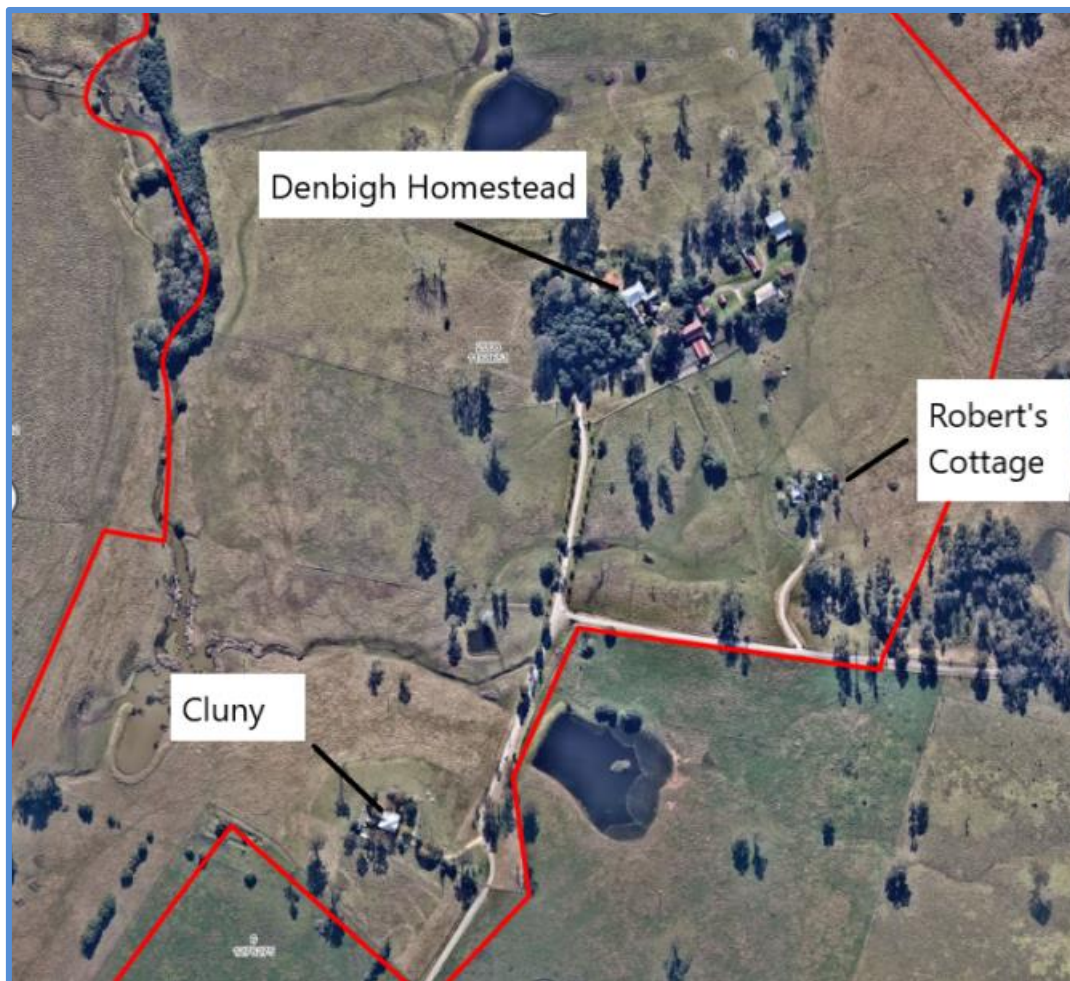


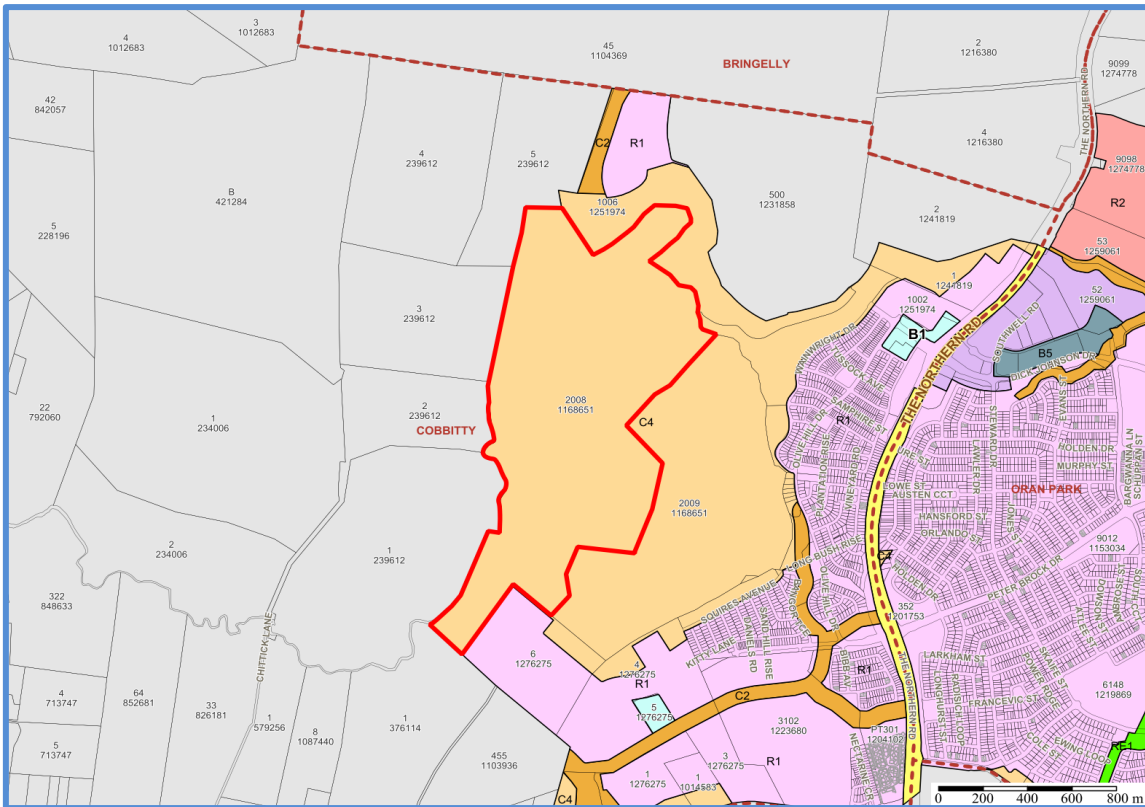
Figure 2: Aerial image of the subject site (bordered in red) and local context.

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Figure 3: Context Plan.

ZONING PLAN



HISTORY

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

Date	Development
1812	Denbigh Homestead was constructed by Charles Hook
1826-1939	Surrounding landholdings were purchased and amalgamated to increase the Denbigh Estate. Various outbuildings constructed over site to support agricultural pursuits.
1939-2003	The Denbigh Estate was reduced in size, with the exception of a small portion of land purchased in 1965.
2008	DA/2008/775/1 - 6 lot subdivision in 4 stages
2012	DA/2008/775/3 – Modification to realign right of access easement
2012	DA/2008/775/4 – Modification to amend boundary alignment between 2 super lots and extend right of way

THE PROPOSAL

DA/2021/1809/1 seeks approval for the partial demolition of a heritage item for the construction of a pottery studio to be used as a home occupation.

Specifically, the development involves:

- Partial demolition of the foundations of former milking bails to accommodate masonry strip footings for the pottery studio buildings.
- Construction of pottery studio buildings comprising a smaller work studio with a gross floor area (GFA) of approximately 58.5m² and a larger studio with a GFA of approximately 102.6m².
- Decking is proposed to connect the two pottery studio buildings and a large outdoor deck connecting to the larger studio.
- Minor landscaping.
- Informal parking area on existing lawn.
- Installation of three water tanks.
- Installation of new on-site sewage management (OSSM) system.
- The use of the pottery studio buildings as a home occupation to accommodate 4 workshops per year for a maximum of 10 persons, between the hours of 10am-5pm on a Saturday or Sunday.

The estimated cost of the development is \$853,570.

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 (Resilience and Hazards) 2021 – (Resilience and Hazards SEPP)

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

Clause 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.

A Land Capability Study Report (LCSR) compiled for the wider Oran Park Precinct which included the Denbigh Estate, was submitted in support of the development application. It was considered that although the Denbigh homestead complex was not identified as an area of environmental concern, given the relative time period since the 2007 investigation and the scale of the LCSR (2007), the potential for contamination issues to exist onsite could not be ruled out. Therefore, the applicant provided a Limited Contamination Assessment (LCA) prepared by Douglas Partners (June 2022) in respect to the proposed development site for the pottery studio buildings.

The results of the LCA identified three potential areas of concern which were sampled and found to be within the criteria for contaminants of concern. The report concluded the site is suitable for the proposed use and no further investigation or remediation was warranted. Council is satisfied that sufficient investigation has been undertaken and the requirements of Clause 4.6 of the Resilience and Hazards SEPP have been met.

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Appendix 2 Oran Park and Turner Road Precinct Plan)

The Precincts 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 and the Wilton Growth Area.

Site Zoning

The site is zoned E4 Environmental Living pursuant to Appendix 2, Clause 2.2 of the Precincts SEPP.

Land Use/Development Definitions

The design and internal layout of the pottery studio has formed part of the assessment of the application and Council officers queried if the pottery studio could be categorised as a 'dwelling'. The property owner provided written confirmation stating the pottery studio would be used for pottery and the creation of art. The landowners confirmed the main Denbigh homestead was a seven-bedroom residence which has plenty of room for their family and friends.

In consideration of the statement provided by the landowner, coupled with the fact Denbigh estate already contains two other historic homesteads (Cluny and Roberts cottage), it is accepted that the proposed pottery studio will be used as intended and not used as a dwelling. It is further noted that the property owner currently uses the former agricultural buildings for their pottery works and the proposal involves the creation of two studios, neither of which contain a room or suite of rooms capable of being used as a separate domicile.

Notwithstanding, an ongoing use condition is recommended requiring the pottery studio to be used in the manner described in the application.

The use of the pottery studio for workshops is characterised as Home Occupation by the Precincts SEPP which is defined as:

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve -

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

The proposed use of the pottery studio buildings will mostly be for the private use of the residence of Denbigh, with the exception of facilitating a pottery workshop a maximum of four times per year for a maximum of 10 persons. The workshops are proposed to be held on either a Saturday or Sunday between 10am and 5pm.

The workshops will not generate the requirement for any employees, will not involve the advertising or sale of any goods from the site and requires no deliveries. The existing electric Kiln currently located and used on site is proposed to be utilised as part of the development and will not generate, fumes, smoke, steam or the like.

Permissibility

The proposed development, being a pottery studio to be used in association with the existing residence, is permitted with consent in the zone.

While *'home businesses'* and *'home industries'* are permitted with consent in the E4 Environmental Living, a *'home occupation'* is not listed as being permitted with consent and is therefore a prohibited use in the zone.

The proposed use of the development as a *'home occupation'* is however permitted with consent pursuant to Clause 5.10 Heritage Conservation of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 which states:

Conservation incentives - *The consent authority may grant development consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Precinct Plan if the consent authority is satisfied that -*

(a) *The conservation of the heritage item is facilitated by the granting of consent, and*

Comment:

The Heritage Impact Statement submitted in respect to the proposed development submits that:

“The proposal considers the outbuildings as a group and responds to the attributes of the site in terms of the planning, form, scale, character, materiality, environmental and structural design of the new buildings. The location and configuration of the new buildings respects the siting and arrangement of the group around a central access spine and respects the rural form, scale and character of the place and has no negative visual impact on the significance of the existing building.”

The construction of the pottery studio will assist the owners in maintaining their desired use of the site while ensuring the survival of the surrounding buildings and their association with the significance of the historic use of the site. The proposed new pottery studio will avoid the adaptive re-use of existing heritage outbuildings and therefore continue to preserve and conserve their original built form inside and out.

(b) *the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and*

Comment:

A Conservation Management Plan (CMP) formed part of subdivision application (DA/2008/775/1) for a six lot subdivision in four stages, approved on the 9 December 2008. The CMP for the conservation and maintenance of the Denbigh Homestead, outbuildings and curtilage was executed on the 5 December 2010.

As detailed in the CMP *“a key part of the exceptional significance of the place is the survival of all of the major visual relationships between elements within and beyond the site. These must be retained and safeguarded”*. The policy details circumstance in which new works are undertaken:

“All future works must retain and maintain the sites rural quality as an important component of its cultural significance... any new work associated with the Denbigh estate core and areas surrounding... should respect significant periods in the evolution of place”.

Denbigh has evolved over the course of 200 years in a way that old buildings have not been removed when new buildings have been built. The evolution has been a series of sequential additions rather than removal based upon the needs of the property owners of the time. The proposal for the pottery studio reflects this approach and facilitates the continued use of the site by respecting the historic fabric and values of the site with the retention of significant cultural heritage.

The pottery studio is proposed to be located on the foundations of the former milking bails, adjacent to the dairy, coach house and stables. The location of the proposed pottery studio respects the existing site layout being located amongst the existing outbuildings on the site and respecting the intrinsic views and vistas and heritage significance of the curtilage and outlook of the site.

The design of the pottery studio is sympathetic to the existing outbuildings on the site and proposes to replicate the use of materials and finishes to ensure the pottery studio will provide visual continuity with the existing outbuildings, whilst providing elements of modernity resulting in a building that does not imitate the existing heritage items, valued for their construction and use at the time they were constructed. The pottery studio will be reflective of current design and building practices of this period in time and add to the evolving history of the Denbigh estate.

(c) *the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and*

Comment:

Heritage NSW have provided concurrence for the proposed development and conditions of consent are recommended requiring an archaeological assessment to be prepared in accordance with the Heritage Council guidelines. Photographic Archival Recordings of the Denbigh outbuildings must be prepared and provided to the Heritage NSW prior to the commencement of works. In addition, a Section 60 Application must be approved by the Heritage Council of NSW prior to the commencement of works.

(d) *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and*

Comment:

As detailed earlier in this report, the proposed development has been sited to respect the existing fabric and context of the historic outbuildings on the Denbigh Estate. By locating the proposed pottery studio amongst the existing outbuildings, rather than near the homestead, the development is respecting the views and vistas to and from the Denbigh homestead. The proposal will not be visually intrusive or prominent but rather will settle into the location amongst the existing outbuildings on the site.

The siting of the pottery studio is respectful of the evolutionary nature of the Denbigh estate where any new buildings have been erected amongst the existing outbuildings and the materials and colours used are sympathetic to the cluster of outbuildings.

- (e) *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

Comment:

The proposed development is not anticipated to have any adverse impact to the surrounding area. The proposed use as a home occupation will have no ongoing negative impacts to the site or surrounding locality.

It is further noted that the use of the use of the pottery studio as a home occupation would be exempt development pursuant to Subdivision 22 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, except for the fact that the site is listed on the State Heritage Register. Heritage NSW have provided concurrence for the proposed development.

Planning Controls

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

- (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 SEPP)

The development is consistent with the Draft Remediation SEPP in that it is compliant with State Environmental Planning Policy (Resilience and Hazards) 2021.

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

The development control plans that apply to the development are:

- Camden Development Control Plan 2019; and
- Oran Park Precinct Development Control Plan.

Camden Development Control Plan 2019 (Camden DCP)

An assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report. The proposal is generally compliant with the controls and objectives of the DCP.

Oran Park Development Control Plan (Oran Park DCP)

An assessment table in which the development is considered against the Oran Park DCP is provided as an attachment to this report. The proposal is generally compliant with the controls and objectives of the DCP.

(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 2020* 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

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. The proposed development is assessed to be of low impact and will enable the continued preservation of the historic rural outbuildings by providing the landowners with a purpose-built building to pursue their hobbies, rather than requiring the repurposing of an existing historic building. The former milking bails foundations will for the most part remain preserved for future generations. The proposed construction of the pottery studio buildings is sympathetic to the heritage values of the site and will contribute positively to the Denbigh Estate.

(c) the suitability of the site for the development

As demonstrated by the above 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 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 23 December 2021 to 10 February 2022 and no submissions were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2020*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

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

External Referral	Response
Heritage NSW	General Terms of Approval granted 26 August 2022

	subject to conditions of consent.
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Conditions that require compliance with the external referral recommendation are 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/2021/1809/1 for the partial demolition of a heritage item and construction of an ancillary building for use as a pottery studio at 531B Cobbitty Road, Cobbitty subject to the conditions attached to this report.

REASONS FOR DETERMINATION

1. The development is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy (Resilience and Hazards) 2021 and State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Appendix 2 Oran Park and Turner Road Precinct Plan).
2. The development is consistent with the objectives of the Camden Development Control Plan 2019 and Oran Park Precinct Development Control Plan.
3. The development is unlikely to have any unreasonable adverse impact on the natural or built environment.
4. In consideration of the aforementioned reasons, the development is a suitable use of the site and its approval is in the public interest.

ATTACHMENTS

1. Recommended Conditions
2. Precincts SEPP Assessment Table
3. Oran Park DCP Assessment Table
4. Camden DCP Assessment Table
5. Heritage NSW GTAs
6. Architectural Plans
7. Strip Footing Foundation Advice

RECOMMENDED CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

- (i) Heritage NSW, dated 26 August 2022.
- (2) **Approved Plans and Documents** – The development must be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Design Architects Project 1625.01			
DA100 Rev A	Context Plan	Design Architects	25/04/2021
DA101 Rev A	Site Analysis of existing context	Design Architects	25/04/2021
DA102 Rev A	Existing concrete slab plan and sections	Design Architects	25/04/2021
DA103 Rev A	Proposed temporary informal parking	Design Architects	25/04/2021
DA200 Rev A	Site Plan	Design Architects	25/04/2021
DA201 Rev A	Floor Plan	Design Architects	25/04/2021
DA202 Rev A	Roof Plan	Design Architects	25/04/2021
DA300 Rev A	Elevations South Elevation	Design Architects	25/04/2021
DA301 Rev A	Elevations West & East Elevation	Design Architects	25/04/2021
DA400 Rev A	Sections	Design Architects	25/04/2021
DA401 Rev A	Sections S3 & S4 North Elevation	Design Architects	25/04/2021
DA402 Rev A	Long Sections	Design Architects	25/04/2021
DA600 Rev A	Material Board	Design Architects	25/04/2021

Document Title	Prepared by	Date
Bushfire Report	Eco Logical	16/11/2021
On-Site Wastewater Report	Broadcrest Consulting O/L	11/2021
Stormwater Management	Partridge	07/09/2021
Waste Management Plan	No Author	No Date

- (3) **Modified Documents and Plans** - The development must be modified to include engineering plans for the strip footing design.

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

- (4) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

- (5) **Home Building Act** - Pursuant to Section 4.17(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the principal certifier for the development to which the work relates has given Council written notice of the following:

- a) for work that requires a principal contractor to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under Part 6 of the *Home Building Act 1989*,
- b) for work to be carried out by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permit.

If the above information is no longer correct, further work must not be carried out unless the principal certifier has given Council written notice of the updated information.

- (6) **Home Building Act - Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989* shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This requirement does not apply:

- a) to the extent to which an exemption is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
- b) to the erection of a temporary structure, other than a temporary structure to which subsection (3) of Section 69 of the *Environmental Planning and Assessment Regulation 2021* applies.

- (7) **Shoring and Adequacy of Adjoining Property** - If the approved development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and

- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land gives written consent to the condition not applying.

A copy of the written consent must be provided to the principal certifier prior to the excavation commencing.

- (8) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and landscape features.

The following procedures shall be strictly observed:

- a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval; and
- b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

2.0 - Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.
- (2) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book'). Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (3) **Salinity (Dwellings and Outbuildings)** – The approved development must comply with the salinity management requirements of Council's Engineering Specifications and the National Construction Code. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.
- (4) **Approval to install – Local Government Act 1993** – All wastewater generated by the approved development must be connected to an on-site sewage management system approved by Council. An 'Approval to Install a Sewage Management System' under Section 68 of the *Local Government Act 1993* shall be obtained from Council.

- (5) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.
- (6) **Bush Fire Protection** - This approved development shall comply with the following requirements:
- a) In accordance with Bushfire Report, prepared by Eco Logical dated 16/11/2021 the entire development shall be constructed to BAL LOW under AS 3959 and the requirement of Planning for Bush Fire Protection 2019;
 - b) At the commencement of building works and in perpetuity the entire property shall be managed as an Inner Protection Zone, in accordance with 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for asset protection zones; and
 - c) Water, electricity and gas are to comply with Planning for Bush Fire Protection 2019'.

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

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
 - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
 - f) a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with

the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:

- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
 - b) a principal certifier has been appointed by the person having benefit of the development consent;
 - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited,
 - b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c) the name, address and telephone number of the principal certifier for the work.
- The sign must be maintained while the work is being carried out and removed when the work has been completed.
- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

A copy of the approval receipt from Sydney Water must be submitted to the principal certifier.

- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)' and any Sediment and Erosion plans approved with this development consent.
- (9) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Council's Engineering Specifications. The area beneath the canopies of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone and displayed in a prominent position.

4.0 - During Works

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

- (1) **Work Hours** - All work (including delivery of materials) shall be:
- restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
 - not carried out on Sundays or public holidays,
- unless approved in writing by Council.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the farmland to the south as detailed in the Stormwater report dated 7 September 2021.

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

- (4) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)

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

- (5) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any

measures required by the plan shall not be removed until the site has been stabilised.

- (6) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (7) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a certified contaminated land consultant has been contacted and conducted a thorough assessment.

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

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

- (8) **Relics Discovery During Works** – If any relic surviving from the past is uncovered during the work that could have historical significance (but is not an aboriginal object):
- all work must stop immediately in that area;
 - Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*, and
 - any requirements of Heritage NSW must be implemented.
- (9) **Aboriginal Objects Discovered During Works** – If any Aboriginal object (including evidence of habitation or remains) is discovered during the work:
- all excavation or disturbance of the area must stop immediately in that area,
 - Heritage NSW must be advised of the discovery in writing in accordance with Section 89A of the *National Parks and Wildlife Act 1974*, and
 - any requirements of Heritage NSW must be implemented.

5.0 - Prior to Issue of an Occupation Certificate

An Occupation Certificate shall be obtained prior to any use or occupation of the development. The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier.

- (2) **Operation of On-Site Sewerage Management** - An 'Approval to Operate' a Sewage Management System' under Section 68 of the *Local Government Act 1993* shall be obtained from Council.
- (3) **Waste Management Plan** - The principal certifier shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.

6.0 - Ongoing Use

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

- (1) **Hours of Operation** - The property is only to be open for the use of home occupation a maximum of four times per calendar year for a maximum of 10 persons within the following hours:

Day	Hours of Operation
Saturday	10am – 5pm
Sunday	10am – 5pm

- (2) **Use Limitations** – The pottery/art studios must only be used in the manner described as part of Development Application DA/2021/1809/1 and must not be used for any other purpose without the prior consent of Council.

State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Appendix 2
Oran Park and Turner Road Precinct Plan Assessment Table

Clause	Assessment	Compliance
<p>2.3 Zone objectives and land use table The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> • To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values. • To ensure that residential development does not have an adverse effect on those values. • To preserve and maintain the natural values of core riparian areas and to allow development where it can be demonstrated that the development will not destroy, damage or have any other adverse effect on those values. • To ensure that flood prone land is used in a manner appropriate to its environmental characteristics. 	<p>The proposed development, being a pottery studio to be used in association with the existing residence, is permitted with consent in the zone.</p> <p>The proposed development is for the construction of a pottery studio for use as a home occupation. As a 'home occupation' is not a nominate permissible use in the zone, the applicant is applying for the proposed use pursuant to Clause 5.10 Heritage Conservation.</p> <p>The proposed development is consistent with the relevant objectives of the zone.</p> <p>The proposed development is a low impact development that will blend seamlessly with the existing heritage listed outbuildings. The proposed development will have no negative impact on the landscape values of the heritage curtilage. The proposed development will facilitate the conservation of the other heritage buildings on the site.</p>	Yes
<p>2.6A Demolition The demolition of a building or work may be carried out only with consent.</p>	<p>The proposal includes the partial demolition of the former milking bails foundations. The proposal includes strip footings which are proposed to be conservatively excavated to preserve as much of the former milking bails foundations as possible.</p>	Yes
<p>4.3 Height of buildings The maximum height of building is 9.5m</p>	<p>The proposed pottery studio has a maximum height of 7.395m</p>	Yes
<p>5.10 Heritage Conservation</p> <p>Development consent is required for any of the following—</p> <ol style="list-style-type: none"> demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior, altering a heritage item that is a building by making structural changes to its interior, 	<p>The site is known as 'Denbigh' and is listed on the State Heritage Inventory. A brief extract of the listing is provided as follows:</p> <p><i>'Denbigh is of State significance as an intact example of a continuously functioning early farm complex (1817-1820s) on its original 1812 land grant. It contains a rare and remarkable group of homestead, early farm buildings and associated plantings with characteristics of the Loudon model of homestead siting within an intact rural landscape setting fundamental to its interpretation. The large collection of early farm buildings is</i></p>	Yes

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State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Appendix 2
Oran Park and Turner Road Precinct Plan Assessment Table

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<p>(d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,</p> <p>(f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,</p> <p>(g) subdividing land on which a heritage item is located or that is within a heritage conservation area.</p> <p>The consent authority must, before granting consent under this section, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subsection applies regardless of whether a heritage impact statement is prepared under subsection (4) or a heritage conservation management plan is submitted under subsection (5).</p>	<p><i>perhaps the most extensive and intact within the Cumberland/Camden region.</i></p> <p><i>The place is of scientific significance for its potential to reveal, through archaeology, evidence of both early European farming practices and aboriginal occupation. The significance of Denbigh is considerably enhanced by the extent to which it has retained its form, character, fabric and rural setting.'</i></p> <p>The pottery studio is proposed to be constructed over the foundations of the former milking bails amongst the outbuildings, at the rear of the homestead. The construction requires the concentrated excavation of the milking bails foundations to cater for the strip footings of the pottery studio.</p> <p>The applicant has provided a Heritage Impact Statement in support of the proposed development.</p> <p>The proposed development respects the form, scale, character of the existing historic outbuildings and has been architecturally designed to be sympathetic to the design of the existing buildings. The pottery studio form replicates the hip and gable roof forms of the existing outbuildings. The creation of the pottery studio as two separate buildings complements the existing clusters and groupings of outbuildings. The use of complementary materials and colours to visually integrate into the existing landscape. The architect has ensured the proposed pottery studio buildings also provide modernity to the design with the glazed southern elevation to emulate the modern era of building design and building practices.</p> <p>By creating new buildings rather than re-purposing existing historic buildings the history of the Denbigh estate is respected, conserved, whilst continuing to capture the continued evolution of life and lifestyle, the progression of building construction, building practices and building design over the decades at the Denbigh estate.</p>	
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State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Appendix 2
Oran Park and Turner Road Precinct Plan Assessment Table

<p>6.1 Public utility infrastructure</p> <p>The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.</p> <p>In this section, public utility infrastructure includes infrastructure for any of the following—</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage. 	<p>The site is serviced by reticulated electricity and potable water. Sewage is managed via an existing on-site sewage management (OSSM) system.</p> <p>The construction of the pottery studio will require an additional OSSM system to service the additional wastewater.</p> <p>The additional OSSM is considered to be the most practical means to service the wastewater requirements for the proposed development and does not necessitate the connection to public utility infrastructure in this regard.</p>	<p>Yes</p>
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CLPP03

Attachment 2

Oran Park Precinct Development Control Plan 2022 (Oran Park DCP) Assessment Table

Control	Assessment	Compliance
Part A – Precinct Wide DCP		
6 Environmental Management		
<u>6.4 Aboriginal and European Heritage</u>	<p>The proposed development site is removed from the known areas of Aboriginal Archeology with the proposed development to be constructed on the former foundations of the cow bails. As such, it is unlikely any aboriginal artifacts would be in this area. Notwithstanding, a condition of consent is recommended for the discovery of any unexpected finds, especially in the area proposed for the excavation of the OSSM system and associated drainage.</p> <p>As detailed throughout this report, Denbigh is a state significant heritage item valued for its rare and remarkable group of homestead, early farm buildings associated plantings and intact rural landscape setting fundamental to its interpretation.</p> <p>The proposed development demonstrates respect and constraint in the composition of the proposed buildings and built form. The proposed pottery studio is sympathetic in design and siting and will be visually complementary to the existing historic agricultural buildings.</p> <p>There is an existing Conservation Management Plan for the continued maintenance and conservation of the heritage items on site.</p>	Yes
<u>6.5 Bushfire Hazard Management</u>	A bushfire report has been provided in support of the proposed development. Conditions of consent are recommended to ensure compliance with this report.	Yes
<u>6.6 Tree Retention and Biodiversity</u>	The existing vegetation on site is highly valued for its aesthetic contribution to the Denbigh homestead and curtilage. As the proposed pottery studio is proposed to be constructed over the foundations of the former cow bails, no vegetation is required to be removed for the construction of the buildings.	Yes
<u>6.7 Contamination Management</u>	<p>Although the proposed development is located outside of the 'areas of concern' highlighted in the DCP, the potential for contamination has been considered as part of the assessment of this DA. A limited contamination assessment prepared by Douglas Partners Pty Ltd dated June 2022 has been provided which generally meets the guidelines for a phase 1 investigation with limited sampling. The report concludes that the site is suitable for the proposed use and no further investigation or remediation required.</p> <p>Council is satisfied sufficient investigation has been undertaken and the requirements of Clause 4.6 of the State Environmental Planning Policy Hazards and Resilience 2021 have been met.</p>	Yes

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Attachment 3

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Control	Assessment	Compliance
<u>1.2 Notification and advertising</u>	The proposed development is nominated integrated development and was advertised for a period of 28 days from the 23 December 2021 to 10 February 2022. No submissions were received.	Yes
2. General Land Use Controls		
<u>2.1 Earthworks</u>	<p>The proposed development will require little cut or fill, as the location of the pottery studios is proposed to be constructed over the former historic milking bails. As detailed previously in this report, the applicant proposes to concentrate excavation to the area of the required strip footings associated with the pottery studio. The concrete will be cut and excavated to ensure the former milking bails footings are otherwise preserved.</p> <p>A standard condition of consent is recommended requiring the use of erosion and sediment controls.</p>	Yes
<u>2.2 Salinity Management</u>	Standard conditions of consent are recommended in relation to salinity management.	Yes
<u>2.3 Water Management</u>	The proposed development includes the provision of onsite water storage with the three proposed rainwater tanks with a combined 10,000L capacity to connect with the pottery studio and overflow to be directed into the adjacent farmland.	Yes
<u>2.4 Trees and Vegetation</u>	No trees or vegetation are proposed to be removed as part of this application.	Yes
<u>2.7 Bushfire Risk Management</u>	A Bushfire report prepared by a suitably qualified consultant has been provided and determined the BAL for the proposed development is a BAL Low with the expansive pastoral land surrounding the development site acting as an Asset Protection Zone (APZ). Conditions of consent are recommended requiring compliance with the bushfire report.	Yes
<u>2.8 Flood Hazard Management</u>	A portion of the south-west part of the site is affected by the 1 in 100 flood levels and the 1 in 20 flood events. These levels are insignificant to the proposed development as the development site is more than 500m from the maximum extent of the potential flood waters with the access driveway for the property and development site, being in excess of 300m from the 1 in 100 flood levels.	Yes
<u>2.9 Contaminated and Potentially Contaminated Land</u>	The applicant provided a limited contamination assessment prepared by Douglas Partners Pty Ltd dated June 2022 which generally meets the guidelines for a phase 1 investigation with limited sampling. Three potential areas of concern were sampled and found to be within the criteria for contaminants of concern. The report concluded the site is suitable for the proposed use with no further investigation or remediation required. Council is satisfied that sufficient investigation has been undertaken and the requirements of this DCP control as well as clause	Yes

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Attachment 4

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Attachment 4

	4.6 of the Hazzard and Resilience SEPP 2021 have been met.	
<u>2.10 Development Near Camden Airport</u>	The proposed development is in the 150m-175m Australian Height Datum AHD Obstacle Limitation Surface Map (OLS). The proposed development has a maximum height of RL95.395m and therefore not encroach the OLS.	
<u>2.14 Waste Management</u>	A condition of consent is recommended requiring compliance with the waste management plan.	
<u>2.16 Environmental Heritage</u>	<p>Denbigh is of State heritage significance as an intact example of a continuously functioning early farm complex (1817-1820s) on its original 1812 land grant. It contains a rare and remarkable group of homestead, early farm buildings and associated plantings with characteristics of the Loudon model of homestead siting within an intact rural landscape setting fundamental to its interpretation. The large collection of early farm buildings is perhaps the most extensive and intact within the Cumberland/Camden region.</p> <p>The proposed development has been designed with characteristics of the exiting agricultural farm buildings within the vicinity. The proposed development features two buildings with a similar size and shape to the existing garage/dairy and cow bails, linked with open decking. The proposed pottery/art studios have been designed to be sympathetic in design to the surrounding agricultural buildings with complementary gable style roofing, complementary cladding and complementary colour pallet to ensure the visual continuity of the building group. The pottery/art studios also feature elements of modern design such as the clerestory louvered windows to the eastern elevation of the main pottery studio, the glazed façade of the southern elevation, the skylight windows of the clay storage room and the glazed stacker doors. The modern features will ensure the pottery studio is not mistaken for the historic agricultural buildings, however provides adequate complementary features to ensure the proposed development will integrate with the existing agricultural buildings to provide the required visual continuity of the area.</p> <p>The DA was referred to NSW Heritage with concurrence and recommended conditions of consent received.</p>	Yes
<u>2.18 Traffic Management and Off-street Carparking</u> Home Business, Home Industry, Home Occupation. As per Dwelling House, plus 1 car parking space per staff member other than permanent residents.	<p>The proposed development will operate as a home occupation for the use as a pottery studio for up to four days per year and host a maximum of 10 persons with no requirement for any staff.</p> <p>There is an existing garage on site.</p> <p>The applicant proposes for a grassed area to the south-west of the development site and south of the existing driveway to be utilised for car parking during such events.</p>	Yes

<p>Note: Additional car parking spaces may be required for visitors depending on the nature of the business.</p>	<p>Given the infrequency of the proposed use of the pottery studio as a home occupation and the heritage curtilage of the site, it is considered informalized grass parking is the best outcome for the Denbigh estate as any construction of a more permanent hardstand space will detract from the heritage buildings within the historic curtilage of the estate.</p>	
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CLPP03**Attachment 4**



Heritage NSW

HMS Application ID: 1046
Your ref: CNR-38251 - DA/2021/1809/1

Averil Flaxman
Planner
Camden Council
PO BOX 183
CAMDEN NSW 2570

Uploaded to ePlanning Portal

Dear Ms Flaxman

**HERITAGE COUNCIL OF NSW – GENERAL TERMS OF APPROVAL
INTEGRATED DEVELOPMENT APPLICATION**

Address: 421 The Northern Road, Cobbitty NSW 2570
SHR item: Denbigh, SHR no. 01691
Proposal: Pottery Shed
IDA application no: HMS ID 1046, received 26 April 2022

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a) Architectural drawings, prepared by Design 5 Architects as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Pottery Shed and Amenities			
DA 000	Cover Sheet	29/10/21	A
DA 100	Context Plan	29/10/21	A
DA 101	Site Analysis of Existing Context	29/10/21	A
DA 102	Existing Concrete Slab Plan and Sections	29/10/21	A
DA 103	Proposed Temporary Informal Parking	29/10/21	A
DA 200	Site Plan	29/10/21	A
DA 201	Floor Plan	29/10/21	A
DA 202	Roof Plan	29/10/21	A
DA 300	Elevations	29/10/21	A
DA 301	Elevations	29/10/21	A
DA 400	Sections	29/10/21	A
DA 401	Sections	29/10/21	A
DA 402	Long Sections	29/10/21	A

Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

DA 500	Photomontages	29/10/21	A
DA 600	Material Board	29/10/21	A
DA 700	Existing Trees Location	29/10/21	A

- b) *Denbigh Pottery Shed & Amenities – Heritage Impact Statement*, prepared by Design 5 Architects, dated November 2021.
- c) Letter to Camden Council re: *Denbigh Pottery Shed (DA2021/1809/1) – Additional Information*, prepared by PJEP, dated 9 June 2022.
- d) Letter to Camden Council re: *Denbigh Pottery Shed (2021/1809/1) – Request for Additional Information*, prepared by Design 5, dated 7 June 2022.
- e) Letter to Heritage NSW C/O Camden Council re: *Denbigh Pottery Shed (2021/1809/1) – Request for Additional Information*, prepared by Design 5, dated 15 July 2022.

EXCEPT AS AMENDED by the following general terms of approval:

DETAILS TO BE SUBMITTED FOR APPROVAL

2. The following information is to be submitted with the s.60 application for approval by the Heritage Council of NSW (or delegate):
 - Details for the balustrade / handrail to the Pottery Shed deck
 - Details of the connection between the existing fabric of the Dairy building and the new addition

Reason: These details were not provided with the submitted documentation. The assessment and management of these details is considered essential in order to obtain a good heritage outcome.

ARCHAEOLOGICAL ASSESSMENT

3. An Archaeological Assessment prepared in accordance with the Heritage Council guidelines including *Assessing Significance for Historical Archaeological Sites and Relics 2009* and *Archaeological Assessments 1996* is to be submitted with the s.60 application for approval by the Heritage Council of NSW (or delegate), to inform the works and allow avoidance of significant relics.

Reason: The HIS does not discuss the proposed On-Site Sewerage Management System proposed to the west of the outbuildings group, while the system is not included within the architectural drawings. The Archaeological Assessment is required to identify areas of remaining historical archaeological potential as this is not clear from the 2008 CMP and there is no supporting map of sensitivity.

HERITAGE CONSULTANT

4. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

SPECIALIST TRADESPERSONS

5. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

SITE PROTECTION

6. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

PHOTOGRAPHIC ARCHIVAL RECORDING

7. A photographic archival recording of the Denbigh outbuildings must be prepared prior to the commencement of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW, Department of Premier and Cabinet.

Reason: To capture the condition and appearance of the place prior to modification of the site which impacts significant fabric.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

8. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

COMPLIANCE

9. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

SECTION 60 APPLICATION

10. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

Advice

1. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks*

and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

2. Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of Appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

If you have any questions regarding these general terms of approval, please contact Veerle Norbury, Senior Heritage Assessment Officer, at Heritage NSW, on 9873 8616 or veerle.norbury@environment.nsw.gov.au.

Yours sincerely

Rajeev Maini

Rajeev Maini

Manager, Assessments






Heritage NSW

Department of Premier and Cabinet

As Delegate of the Heritage Council of NSW

26 August 2022

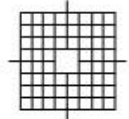
NOT FOR CONSTRUCTION

-  EXISTING BUILDING
-  PROPOSED STRUCTURE
-  EXISTING FENCE LINE
-  EXISTING TREES
-  CONTOUR LINE

NOTE: CONTOUR LEVEL ARE APPROXIMATE ONLY

A	29/10/21	DA APPLICATION
ISSUE	DATE	ISSUE NOTE

Check and verify all dimensions and levels on site before commencing work. Do not scale drawings, use figured dimensions. This drawing is the copyright of Design 5 Architects Pty Ltd and may not be used, altered, reproduced or transmitted in any form or by any means in part or in whole without the written consent of Design 5 Architects



DESIGN 5
ARCHITECTS

5 Queen Street, Chippendale NSW 2008
Tel (02) 93191855 Fax (02) 93190836
DESIGN 5 - ARCHITECTS PTY LTD ABN 22 090 066 194
Nominated Architect - Alan Croker, Registration No 4693

PROJECT
Pottery Shed and Amenities

ADDRESS
531B Cobbitty Road, Cobbitty NSW 2570

CLIENT
Ian and Susie McIntosh

DRAWING
Context plan

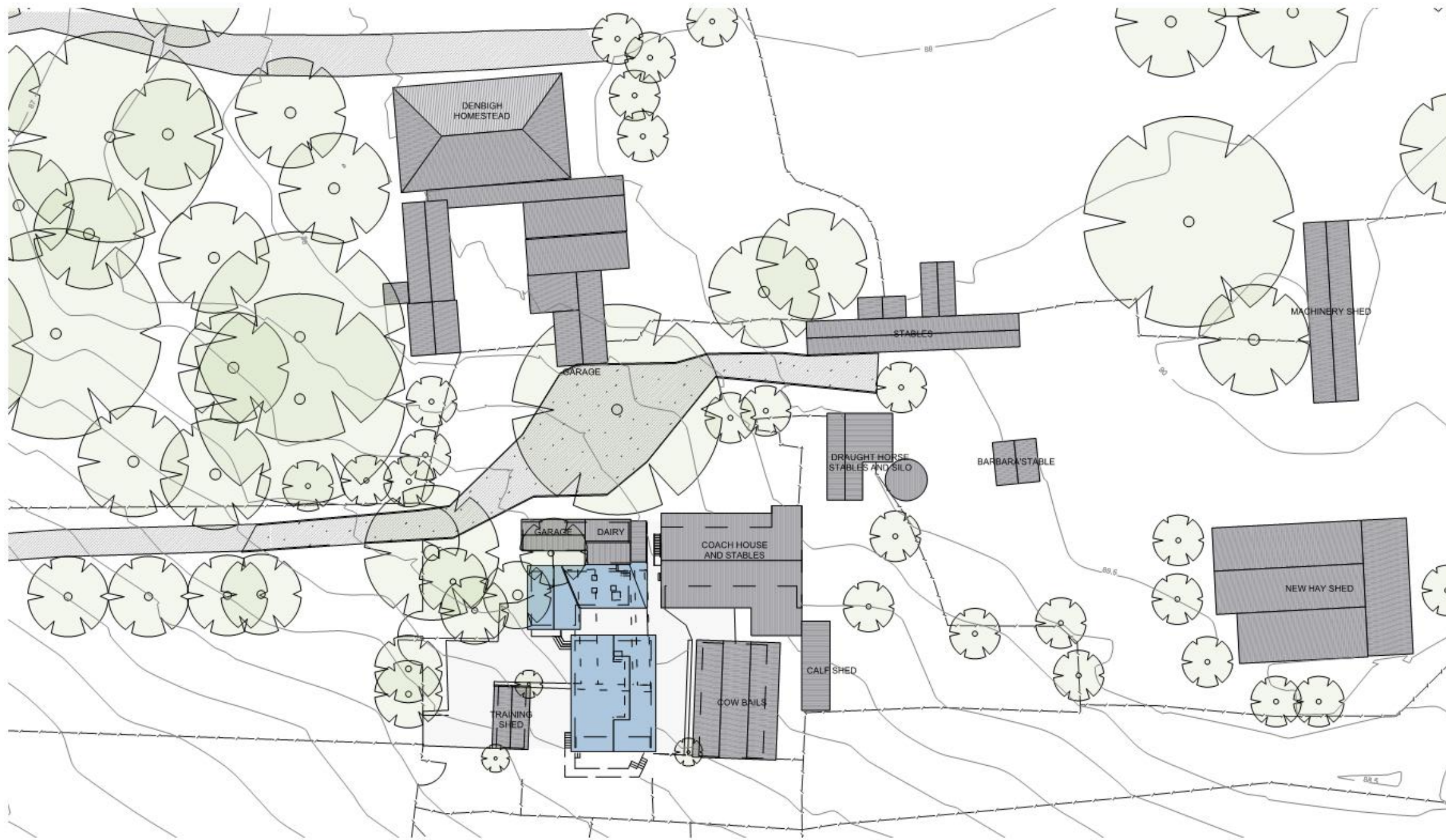
DWG DATE	25/04/2021	PROJECT #	1625.01
ORIGINAL SHEET SIZE	A3	REVISION	A

SCALE	1:500	DWG NUMBER	DA 100
DRAWN	AB	CHECKED	AC

DWG DATE	25/04/2021	PROJECT #	1625.01
ORIGINAL SHEET SIZE	A3	REVISION	A

SCALE	1:500	DWG NUMBER	DA 100
DRAWN	AB	CHECKED	AC

DRAWN	AB	CHECKED	AC
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CONTEXT PLAN



VIEW 1: View of the Denbigh property from the South entry road



VIEW 2: View of the project area from the South entry road

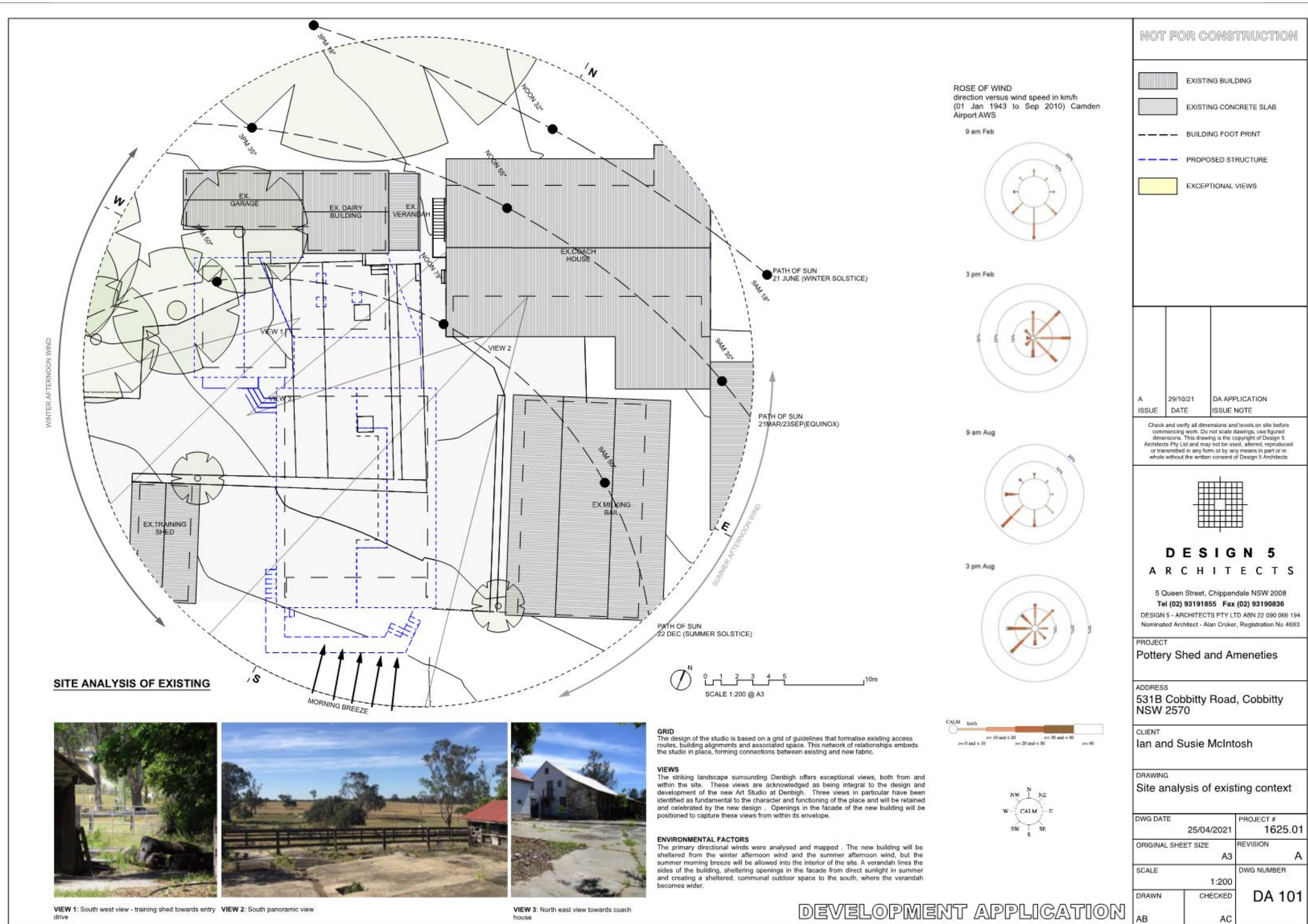


VIEW 3: View of the project area from South West



VIEW 4: View of the Denbigh property looking South from the Project Area

DEVELOPMENT APPLICATION

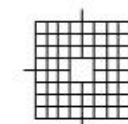


NOT FOR CONSTRUCTION

- VIEW LOCATION REFERENCE
- BUILDING FOOT PRINT
- FOOTPRINT OF PROPOSED STRUCTURE
- EXISTING GROUND LINE SECTION

A	29/10/21	DA APPLICATION
ISSUE	DATE	ISSUE NOTE

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ARCHITECTS

5 Queen Street, Chippendale NSW 2008
Tel (02) 93191855 Fax (02) 93190836
DESIGN 5 - ARCHITECTS PTY LTD ABN 22 090 066 194
Nominated Architect - Alan Croker, Registration No 4693

PROJECT
Pottery Shed and Amenities

ADDRESS
531B Cobbitty Road, Cobbitty NSW 2570

CLIENT
Ian and Susie McIntosh

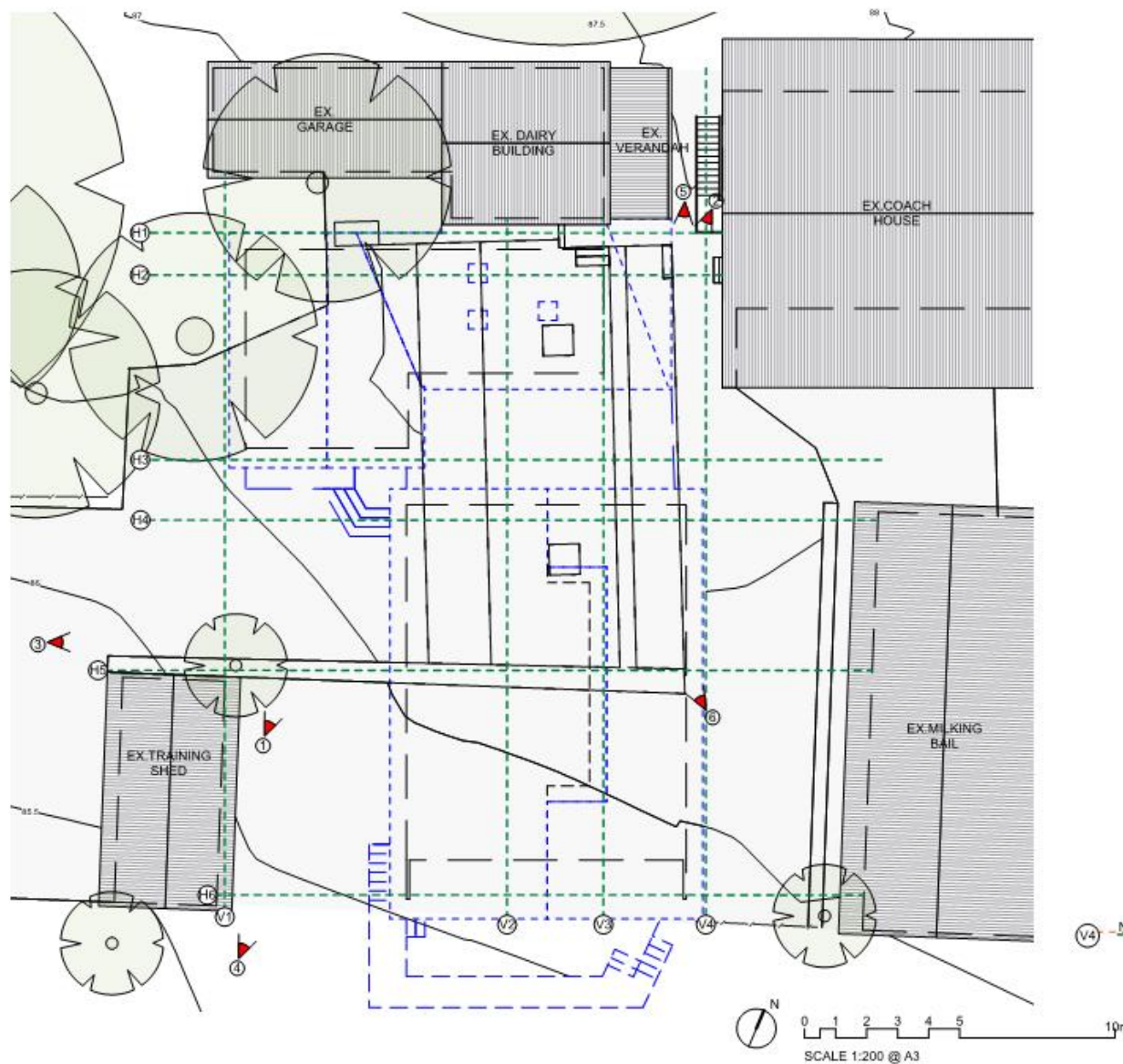
DRAWING
Existing concrete slab plan and sections

DWG DATE	25/04/2021	PROJECT #	1625.01
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ORIGINAL SHEET SIZE	A3	REVISION	A
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PLAN - EXISTING CONCRETE SLAB AND SITE SECTIONS

WORKING WITH THE EXISTING - EXTRACTS FROM 2008 CMP PREPARED BY DESIGN 5 - ARCHITECTS.

Policy 6.2.1 CMP

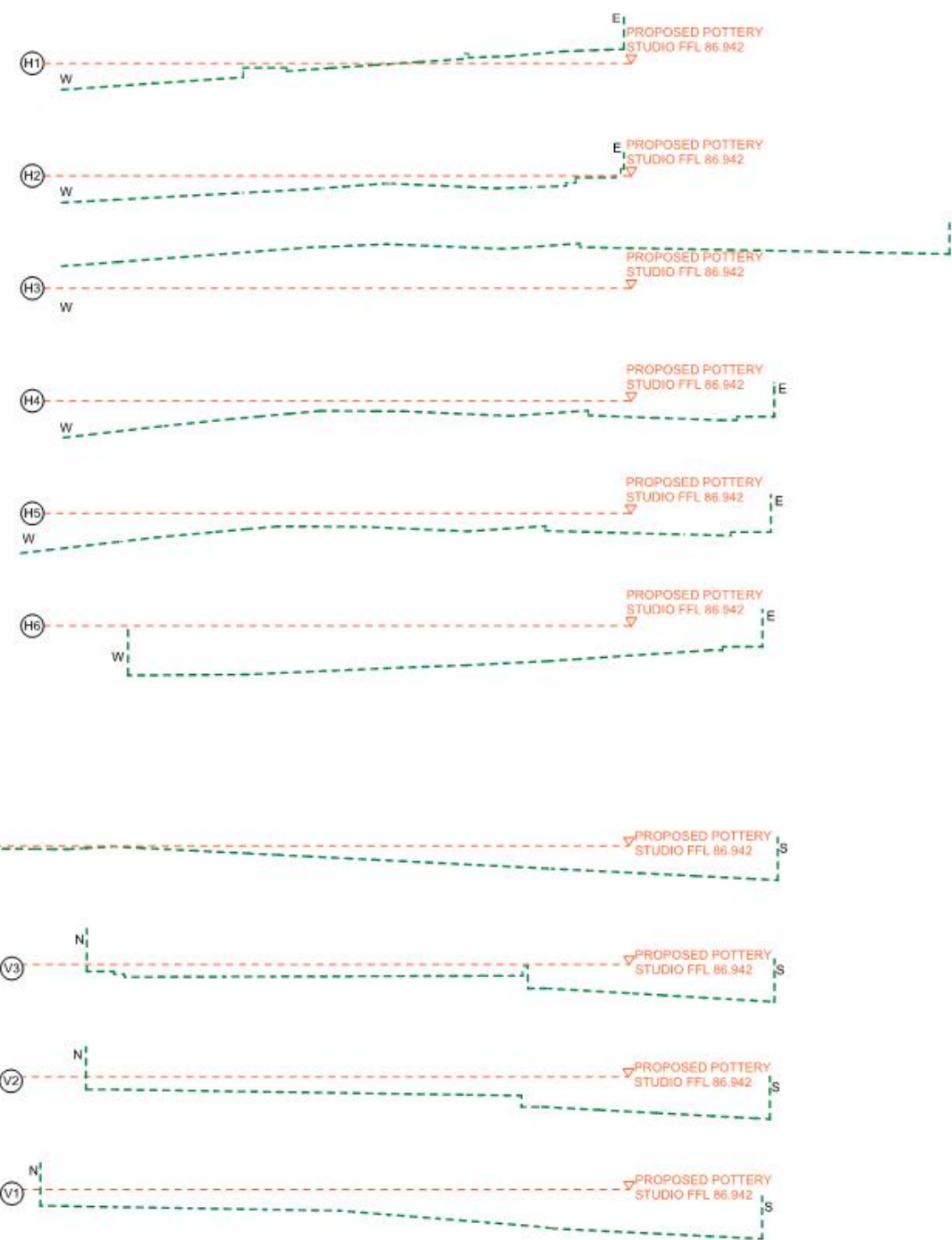
New structures are permitted within the Denbigh outbuildings group to house uses or activities which cannot be accommodated within existing structures. These new structures must respect and not compete with the existing in terms of scale, form, materials or detail, and must respect the siting and arrangement of the group around a central access 'spine'.

Policy 6.2.2 CMP

New structures should be constructed of timber and/or steel, and masonry should be avoided. They should have a light touch in terms of their impact on the ground and should retain and respect any archaeological remains of earlier structures/elements or features.

Policy 6.2.3 CMP

All new structures should follow the existing form and contour of the site and not confuse their role in the wider views to and from the site.



SCHMATIC SITE SECTIONS



IMAGE 1



IMAGE 2



IMAGE 3



IMAGE 4



IMAGE 5



IMAGE 6

DEVELOPMENT APPLICATION



IMAGE 1 - PROPOSED INFORMAL PARKING AREA



IMAGE 2 - PROPOSED INFORMAL PARKING AREA



IMAGE 3 - PEDESTRIAN ACCESS GATE TO THE STUDIO

NOTE:
 THE PROPOSED TEMPORARY INFORMAL PARKING WILL BE LOCATED IN THE ADJACENT FIELD.
 NO HARDSTAND WILL BE PROVIDED AND PARKING SPACES WILL NOT BE MARKED.
 THE AREA IS ALREADY OCCASIONALLY USED AS TEMPORARY PARKING.
 THE GRASS IS REGULARLY GRAZED AND MOWN AND FROM THIS POINT THE PROJECT AREA IS EASILY ACCESSIBLE THROUGH AN EXISTING PEDESTRIAN GATE.



DEVELOPMENT APPLICATION

<table border="1"> <tr> <th>ISSUE</th> <th>DATE</th> <th>ISSUE NOTE</th> </tr> <tr> <td>A</td> <td>29/10/21</td> <td>DEVELOPMENT APPLICATION</td> </tr> </table>	ISSUE	DATE	ISSUE NOTE	A	29/10/21	DEVELOPMENT APPLICATION	<p>DESIGN 5 ARCHITECTS 5 Queen Street, Chippendale NSW 2008 Tel (02) 93191855 Fax (02) 93190836 DESIGN 5 - ARCHITECTS PTY LTD ABN 22 090 096 194 Nominated Architect - Alan Croker, Registration No 4693</p>	PROJECT Pottery Shed and Amenities	CLIENT Ian and Susie McIntosh	DWG DATE 25/04/2021	PROJECT # 1625.01	DWG NUMBER DA 103
	ISSUE	DATE	ISSUE NOTE									
	A	29/10/21	DEVELOPMENT APPLICATION									
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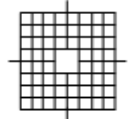
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	CONCRETE
	GLASS
	METAL SHEET
	TIMBER
	TILES
	EXISTING CONCRETE SLAB
	EXISTING FENCE
	NEW FENCE
	BUILDING FOOT PRINT

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PROJECT
Pottery Shed and Amenities

ADDRESS
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CLIENT
Ian and Susie McIntosh

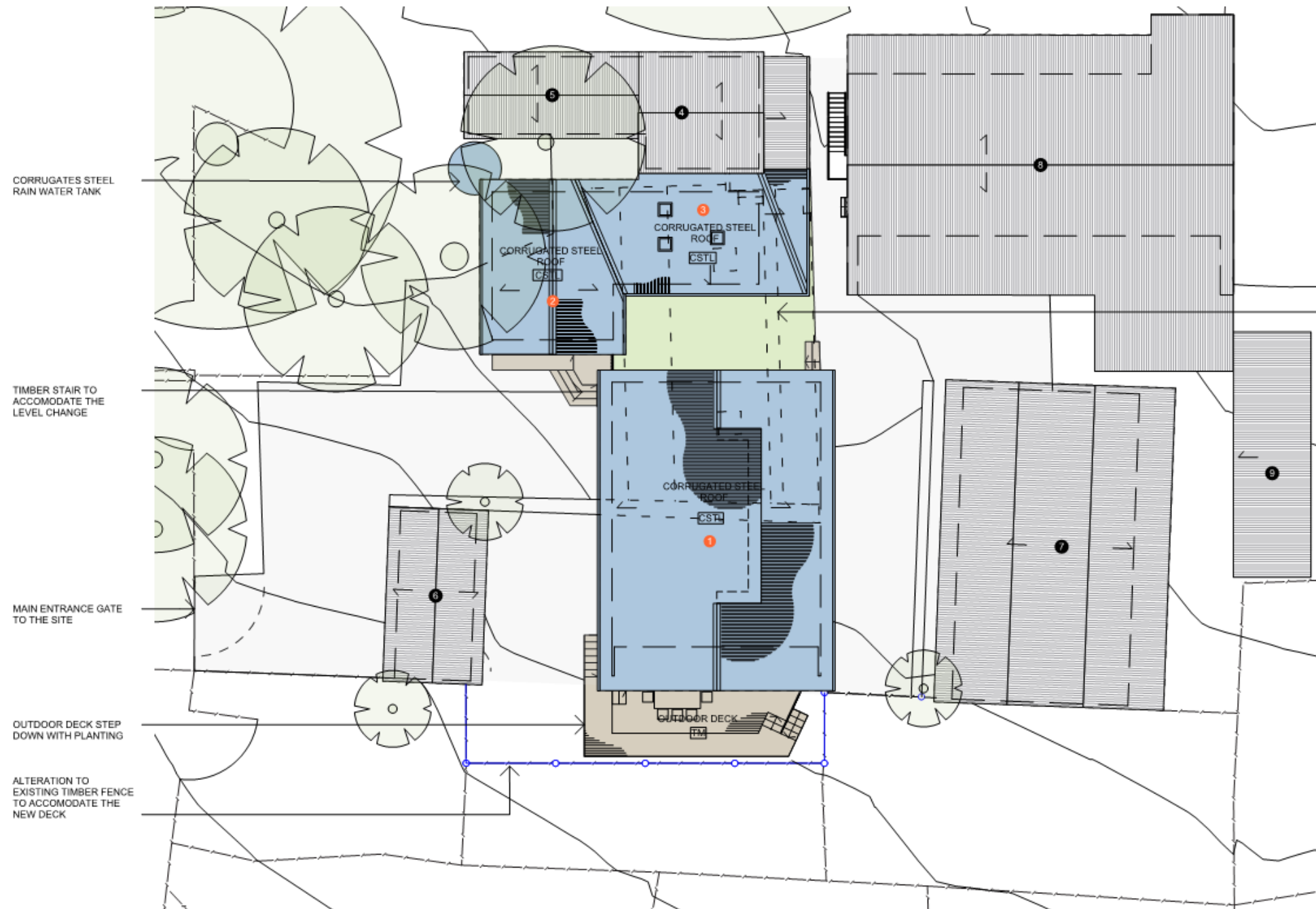
DRAWING
Site plan

DWG DATE	25/04/2021	PROJECT #	1625.01
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SITE PLAN



- KEY:
- PROPOSED BUILDINGS**
- 1 ART/POTTERY SHED
 - 2 AMENITIES
 - 3 WORK STUDIO
- EXISTING BUILDING**
- 4 DAIRY
 - 5 GARAGE
 - 6 TRAINING SHED
 - 7 COW BAILS
 - 8 COACH HOUSE
 - 9 CALF SHED

DEVELOPMENT APPLICATION

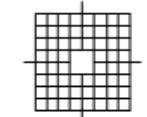
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	GLASS
	METAL SHEET
	TIMBER
	TILES
	EXISTING CONCRETE SLAB
	FENCE

ISSUE	DATE	ISSUE NOTE
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CLIENT
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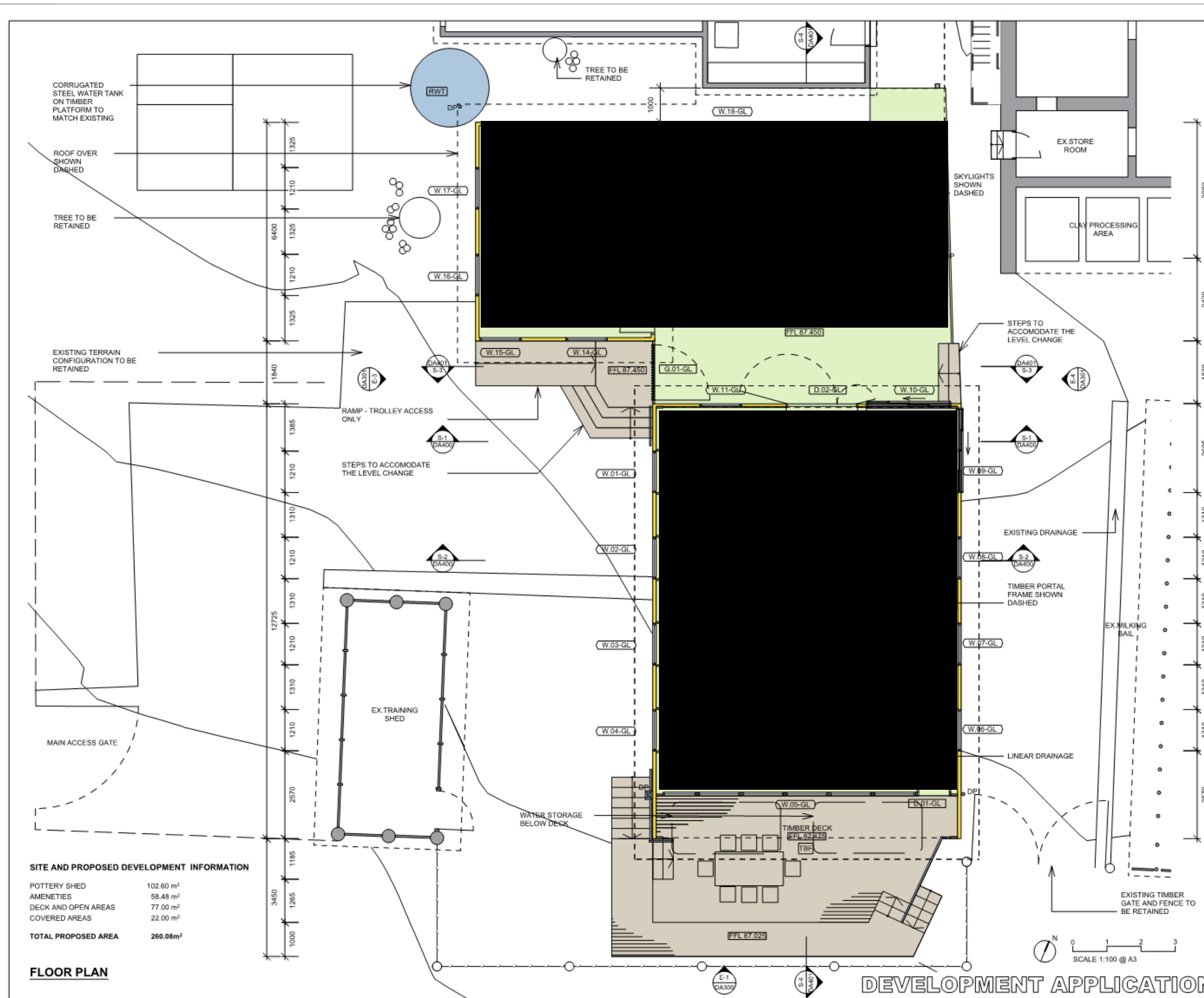
DRAWING
Floor Plan

DWG DATE	25/04/2021	PROJECT #	1625.01
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SITE AND PROPOSED DEVELOPMENT INFORMATION

POTTERY SHED	102.60 m ²
AMENITIES	58.48 m ²
DECK AND OPEN AREAS	77.00 m ²
COVERED AREAS	22.00 m ²
TOTAL PROPOSED AREA	260.08m²

FLOOR PLAN

DEVELOPMENT APPLICATION



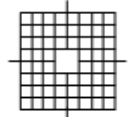
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	METAL SHEET
	TIMBER
	TILES
	EXISTING CONCRETE SLAB
	FENCE

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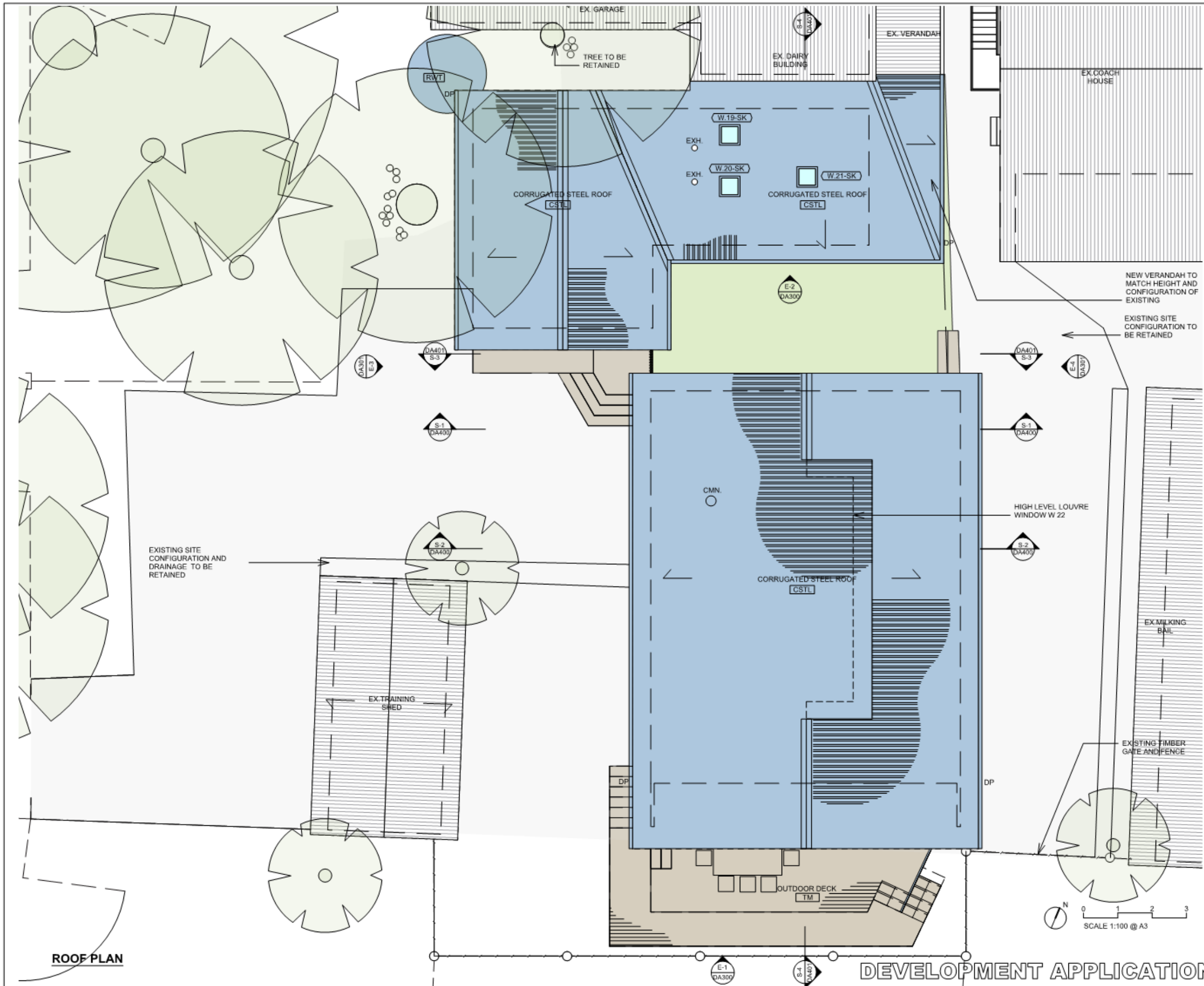
CLIENT
Ian and Susie McIntosh

DRAWING
Roof plan

DWG DATE	25/04/2021	PROJECT #	1625.01
ORIGINAL SHEET SIZE	A3	REVISION	A

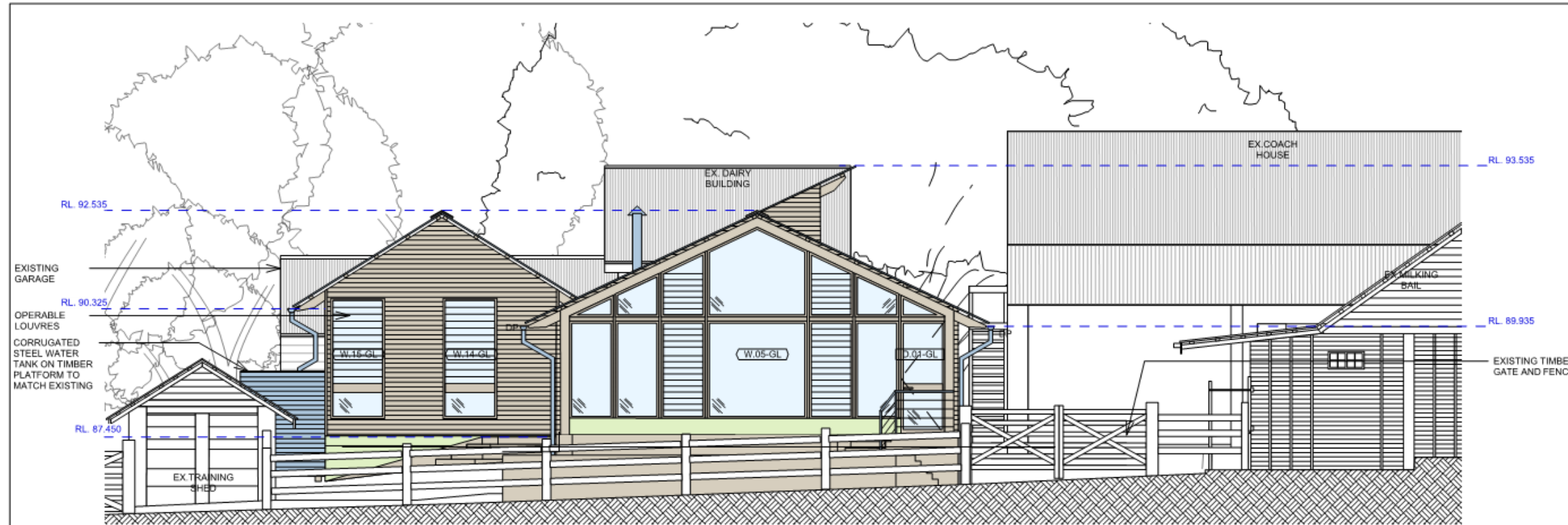
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DEVELOPMENT APPLICATION

ROOF PLAN



POTTERY STUDIO SOUTH ELEVATION - E1

SCALE 1:100 @ A3

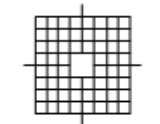
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- CONCRETE
- GLASS
- METAL SHEET
- TIMBER
- TILES
- EXISTING CONCRETE SLAB

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PROJECT
Pottery Shed and Amenities

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CLIENT
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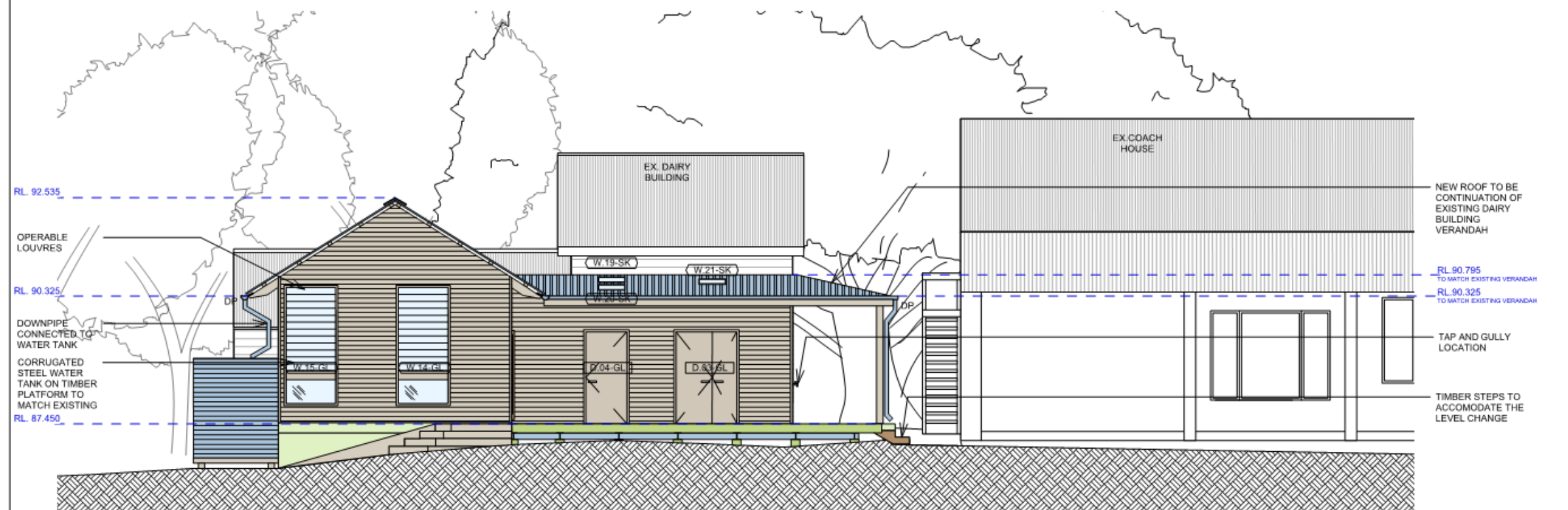
DRAWING
Elevations

DWG DATE	25/04/2021	PROJECT #	1625.01
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WORK STUDIO SOUTH ELEVATION - E2

SCALE 1:100 @ A3

DEVELOPMENT APPLICATION

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KEY:

	EXISTING
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	GLASS
	METAL SHEET
	TIMBER
	TILES
	EXISTING CONCRETE SLAB

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PROJECT
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CLIENT
Ian and Susie McIntosh

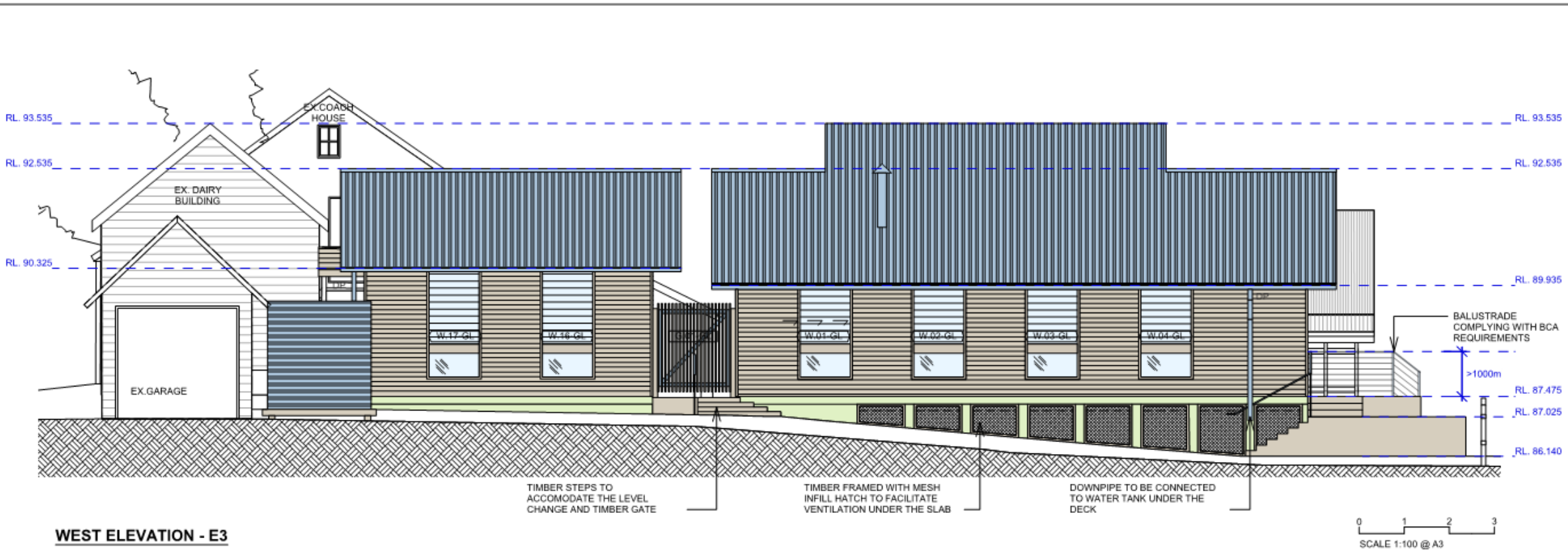
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Elevations

DWG DATE	25/04/2021	PROJECT #	1625.01
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WEST ELEVATION - E3



EAST ELEVATION - E4

DEVELOPMENT APPLICATION

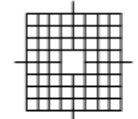
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Pottery Shed and Amenities

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CLIENT
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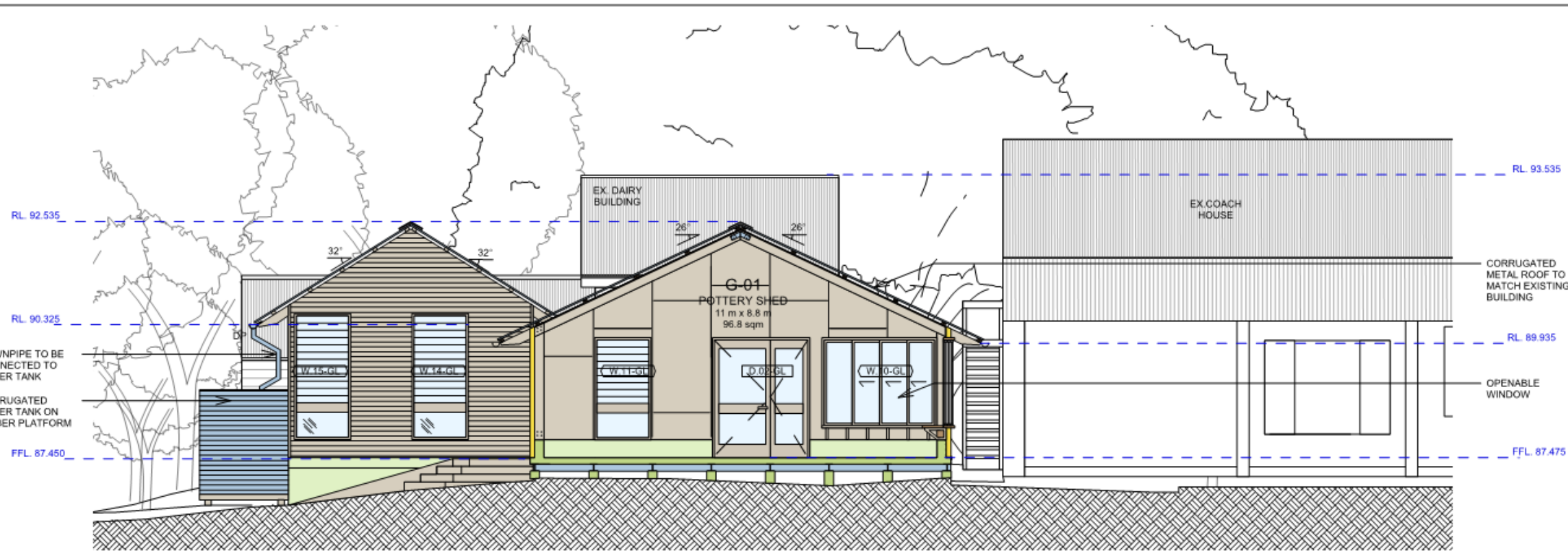
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Sections

DWG DATE	25/04/2021	PROJECT #	1625.01
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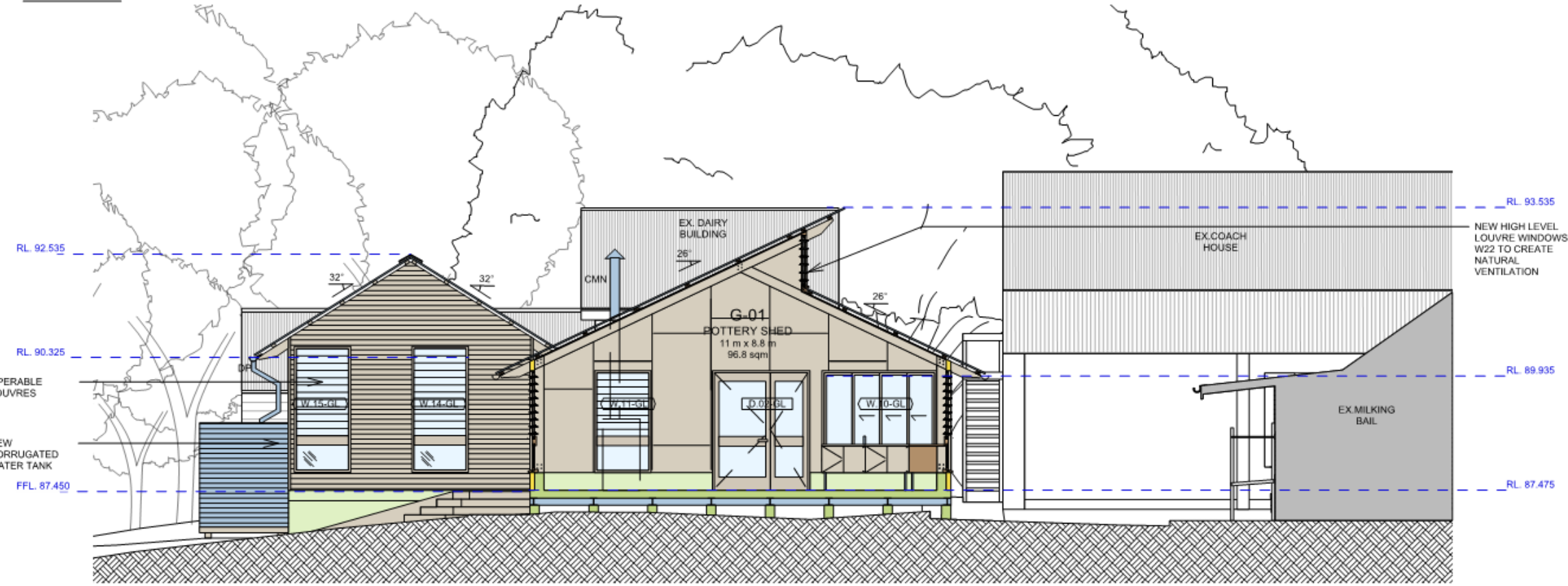
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SECTION S1

SCALE 1:100 @ A3



SECTION S2

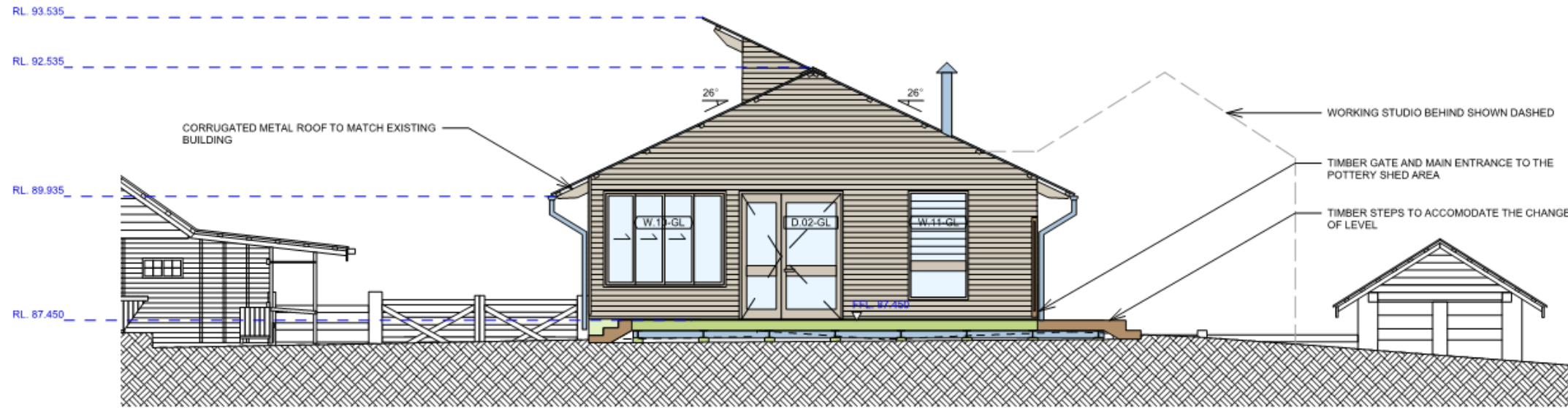
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DEVELOPMENT APPLICATION

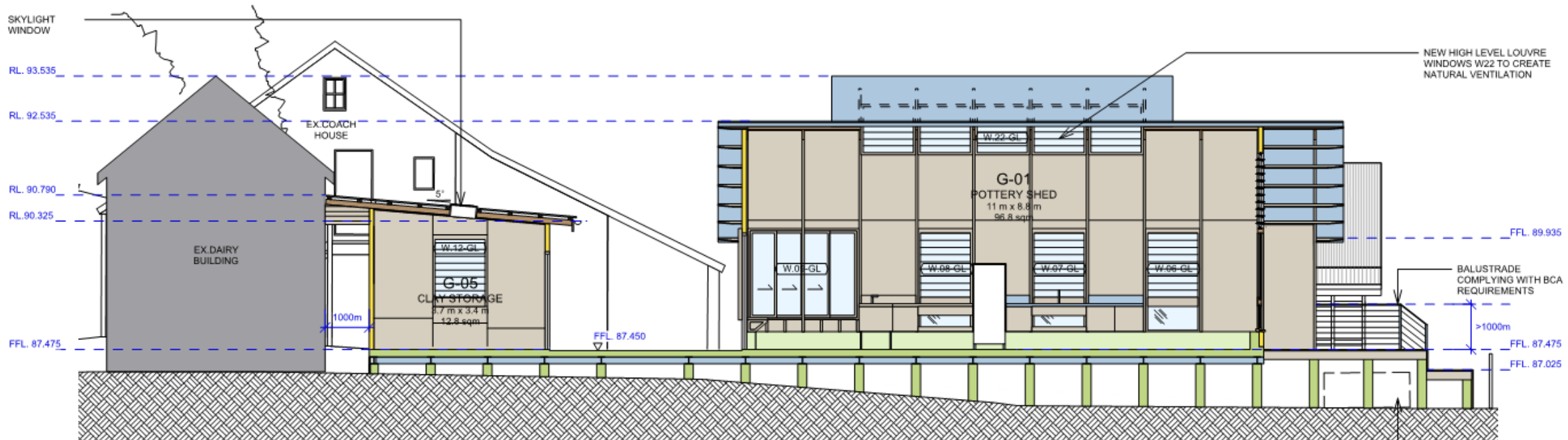
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	TIMBER
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	EXISTING CONCRETE SLAB



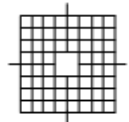
SECTION S3 - POTTERY STUDIO NORTH ELEVATION



SECTION S4

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Nominated Architect - Alan Croker, Registration No 4693

PROJECT
Pottery Shed and Amenities

ADDRESS
531B Cobbitty Road, Cobbitty NSW 2570

CLIENT
Ian and Susie McIntosh

DRAWING
Sections

DWG DATE	25/04/2021	PROJECT #	1625.01
ORIGINAL SHEET SIZE	A3	REVISION	A
SCALE	1:100	DWG NUMBER	DA 401
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DEVELOPMENT APPLICATION



SOUTH ELEVATION - E1



SECTION S2

DEVELOPMENT APPLICATION

<table border="1"> <tr> <th>ISSUE</th> <th>DATE</th> <th>ISSUE NOTE</th> </tr> <tr> <td>A</td> <td>29/10/21</td> <td>DEVELOPMENT APPLICATION</td> </tr> </table>	ISSUE	DATE	ISSUE NOTE	A	29/10/21	DEVELOPMENT APPLICATION	<p align="center">DESIGN 5 ARCHITECTS</p> <p>5 Queen Street, Chippendale NSW 2008 Tel (02) 93191855 Fax (02) 93190836 DESIGN 5 - ARCHITECTS PTY LTD ABN 22 090 096 194 Nominated Architect - Alan Croker, Registration No 4693</p>	PROJECT	CLIENT	DWG DATE	PROJECT #	DWG NUMBER
	ISSUE	DATE	ISSUE NOTE									
	A	29/10/21	DEVELOPMENT APPLICATION									
	531B Cobbitty Road, Cobbitty NSW 2570	Ian and Susie McIntosh	25/04/2021	1625.01	DA 402							
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531B Cobbitty Road, Cobbitty NSW 2570	Long Sections	A	A3									
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				CAD FILE NAME								
				i:\user\gauri\Desk\toplen 211108.nwd								





EAST ELEVATION

0 1 2 3
SCALE 1:100 @ A3

	EXTERNAL MATERIAL	PRODUCT SPEC
1	EXTERNAL CLADDING	FIBRE CEMENT WEATHERBOARD PROFILE CLADDING. COLOUR: OFF WHITE TO MATCH EXISTING DAIRY BUILDING
2	METAL ROOF SHEETING	CORRUGATED GALVANISED STEEL PAINTED TO MATCH EXISTING
3	GUTTER	GALVANISED STEEL GUTTER 100mm HALF ROUND PROFILE PAINTED TO MATCH EXISTING
4	DOWNPIPE	GALVANISED STEEL DOWNPIPE 100mm ROUND DIAMETER PAINTED TO MATCH EXISTING OFF WHITE CLADDING
5	TIMBER WINDOW FRAMES AND DOORS	MATCHING EXISTING JOINERY COLOUR ON DAIRY BUILDING
6	GLAZING	VIRIDIAN 6.38mm COMFORTPLUS CLEAR
7	TIMBER DECK AND STEPS	NATURAL OIL FINISH
8	CONCRETE FINISH	NATURAL FINISH EXTERNALLY CLEAR FINISH INTERNALLY
9	GATE	FRAME: GALVANISED STEEL UNPAINTED VERTICAL ELEMENTS: TIMBER NATURAL OIL FINISH



VIEW 1: Existing dairy building - colour selection and finishes of the new pottery shed to match

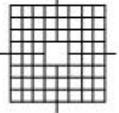


VIEW 2: Existing window frame to dairy - New windows to match this colour



VIEW 3: Existing door to dairy - new doors to match this colour

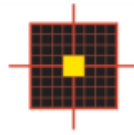
DEVELOPMENT APPLICATION

ISSUE A	DATE 29/10/21	ISSUE NOTE DEVELOPMENT APPLICATION	 <p>DESIGN 5 ARCHITECTS</p> <p>5 Queen Street, Chippendale NSW 2008 Tel (02) 93191855 Fax (02) 93190836 DESIGN 5 - ARCHITECTS PTY LTD ABN 22 090 966 194 Nominated Architect - Alan Croker, Registration No 4693</p>	PROJECT Pottery Shed and Amenities	CLIENT Ian and Susie McIntosh	DWG DATE 25/04/2021	PROJECT # 1625.01	DWG NUMBER DA 600
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						CAD FILE NAME /Users/gaas/Desktop/1625.01/211109.mxd		



200MM

300MM ON ORIGINAL



DESIGN 5

A R C H I T E C T S

CLPP03

Camden Council
70 Central Ave,
Oran Park NSW 2570

07 June 2022

Dear Mrs. A Flaxman,

**DENBIGH POTTERY SHED (2021/1809/1)
REQUEST FOR ADDITIONAL INFORMATION**

Please find enclosed the requested documentation demonstrating the impact of the proposed building on the existing concrete platform as requested by Heritage NSW in the request for additional information letter.

Criteria for the selection of a suitable construction system for this building include:

- minimising impact/excavation on the existing site
- optimal outcome for the proposed buildings
- sustainable and durable lifespan of the structure
- cost effective solution

Both the structural engineer and builder have provided their comments and expertise on the most suitable and appropriate foundation system. Considering that options 1 and 2 (refer to attached drawing) would provide a lifespan of only 35-50 years, our preference (and that of our client) would be to proceed with a perimeter strip footing system (Option 3) with a projected 100 year life expectancy.

The drawing attached shows diagrammatically the impact of the 3 alternative solutions on the existing slab and the structural engineer is working on the design and detail of the strip footing option, maximising the longevity of the finished structure.

Brief history / evolution of this part of the site (based on information from the Conservation Management Plan and the site)

Pre-European occupation

An Aboriginal study of the Denbigh Estate in 2006 did not find any relics from this period within the vicinity of the homestead or outbuildings. Evidence of occupation was only found close to creeks and along ridges.

1815 – 1929

The subject area was used as a service yard in association with the adjacent Stables, Coach House (1815 - 1826) and Cowbails (1868 – 1900). This area has always had a number of fenced enclosures for managing livestock as part of the farm management and dairying operations – an important part of the use of this property since the earliest European occupation. There were no buildings on this part of the site.

Level 3, 79 Myrtle Street, Chippendale NSW 2008
+61 2 9319 1855 www.design5.com.au
Design 5 – Architects Pty Ltd ABN 22 090 066 194
Nominated Architect – Alan Croker, Registration No 4693, Tas Registration No 883
Matthew Byrnes 8918 - Robert Gasparini 7614 - Lian Wong 8532

Attachment 7

1929 - 1970

Construction of a timber framed set of Cowbails with concrete floor to augment the larger (existing) cowbails to the east.

1970 - 2008

Circa 1970 the facilities all upgraded to meet dairying regulation requirements. This involved replacement of the timber cowbail structure with steel and an additional washable concrete floor added over the previous. This facility was later substantially altered to accommodate a mechanical feeding system. The entire structure was assessed in the 2008 CMP as having only moderate significance and was removed down to the slab level.

Design rationale

The proposed Pottery Shed is part of the evolving sympathetic use of this group of outbuildings and the footprint of this earlier structure was deliberately selected in order to retain and respect the historical spatial relationships between the outbuildings.

The design proposes to retain sections of the slab as evidence of the removed building. This layering approach to change is an important characteristic of this property implemented by generations of the existing owners.

It is important it is built with sustainability and longevity, in line with other structure on the site, and to achieve this some intervention in the earlier slab will be necessary.



Image 1 – General view of the site, showing the 2 floor layers (1929 and 1970)



Image 2 – Detail of the south end of the main slab with the drainage channel. Note: this feature would be retained beneath the proposed structure.

The use of masonry perimeter footings and sub-walls is a traditional method and has been used for the foundation of other buildings on the estate including the adjacent Dairy, Coach House and Stables.

The preferred footing methodology would benefit the conservation of the existing slab by reducing the number of additional penetrations required to support the new structure. It would also improve the management of surface water and drainage of the site avoiding the risk of damage and reducing maintenance to the new structure.

In addition, enclosure of the sub-floor space reduces the risk of damage/maintenance issues caused by leaf build up and hence fire hazard, as well as ingress by vermin. In summary Option 3 is the most practical solution.

Proposed methodology

The existing concrete on site will be cut to reflect the size and location of the proposed footings as required by the structural engineer. Removal of the concrete and excavation will be minimised as indicated on the footing plan (Option 3) provided and is generally restricted to the perimeter of the proposed building, retaining sections of the existing slab wherever possible.

Dimension and details of the footings will be provided with the CC application along with other construction details as is normally required.

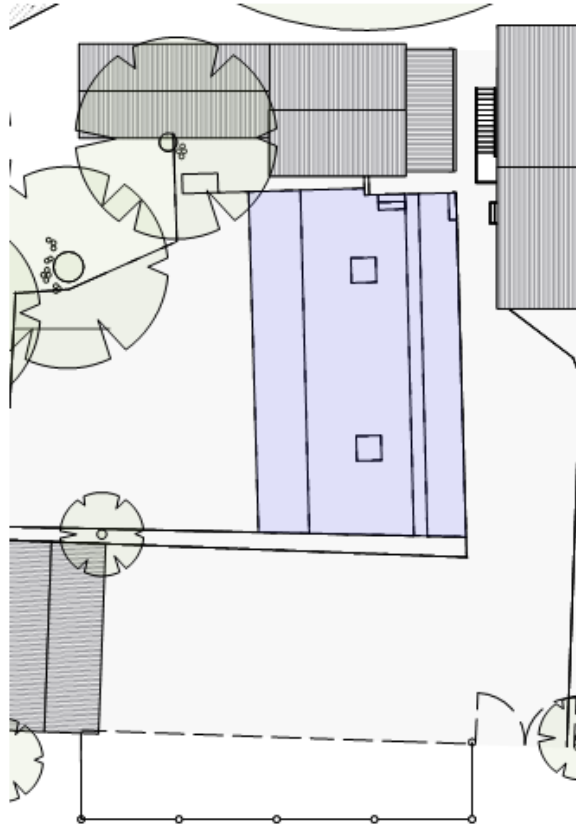
The excavation and construction process will be closely monitored and all involved in these works are very experienced in working with sensitive sites. Design 5 Architects will be closely monitoring the works and should any relics be found, work will be immediately stopped and the finds recorded and assessed before proceeding further, in accordance with the provision for archaeology in the Heritage Act.

We trust this information addresses your concerns, however, should you require any further details please do not hesitate to contact us.

Yours sincerely

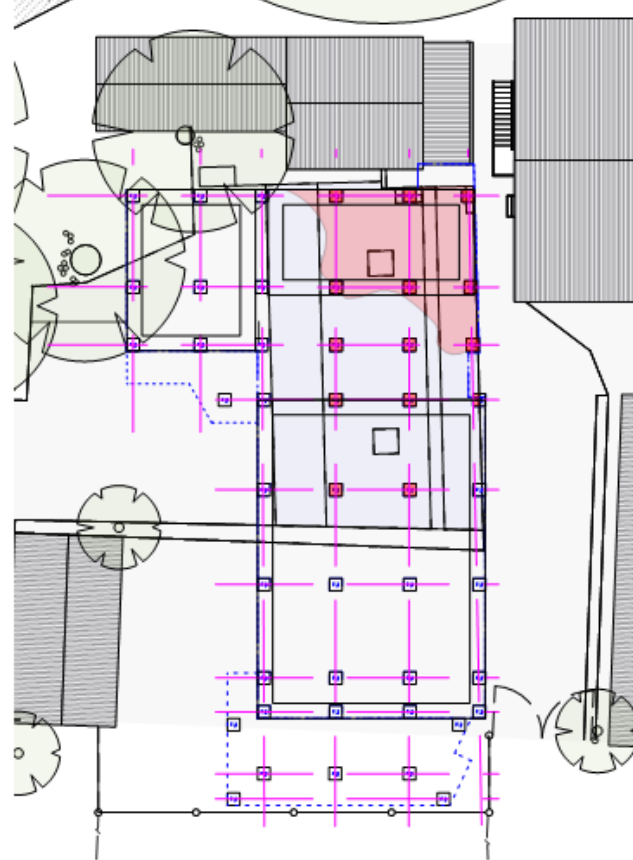


Director
Design 5 – Architects Pty Ltd



EXISTING

EXTENT OF REMAINING CONCRETE SLAB FROM THE 1970 COWBAIL BUILDING.

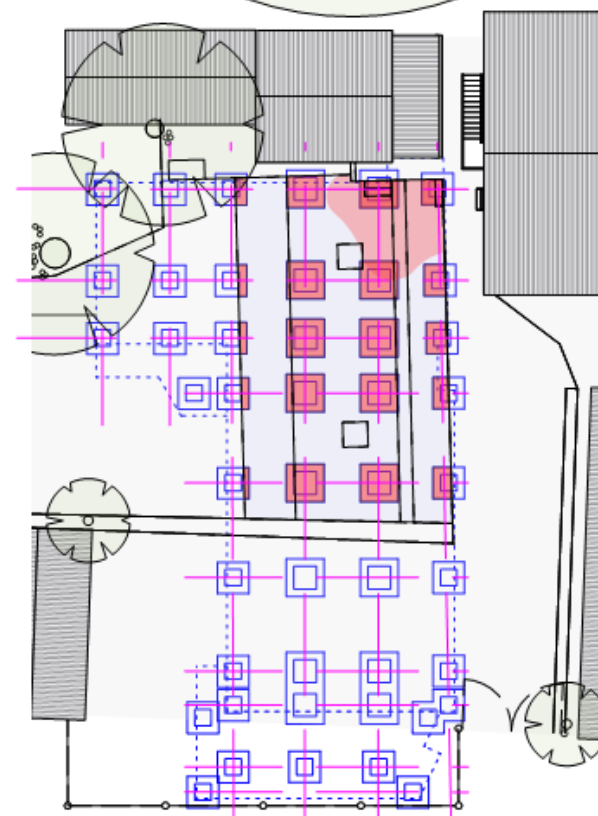


PROPOSED OPTION 1

SCREW PILE SYSTEM

IMPACT ON EXISTING SLAB WITH SCREW PILES SUPPORTING SYSTEM WITH 500X500 PILE CAP AND 215 BONDEK SLAB.

CONCRETE SLAB AREA 112 m²
EXTENT OF REQUIRED DEMOLITION APPROX. 33m² (37%)

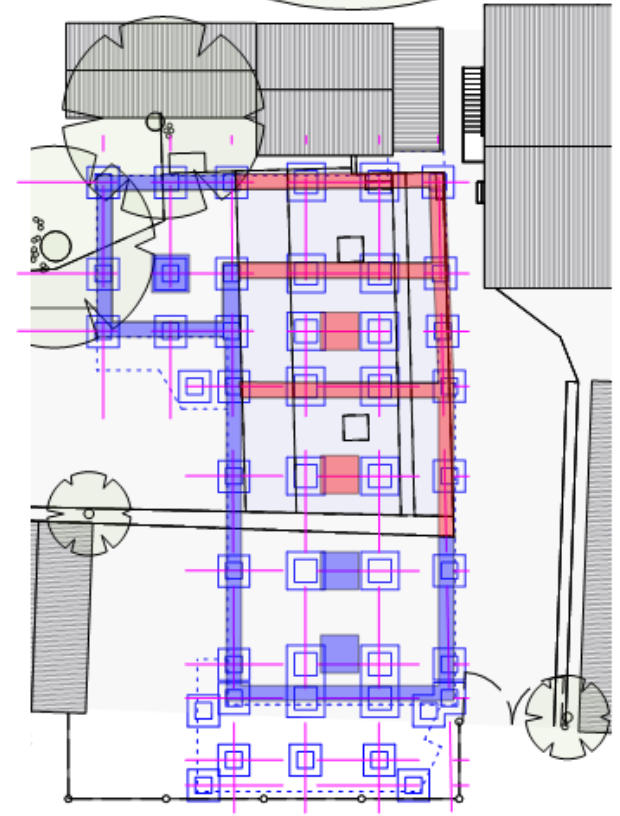


PROPOSED OPTION 2

PAD FOOTING SYSTEM

IMPACT ON EXISTING SLAB WITH PAD FOOTINGS 650X650 / 900X900, STEEL COLUMNS AND 215 BONDEK SLAB.

CONCRETE SLAB AREA 112 m²
EXTENT OF REQUIRED DEMOLITION APPROX. 39m² (44%)



PROPOSED OPTION 3

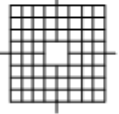
STRIP FOOTING

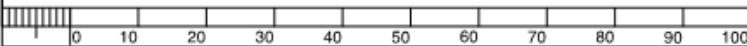
IMPACT ON EXISTING SLAB WITH PERIMETER STRIP FOOTING WITH BRICK SUB-WALLS AND INTERMEDIATE PIERS.

CONCRETE SLAB AREA 112 m²
EXTENT OF REQUIRED DEMOLITION APPROX. 30m² (33%)

DETAILS TO BE PROVIDED BY STRUCTURAL ENGINEER.

ADDITIONAL INFORMATION

ISSUE A	DATE 8/6/22	ISSUE NOTE REQUEST FOR MORE INFORMATION	 <p>DESIGN 5 ARCHITECTS</p> <p>5 Queen Street, Chippendale NSW 2008 Tel (02) 93191855 Fax (02) 93190836 DESIGN 5 - ARCHITECTS PTY LTD ABN 22 090 066 194 Nominated Architect - Alan Croker, Registration No 4693</p>	PROJECT Pottery Shed and Amenities	CLIENT Ian and Susie McIntosh	DWG DATE 25/04/2021	PROJECT # 1625.01	DWG NUMBER P 011
<small>Check and verify all dimensions and levels on site before commencing work. Do not scale drawings, use figured dimensions. This drawing is the copyright of Design 5 Architects Pty Ltd and may not be used, altered, reproduced or transmitted in any form or by any means in part or in whole without the written consent of Design 5 Architects</small>				ADDRESS 531B Cobbitty Road, Cobbitty NSW 2570	DRAWING CONCRETE SLAB - ADDITIONAL INFORMATION	REVISION A	ORIGINAL SHEET SIZE A3	NORTH
					SCALE 1:100	DRAWN AB	CHECKED AC	
					CAD FILE NAME A:\users\paul\Desktop\Desktop\05N\05N_220528.dwg			



200MM

300MM ON ORIGINAL

CLPP04

CLPP04

SUBJECT: DA/2021/1561/1 - ALTERATIONS TO GROUND FLOOR BUILDING AND SECOND STOREY ADDITION TO COMMERCIAL PREMISES - 60 JOHN STREET, CAMDEN

FROM: Manager Statutory Planning

EDMS #: 22/553217

DA Number:	2021/1561/1.
Development:	Alterations and additions to an existing commercial premises.
Estimated Cost of Development:	\$1,090,883.20.
Site Address(es):	60 John Street, Camden.
Applicant:	Quanti Magna Developments Pty Limited
Owner(s):	Persy Holdings Pty Ltd
Number of Submissions:	16 (all objecting to the development).
Development Standard Contravention(s):	Height of buildings >10%.
Classification:	Deferred commencement.
Recommendation:	Approve with conditions.
Panel Referral Criteria:	≥10 submissions and development standard contravention ≥10%.
Report Prepared By:	Jordan Soldo (Executive Planner)

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel’s (the Panel’s) determination of a development application (DA) for alterations and additions to an existing commercial premises at 60 John Street, Camden.

The Panel is to exercise Council’s consent authority functions for this DA as, pursuant to the Minister for Planning’s Section 9.1 Direction, it is subject to 10 or more submissions by way of objection and proposes to contravene the height of buildings development standard that applies to the site by more than 10%.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2021/1561/1 for alterations and additions to an existing commercial premises pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting deferred commencement consent subject to the terms and conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for alterations and additions to an existing commercial premises at 60 John Street, Camden.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant environmental planning instruments, development control plans and policies.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 13 October to 26 October 2021 and 16 submissions were received (objecting to the development).

The issues raised in the submissions relate to:

- Building height, bulk, and scale,
- Compatibility with heritage context,
- Parking impacts, and
- Accessibility.

The proposed built form is considered to be sympathetic to the overall character of the Camden Town Centre Heritage Conservation Area (HCA) and is consistent with other contributory items within the HCA. With the exception of the height of buildings development standard, the building is generally compliant with all other objectives and controls of the Camden Development Control Plan (DCP) and relevant environmental planning instruments. The contravention to the height of building development standard has been assessed on merit, having regard to the relevant matters contained within Clauses 4.3, 4.6 and 5.10 of the Camden LEP, as well as the heritage controls contained in Section 2.16 of the Camden DCP.

A Heritage Impact Statement was provided in support of the application that found the proposed development, including the height exceedance, to not impact on the heritage significance of the conservation area or nearby heritage items. Furthermore, Council's internal and external heritage advisors are supportive of the application.

The applicant is proposing a total of 650m² of gross floor area. The DCP requires 1 car parking space per 40m² of GFA. As such, the development requires a total of 17 car parking spaces. Nine of these spaces are provided through previously paid monetary contributions and the remaining spaces are to be provided through monetary contributions to be paid prior to the issues of a construction certificate.

An access report was provided with the application which includes an assessment of the proposal against 'Part D3 Access for people with a disability' of the National Construction Code, including 'Clause D3.2 – Access to Buildings'. The report confirms that the design is readily capable of compliance during construction subject to resolution of several matters identified in this report.

The proposal contravenes the height of buildings development standard with a maximum building height of 8.25 metres which exceeds the development standard of 7 metres. This represents a variation of 1.25 metres or 17.9%. The contravention 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 by way of deferred commencement subject to the terms and conditions attached to this report.

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
7m maximum building height.	8.25m maximum building height.	1.25m (17.9%)

AERIAL PHOTO



Figure 1: Aerial photo with the subject site outlined in red.

THE SITE

The site comprised a single property that is commonly known as 60 John Street, Camden and legally described as lot 3 in DP 202740. The site is rectangular in shape and has an area of approximately 398m². The frontage to John Steet is approximately 15.24 metres and the frontage to the adjoining laneway is approximately 26.31 metres. The site has a minor fall of approximately 0.4m from the south-western corner to the north-western corner.

The site contains an existing single storey brick commercial premises. The site is not an item of environmental heritage however falls within the Camden Town Centre HCA. There are numerous locally listed items within the vicinity of the site including the corner shop (I10) at 110 Argyle Street which adjoins the subject site.

Other locally listed items of environmental heritage within the vicinity of the site include Whiteman’s (I9) at 76-100 Argyle Street as well as a row of cottages and houses on the eastern side of John Street (to the south of the site). The state-listed St Johns Church is located at the southern end of John Street.

The site shares a side boundary with Council owned land which consists of parking and a laneway that provides access to the Hill Street carpark.

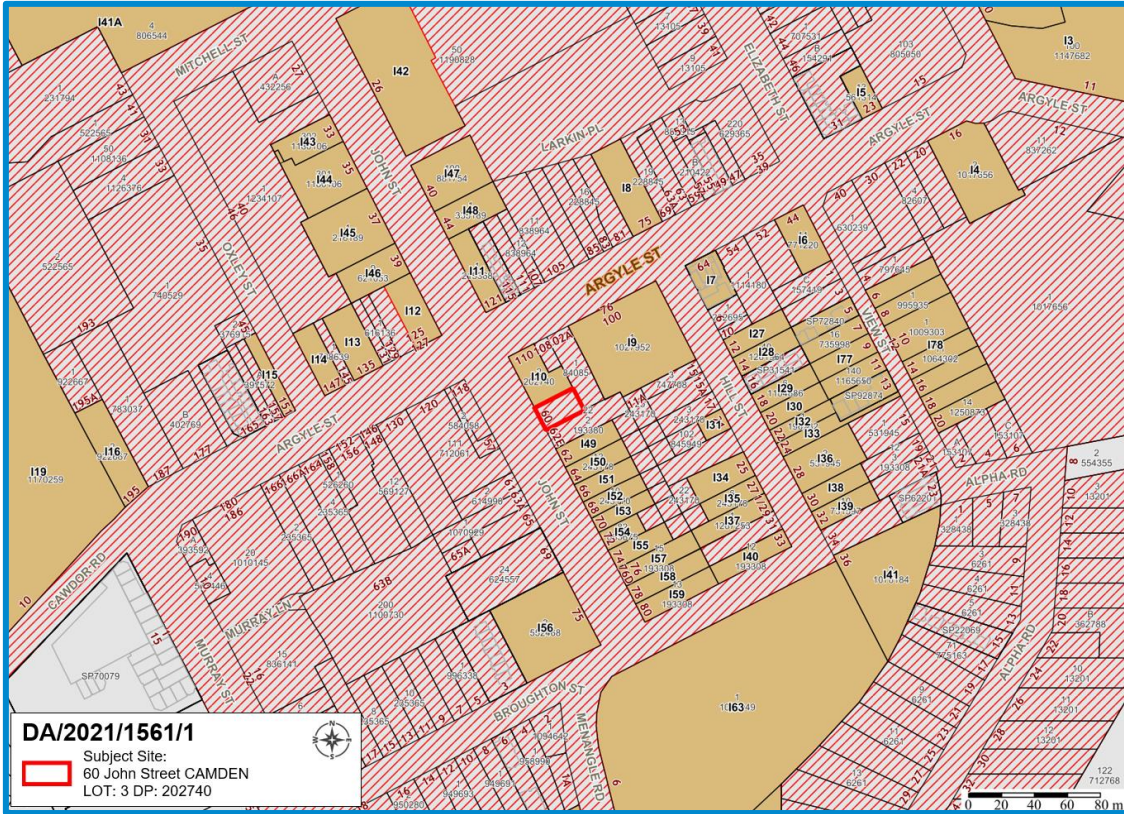


Figure 2: The subject site outlined on the Camden LEP heritage map. Gold/brown lots are items of environmental heritage, and the red shaded area is the Camden Heritage Conservation Area.

ZONING PLAN

CLPP04

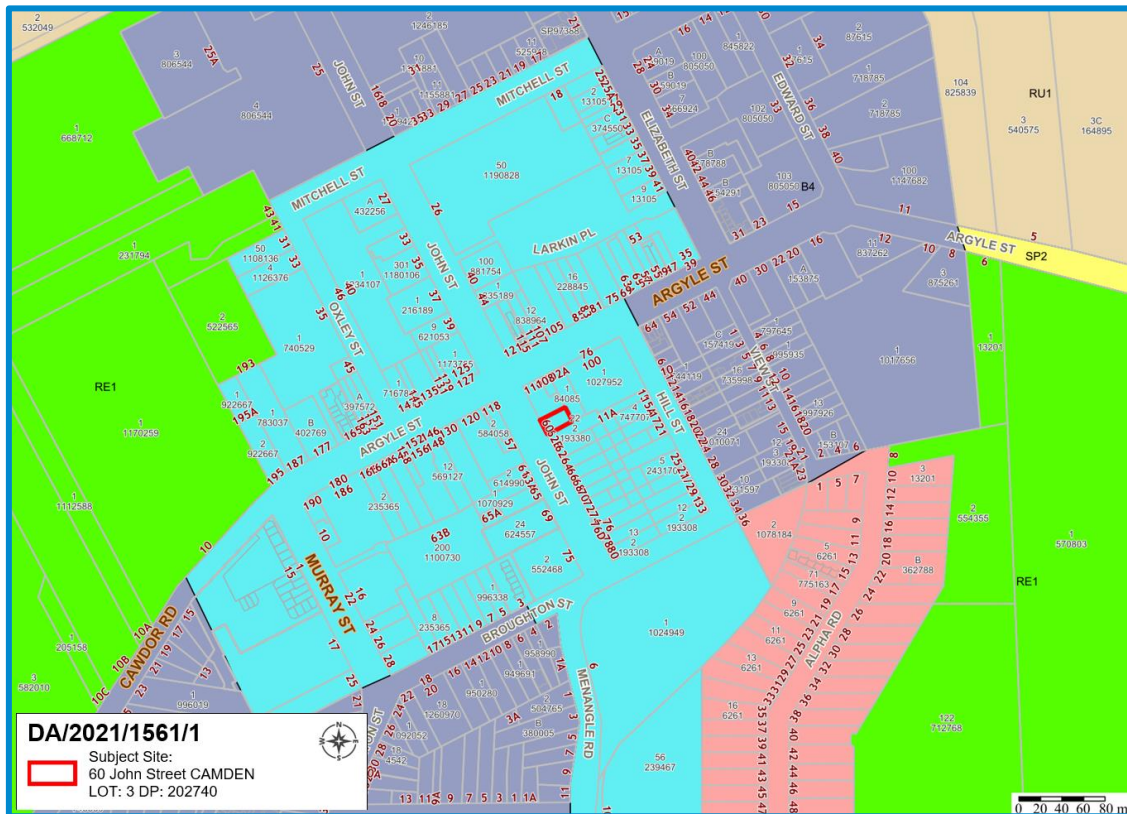


Figure 3: The subject site outlined on the Camden LEP zoning map.

HISTORY

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

Date	Development
7 November 2001.	DA/2001/1976/1 – development consent issued for excavation and underpinning of the existing building.
21 April 1995.	BA/1995/37/1 - development consent issued for a ground floor extension to the existing commercial premises.
11 August 1977.	IDA - Consent 44/1977 – development consent issued for the construction of a single storey building.

THE PROPOSAL

DA/2021/1561/1 seeks approval for alterations and additions to an existing commercial premises.

Specifically, the development involves:

- Partial demolition of the existing building, retaining building footprint and incorporating a new first floor upon the existing concrete roof.

CLPP04

- Construction and 8 tenancies, the use of which will be subject to separate future approval.
- Construction of five signs including two under awning signs on the John Street elevation and one under awning sign, one sign attached the external wall and one tenancy board on the laneway elevation. The contents of the signs will be subject to separate future approval.

The estimated cost of the development is \$1,090,883.20.



Figure 4: 3D render looking north-east from John Street.

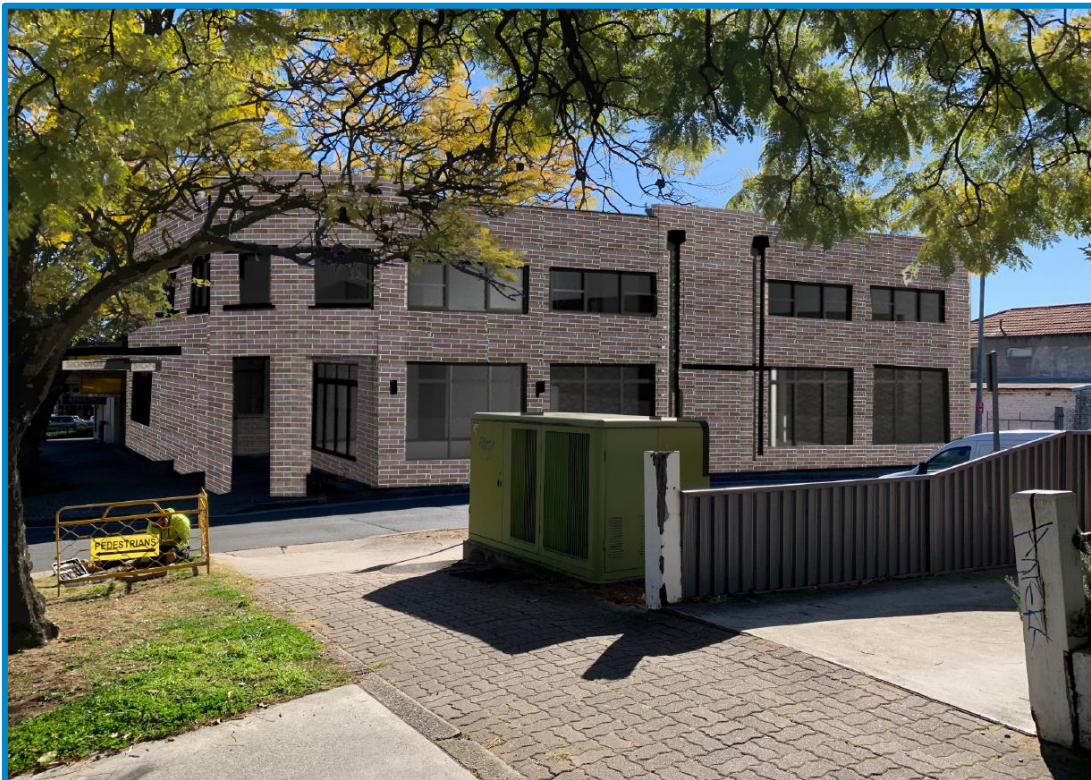


Figure 5: 3D render looking north from John Street.



Figure 6: 3D render looking north from John Street.

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:

- Camden Local Environmental Plan 2010.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.

Camden Local Environmental Plan 2010 (Camden LEP)

Site Zoning

The site is zoned B2 Local Centre pursuant to Clause 2.2 of the Camden LEP.

Land Use/Development Definitions

The development is characterised as a ‘commercial premises’ by the Camden LEP.

Permissibility

The development is permitted with consent in the B2 Local Centre zone pursuant to the land use table of the Camden LEP.

Planning Controls

An assessment table in which the development is considered against the Camden LEP’s planning controls is provided as an attachment to this report.

Proposed Contravention

The applicant proposes a contravention to the height of buildings development standard that applies to the site. The development standard limits buildings to a maximum height of 7 metres above existing ground level. However, the development will have a maximum height of 8.25 metres above existing ground level representing a variation of 1.25m or 17.9%. The extent of the contravention is shown in the proposed plans, an extract of which is shown in the below figure.



Figure 7: Extract of the elevations from the proposed plans. The dashed red line shows the 7 metres height of building limit.

Contravention Assessment

Pursuant to Clause 4.6(3) of the Camden LEP, the applicant has submitted a written request that seeks to justify the contravention of the development standard. In summary, the applicant’s written request provides the following justification for the contravention:

- The proposed development is consistent with the planning objectives which underpin the B2 Local centre zone as it will deliver additional commercial floor space thereby contributing to employment opportunities. The proposal also efficiently uses an under-utilized building and delivers an improved urban design outcome with minimal adverse impact on neighbouring occupants.
- The proposed development is consistent with and does not erode the intent of the underlying building height control objectives as the developments sits within a

context of massed two storey buildings which form part of the Argyle Street streetscape. The development will form a legible 'edge' to the commercial core massing of buildings without significant impacts on overshadowing, visual impacts or loss of views.

- The proposed development delivers a more desirable and beneficial outcome compared with the alternative of retaining the current building.
- The height variation is driven by the desire to retain the existing roof slab which will also be the structural floor level of the proposed first floor addition. The finished roof height is at the lowest achievable level whilst still allowing for graduation in the parapet.
- The retention of the existing street trees helps to integrate the building into an established streetscape.
- The scale of encroachment above the height plane will not dominate or detract from significant view lines associated with the St Johns Church precinct. The visual impact assessment submitted with the application finds that the visual effect and potential visual impact outcomes have been assessed as low and negligible.

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

Pursuant to Clause 4.6(4) of the Camden LEP, Council staff are satisfied that:

- the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Camden LEP, and
- the development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zones in which the development is proposed to be carried out.

The development standard contravention is supported for the following reasons:

- the development is consistent with the objectives of the development standard:
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

The proposed development is compatible with the height, bulk and scale of the existing and desired character of the locality. The form of the building is consistent with the existing form on Argyle Street and the building will act an edge to the commercial core.

(b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

The application has demonstrated that there will be minimal adverse visual impacts or disruption of views, including prominent view lines throughout the heritage conservation area. Furthermore, there will be negligible loss of privacy or solar access to existing developments due to the orientation of the site.

(c) to minimise the adverse impact of development on heritage conservation areas and heritage items.

A Heritage Impact Statement was provided in support of the application that found the proposed development, including the height exceedance, to not impact on the heritage significant of the conservation area of nearby heritage items.

The application was referred to Councils internal and external heritage advisors who were both supportive of the development. Council is satisfied, subject to the recommended deferred commencement condition relating to the facades, that the height exceedance is unlikely to have an adverse impact on the heritage significance of the conservation area or surrounding heritage items.

- the development is consistent with the objectives for development within the zones in which the development is proposed to be carried out:

(a) To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

The application seeks to provide additional commercial floor area which will allow future commercial uses to serve the needs of people who live in, work in and visit the local area.

(b) To encourage employment opportunities in accessible locations.

The additional commercial floor area will provide additional employment opportunities within the town centre.

(c) To maximise public transport patronage and encourage walking and cycling.

The site is considered an accessible location given it is within the commercial core of the town centre and surrounded by other complementary land uses. The accessible location will encourage public transport patronage and encourage walking and cycling.

(d) To ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level.

The development provides an active frontage to both the John Street and the laneway frontages.

(e) To minimise conflict between land uses within the zone and land uses within adjoining zones.

The site is located centrally within the B2 Local Centre zone with the surrounding allotments being also zoned B2 Local Centre.

(f) To enable other land uses that are complementary to and do not detract from the viability of retail, business, entertainment and community uses within the zone.

The building is of a scale that will not detract from the viability of other land uses within the zone.

- The height exceedance will not result in any significant loss of privacy or loss of amenity through overshadowing to public or private spaces.
- The submitted visual impact assessment demonstrates that there will be no significant impacts on view lines throughout the heritage conservation area.
- The height exceedance is driven by the applicant seeking to retain the existing roof slab which will be the structural floor level of the proposed first floor addition. The retention of the slab will minimise waste generation caused by the demolition and construction phases.
- The development is two storeys which is in keeping with the height limit for the Camden Town Centre Heritage Conservation Area detailed in Section 2.16.4 of the Camden DCP.

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 this proposed contravention to the LEP.

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

The Resilience and Hazards SEPP also provides a state-wide 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.

A review of the history of the site by Council officers did not reveal any potentially contaminating activities at the site and as such, a contamination assessment was not warranted. The site is suitable for the proposed development subject to the recommended standard conditions of consent relating to demolition and unexpected finds.

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)

The Industry and Employment SEPP aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.

Section 3.6 of the Industry and Employment SEPP requires the consent authority to be satisfied that signage is consistent with the objectives of the Industry and Employment SEPP and the assessment criteria specified in Schedule 5.

Council staff are satisfied that the signage is consistent with the Industry and Employment SEPP's objectives in that it is compatible with the desired amenity and visual character of the area, will provide effective communication by displaying the development's name and will be of a high-quality design and finish. Council staff have also considered the Industry and Employment SEPP's Schedule 5 assessment criteria and are satisfied that the signage is consistent with it.

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 SEPP)

The development is consistent with the Draft Remediation SEPP in that it is compliant with State Environmental Planning Policy (Resilience and Hazards) 2021.

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

Camden Development Control Plan 2019 (Camden DCP)

An assessment table in which the development is considered against the Camden 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.

Heritage

The development application seeks consent for the partial demolition of the existing building and alterations and additions included the construction of a first floor addition. The site is located within the Camden Town Centre HCA which is of local significance and is in close proximity to several local items. The state-listed St Johns Church is located at the southern end of John Street.

A Heritage Impact Statement was provided in support of the application that found the proposed development, including the height exceedance, to not impact on the heritage significant of the conservation area of nearby heritage items.

Council's external heritage consultant was generally supportive of the development and provided several recommendations such as removing the rounded corner splay and removal of colorbond. The applicant provided amended plans to address these comments.

Council's internal heritage advisor supports the application subject to a deferred commencement condition requiring further information on the proposed brick type and detailing in the façade.

Council officers are satisfied, subject to the abovementioned deferred commencement condition, that the development is unlikely to have an adverse impact on the heritage significance of the conservation area or surrounding heritage items.

Parking

The proposed gross floor area of the development is 650m². As such 17 car parking spaces are required for the development.

Two separate applications approved in 1977 and 1995 allowed for contributions towards a public car parking facility in lieu of providing on-site car parking spaces. Contributions for a total of nine car parking spaces were paid. These 'credits' remain with the site and as such, the proposal is only required to provide 8 additional car parking spaces.

The applicant seeks to provide monetary contributions in lieu of the remaining 8 car parking spaces in accordance with the Camden DCP and Camden Contributions Plan 2011. Accordingly conditions have been recommended requiring contributions be paid for 8 car parking spaced prior to the issue of a construction certificate.

It is noted that there is a section within the Camden DCP that discusses parking credits for existing development however that section is not applicable to this development as

there is no 'historic deficiency' as the previous applications provided monetary contributions towards off-street parking.

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

As demonstrated by the above 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 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 13 October to 26 October 2021 and 16 submissions were received (objecting to the development).

The following discussion addresses the issues raised in the submissions.

1. *The building height, bulk, and scale is excessive.*

Officer comment:

The proposed built form is considered to be sympathetic to the overall character of the HCA and is consistent with other contributory items within the HCA. With the exception of the height of buildings development standard contravention, the building is generally compliant with all other objectives and controls of the Camden DCP and relevant environmental planning instruments.

Furthermore, several changes to the design have been made during the assessment of the application. These include the overall reduction in height by 515mm and the removal of the large panels of dark coloured steel cladding. These changes act to further reduce the height, bulk and scale of the development.

2. *The development contravenes the height of building development standard.*

Officer comment:

The contravention to the height of building development standard has been assessed on merit, having regard to the relevant matters contained within Clauses 4.3, 4.6 and 5.10 of the Camden LEP, as well as the heritage controls contained in Section 2.16 of the Camden DCP.

3. *The height of the building has not been calculated correctly.*

Officer comment:

Council officers have calculated the maximum height of the revised proposal. The highest point above existing ground level occurs on the John Street frontage with the parapet above the entry for tenancy 1 and 2 reaching 8.25 metres. This represents a variation of 1.25 metres or 17.9%.

4. *The design of the building has been driven by wanting to retain historic parking credits.*

Officer comment:

The applicant was advised during the initial assessment of the application that they were not required to keep portions of the existing building to retain parking credits for the site. It is noted that there is a section within the Camden DCP that discusses parking credits for existing development however that section is not applicable to this development as there is no 'historic deficiency' as the previous applications provided monetary contributions towards off-street parking.

5. *The development does not address the heritage context it sits within.*

Officer comment:

The development generally complies with the objectives and controls of the heritage related provisions of the Camden LEP and Camden DCP. The building has been designed to be sensitive to the historic surrounds in terms of siting, scale, size and setbacks. Subject to the deferred commencement condition, the materials and colours will also be sensitive to the conservation area and surrounding heritage items.

Since lodgement, several changes to the design have been made. These include the overall reduction in height by 515mm and the removal of the large panels of dark coloured steel cladding. These changes further ensure the development is sympathetic to the context within which it sits.

As demonstrated by the visual impact assessment and the series of photomontages prepared by the applicant, the development is unlikely to have any adverse effect on the streetscape, conservation area or surrounding heritage items.

A Heritage Impact Statement was provided in support of the application that found the proposed development, including the height exceedance, to not impact on the heritage significant of the conservation area of nearby heritage items. Furthermore, Council's internal and external heritage advisors are supportive of the application.

6. *The development will adversely impact on the HCA and local and state items in the vicinity of the site.*

Officer comment:

As demonstrated by the visual impact assessment and the series of photomontages prepared by the applicant, the development is unlikely to have any adverse effect on the streetscape, conservation area or surrounding heritage items.

7. *Impacts and detracts from many significant views and vistas.*

Officer comment:

The applicant submitted a visual impact assessment (VIA) and a series of photomontages. The photomontages include numerous view points including from St John's Church and the corner of Argyle Street and John Street. The VIA and photomontages demonstrate that the development is unlikely to have any adverse effect on views and vistas throughout the HCA.

8. *Changing one shop to multiple tenancies on the site is going to produce long term parking problems*

Officer comment:

The applicant is proposing a total of 650m² of gross floor area. The DCP requires 1 car parking space per 40m² of GFA. As such, the development requires a total of 17 car parking spaces. Nine of these spaces are provided through previously paid monetary contributions and the remaining spaces are to be provided through monetary contributions to be paid prior to the issues of a construction certificate.

9. *Parking credits are lost through redevelopment of the site.*

Officer comment:

As discussed in the Camden DCP assessment table, two separate applications approved in 1977 and 1995 allowed for contributions towards a public car parking facility in lieu of providing car parking spaces within the site. Contributions for a total of nine car parking spaces were paid. These 'credits' remain with the site.

The applicant seeks to provide monetary contributions in lieu of the remaining eight car parking spaces in accordance with the Camden DCP and Camden Contributions Plan 2011. As such, conditions have been recommended requiring contributions be paid for eight car parking spaces prior to the issue of a construction certificate.

It is noted that there is a section within the Camden DCP that discusses parking credits for existing development however that section is not applicable to this development as there is no 'historic deficiency' as the previous applications provided monetary contributions towards off-street parking.

10. *Accessible access is compromised.*

Officer comment:

An access report was provided with the application which includes an assessment of the proposal against 'Part D3 Access for people with a disability' of the National Construction Code, including 'Clause D3.2 – Access to Buildings'. The report confirms that the design is readily capable of compliance during construction subject to resolution of several matters identified in this report.

Furthermore, a condition of consent has been recommended that requires the relocation of the 'No Stopping' sign on the corner of the John Street and the laneway to further improve pedestrian access.

11. *Level difference between the subject site and adjoining sites.*

Officer comment:

The application seeks to retain the existing concrete slabs and will therefore not result in any changes to the existing ground levels on the site.

12. *Compliance with Camden Town Centre Urban Design Framework.*

Officer comment:

The application has been reviewed against the Camden Town Centre Urban Design Framework (UDF). Council is satisfied that the design of the development is generally consistent with the relevant matters contained within the UDF.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

No external referrals were required for this DA.

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 by way of deferred commencement subject to the terms and conditions attached to this report.

RECOMMENDED

That the Panel:

- i. **support the applicant's written request lodged pursuant to Clause 4.6(3) of Camden Local Environmental Plan 2010 to the contravention of the height of buildings development standard in clause 4.3 of the Camden Local Environmental Plan 2010; and**
- ii. **approve DA/2021/1561/1 for alterations and additions to an existing commercial premises at 60 John Street, Camden by way of deferred commencement consent subject to the terms and conditions attached to this report.**

REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene the Camden Local Environmental Plan 2010 in relation to the height of buildings development standard. The Panel considers that the written request from the applicant adequately demonstrates that compliance with the development standard in Clause 4.3 of the Camden Local Environmental Plan 2010 is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The Panel is also satisfied that the development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the zone in which the development is to be carried out.
2. The development is consistent with the objectives of the applicable environmental planning instruments, being Camden Local Environmental Plan 2010; State Environmental Planning Policy (Resilience and Hazards) 2021; State Environmental Planning Policy (Biodiversity and Conservation) 2021; and State

Environmental Planning Policy (Industry and Employment) 2021.

3. The development is consistent with the objectives of Camden Development Control Plan 2019.
4. The development is considered to be of an appropriate scale and form for the site and the character of the locality.
5. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
6. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

ATTACHMENTS

1. Recommended Conditions
2. Camden LEP Assessment Table
3. Camden DCP Assessment Table
4. Combined Public Submissions - *Supporting Document*
5. Public Exhibition Submission Map - *Supporting Document*
6. Visual Impact Assessment
7. Clause 4.6 Written Request
8. Architectural Plans

RECOMMENDED CONDITIONS

Deferred Commencement Consent

This deferred commencement consent shall not operate until the applicant satisfies Council, in accordance with the *Environmental Planning and Assessment Regulation 2000*, in relation to the matters listed in the Schedule A condition, within 5 years of the date of this determination. Upon Council being satisfied as to the matters listed in the Schedule A condition, Council will notify the applicant in writing that the consent has been made operative subject to the conditions listed in Schedule B.

Should Council not be satisfied as to the matters listed in the Schedule A condition within the specified timeframe, this deferred commencement consent will be rendered permanently inoperative.

Schedule A Condition

- (1) **Deferred Commencement** - The following matters must be complied with to Council's satisfaction:
- a) The western and southern elevations of the buildings are to include additional articulation to the façade and include additional layering and/or detailing to parapets, windowsills and window/door heads.
 - b) The proposed brick type must be amended to a brick that provides more definition and texture and that is sympathetic to the Camden Town Centre Heritage Conservation Area. A secondary brick colour may also be used to highlight elements of the building (including the elements detailed in a) above).

Amended plans and an updated schedule of materials and finishes must be submitted to and approved by Council's Heritage Advisor.

Schedule B Conditions

1.0 - General Conditions of Consent

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Architectural Plans – Project Number: 63-20			
63-20.00	Cover Sheet	Distinctive Gardens & Interiors Pty Ltd.	Issue: G, Date: 15/11/2022
63-20.01	General Notes		
63-20.08	Existing Site Plan		
63-20.09	Proposed Site Plan		
63-20.10	Demolition Plan Ground Floor		
63-20.10.1	Demolition Plan First Floor		
63-20.11	Coloured West and South		

	Elevations		
63-20.12	Coloured East and North Elevations		
63-20.13	Ground Floor Plan		
63-20.14	First Floor Plan		
63-20.15	Roof Plan		
63-20.16	West and South Elevations		
63-20.17	East and North Elevations		
63-20.18	Sections		
63-20.19	Waste Management Plan		
63-20.41	Material Palette		
63-20.44	Interior Mood Board		
63-20.45	Exterior Mood Board		
63-20.46	Material Palette		
Engineering Plans – Drawing No 200910A			
Sheet: 8/6	Proposed Roof Plan	D&M Consulting	Rev: A, Date: 17/09/2021

Document Title	Prepared by	Date
Waste Management Plan Template	Quanti Magna Developments	No date

These approved plans and documents are subject to any amendments in any plans or documents accepted by Council in satisfaction of the Schedule A condition of this development consent.

- (2) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (3) **Shoring and Adequacy of Adjoining Property** - If the approved development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land gives written consent to the condition not applying.

A copy of the written consent must be provided to the principal certifier prior to the excavation commencing.

- (4) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.

- (5) **Outdoor Lighting** – The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.
- (6) **Infrastructure in Road and Footpath Areas** – Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development shall be borne by the applicant, and not Council.
- Note.** The issue of this development consent does not imply concurrence or approval of any required public infrastructure work associated with the development.
- (7) **Separate Approval for the Use of Each Tenancy** – Unless permitted by way of exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, a separate development application for the fit out and use of the tenancy shall be submitted (and approved) by Council prior to the commencement of any internal fit out works.
- (8) **Office Premises Only** – The proposed building does not contain service vehicle parking or a loading dock. Future use of each tenancy is restricted to office premises only unless, through a development application, it can be demonstrated to Council's satisfaction that the proposed use does not require such facilities.
- (9) **Separate Approval for Signs** - A separate development application for the contents of any approved signs shall be provided to and approved by Council prior to the erection or display of those signs (unless the erection or display of those signs is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

2.0 - Prior to Issue of a Construction Certificate

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

- (1) **Performance Bond** - The applicant is to lodge a bond with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.
- Note.** Fees are payable for the lodgement and refund of the bond.
- (2) **Information for Construction Certificate** - The following information shall be provided to the certifier with the Construction Certificate application:
- a) details demonstrating that all roof mounted equipment such as air conditioning units, solar panels, lift overruns etc., will not be visible from the public domain including adjoining laneway and Hill Street carpark.
 - b) Details demonstrating that all plumbing and ductwork (Including stormwater downpipes unless shown on the approved plans) must be concealed within the outer walls of the building so that it is not visible. Plans and elevations detailing the method of concealment must be submitted to the certifier with the Construction Certificate application.

- (3) **Hoarding Application** - A hoarding application for the erection of a class A (fence type) or class B (overhead type) hoarding along the street frontage complying with WorkCover requirements shall be provided to Council for approval with a footpath occupancy fee based on the area of footpath to be occupied.

A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, shall be obtained with a copy also provided to the Roads Authority. The Policy is to note Council as an interested party and nominate the location of works. Hoardings shall not be erected until written approval has been received from Council. The copy of the Public Risk Insurance Policy is to be provided to the Roads Authority.

- (4) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.

- (5) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate the accredited certifier must:

- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
- b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as proposed.

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

A stormwater plan is to be submitted to the certifier prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the certifier.

Note. Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (7) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.

A detailed on-site detention and water quality report reflecting the Construction Certificate plans shall be provided to the certifier with the Construction Certificate application.

- (8) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book'). Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (9) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993*.
- (10) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the accredited certifier for approval. Garbage room(s) are to be constructed of solid material and finished as a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection. Walls are to be smooth impervious surfaces to ensure no moisture, oils or similar material can soak in. Ventilation, pest proofing and a hose tap must be provided.
- (11) **Fibre-Ready Facilities/Telecommunications Infrastructure** – Documentary evidence must be provided to the certifier demonstrating that satisfactory arrangements have been made for:
- the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose; and
 - the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

This condition does not apply where an applicable exemption exists under Commonwealth law. Documentary evidence of any exemption relied upon must be provided to the certifier.

- (12) **Section 7.11 Contributions – Monetary** - A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
Camden Contributions Plan 2011	Car Parking	\$46,278 per space	\$370,224.00
	Total		\$370,224.00

A copy of the Section 7.11 Contributions Plan may be inspected at Council's Camden office at 70 Central Avenue Oran Park or can be accessed on Council's website at www.camden.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

- (13) **Damages Bond** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note. A fee is payable for the lodgement of the bond.

- (14) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
 - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
 - f) a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;

- c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
 - b) a principal certifier has been appointed by the person having benefit of the development consent;
 - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited,
 - b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c) the name, address and telephone number of the principal certifier for the work.
- The sign must be maintained while the work is being carried out and removed when the work has been completed.
- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Demolition Work** - Consent is granted for the partial demolition of the existing building on the property in accordance with the approved demolition plan, subject to compliance with the following conditions:
- a) The developer shall notify adjoining residents of demolition works seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the

letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite, the demolition site;

- b) Prior to demolition, the applicant shall erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address;
 - c) Prior to demolition, the applicant shall erect a 1.8m high temporary fence and hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site shall be restricted to authorised persons only and the site shall be secured against unauthorised entry when work is not in progress or when the site is otherwise unoccupied;
 - d) Prior to demolition, all services (such as sewer, telephone, gas, water and electricity) must be disconnected. The developer must consult with the relevant service authorities regarding their requirements for the disconnection of services;
 - e) Suitable erosion and sediment control measures in accordance with an approved erosion and sediment control plan shall be installed prior to the commencement of demolition works and shall be maintained at all times;
 - f) A Work Plan prepared by a suitably qualified person in accordance with AS 2601 'Demolition of Structures' shall be provided to the principal certifier for approval prior to demolition works commencing. The Work Plan shall identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials;
 - g) If the property was built prior to 1987, an asbestos survey shall be carried out by a suitably qualified person prior to demolition. If asbestos is found, a WorkCover Authority licensed contractor shall remove all asbestos in accordance with the requirements of the WorkCover Authority, including notification of adjoining neighbours of asbestos removal. All asbestos material must be disposed of at a facility licenced to accept asbestos. Tipping receipts for the disposal of the asbestos must be retained.
 - h) The burning of any demolished material on site is not permitted and offenders will be prosecuted; and
 - i) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, phone, etc) are not damaged. Any damage caused to existing services is to be repaired by the relevant authority at the expense of the applicant.
- (8) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

A copy of the approval receipt from Sydney Water must be submitted to the principal certifier.

- (9) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (10) **Dilapidation Report – Adjoining Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of the following adjoining properties shall be prepared.
- a) 110 Argyle Street CAMDEN (LOT: 2 DP: 202740),
 b) 102A Argyle Street CAMDEN (LOT: 1 DP: 84085).

All costs incurred in preparing the dilapidation report and complying with the conditions it imposes shall be borne by the applicant.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant shall demonstrate in writing that all reasonable steps have been taken to obtain access to and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence shall be obtained from the principal certifier in such circumstances.

- (11) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site (including within 62E John Street CAMDEN LOT: 22 SEC: 2 DP: 193308) shall be prepared. The report must be submitted to the principal certifier and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

- (12) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the principal certifier.
- (13) **Hazardous Building Materials Assessment** - A Hazardous Building Material Assessment (HBMA) shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report shall be provided to the principal certifier and Council.

Once hazardous components are identified, all demolition works that involve the demolition and removal of the hazardous materials shall ensure that all site personnel are protected from risk of exposure in accordance with relevant SafeWork NSW and NSW Demolition Guidelines. Premises and occupants on adjoining land shall also be protected from exposure to any hazardous materials.

- (14) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the principal certifier.

- (15) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the principal certifier.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
 - b) measures to suppress odours and dust emissions;
 - c) soil and sediment control measures;
 - d) measures to control air emissions that includes odour;
 - e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) any other recognised environmental impact;
 - g) work, health and safety; and
 - h) community consultation.
- (16) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the principal certifier and include the following:
- a) noise mitigation measures;
 - b) noise and/or vibration monitoring;
 - c) use of respite periods;
 - d) complaints handling; and
 - e) community liaison and consultation.
- (17) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.

4.0 - During Works

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

- (1) **Work Hours** - All work (including delivery of materials) shall be:
- restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
 - not carried out on Sundays or public holidays,

unless approved in writing by Council.

- (2) **Excavations and Backfilling** - All excavations and backfilling associated with the approved development must be executed safely and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person causing the excavation must:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation,
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, and
- c) give at least 7 days notice of the intention to excavate to the owner of the adjoining land before excavating.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land gives written consent to the requirements not applying.

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

- (3) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the existing drainage system.

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

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

- (4) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road

surface and shall have measures in place to prevent the movement of such material off site;

- b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste storage area shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (5) **Building Height** - A survey report prepared by a registered land surveyor confirming that the building height complies with the approved plans or as specified by the development consent, shall be provided to the principal certifier prior to the development proceeding beyond frame stage.
- (6) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (7) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (8) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

"WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the

remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (9) **Seal Up Existing Redundant Laybacks** – All existing redundant laybacks must be sealed up to match the existing concrete gutter on the road.
- (10) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - the wheels of vehicles leaving the site:
 - do not track soil and other waste material onto any public road adjoining the site; and
 - fully traverse the site's stabilised access point.
- (11) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (12) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (13) **Hazardous Building Materials Assessment** - All works (including demolition and materials handling, storage, transport and disposal) shall be undertaken in accordance with the requirements outlined in the hazardous building material assessment. All material not suitable for recycling or reuse must be disposed of at a licenced waste facility authorised to accept that waste.
- (14) **Noise During Work** - Noise levels emitted during works must comply with:
- (a) Construction period of 4 weeks and under:
- The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- (b) Construction period greater than 4 weeks and not exceeding 26 weeks:
- The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).
- (c) Construction period greater than 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 5 dB(A).

Alternatively, noise levels emitted during works shall be restricted to comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines.

- (15) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (16) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (17) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a certified contaminated land consultant has been contacted and conducted a thorough assessment.

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

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

- (18) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the salinity / control measures contained in Council's Engineering Specifications.
- (19) **Relics Discovery During Works** – If any relic surviving from the past is uncovered during the work that could have historical significance (but is not an aboriginal object):
- all work must stop immediately in that area;
 - Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*, and
 - any requirements of Heritage NSW must be implemented.
- (20) **Aboriginal Objects Discovered During Works** – If any Aboriginal object (including evidence of habitation or remains) is discovered during the work:
- all excavation or disturbance of the area must stop immediately in that area,
 - Heritage NSW must be advised of the discovery in writing in accordance with Section 89A of the *National Parks and Wildlife Act 1974*, and
 - any requirements of Heritage NSW must be implemented.

5.0 - Prior to Issue of an Occupation Certificate

An Occupation Certificate shall be obtained prior to any use or occupation of the development. The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the principal certifier in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier.
- (3) **Building Height** - A registered surveyor shall certify that the maximum height of the building is consistent with the height in the approved plans and this consent. The certification/verification shall be provided to the satisfaction of the principal certifier.
- (4) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the principal certifier:
 - a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
 - b) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (5) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate principal certifier must:
 - a) be satisfied that suitable evidence is provided to demonstrate that the products and systems used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
 - b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as built.

- (6) **Completion of Road Works** - All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval.
- (7) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (8) **Waste Management Plan** - The principal certifier shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (9) **Waste Collection Contract** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. A copy of the contract is to be held on the premises at all times.
- (10) **Inspection of Existing Street Trees** – All existing street trees must be inspected by Council to ensure that they are undamaged and in a healthy condition.
- (11) **No Stopping Sign** – The 'No Stopping' sign on the corner of John Street and the laneway must be relocated to improve pedestrian access along the laneway.

6.0 - Ongoing Use

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

- (1) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (2) **Amenity** - The approved development shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.
- (3) **Offensive Noise and Noise Compliance** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*. Noise must also comply with the NSW Noise Policy for Industry 2017.
- (4) **No Waste to Be Stored Outside of the Site** – No waste is to be placed on any public land (eg. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.
- (5) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

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

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.

CLPP04**Attachment 1**

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

CLPP04

Attachment 2

Clause	Assessment	Compliance?
<p>2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. To encourage employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. To ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level. To minimise conflict between land uses within the zone and land uses within adjoining zones. To enable other land uses that are complementary to and do not detract from the viability of retail, business, entertainment and community uses within the zone. 	<p>The development is consistent with the objectives of the zone in that will provide additional commercial tenancies to serve the needs to people and encourage employment opportunities within a highly accessible area. The development also proposes active frontages to both elevations.</p> <p>No land use conflicts are expected as a result of the development.</p>	Yes.
<p>2.7 Demolition requires development consent</p> <p>Development consent is required to demolish a building or work (unless the demolition is exempt or complying development under another environmental planning instrument).</p>	<p>The application seeks consent for partial demolition of the exiting building in accordance with this section.</p>	Yes.
<p>4.3 Height of buildings</p> <p>Maximum building heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>The maximum building height for this site is 7 metres.</p>	<p>The proposed maximum height of the building is 8.25 metres with the parapet on the John Street elevation being the height point above ground level.</p> <p>This represents a variation of 1.25 metres or 17.9%.</p>	No.
<p>4.6 Exceptions to development</p>	<p>The proposal contravenes the height of</p>	Yes.

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

Clause	Assessment	Compliance?
<p>standards</p> <p>Development consent may be granted for development that contravenes a development standard imposed by the LEP or any other environmental planning instrument.</p> <p>The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>Development consent must not be granted unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated, and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Secretary has been obtained.</p> <p>This clause prohibits the approval of development standard contraventions for certain subdivisions of land in some rural and environmental zones.</p>	<p>buildings development standard with a maximum building height of 8.25 metres which exceeds the development standard of 7 metres.</p> <p>This represents a variation of 1.25 metres or 17.9%.</p> <p>The applicant has provided a written request that justifies the contravention by demonstrating that compliance with the development standard is unreasonable in the circumstances of the case and that there are sufficient environmental planning grounds to justify the contravention.</p> <p>Council is satisfied that the applicant's written request has adequately addressed the required matters.</p> <p>Furthermore, the proposed development is in the public interest as it is consistent with the objectives of the height of buildings development standard as well as the objectives of the B2 zone.</p> <p>A detailed assessment against the relevant matters contained in this clause is provided in the main body of the report.</p>	
<p>5.10 Heritage conservation</p> <p>Before granting development consent in respect of a heritage item or a heritage conservation area, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <p>The consent authority may require a</p>	<p>The development application seeks consent for the partial demolition of the existing building and alterations and additions including the construction of a first floor addition. The site is located within the Camden Town Centre Heritage Conservation Area (HCA) which is of local significance and is in close proximity to several local items. The state-listed St Johns Church is located at the southern</p>	<p>Yes</p>

CLPP04

Attachment 2

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

CLPP04

Attachment 2

Clause	Assessment	Compliance?
<p>heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the item or heritage conservation area concerned. The submission of a heritage conservation management plan may also be required.</p>	<p>end of John Street.</p> <p>A Heritage Impact Statement was provided in support of the application that found the proposed development, including the height exceedance, do not impact on the heritage significance of the conservation area or nearby heritage items.</p> <p>Council's external heritage consultant was supportive of the development and provided several recommendations such as removing the rounded corner splay and removal of colorbond. The applicant provided amended plans to address these comments.</p> <p>Council's internal heritage advisor supports the application subject to a deferred commencement condition requiring further information on the proposed brick type and detailing in the façade.</p> <p>Council is satisfied, subject to the abovementioned deferred commencement condition, that the development is unlikely to have an adverse impact on the heritage significance of the conservation area or surrounding heritage items.</p>	

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Control	Assessment	Compliance?
<p>1.2 Notification and Advertising Requirements</p> <p>Notification and advertising requirements are now listed in Part 3.0 of the CPP.</p>	<p>The application was notified for 14 days in accordance with the Camden Community Participation Plan 2021. The notification period was from 13 October to 26 October and 16 submissions were received objecting to the proposed development.</p>	Yes.
<p>2.1 Earthworks</p> <p>Building work must be designed to ensure minimal cut and fill is required for its construction phase.</p>	<p>The application proposes reuse of the existing ground floor slab thereby minimising required earthworks.</p>	Yes.
<p>2.2 Salinity Management</p> <p>All development, where saline and sodic soils are identified, must incorporate soil conservation measures to minimise soil erosion and siltation during construction and following completion of development. Soil and Water Management Plans, prepared in accordance with Managing Urban Stormwater – Soils and Construction are to be submitted with each subdivision DA.</p> <p>All sediment and erosion controls are to be installed prior to the commencement of any works and maintained throughout the course of construction until disturbed areas have been revegetated/established. Certification is required to be submitted to Council prior to commencement of construction.</p>	<p>Subject to the recommended conditions, adequate sediment and erosion controls measures will be in place during construction and following completion of works.</p> <p>Subject to the recommended conditions, adequate sediment and erosion controls measures will be in place during construction and following completion of works.</p>	Yes. Yes.
<p>2.3 Water Management</p> <p>All development must demonstrate compliance with the relevant provisions of Council's Engineering Specifications including requirements for detention, drainage and water sensitive urban design.</p>	<p>No increase to impervious areas is proposed by the application and the development will maintain the existing method of drainage to the street. A standard condition of consent is recommended to ensure the development is carried out in accordance with Council's Engineering Specifications.</p>	Yes.
<p>2.4 Trees and Vegetation</p> <p>A person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy a tree or vegetation without approval from Council authorising such works.</p>	<p>No tree removal is proposed as part of this application. Furthermore, the proposed alterations to the awning have been designed to ensure the existing street tree is not impacted. Conditions of consent have been recommended to ensure the existing street tree on John Street is retained and protected during demolition/construction.</p>	Yes.

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

CLPP04

Attachment 3

Control	Assessment	Compliance?
<p>2.10 Development near Camden Airport</p> <p>Buildings or structures located within the area affected by the Camden Airport OLS or PANS-OPS contained in the Camden Airport Master Plan must use materials that have low reflectivity.</p>	<p>The proposed materials will have low reflectivity.</p>	<p>Yes.</p>
<p>2.14 Waste Management</p> <p>A Waste Management Plan (WMP) must be submitted for all new development, including demolitions, construction and the ongoing (or change of) use. A WMP outlines the waste that will be generated and how the development proposes to manage the waste.</p>	<p>A satisfactory waste management plan detailing the demolition, construction and ongoing use phases of the development was provided with the application. A condition of consent has been recommended requiring compliance with the WMP.</p>	<p>Yes.</p>
<p>2.16 Environmental Heritage</p>		
<p>2.16.3 General Heritage Provisions</p> <p>New buildings must be of a simple, contemporary design that avoids "heritage style" replication of architectural or decorative detail.</p> <p>New work must be easily identified as such and is required to be sympathetic to the heritage place.</p> <p>When alterations or additions are proposed, the removal of any existing unsympathetic elements is encouraged.</p> <p>New development must be designed to interpret and complement the general form, bulk, scale, height, architectural detail and other significant elements of the surrounding heritage place.</p> <p>Alterations and additions to a heritage item or within a conservation area will be sited and designed to retain the intactness and consistency of the streetscape and the significance of the conservation area;</p> <p>Where there is a uniform building front</p>	<p>The proposal is considered to be a simple yet contemporary design that avoids 'heritage style' replication of architectural and/or decorative detail.</p> <p>The building will be easily identifiable as a new addition to the HCA yet will be sympathetic to the nearby heritage items and HCA as it has been designed to interpret and complement the general form, scale and details of the surrounding neighbourhood – especially the two storey shopfront buildings along Argyle Street.</p> <p>The alterations and additions will result in the façade and roof form being replaced by more sympathetic elements.</p> <p>The building has been designed to interpret and complement the general form, scale and details of the surrounding neighbourhood – especially the two storey shopfront buildings along Argyle Street.</p> <p>The development has been designed to retain the intactness and consistency of the streetscape and significance of the HCA. The development has a similar form to adjoining development along Argyle Street and once complete, will act as the edge the predominantly two storey commercial core before the transition to single storey cottages/houses begins to the south of the site.</p> <p>The alterations and additions maintain the</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Control	Assessment	Compliance?
setback, new development must recognise this.	setbacks of the existing building.	
The existing informal and irregular pattern of rear property building alignments is to be retained.	The alterations and additions maintain the setbacks of the existing building.	Yes.
The existing pattern, pitch, materials and details of original roof forms within the Heritage Conservation Area must be retained.	The development proposes a flat roof design to minimise the height with the addition of parapets to provide vertical articulation. These design elements are seen throughout the HCA.	Yes.
Missing roof elements must be reinstated when unsympathetic roofs are replaced.	The application proposes additional parapet walls.	Yes.
Materials, finishes, and textures must be sympathetic to the historic context of the original significant buildings within the streetscape.	The applicant has provided indicative imagery of the façade of the building which Council considered to be sympathetic to the historic context of the original significant buildings with the street scape. However, Council does not believe that the brick product specified in the plans will result in a finish shown in the indicative imagery. As such, a deferred commencement condition requiring further information on the proposed brick type and detailing in the façade has been recommended.	Yes.
Contemporary materials are permitted where their proportions, detailing and quantities are compatible with the character of the area. Large expanses of glass and reflective wall and roof cladding are not appropriate.	Minor contemporary elements are proposed however they are considered compatible with the character of the area. No large expanses of contemporary materials are proposed.	Yes.
New buildings need not employ traditional colour schemes but should use colours sympathetic to surrounding development and contribute to the cohesiveness of the Heritage Place. A material and colour palette sheet must be provided to Council for assessment.	A detailed material and colour schedule has been provided with the development application. Subject to the recommended deferred commencement condition, the building will include colours that a sympathetic to the surrounding buildings and HCA.	Yes.
Skylights, air conditioning units, antennas, solar panels, satellite dishes etc. must not be visible from the street.	None of these features will be visible from the public domain subject to the recommended condition of consent.	Yes.
2.16.4 Camden Heritage Conservation Area		
Views associated with the St John's Church spire must not be compromised.	The applicant has provided extensive photomontages that confirms that views associated with St John's Church, including the spire, will not be compromised. The photomontages are attached to the report.	Yes.
Existing cottage dominated streetscapes must be retained, new development such	The alterations and additions have been designed to be compatible with the existing	Yes.

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Attachment 3

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

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Attachment 3

Control	Assessment	Compliance?
<p>as extensions/additions should be compatible with the existing streetscape.</p> <p>A two storey height limit must prevail except for significant architectural features incorporated into the design of buildings in significant locations.</p> <p>Large built forms in cottage dominated precincts must be avoided through the use of various roof forms and pitches, wall openings and recesses, materials, recessive colours and landscaping</p> <p>In commercial areas where historical evidence exists, awnings and/or veranda's must be provided on the front elevation and must complement existing awnings and verandahs on adjacent buildings.</p>	<p>streetscape and will not detract from the existing locally listed cottages to the south of the site.</p> <p>The proposal is two storeys.</p> <p>The development proposes a flat roof design to minimise the bulk and scale of the built form.</p> <p>The proposal seeks to replace the existing awning with one of a similar footprint.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
<p>2.17 Signage</p> <p>The location, quantity, type, colour, design and size of all signage must not detract from the amenity and character of the land or building to which it relates.</p> <p>All signage must be consistent with the scale of the building or the property on which it is located.</p> <p>All signage must align with an approved or exempt land use being conducted on the land to which the sign is displayed.</p> <p>All signage must remain within the property boundary except in the case of a sign attached to an awning over the footpath.</p> <p>Signage must not interfere with road and pedestrian safety</p>	<p>The application proposes two under-awning signs to the John Street frontage, one under awning sign to the laneway frontage, one tenancy board on the external alcove adjoining the laneway and one sign attached to the laneway façade.</p> <p>The contents of the signs will be subject to separate approval in the future.</p> <p>The proposed signage will not detract from the amenity and character of the area.</p> <p>The proposed signage is consistent with the scale of the building.</p> <p>The proposed signs relate to the tenancies within the proposed building. The contents of the signs will be subject to separate approval in the future.</p> <p>All signs, with the exception of the two under awning signs on John Street, are within the property boundary.</p> <p>Signage is unlikely to interfere with road or pedestrian safety.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
<p>2.17.3 Additional Controls for the Narellan Town Centre</p> <p>The total combined signage area on a</p>	<p>The total combined signage area on each</p>	<p>Yes.</p>

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Control	Assessment	Compliance?
<p>building elevation must not exceed 20% of that building elevation that is visible from a public place.</p> <p>With the exception of under awning signs, all signs must be located wholly within the property boundaries.</p> <p>All Illumination signage must comply with AS 1158 - Lighting for Roads and Public Spaces and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting.</p> <p>Window signs must be affixed to the inside of the window. The total combined window signage area must not exceed 20% of the visible window area.</p> <p>In multiple tenancy developments: Not more than one business identification sign per tenancy must be permitted; Such signage may only display the business name, unit number, address and/or any associated logos or graphics; Signage must not exceed 20% of the visible wall area of the primary elevation of the unit or tenancy; All signage visible from a public place must be of a complementary size, shape and style throughout the development;</p>	<p>elevation is less than 20%.</p> <p>All signs, with the exception of the two under awning signs on John Street are within the property boundary.</p> <p>No illumination of signage is proposed.</p> <p>No window signs are proposed.</p> <p>Four signs and a tenancy board are proposed. The contents of the signs will be subject to separate approval in the future.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
<p>2.17.4 Signage on Heritage Items or in Heritage Conservation Areas</p> <p>Council may require a Heritage Impact Statement to accompany a development application for signage on a heritage item or in a heritage conservation area prior to the granting of development consent.</p> <p>The development application will be required to demonstrate that the proposed signage will complement the historic character of the building or conservation area in terms of colour, material, proportion, positioning and font.</p> <p>The number of signs permitted must not exceed two per elevation that is visible from a public place.</p> <p>New signage should have minimal impact</p>	<p>A Heritage Impact Statement was provided in support of the application that found the proposed signage will complement the historic character of the conservation area. The proposed signage types and materials/colours are consistent with the character of the area. The contents of the signs will be subject to separate approval in the future.</p> <p>A Heritage Impact Statement was provided in support of the application that found the proposed signage will complement the historic character of the conservation area. The proposed signage types and materials/colours are consistent with the character of the area. The contents of the signs will be subject to separate approval in the future.</p> <p>Two signs are proposed to the laneway and John Street frontage. The tenancy board is proposed within the alcove on the laneway frontage minimising its visibility.</p> <p>The signage is unlikely to impact the overall</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

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Attachment 3

Control	Assessment	Compliance?
<p>on the character of the heritage item or heritage conservation area.</p> <p>Signage should be appropriately designed and located, to allow the character of the building or conservation area to remain prominent.</p> <p>Signage should be located in areas of the building which have been traditionally used for signage. If such areas do not exist, signage may be considered inappropriate.</p> <p>The design of new signs should be in harmony with the character of the heritage item and heritage conservation area.</p> <p>The design should incorporate traditional materials, colours, fonts and size, with a high standard of materials, construction and graphics.</p> <p>Materials for new signage should be sympathetic to the character of the heritage item and heritage conservation area, and preferably be of a painted surface finish.</p> <p>External surface illumination should be discreet or concealed and is the preferred method for signage illumination.</p>	<p>heritage character of the Camden Town Centre and nearby heritage items.</p> <p>The proposed signage will be subtle and not detract from the conservation area.</p> <p>The proposed location of signage is consistent with other signage throughout the HCA.</p> <p>The location and colours/materials are compatible with the character of the HCA. The contents of the signs will be subject to separate approval in the future.</p> <p>The location and colours/materials are compatible with the character of the HCA. The contents of the signs will be subject to separate approval in the future.</p> <p>The location and colours/materials are compatible with the character of the HCA. The contents of the signs will be subject to separate approval in the future.</p> <p>No illumination and/or flashing is sought.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
<p>2.18 Traffic Management and Off-Street Parking</p> <p>2.18.2 Off Street Car parking rates/requirements</p> <p>Office Premises and Business Premises 1 car parking space per 40m² of GFA.</p>	<p>The proposed gross floor area is 650m². As such 17 car parking spaces are required for the development.</p> <p>Two previously approved applications over the site resulted in monetary contributions being paid towards a public car parking facility in lieu of a total of nine car parking spaces. These 'credits' remain with the site and as such, the proposal must provide eight additional car parking spaces.</p> <p>The applicant has requested that monetary contributions be paid in lieu of providing eight onsite car parking spaces in accordance with the Camden DCP and the Camden Contributions Plan 2011. As such, conditions have been recommended requiring</p>	<p>Yes.</p>

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Control	Assessment	Compliance?
Council will assess the extent and size of service vehicle parking area to be provided having regard to the nature of a particular development and its likely servicing requirements.	contributions be paid for eight car parking spaces prior to the issue of a construction certificate. No service vehicle parking or loading docks have been provided. A condition has been recommended that restricts future uses to office premises only unless it can be demonstrated through a development application that the proposed use does not require such facilities.	Yes.
<p>5.3 Camden Town Centre Development Controls</p> <p>5.3.1 Camden – B2 Local Centre</p> <p>New development should complement or reinforce the retail functions of the centre, particularly along Argyle Street frontages and associated pedestrian accessways.</p> <p>Buildings should maintain and enhance the historic character of Argyle, Hill and John Streets in the town centre.</p> <p>Development within the B2 Local Centre zone at Camden must be consistent with the Camden Town Centre Urban Design Framework.</p>	<p>The future office uses will complement the existing retail functions of the centre.</p> <p>The proposed alterations and additions will enhance the historic character of John Street through replacing detracting elements of the existing building with elements that are more sympathetic to the conservation area.</p> <p>The application was referred to Councils Urban Designer, where it was confirmed that the design of the development is generally consistent with the relevant matters contained in the Camden Town Centre Urban Design Framework.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

CLPP04

Attachment 3



1 View Points Map
43-20-20 NTS

LEGEND:
 ● Viewpoints
 → Direction of View
 - - Site Boundary

distinctive Living Design
 Landscape & Interior Architecture - Design - Consultancy
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 Distinctive Gardens & Interiors T/A distinctive Living Design

No.	Description	Date	Issued to	Issued by
G	Development Application	15.11.22	CH	ZY
F	Development Application	01.08.22	CH	ZY
E	Preliminary Sketch	27.09.21	CH	DT
D	Preliminary Sketch	04.06.21	CH	DT
C	Preliminary Sketch	27.05.21	CH	DT
B	Preliminary Sketch	24.05.21	CH	DT
A	Description	12.05.21	CH	DT



Project Title
 Proposed Commercial Alteration and Addition

Project Address
 60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740
Location of all services to be carried out for all construction work to be completed at work. Please Don't Before You Dig (Ph: 1300) Refer plans by Architect, Engineer & Surveyors for other working drawings. Information on Distinctive plans is for reference & co-ordination only. This drawing will be used in conjunction with approved specifications & details. It is the responsibility of the contractor to verify existence of any construction after the above & ensure appropriate design prior to construction work. Professional is to be determined on site and in the direction of the site supervisor. Plans are copyright by Distinctive Gardens & Interiors Pty Ltd.

Scale @ A1/A3
 NTS
Drawing Date
 15.11.22
Project Number
 63-20

Client
 Quanti Magna Developments
 Pty Ltd
Drawn/Checked
 PG/ ZY/ DT/DB
Drawing Number
 63-20-20

Drawing Title
 Viewpoints Location Map
Issue
 G





<p>distinctive Living Design Landscape & Interior Architecture - Design - Consultancy 114 Angyle Street, Camden NSW 2570 T +61 2 4655 1881 admin@distinctive.net.au www.distinctive.net.au Distinctive Gardens & Interiors T/A distinctive Living Design</p>	<table border="0"> <tr> <td>G</td> <td>Development Application</td> <td>15.11.22</td> <td>C.H.</td> <td>PG</td> </tr> <tr> <td>F</td> <td>Development Application</td> <td>01.08.22</td> <td>C.H.</td> <td>ZY</td> </tr> <tr> <td>E</td> <td>Reference Sketch</td> <td>27.09.21</td> <td>C.H.</td> <td>DT</td> </tr> <tr> <td>D</td> <td>Reference Sketch</td> <td>04.04.21</td> <td>C.H.</td> <td>DT</td> </tr> <tr> <td>C</td> <td>Reference Sketch</td> <td>27.05.21</td> <td>C.H.</td> <td>DT</td> </tr> <tr> <td>B</td> <td>Reference Sketch</td> <td>24.05.21</td> <td>C.H.</td> <td>DT</td> </tr> <tr> <td>A</td> <td>Decision</td> <td>12.05.21</td> <td>C.H.</td> <td>DT</td> </tr> <tr> <td>No.</td> <td></td> <td>Date</td> <td>Issued by</td> <td>Issued by</td> </tr> </table>	G	Development Application	15.11.22	C.H.	PG	F	Development Application	01.08.22	C.H.	ZY	E	Reference Sketch	27.09.21	C.H.	DT	D	Reference Sketch	04.04.21	C.H.	DT	C	Reference Sketch	27.05.21	C.H.	DT	B	Reference Sketch	24.05.21	C.H.	DT	A	Decision	12.05.21	C.H.	DT	No.		Date	Issued by	Issued by		<p>Project Title Proposed Commercial Alteration and Addition</p> <p>Project Address 60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740</p> <p><small>Location of all services to be carried out prior to construction prior to commencement of works. Please Don't Block The Dig™ 1100. Refer plans by Architect, Engineers & Surveyors for other services & details. Information on Distinctive plans is for reference & consultation only. This drawing and its use must be in compliance with copyright laws & details. It is the responsibility of the contractor to verify. Distinctive does not warrant either the plan or the construction details prior to construction works. Final report to be determined on site and at the discretion of the site supervisor. Plans are copyright to Distinctive Gardens & Interiors Pty Ltd.</small></p>	<p>Scale @ A1/A3 1:50 / 1:100</p> <p>Drawing Date 15.11.22</p> <p>Project Number 63-20</p>	<p>Client Quanti Magna Developments Pty Ltd</p> <p>Drawn/Checked PG / Z.Y./ D.T./ D.B.</p> <p>Drawing Number 63-20.21</p>	<p>Drawing Title Viewpoint A Existing</p> <p>Issue G</p>	
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Project Title
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 60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740
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Project Title
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Project Title
 Proposed Commercial Alteration and Addition

Project Address
 60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

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Drawing Date
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Project Number
 63-20

Client
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 Pty Ltd
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Drawing Number
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Drawing Title
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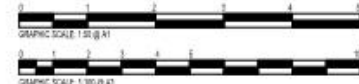
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<p>distinctive Living Design Landscape & Interior Architecture - Design - Consultancy 114 Argyle Street, Camden NSW 2570 T +61 2 4655 1881 admin@distinctive.net.au www.distinctive.net.au Distinctive Gardens & Interiors T/A distinctive Living Design</p>	<table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> <th>Issued by</th> <th>Issued by</th> </tr> </thead> <tbody> <tr> <td>D</td> <td>Development Application</td> <td>15.11.22</td> <td>C.H</td> <td>P.G</td> </tr> <tr> <td>F</td> <td>Development Application</td> <td>01.08.22</td> <td>C.H</td> <td>Z.F</td> </tr> <tr> <td>E</td> <td>Preliminary Sketch</td> <td>27.09.21</td> <td>C.H</td> <td>D.T</td> </tr> <tr> <td>D</td> <td>Preliminary Sketch</td> <td>04.06.21</td> <td>C.H</td> <td>D.T</td> </tr> <tr> <td>C</td> <td>Preliminary Sketch</td> <td>27.05.21</td> <td>C.H</td> <td>D.T</td> </tr> <tr> <td>B</td> <td>Preliminary Sketch</td> <td>24.05.21</td> <td>C.H</td> <td>D.T</td> </tr> <tr> <td>A</td> <td>Description</td> <td>12.05.21</td> <td>C.H</td> <td>D.T</td> </tr> </tbody> </table>	No.	Description	Date	Issued by	Issued by	D	Development Application	15.11.22	C.H	P.G	F	Development Application	01.08.22	C.H	Z.F	E	Preliminary Sketch	27.09.21	C.H	D.T	D	Preliminary Sketch	04.06.21	C.H	D.T	C	Preliminary Sketch	27.05.21	C.H	D.T	B	Preliminary Sketch	24.05.21	C.H	D.T	A	Description	12.05.21	C.H	D.T			<p>Project Title Proposed Commercial Alteration and Addition</p> <p>Project Address 60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740</p> <p><small>Location of all services is to be located out by all contractors prior to commencement of works. Please DoD Before You Dig No. 1106. Refer plans, be Architect, Engineer & Surveyor for other working drawings. Information on Distinctive plans is for reference & is for circulation only. This drawing can be used in conjunction with proposed specifications & details. It is the responsibility of the contractor to verify. Distinctive of any construction within the site & location appropriate direction prior to construction works. Final layout is to be determined on site and at the discretion of the site supervisor. Please see copyright to Distinctive Gardens & Interiors Pty Ltd.</small></p>	<p>Scale @ A1/A3 1:100/1:200</p> <p>Drawing Date 15.11.22</p> <p>Project Number 63-20</p>	<p>Client Quanti Magna Developments Pty Ltd</p> <p>Drawn/Checked PG/ZY/DT/DB</p> <p>Drawing Number 63-20.30</p>	<p>Drawing Title Viewpoint E Proposed</p> <p>Issue G</p>	
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No.	Description	Date	Issued to	Issued by
G	Development Application	15.11.22	CH	DT
F	Development Application	01.08.22	CH	ZY
E	Preliminary Sketch	27.09.21	CH	DT
D	Preliminary Sketch	04.06.21	CH	DT
C	Preliminary Sketch	27.05.21	CH	DT
B	Preliminary Sketch	24.05.21	CH	DT
A	Description	12.05.21	CH	DT



Project Title
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Location of all services to be covered and for all contractors prior to commencement of works. Please Note: Before the Day 15.11.22. This plan is for reference & surveying for other working drawings. Information on this drawing plan is for reference & consultation only. This drawing can be used in conjunction with proposed specifications & details. It is the responsibility of the contractor to verify. Distinctive of any construction within the plan & where appropriate direction prior to construction works. Final result is to be determined on site and at the discretion of the site supervisor. Please see copyright to Distinctive Gardens & Interiors Pty Ltd.

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Drawing Title
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G	Development Application	15.11.22	CH	ZY
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D	Preliminary Sketch	04.06.21	CH	DT
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A	Description	12.05.21	CH	DT



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Scale @ A1/A3
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Drawing Date
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Project Number
 63-20

Client
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Drawing Title
 Viewpoint H Existing
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A	Discussion	12.05.21	CH	DT



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Client
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Drawing Number
 63-20.37

Drawing Title
 Viewpoint I Existing

Issue
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0	Development Application	15.11.22	CH	PG
1	Development Application	01.08.22	CH	ZY
2	Development Application	27.09.21	CH	DT
3	Development Application	04.06.21	CH	DT
4	Development Application	27.05.21	CH	DT
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6	Development Application	12.05.21	CH	DT



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**APPLICATION TO VARY A DEVELOPMENT STANDARD
Version 2 – December 2022**

Clause 4.6 of Camden LEP 2010

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The development proposal is consistent with these objectives. The height exceedance is essential to accommodate a first floor on the existing building and ensures the feasibility of achieving a desirable design outcome for upgrading and retrofitting the existing building. The building will be fitted with contemporary services including a lift, modern amenities, and accessibility compliance in addition to an entirely upgraded façade treatment which integrates the existing ground floor to the proposed new first floor.

The following presents the 'request' for variation in the form required under the EPA Regulation:

1. What is the name of the EPI that applies to the land?

Camden LEP 2010

2. What is the zoning of the Land?

B2 Local Centre

3. What are the objectives of the zone?

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

- *To ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To enable other land uses that are complementary to and do not detract from the viability of retail, business, entertainment and community uses within the zone.*

The proposed development is consistent with these objectives. The proposal will deliver additional commercial floor-space in the commercial centre of Camden, thereby contributing to the availability of office, business and employment opportunities, and therefore vitality and viability of the commercial core is invigorated. The proposal efficiently uses an under-utilised building in a prime commercial location and delivers a much improved and desirable urban design outcome, and there is minimal adverse impact on neighbouring owners and occupants, in terms of overlooking private spaces and overshadowing and loss of sunlight.

4. What is the development standard being varied? e.g. FSR, height, lot size

Building height

5. Under what clause is the development standard listed in the environmental planning instrument?

Clause 4.3 Height of Buildings, subclause (2)

6. What are the objectives of the development standard?

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

(b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

(c) to minimise the adverse impact of development on heritage conservation areas and heritage items.

7. What is the numeric value of the development standard in the environmental planning instrument?

The [Height of Buildings Map](#) prescribes a maximum building height of 7m for the subject land.

8. What is proposed numeric value of the development standard in your development application?

The maximum height encroachment is 1.25m at the John St elevation aligned with the upper-most parapet, corresponding to a maximum overall height of 8.25m.

9. What is the percentage variation (between your proposal and the environmental planning instrument)?

- 17.9% is the maximum percentage variation.

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

Strict compliance with the maximum height is unreasonable for the following reasons:

- The proposed development is consistent with the planning objectives which underpin the B2 Local centre zone, as previously detailed:

The proposal will deliver additional commercial floor-space in the commercial centre of Camden, thereby contributing to the availability of office, business and employment opportunities, and therefore vitality and viability of the commercial core is invigorated. The proposal efficiently uses an under-utilised building in a prime commercial location and delivers a much improved and desirable urban design outcome, and there is minimal adverse impact on neighbouring owners and occupants.

- The proposed development is consistent with, and does not erode the intent of the underlying building height control objectives, as detailed below:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

The proposed development sits within a context of massed two storey buildings which form part of the Argyle Street streetscape. The development, as proposed

will form a legible 'edge' to the commercial core massing of buildings, which will be defined by the Council car park driveway. Up-slope of the carpark, the form of development transitions to detached cottages of a mostly single-storey scale.

(b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

The side elevation of the site is oriented to the south and the adjacent Council carpark area. As such, windows are oriented to the parking area and provide natural light, internal amenity and the provision of passive surveillance. There will be some overshadowing onto the adjacent Council driveway, however this does not impact on meaningful amenity or landscaped area.

The accompanying VIA establishes that the site does not occupy a dominant location in the local topography and that there are negligible and low impacts on views associated with the ST Johns Church precinct, upslope of the site. The proposed building elevations are sympathetic and sensitive to the prevailing heritage streetscape, yet also contribute to an interesting built streetscape to the corner and the Council carpark.

(c) to minimise the adverse impact of development on heritage conservation areas and heritage items.

The design of the development has been carefully considered to minimise impact on the heritage values of the Camden Urban Conservation Area and neighbouring listed items. The external finishes comprise subdued colours, and the design and streetscape presence are sensitive to the heritage character of the established streetscape. The accompanying HIS supports the proposed development.

- The proposed development delivers a more desirable and beneficial outcome compared with the alternative of retaining the current building, which is outdated, incompatible with the streetscape, has minimal heritage significance, unviable and evidently unattractive to potential tenants.
- The height variation to the proposed development is driven by the desire to retain the existing roof slab, which will also be the structural floor level of the proposed first floor addition. Subsequent revision of the design plans has lowered the finished roof height to the lowest achievable level, whilst still allowing for graduation in the parapet. There is the option of reducing the

'feature' brick parapets elements (which extend 430mm above the main parapet wall), however we contend that this will compromise the integrity and design quality of the building.

- The retention of existing street trees helps to 'integrate' the building into the established streetscape.
- The scale of encroachment above the 7m height plane will not dominate or detract from significant view lines associated with the St Johns Church precinct. The Visual Impact Assessment (VIA) which accompanies this SOEE determines that the 'visual effect' and 'potential visual impact' outcomes have been assessed as 'low' and 'negligible'.

11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

The objects specified by Section 5 (a)(i) and (ii) of the EP and A Act are:

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

The proposed variation does not jeopardise the attainment of optimum social, economic, human and environmental outcomes, and does not prevent the orderly development of the subject land or neighbouring land. The proposed development height encroachment more closely reflects the heights of adjacent buildings downslope (oriented to Argyle St) and therefore contributes to a more harmonious streetscape.

12. Is the development standard a performance based control? Give details.

No, the development standard is a numerical based control.

Clause 4.3 of Camden LEP 2010 prescribes a maximum height of 7m for the subject land; however it is underpinned by planning objectives which relate to neighbourhood

compatibility, amenity impacts (views, privacy and loss of solar access), and minimising adverse impacts on surrounding heritage; none of which are jeopardised by the proposed development and the height encroachment.

13. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

We consider compliance with the height control in this instance, is unreasonable and unnecessary, and in the context of the proposed development and likely impacts on the streetscape and heritage character of the neighbourhood, will completely inhibit a first floor addition to the existing building. The proposed height encroachment is necessary to accommodate the first floor addition and accommodate roof drainage, service infrastructure within the roof space, as well as appropriate design detailing associated with the parapet wall which helps to conceal the flat roof. The structural details of the existing roof (proposed future 'first floor') provides testament to the challenge of future construction which aligns with prescribed maximum building heights and provides evidence of an intention to construct a future first floor addition.

Strict compliance with the height standard would establish that a first floor addition to this building would not be feasible without a total demolition, redesign and rebuild. This would effectively render the entire development as being unviable as the car parking credits available to a proposal for 'additions and alterations' would be lost.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

The proposed development is not contrary to the planning objectives established by the B2 Local Centre zone, or the building height control objectives (Clause 4.3) or architectural roof features (Clause 5.6). The B2 Local Centre zone is a zone for local town centres where the primary planning objective is to promote commercial development and employment.

The development as proposed will deliver a more desirable urban design outcome, complementary to the prevailing streetscape, as well as delivering contemporary and adaptable commercial floor space to the commercial core of Camden. Accordingly, we contend that the variation is worthy of support and approval recommendation by Camden Council.

60 John Street, Camden, NSW, 2570

Alterations and Additions - Development Application

SHEETS

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Project Title
 Proposed Commercial Alteration and Addition

Project Address
 60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

Location of all services to be carried out by all contractors prior to commencement of works. Please Read Before You Dig (P. 1100). Refer plans for details. It is the responsibility of the contractor to verify the location of all services. Information on Distinctive plans is for reference & use only. This drawing is to be used in conjunction with prepared specifications & details. It is the responsibility of the contractor to verify the location of all services. Distinctive is not responsible for any construction errors. Distinctive is not responsible for any construction errors. Distinctive is not responsible for any construction errors. Distinctive is not responsible for any construction errors. Plans are copyright © Distinctive Gardens & Interiors Pty Ltd.

Scale @ A1/A3
 NTS

Drawing Date
 15.11.22

Project Number
 63-20

Client
 Quantil Magna Developments
 Pty Ltd

Drawn/Checked
 ZY/P.G./D.T./A.G./D.B

Drawing Number
 63-20.00

Drawing Title
 Cover Sheet

Issue
 G



BUILDER SHALL COMPLY WITH THE FOLLOWING BUT NOT LIMITED TO:

GENERAL NOTES:

- ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF THE PRINCIPAL CERTIFYING AUTHORITY AND BCA
- REMOVAL OF ASBESTOS CEMENT SHEETING MUST BE CARRIED OUT BY LICENCE CONTRACTOR IN COMPLIANCE WITH THE REQUIREMENTS OF THE WORKCOVER AUTHORITY IN RELATION TO BE REMOVAL, HANDLING AND DISPOSAL OF MATERIAL CONTAINING ASBESTOS AND THE WORK SAFE AUSTRALIA ASBESTOS CODE OF PRACTICE AND GUIDANCE NOTES
- ALL DEMOLITION WORK TO BE CARRIED OUT IN ACCORDANCE WITH AS2601
- BUILDER SHALL MAKE GOOD ALL DISTURBED AREAS ADJACENT TO THE WORKS ON COUNCIL'S ROAD. FOOTPATHS ARE TO BE RESTORED TO THE SATISFACTION OF THE PRINCIPAL CERTIFYING AUTHORITY
- ALL CONCRETE FOOTINGS, FLOOR SLABS, COLUMNS AND TIMBER ROOF FRAMING TO STRUCTURAL ENGINEERS DETAILS
- ALL STORM WATER REQUIREMENTS, EXTERNAL AND DRIVEWAY LEVELS TO HYDRAULIC ENGINEERS DETAILS
- DRAWINGS TO BE READ IN CONJUNCTION WITH THE SPECIFICATION
- ALL STAIR TREADS ARE TO BE EQUAL TO 250MM DEEP
- SILT/SEDIMENT CONTROL MEASURES TO BE IN PLACE PRIOR TO EXCAVATION OR CONSTRUCTION WORK
- SAFETY GLASS SHALL BE USED IN EVERY GLASS DOOR OR PANEL ENCLOSING OR PARTIALLY ENCLOSING A SHOWER OR BATH
- PROTECTION MEASURES ARE REQUIRED FOR EACH TREE BEING RETAINED ON SITE AND SHALL BE ESTABLISHED BEFORE BUILDING OPERATIONS BEGIN AND CONSTRUCTED IN ACCORDANCE WITH COUNCIL REQUIREMENTS

BCA COMPLIANCE:

VOLUME TWO (CLASS 1 AND CLASS 10) SECTION 1 (GENERAL PROVISIONS) PART 1.3, CLAUSE 1.3.2: CLASSIFICATION - BUILDING CLASSIFIED AS CLASS 1A

SECTION 3 (ACCEPTABLE CONSTRUCTION)

BUILDINGS SHALL BE CONSTRUCTED IN ACCORDANCE WITH:

- PART 3.1.3 TERMITE RISK MANAGEMENT
- PART 3.3.4 WEATHER PROOFING OF MASONRY
- PART 3.5.1 ROOF CLADDING
- PART 3.5.2 GUTTER AND DOWNPIPES
- PART 3.5.3 WALL CLADDING
- PART 3.6 GLAZING
- PART 3.7.1 FIRE SEPERATION
- PART 3.7.2 SMOKE ALARM
- PART 3.7.3 HEATING APPLIANCES
- PART 3.8.1 WET AREAS
- PART 3.8.3 FACILITITES
- PART 3.8.4 LIGHT
- PART 3.8.6 SOUND INSULATION
- PART 3.9.1 STAIR CONSTRUCTION
- PART 3.9.2 BALUSTRADES

AUSTRALIAN STANDARD COMPLIANCE:

BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH BUT NOT LIMITE TO THE FOLLOWING AUSTRALIAN STANDARDS:

- AS/NZS 1664 ALUMINIUM STRUCTURES
- AS/NZS 1905 COMPONENTS FOR THE PROTECTION OF OPENINGS IN FIRE RESISTANT WALLS
- AS 2047 WINDOWS IN BUILDINGS - SELECTION AND INSTALLATION
- AS 3660 PROTECTION OF BUILDINGS FROM SUBTERRANEAN TERMITES
- AS 2327 COMPOSITE STRUCTURES
- AS 2870 RESIDENTIAL SLABS AND FOOTINGS CONSTRUCTION
- AS 1684 RESIDENTIAL TIMBER-FRAME CONSTRUCTION
- AS 3700 MASONRY STRUCTURES - AS 3013 ELECTRICAL INSTALLATIONS
- AS 1668 THE USE OF MECHANICAL VENTILATION AND AIR-CONDITIONING IN BUILDINGS
- AS 2444 PORTABLE FIRE EXTINGUISHERS AND FIRE BLANKETS - SELECTION AND LOCATION
- AS 3786 SMOKE ALARMS
- AS 1288 GLASS IN BUILDINGS - SELECTION AND INSTALLATION
- AS 2107 ACOUSTICS - RECOMMENDED DESIGN SOUND LEVELS AND REVERBERATION TIMES FOR BUILDING INTERIORS
- AS 3600.1-2000 PROTECTION OF BUILDING FROM SUBTERRANEAN TERMITES

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Project Title
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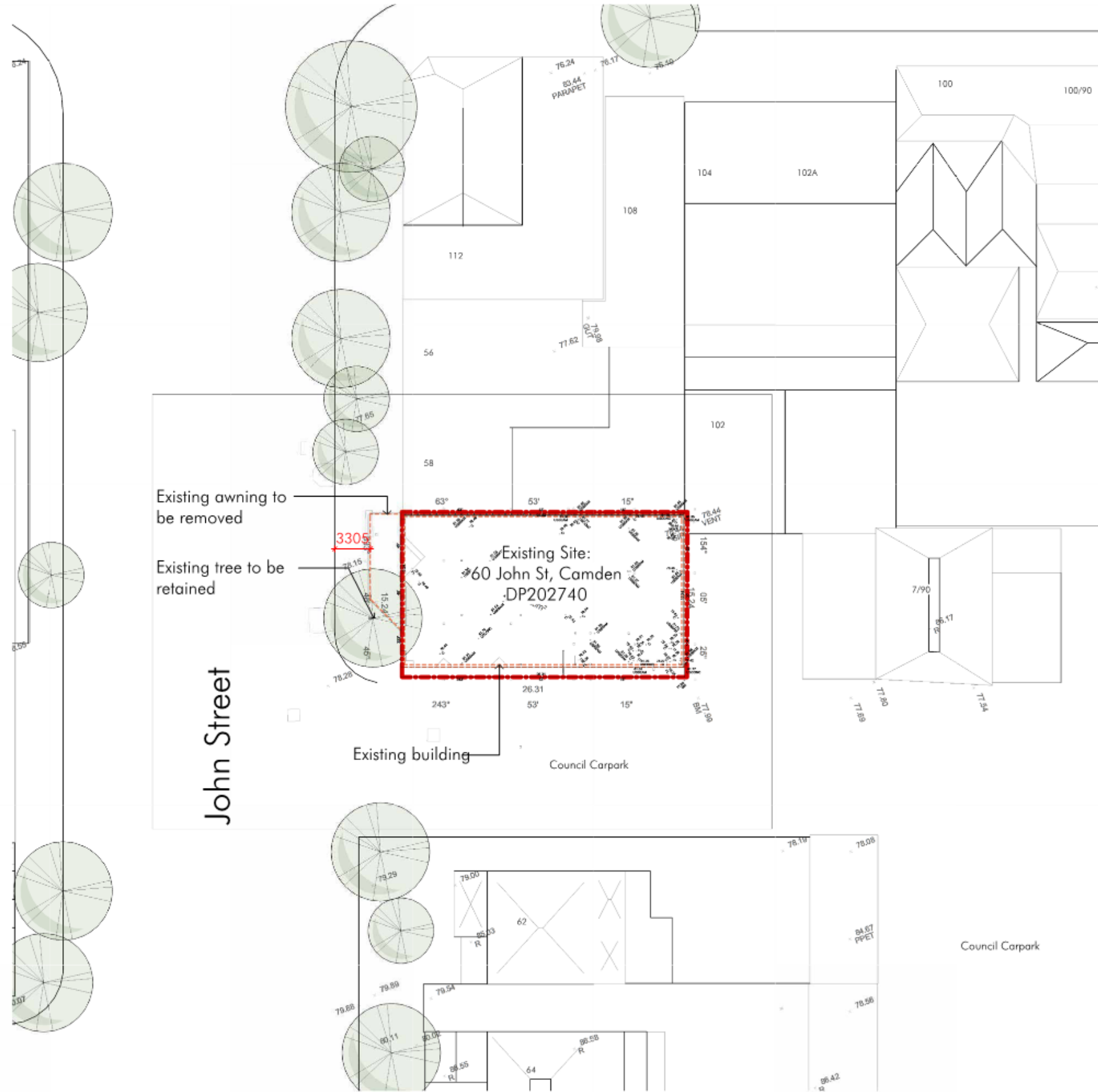
Project Address
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Scale @ A1/A3
 NTS
Drawing Date
 15.11.22
Project Number
 63-20

Client
 Quanti Magna Developments Pty Ltd
Drawn/Checked
 P.G / D.T / A.G / D.B
Drawing Number
 63-20.01

Drawing Title
 General Notes
Issue
 G



LEGEND:

- Boundary
- Existing slab to remain
- Existing Demolished
- Proposed Alterations to Existing
- Existing structures with new facade treatment
- Existing steel posts
- Service Ducts
- Smoke Detector
- EXIT**
EXIT EXIT

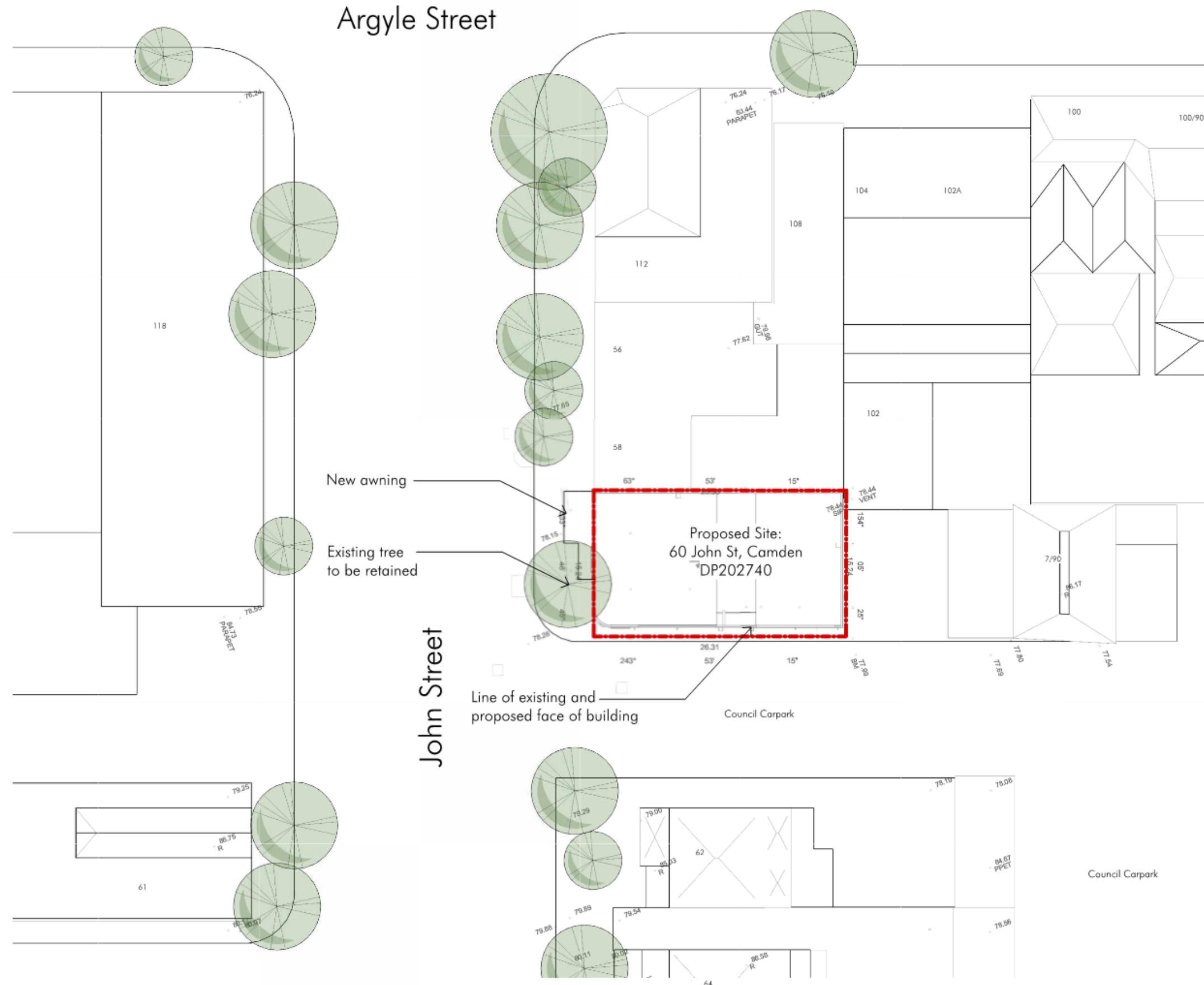
AREA:
 GF AREA: 336.35 m2
 UNDER COVER /OPEN FRONT AREA: 32.09m2
 FF AREA: 371.06 m2
 TOTAL: 739.5 m2
 SITE AREA: 401 m2
 EXISTING BUILDING AREA: 401m2

LEGEND
 BM - BENCH MARK
 C - CONCRETE
 ELEC - ELECTRICITY KIOSK
 GR - GRATE (PIT)
 HYD - HYDRANT
 KOP - KERB OUTLET POINT
 LNT - KERB INLET PIT LINTEL
 LP - LIGHT POLE
 PC - PRAM CROSSING
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 VC - VEHICLE CROSSING
 WM - WATER METER
 5/0.3 - TREE 5m SPREAD 0.3m TRUNK

NOTE:
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 - * THIS NOTE IS AN INTEGRAL PART OF THIS PLAN. ANY RE-PRODUCTION OF THE INFORMATION CONTAINED IN THIS FILE MUST DISPLAY THIS NOTE

1 EXISTING SITE PLAN
 63-20-08 1 : 200

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LEGEND:

- Boundary
- Existing slab to remain
- Existing Demolished
- Proposed Alterations to Existing
- Existing structures with new facade treatment
- Existing steel posts
- Service Ducts
- Smoke Detector
- X EXIT
- X EXIT

AREA:

GF AREA: 368.9 m²
 FF AREA: 366.7 m²
 TOTAL: 735.6 m²
 SITE AREA: 401 m²
 EXISTING BUILDING AREA: 401m²

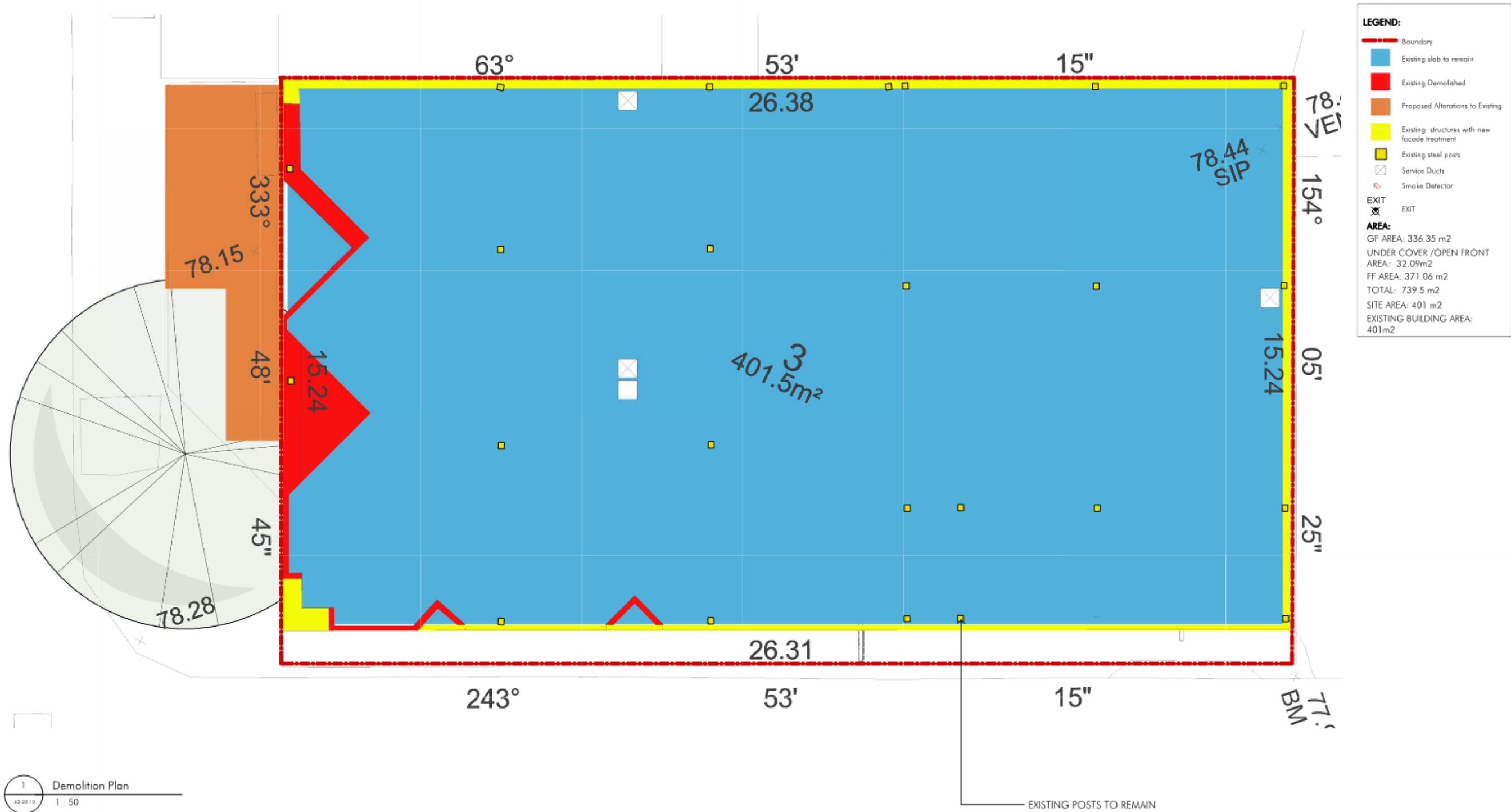
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01 PROPOSED SITE PLAN
 1:200

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1 Demolition Plan
63-20-10 1 : 50

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Project Title
Proposed Commercial Alteration and Addition

Project Address
60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

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Scale @ A1/A3
1:50 / 1:100

Drawing Date
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Project Number
63-20

Client
Quanti Magna Developments Pty Ltd

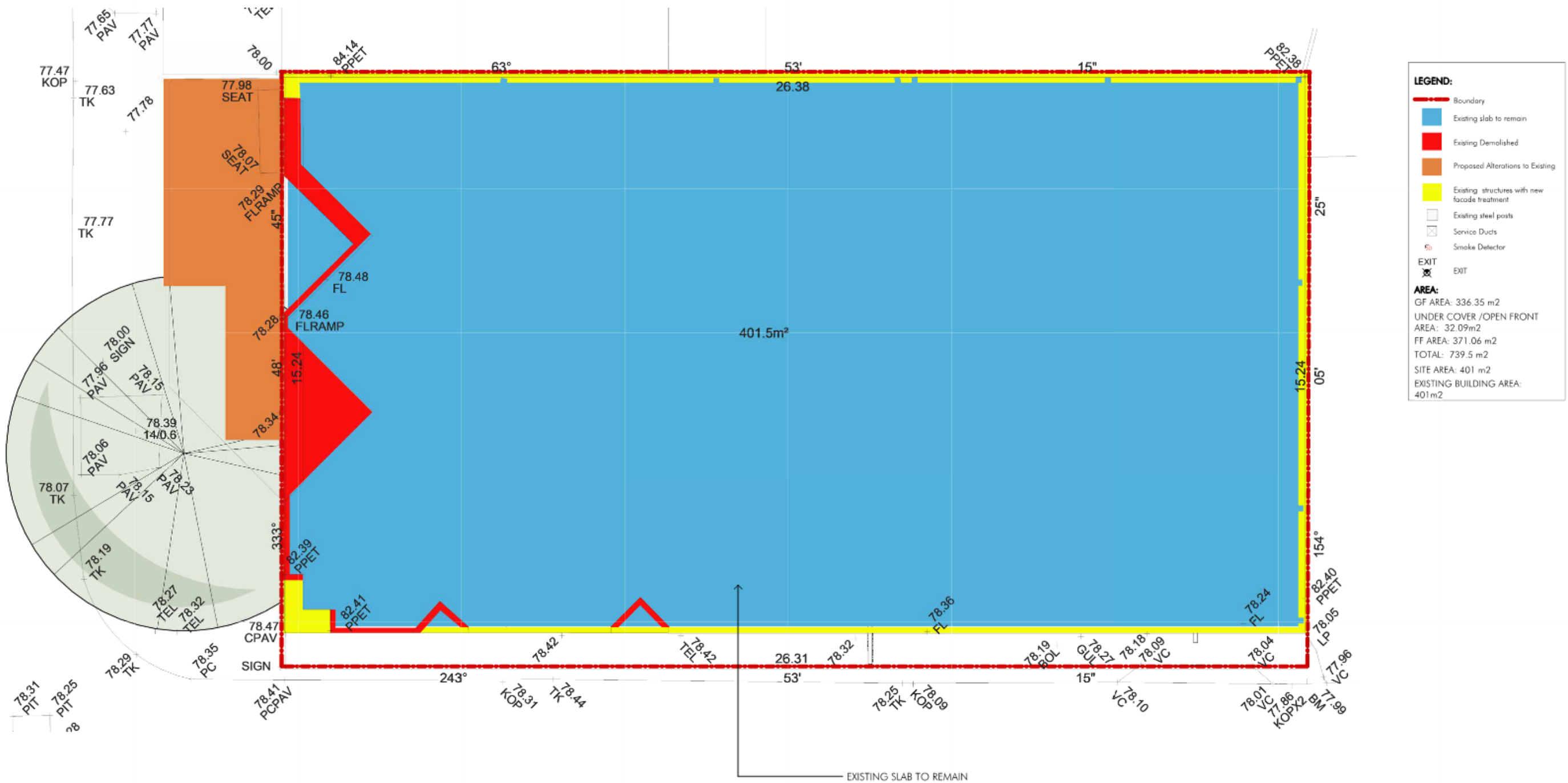
Drawn/Checked
P.G./Z.Y./D.T./A.G./D.B.

Drawing Number
63-20-10

Drawing Title
Demolition Plan
Ground Floor

Issue
G





1 FIRST FLOOR DEMOLITION PLAN
63-20-10.1 1 : 50

distinctive Living Design
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 Distinctive Gardens & Interiors T/A distinctive Living Design

No.	Description	Date	Issued to	Issued by
G	Development Application	15.11.22	C.H	PG
F	Development Application	01.08.22	C.H	ZY
E	Preliminary Sketch	27.09.21	C.H	DT
D	Preliminary Sketch	04.04.21	C.H	DT
C	Preliminary Sketch	27.05.21	C.H	DT
B	Preliminary Sketch	26.05.21	C.H	DT
A	Description	12.05.21	C.H	DT



Project Title
Proposed Commercial Alteration and Addition

Project Address
60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

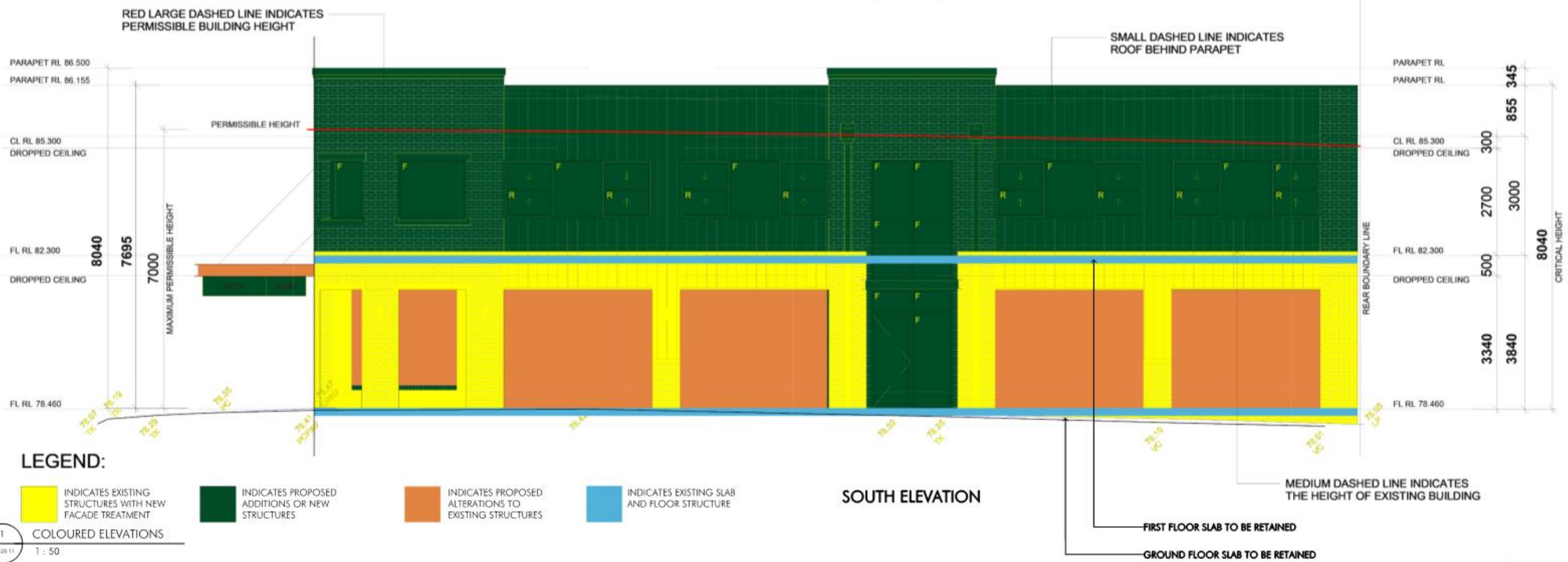
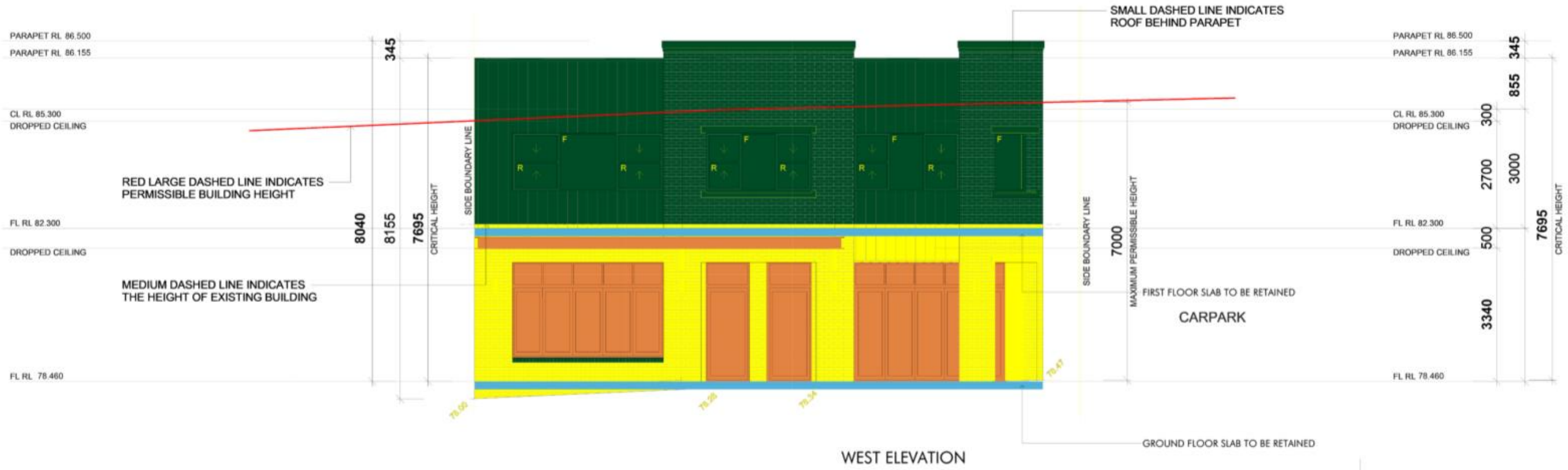
Location of all services to be carried out by all contractors prior to commencement of works. Please See Below You Dig 1% 1100. Refer plans by Architect, Engineer & Surveyor for other existing drawings. Information on Distinctive plans is for reference & consultation only. This drawing is to be used in conjunction with proposed specifications & details. It is the responsibility of the contractor to verify. Distinctive will not be responsible for any construction errors. The plans & create separate drawings prior to construction works. Final report to be determined on site and at the discretion of the site supervisor. Plans are copyright to Distinctive Gardens & Interiors Pty Ltd.

Scale @ A1/A3
 Approver
Drawing Date
15.11.22
Project Number
63-20

Client
Quanti Magna Developments Pty Ltd
Drawn/Checked
PG/ZY / DT / AG / DB
Drawing Number
63-20.10.1

Drawing Title
Demolition Plan
First Floor
Issue
G





LEGEND:

- INDICATES EXISTING STRUCTURES WITH NEW FACADE TREATMENT
- INDICATES PROPOSED ADDITIONS OR NEW STRUCTURES
- INDICATES PROPOSED ALTERATIONS TO EXISTING STRUCTURES
- INDICATES EXISTING SLAB AND FLOOR STRUCTURE

1 COLOURED ELEVATIONS
1 : 50

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B	Preliminary Sketch	26.06.21	C.H.	D.F.
A	Description	12.05.21	C.H.	D.F.



Project Title
Proposed Commercial Alteration and Addition

Project Address
60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

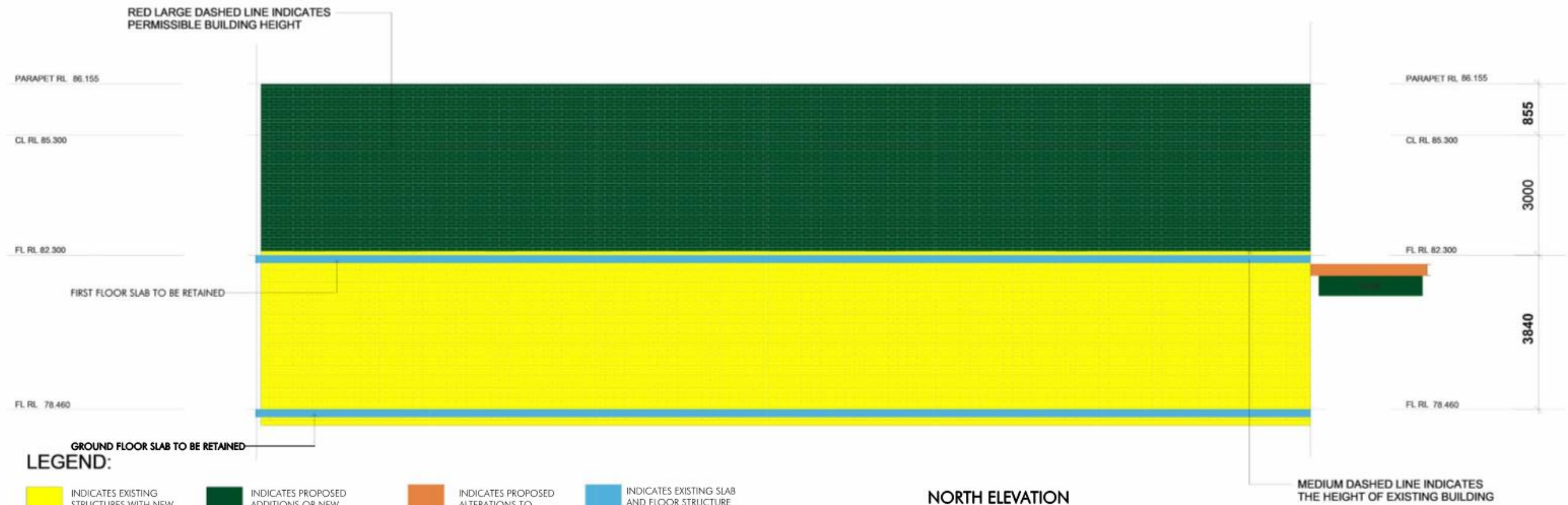
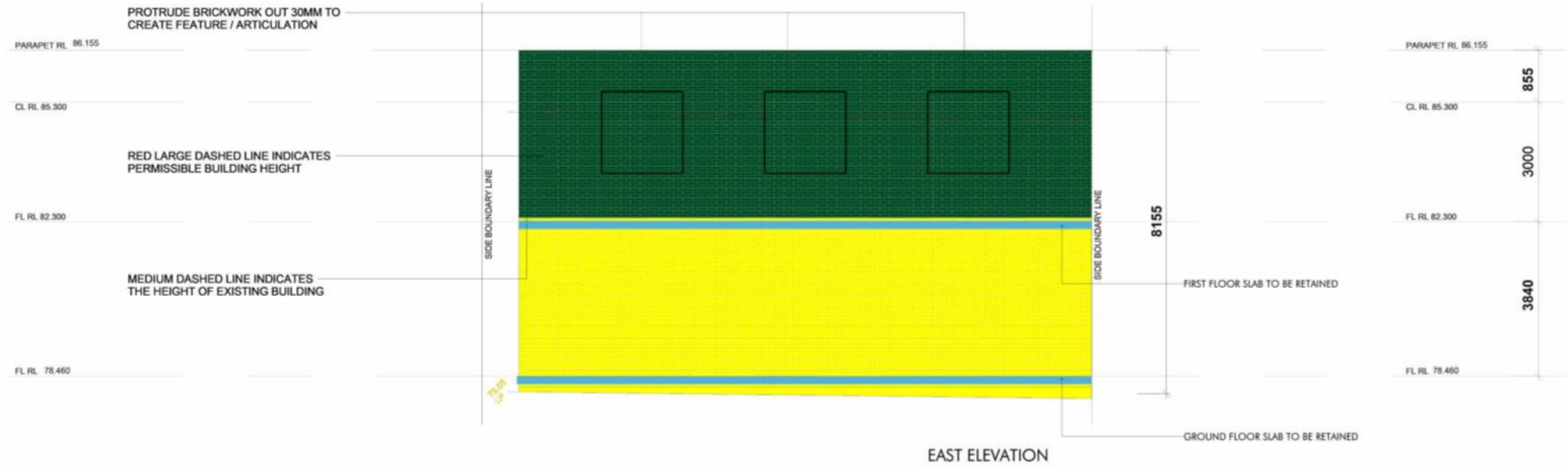
Location of all services to be covered and by all contractors prior to commencement of works. Please Read Before You Dig No. 1100. Refer plans for details, Engineers & Surveyors for other working drawings. Information on Distinctive refers to information & use within only. This drawing is to be used in conjunction with prepared specifications & details. It is the responsibility of the contractor to verify. Distinctive of any construction will be the client's and not the contractor's responsibility. Distinctive is not responsible for the construction work. Final location to be determined on site and at the discretion of the site supervisor. Plans are copyright to Distinctive (Sydney) Pty Ltd.

Scale @ A1/A3
Appraver
Drawing Date
15.11.22
Project Number
63-20

Client
Quantil Magna Developments Pty Ltd
Drawn/Checked
ZY / DT / AG / DB
Drawing Number
63-20-11

Drawing Title
Coloured West and South Elevations
Issue
G



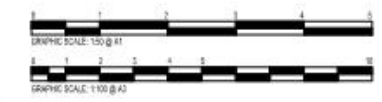


- LEGEND:**
- INDICATES EXISTING STRUCTURES WITH NEW FACADE TREATMENT
 - INDICATES PROPOSED ADDITIONS OR NEW STRUCTURES
 - INDICATES PROPOSED ALTERATIONS TO EXISTING STRUCTURES
 - INDICATES EXISTING SLAB AND FLOOR STRUCTURE

1 COLOURED ELEVATIONS B
1 : 50

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B	Refinement Sketch	26.06.21	C.H	DT
A	Refinement Sketch	12.05.21	C.H	DT



Project Title
Proposed Commercial Alteration and Addition

Project Address
60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

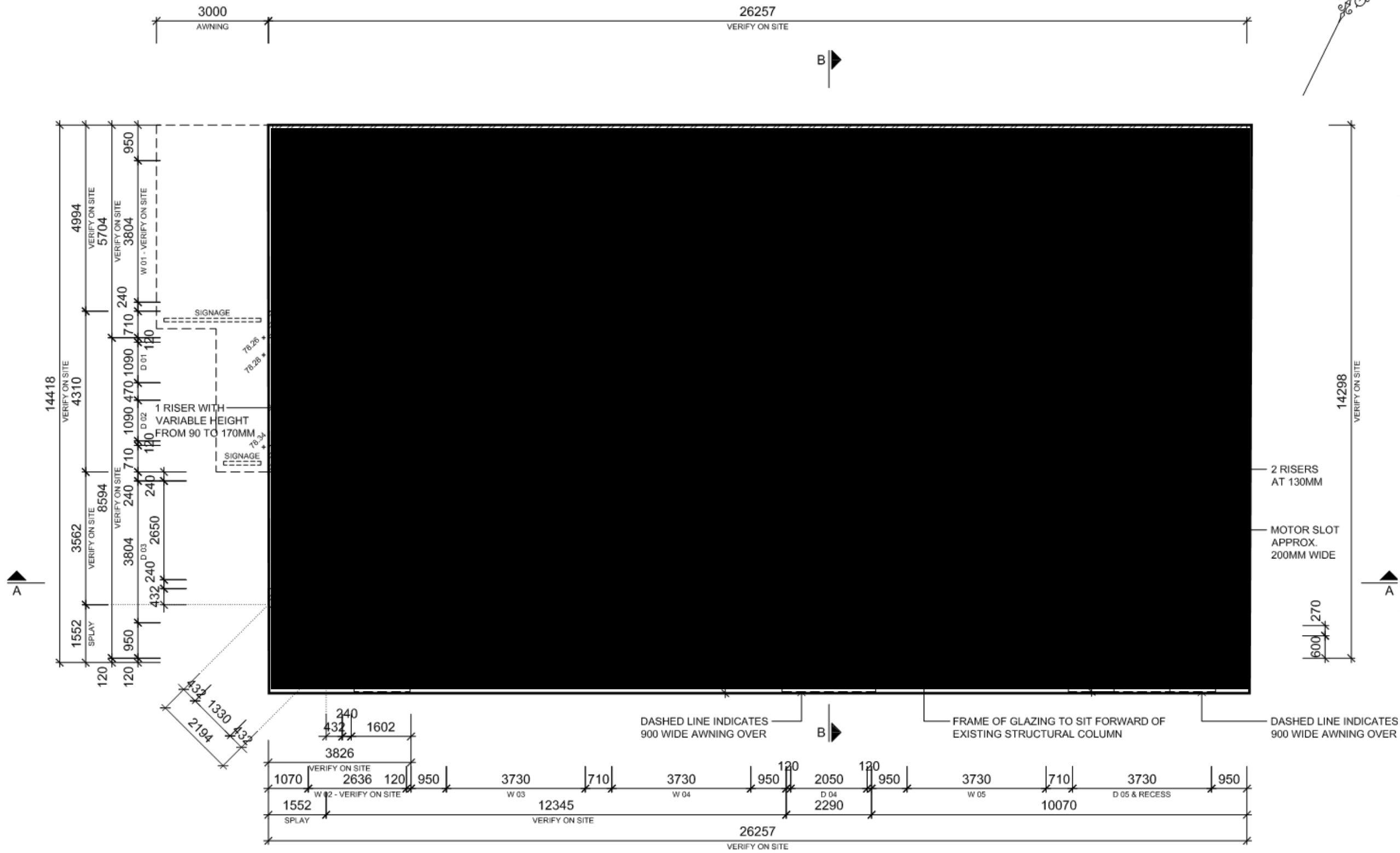
Location of all services to be carried out for all construction prior to commencement of works. Please Read Before You Dig (P. 1100) Refer plans by Architects, Engineers & Surveyors for other existing drawings. Information on Distinctive plans is for reference & consultation only. This drawing is to be used in conjunction with proposed specifications, details. It is the responsibility of the contractor to verify, coordinate and any construction with the plans & resolve any discrepancies prior to construction works. Field layout to be determined on site and at the discretion of the site supervisor. Plans are copyright to Distinctive Gardens & Interiors Pty Ltd.

Scale @ A1/A3
Approver
Drawing Date
15.11.22
Project Number
63-20

Client
Quanti Magna Developments Pty Ltd
Drawn/Checked
PG/ZY/DT/DB
Drawing Number
63-20.12

Drawing Title
Coloured East and North Elevations
Issue
G





LEGEND:

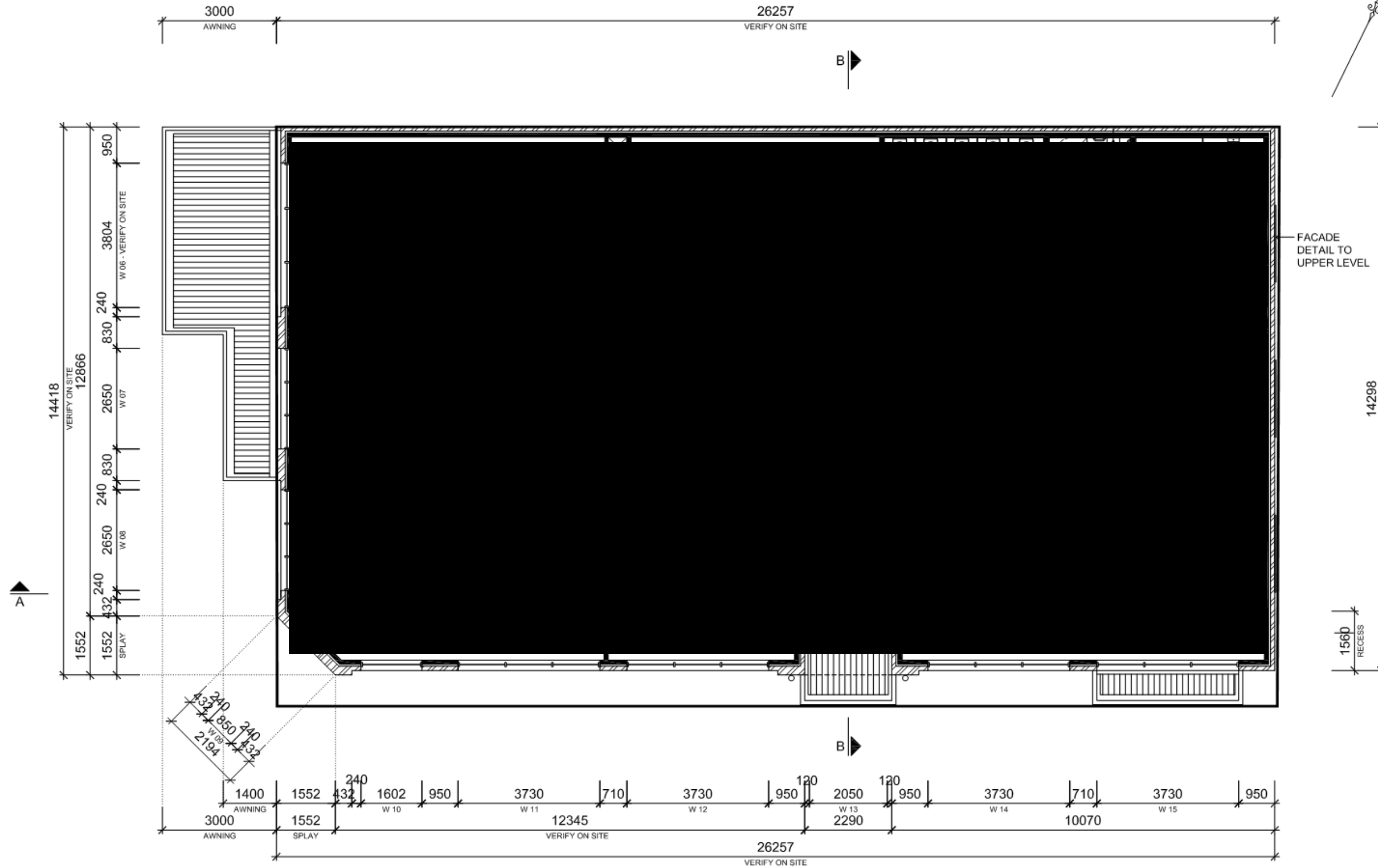
- Boundary
- Existing slab to remain
- Existing Demolished
- Proposed Alterations to Existing
- Existing structures with new facade treatment
- Existing steel posts
- Service Ducts
- Smoke Detector

EXIT
 EXIT

AREA:
 GF AREA: 336.35 m²
 UNDER COVER / OPEN FRONT AREA: 32.09m²
 FF AREA: 371.06 m²
 TOTAL: 739.5 m²
 SITE AREA: 401 m²
 EXISTING BUILDING AREA: 401m²

- NOTE:**
- Gutters & downpipes are to be in accordance with clause 3.5.2 of the BCA & AS 35 with all downpipes being a minimum size of either 100 x 75 or 100 dia. & all box guttering will be a minimum size of 400w x 200d.
 - Landings where required are to be in accordance with clause 3.9.2.4 of the BCA.
 - Windows with over 4m drop & balustrades for access paths where required are to be in accordance with clause 3.9.2.4 of the BCA.
 - Barriers and Handrails to be constructed in accordance with part 3.9.2 of B.C.A
 - All internal stairs are to be provided with a handrail to at least one side in accordance with clause 3.9.2.4 of the BCA.
 - All glass balustrades are to be complete with structural handrails of all external balconies and internal stairs and void areas.
 - parapet is to be in accordance with clause 3.3.1.2 of the BCA.
 - All roof cladding is to be in accordance with AS 1562.1
- NOTE:**
- ALL INTERNAL DOORS AND OPENINGS ARE TO BE 2000 UNLESS NOTED OTHERWISE
 - REFER TO MATERIAL PALETTE FOR ALL SPECIFIC FINISHES TO JOINERY UNITS, WALLS AND FLOORS
 - REFER TO MATERIAL AND FURNITURE PALETTE FOR ALL FIXTURES AND FITTINGS, FURNITURE, SELECTIONS AND FINISHES
 - JOINERS TO TAKE SUBSTRATE & FINISH INTO ACCOUNT WHEN SETOUT STUD PARTITION
 - JOINERS TO TAKE INTO ADDITIONAL SUPPORT FOR WALL MOUNTED FIXTURES AND JOINERY

<p>distinctive Living Design Landscape & Interior Architecture - Design - Consultancy 114 Argyle Street, Camden NSW 2570 T + 61 2 4655 1881 admin@distinctive.net.au www.distinctive.net.au Distinctive Gardens & Interiors T/A distinctive Living Design</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 8px;">G</td> <td>Development Application</td> <td>15.11.22</td> <td>C.H.</td> <td>PG</td> </tr> <tr> <td style="font-size: 8px;">P</td> <td>Development Application</td> <td>01.08.22</td> <td>C.H.</td> <td>ZY</td> </tr> <tr> <td style="font-size: 8px;">E</td> <td>Preliminary Sketch</td> <td>27.08.21</td> <td>C.H.</td> <td>DF</td> </tr> <tr> <td style="font-size: 8px;">D</td> <td>Preliminary Sketch</td> <td>04.06.21</td> <td>C.H.</td> <td>DF</td> </tr> <tr> <td style="font-size: 8px;">C</td> <td>Preliminary Sketch</td> <td>27.06.21</td> <td>C.H.</td> <td>DF</td> </tr> <tr> <td style="font-size: 8px;">B</td> <td>Preliminary Sketch</td> <td>26.05.21</td> <td>C.H.</td> <td>DF</td> </tr> <tr> <td style="font-size: 8px;">A</td> <td>Description</td> <td>12.05.21</td> <td>C.H.</td> <td>DF</td> </tr> <tr> <td style="font-size: 8px;">N</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	G	Development Application	15.11.22	C.H.	PG	P	Development Application	01.08.22	C.H.	ZY	E	Preliminary Sketch	27.08.21	C.H.	DF	D	Preliminary Sketch	04.06.21	C.H.	DF	C	Preliminary Sketch	27.06.21	C.H.	DF	B	Preliminary Sketch	26.05.21	C.H.	DF	A	Description	12.05.21	C.H.	DF	N							<p>Project Title Proposed Commercial Alteration and Addition</p> <p>Project Address 60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740</p> <p><small>Location of all services to be carried out by all contractors prior to commencement of works. Please End Below You Dig 1100. Refer plans for details. Engineers & Surveyors for other working drawings. Information on Distinctive plans for reference & use only. This drawings are to be used in conjunction with prepared specifications & details. It is the responsibility of the contractor to verify location of any construction with the plans & make appropriate directions prior to construction works. Final layout to be determined on site and at the discretion of the site supervisor. Plans are copyright to Distinctive Gardens & Interiors Pty Ltd.</small></p>	<p>Scale @ A1/A3 1:50 / 1:100</p> <p>Drawing Date 15.11.22</p> <p>Project Number 63-20</p>	<p>Client Quanti Magna Developments Pty Ltd</p> <p>Drawn/Checked PG/ ZY/ D.T/ A.G / D.B</p> <p>Drawing Number 63-20.13</p>	<p>Drawing Title Ground Floor Plan</p> <p>Issue G</p>	
G	Development Application	15.11.22	C.H.	PG																																												
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LEGEND:

- Boundary
- Existing slab to remain
- Existing Demolished
- Proposed Alterations to Existing
- Existing structures with new facade treatment
- Existing steel posts
- Service Ducts
- Smoke Detector

EXIT

EXIT EXIT

AREA:

GF AREA: 336.35 m2
 UNDER COVER /OPEN FRONT AREA: 32.09m2
 FF AREA: 371.06 m2
 TOTAL: 739.5 m2
 SITE AREA: 401 m2
 EXISTING BUILDING AREA: 401m2

- NOTE:**
- Gutters & downpipes are to be in accordance with clause 3.5.2 of the BCA & AS-35 with all downpipes being a minimum size of either 100 x 75 or 100 dia. & all box gutters will be a minimum size of 400w x 200d.
 - Landings where required are to be in accordance with clause 3.9.2.4 of the BCA.
 - Windows with over 4m drop & balustrades for access paths where required are to be in accordance with clause 3.9.2.4 of the BCA.
 - Barriers and Handrails to be constructed in accordance with part 3.9.2 of B.C.A
 - All internal stairs are to be provided with a handrail to at least one side in accordance with clause 3.9.2.4 of the BCA.
 - All glass balustrades are to be complete with structural handrails of all external balconies and internal stairs and void areas.
 - parapet is to be in accordance with clause 3.3.1.2 of the BCA.
 - All roof cladding is to be in accordance with AS 1562.1
- NOTE:**
- ALL INTERNAL DOORS AND OPENINGS ARE TO BE 2400H UNLESS NOTED OTHERWISE
 - REFER TO MATERIAL PALETTE FOR ALL SPECIFIC FINISHES TO JOINERY
 - UNITS, WALLS AND FLOORS REFER TO MATERIAL AND FINISHES PALETTE FOR ALL FINISHES AND FINISHES
 - JOINER TO TAMP SUBSTRATE & FINISH INTO ACCORDANCE WITH SETOUT SLOU PARTITION
 - JOINER TO ENSURE ADDITIONAL SUPPORT FOR WALL MOUNTED FIXTURES AND JOINERY.

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Project Title
 Proposed Commercial Alteration and Addition

Project Address
 60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

Location of all services to be carried out by all contractors prior to commencement of works. Please Refer Below You Dig 1100. Refer plans by Architect, Engineer & Surveyor for other existing drawings. Information on Distinctive plans is for reference & consultation only. This drawing is to be used in conjunction with proposed work items & details. It is the responsibility of the contractor to verify. Distinctive is not responsible for the plan & ensure appropriate drawings prior to construction works. Field report to be determined on site and at the discretion of the site supervisor. Plans are copyright to Distinctive Gardens & Interiors Pty Ltd.

Scale @ A1/A3
 1:50 / 1:100

Drawing Date
 15.11.22

Project Number
 63-20

Client
 Quanti Magna Developments Pty Ltd

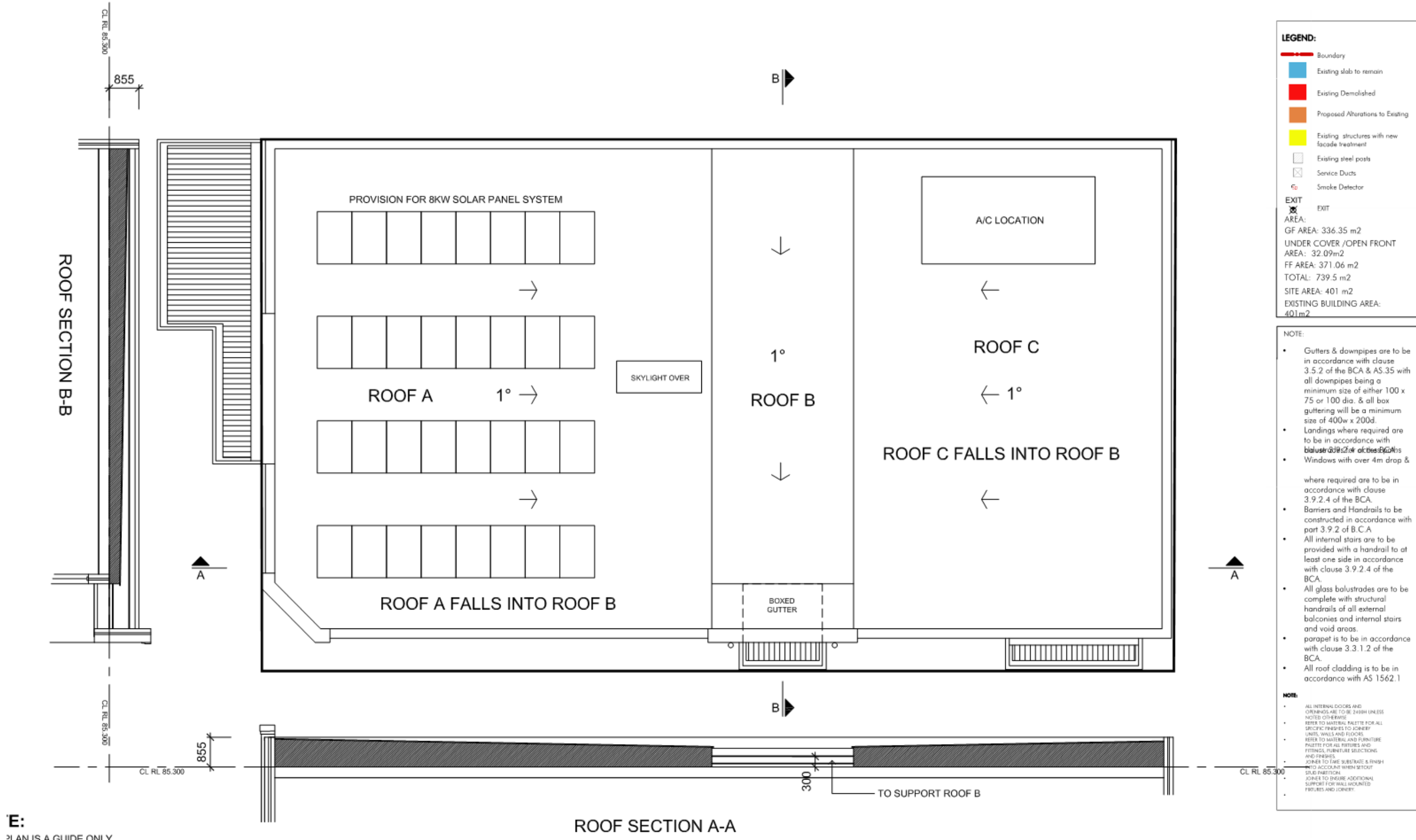
Drawn/Checked
 PG / Z.Y/ D.T / A.G / D.B

Drawing Number
 63-20.14

Drawing Title
 First Floor Plan

Issue
 G





LEGEND:

- Boundary
- Existing slab to remain
- Existing Demolished
- Proposed Alterations to Existing
- Existing structures with new facade treatment
- Existing steel posts
- Service Ducts
- ⊙ Smoke Detector
- EXIT EXIT
- X EXIT

GF AREA: 336.35 m²
 UNDER COVER / OPEN FRONT AREA: 32.09m²
 FF AREA: 371.06 m²
 TOTAL: 739.5 m²
 SITE AREA: 401 m²
 EXISTING BUILDING AREA: 401m²

- NOTE:**
- Gutters & downpipes are to be in accordance with clause 3.5.2 of the BCA & AS.35 with all downpipes being a minimum size of either 100 x 75 or 100 dia. & all box guttering will be a minimum size of 400w x 200d.
 - Landings where required are to be in accordance with clause 3.9.2.4 of the BCA.
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 - All glass balustrades are to be complete with structural handrails of all external balconies and internal stairs and void areas.
 - parapet is to be in accordance with clause 3.3.1.2 of the BCA.
 - All roof cladding is to be in accordance with AS 1562.1
- NOTE:**
- ALL INTERNAL DOORS AND OPENINGS ARE TO BE ZASH UNLESS NOTED OTHERWISE
 - REFER TO MATERIAL PALETTE FOR ALL SPECIFIC FINISHES TO JOINERY UNITS, WALLS AND FLOORS
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A	Description	12.05.21	C.H.	DF

GRAPHIC SCALE: 1:20 @ A1

GRAPHIC SCALE: 1:100 @ A3

Project Title
Proposed Commercial Alteration and Addition

Project Address
60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

Location of all services to be carried out by all contractors prior to commencement of works. Please Email Before You Dig Ph. 1100. Refer plans by Architects, Engineers & Surveyors for other working drawings. Information on Distinctive plans is for reference & information only. The drawings are to be read in conjunction with prepared specifications & details. It is the responsibility of the contractor to verify location of any construction within the plans & make appropriate direction prior to construction works. Final layout to be determined on the spot at the discretion of the site supervisor. Plans are copyright to Distinctive Gardens & Interiors Pty Ltd.

Scale @ A1/A3
1:100/1:200

Drawing Date
15.11.22

Project Number
63-20

Client
Quanti Magna Developments Pty Ltd

Drawn/Checked
PG/ ZY/DT/AG/DB

Drawing Number
63-20.15

Drawing Title
Roof Plan

Issue
G





FRONT ELEVATION
WEST



RIGHT ELEVATION
SOUTH

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C	Preliminary Sketch	27.05.21	CH	DT
B	Preliminary Sketch	26.05.21	CH	DT
A		12.04.21	CH	DT



Project Title
Proposed Commercial Alteration and Addition

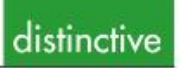
Project Address
60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

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Scale @ A1/A3
1:100/1:200
Drawing Date
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Project Number
63-20

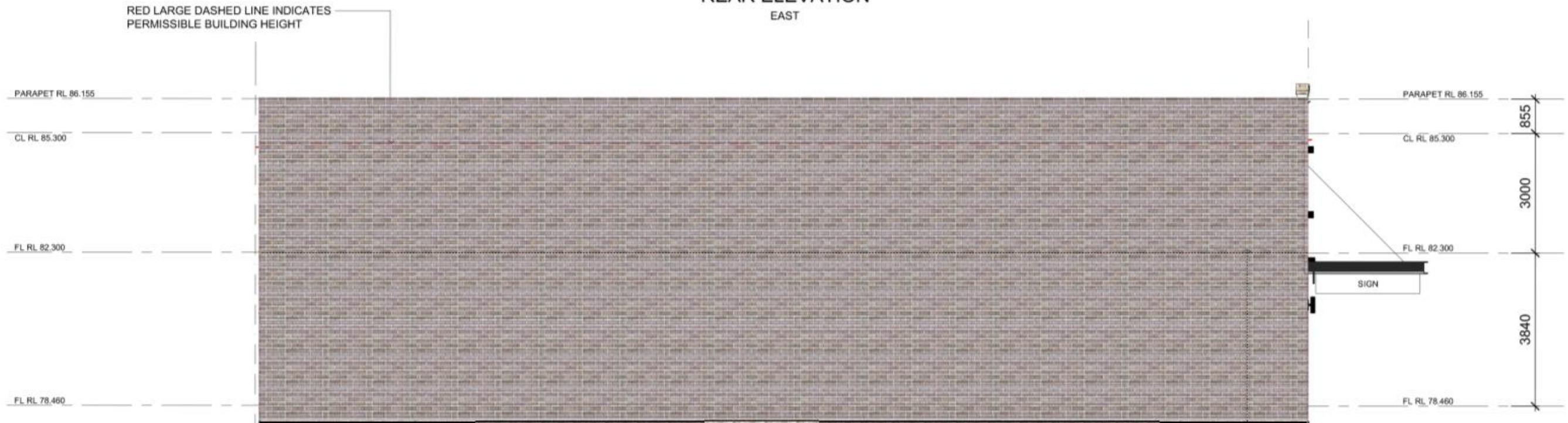
Client
Quanti Magna Developments
Pty Ltd
Drawn/Checked
PG/ZY/DT/AG/DB
Drawing Number
63-20.16

Drawing Title
West and South
Elevations
Issue
G





REAR ELEVATION
EAST



LEFT ELEVATION
NORTH

MEDIUM DASHED LINE INDICATES THE HEIGHT OF EXISTING BUILDING

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Project Title
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60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

Location of all services to be carried out by all contractors prior to commencement of works. Please Email Before You Dig Ph. 1100. Refer also to Auckland, Brisbane & Sunshine for other working drawings. Information on Distinctive plans is for reference & information only. The drawings are to be read in conjunction with prepared specifications & details. It is the responsibility of the contractor to verify location of any construction utility services & make appropriate checks prior to construction works. Final layout to be determined on the soil of the structure of the site. Plans are copyright to Distinctive Gardens & Interiors Pty Ltd.

Scale @ A1/A3
1:100/1:200

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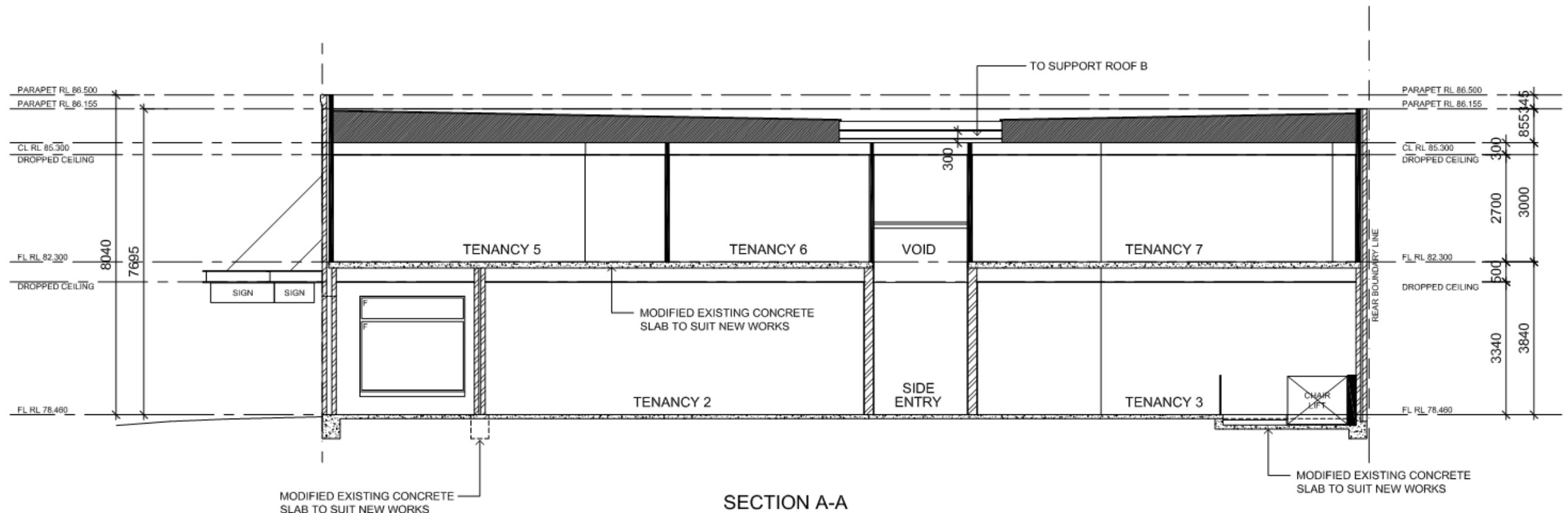
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PG/ ZY/DT/AG/DB

Drawing Number
63-20.17

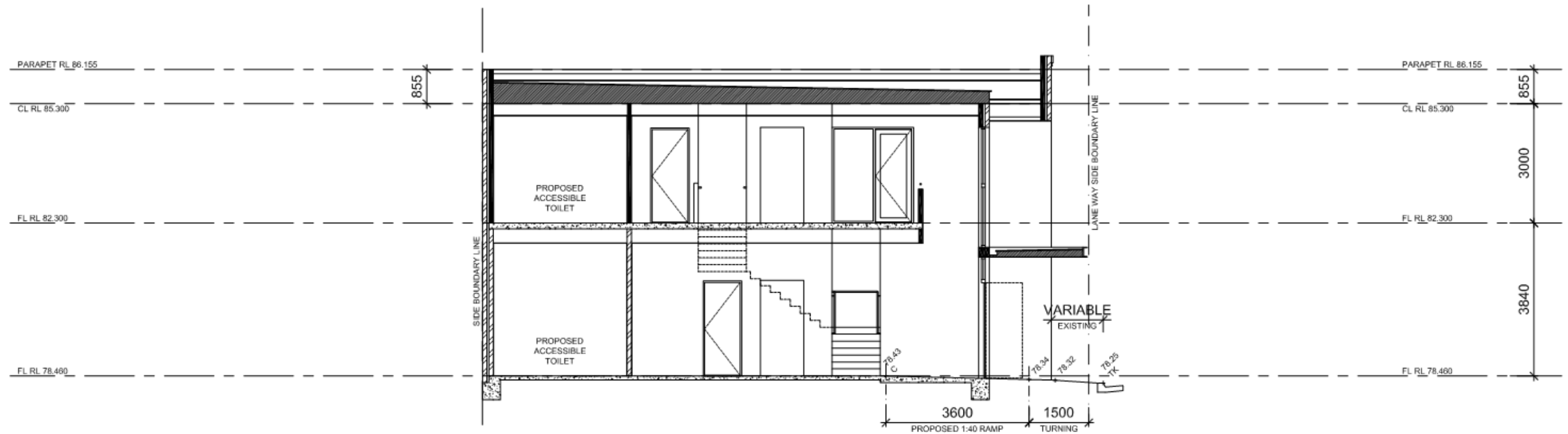
Drawing Title
East and North Elevations

Issue
G





SECTION A-A



SECTION B-B

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Project Title
 Proposed Commercial Alteration and Addition

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 60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

Location of all services are to be carried out by all contractors prior to commencement of works. Please refer to the 'As-Is' drawings for all services. Information on this drawing is for reference & coordination only. This drawing is to be read in conjunction with proposed specifications & details. It is the responsibility of the contractor to verify the location of any services within the site & ensure appropriate location prior to construction works. Final layout is to be determined on site and at the discretion of the site supervisor. Plans are copyright to Distinctive Gardens & Interiors Pty Ltd.

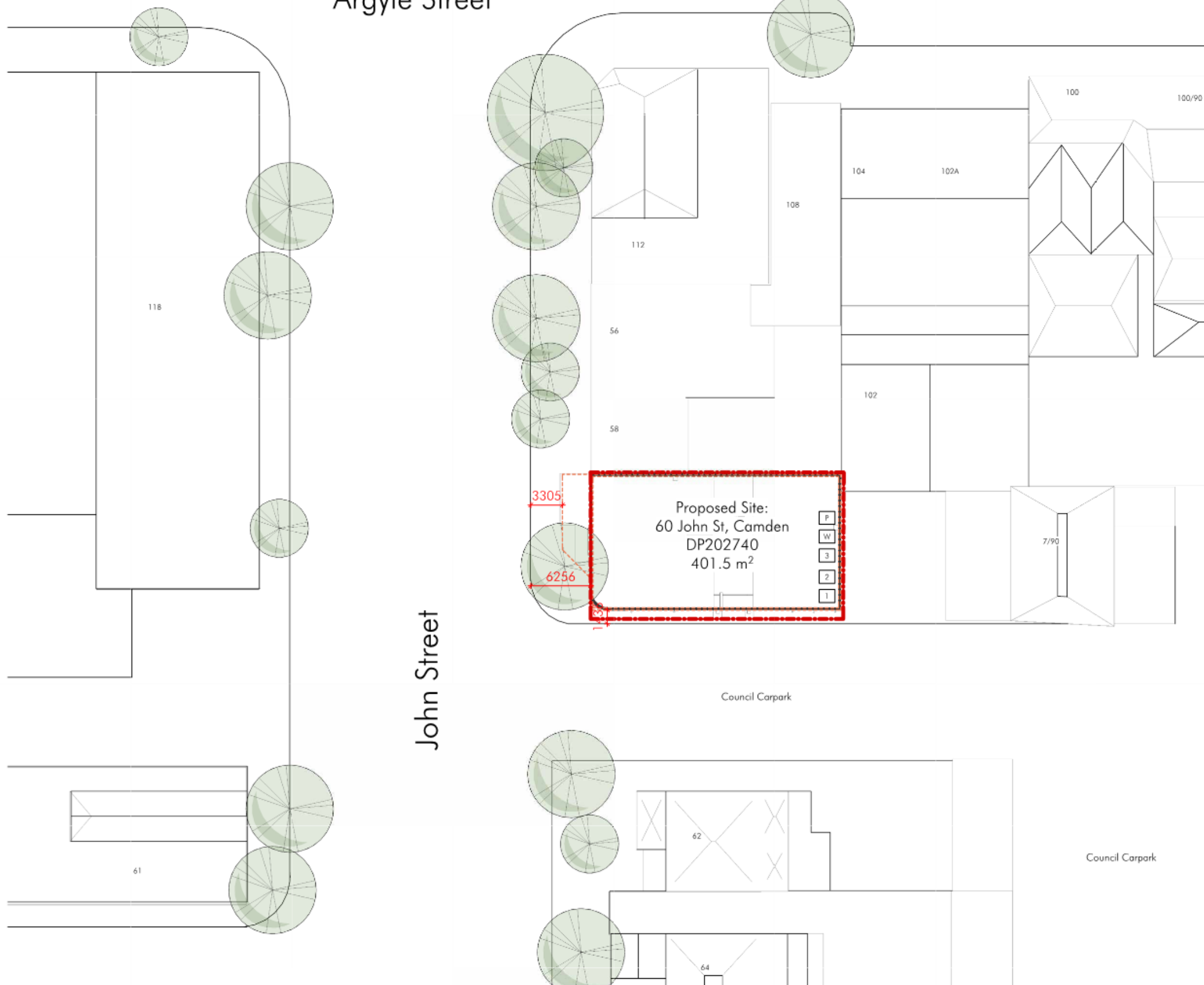
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Drawing Date
 15.11.22
Project Number
 63-20

Client
 Quanti Magna Developments Pty Ltd
Drawn/Checked
 PG/ZY/DT/DB
Drawing Number
 63-20.18

Drawing Title
 Sections
Issue
 G



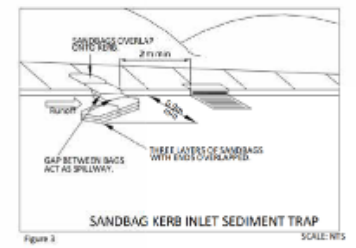
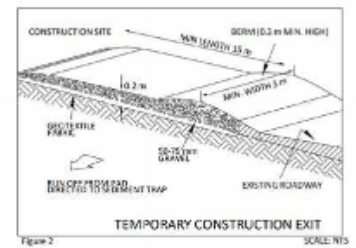
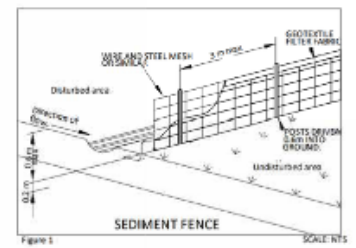
Argyle Street



- 1 EXCAVATED MATERIALS
- 2 OPEN WASTE
- 3 TIMBER STORAGE
- W BIN STORAGE AREA
- P PORTALOO

- SEDIMENT CONTROL NOTES**
- ALL EROSION AND SEDIMENTATION CONTROL MEASURES INCLUDING REVEGETATION AND STORAGE OF SOIL AND TOPSOIL SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION OF NSW.
 - ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILISED AS POSSIBLE DURING DEVELOPMENT.
 - ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURE ARE A MAXIMUM OF 60% FULL OF SOIL MATERIALS, INCLUDING THE MAINTENANCE PERIOD.
 - ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.
 - SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREA WHERE WATER MAY CONCENTRATE.

- WASTE MANAGEMENT PLAN NOTES**
- CONSTRUCTION MATERIAL**
- TO BE NEATLY STACKED WITHIN 1.5M X 1.5M ZONES
 - MATERIALS TO BE DELIVERED TO SITE AS REQUIRED TO AVOID DETERIORATION WHILE BEING STORED ON SITE
- WASTE MATERIAL**
- TO BE SEGREGATED INTO SEPARATE STREAMS AND STORED IN WASTE HOPPERS
 - WASTE TO BE EASILY ACCESSIBLE FOR RECYCLING ORGANISATIONS, BUILDERS AND SUB-CONTRACTORS
 - ALL WASTE TO BE RECYCLED WHERE APPLICABLE
 - ENSURE THE LAWFUL DISPOSAL OF ALL WASTE



PRELIMINARY

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 Landscape & Interior Architecture - Design - Consultancy
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 admin@distinctive.net.au
 www.distinctive.net.au
 Distinctive Gardens & Interiors T/A distinctive Living Design

No.	Description	Date	Issued to	Issued by
G	Development Application	15.11.23	C.H.	PG
F	Development Application	01.08.22	C.H.	ZY
E	Preliminary Sketch	27.08.21	C.H.	DF
D	Preliminary Sketch	04.06.21	C.H.	DF
C	Preliminary Sketch	27.05.21	C.H.	DF
B	Preliminary Sketch	26.05.21	C.H.	DF
A	Description	12.05.21	C.H.	DF



Project Title
 Proposed Commercial Alteration and Addition

Project Address
 60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

Location of all services to be carried out by all contractors prior to commencement of works. Please Enq Below-You Dig Ph. 1100. Refer plans for Architects, Engineers & Surveyors for other working drawings. Information on Distinctive plans is for reference & use only. This drawing is to be read in conjunction with proposed specifications & details. It is the responsibility of the contractor to verify. Distinctive of any construction will be the client's & contractor's responsibility. Distinctive does not warrant the construction works. Final layout to be determined on site and at the discretion of the site supervisor. Plans are copyright to Distinctive Gardens & Interiors Pty Ltd.

Scale @ A1/A3
 1:100/1:200

Drawing Date
 15.11.22

Project Number
 63-20

Client
 Quanti Magna Developments Pty Ltd

Drawn/Checked
 PG/ZY/DT/DB

Drawing Number
 63-20.19

Drawing Title
 Waste Management Plan

Issue
 G



PRIMARY FINISHES/ FIXTURES



BRICK
Monash Grey
Standard
PGH Bricks



DOWNPIPES, GUTTERS,
ROOF, AWNINGS
Colorbond Steel Monument
Matte - Colorbond



WINDOWS
Domino
Low Sheen
Dulux



LIGHTING
Brix Round 2 Light Up/Down
Exterior Wall Bracket In
Black



INDICATIVE IMAGERY

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F	Development Application	01.08.22	CJH	ZY
E	Development Application	27.09.21	CJH	DF
D	Preliminary Sketch	04.06.21	CJH	DF
C	Preliminary Sketch	27.05.21	CJH	DF
B	Preliminary Sketch	24.05.21	CJH	DF
A	Preliminary Sketch	12.05.21	CJH	DF



Project Title
Proposed Commercial Alteration and Addition

Project Address
60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

Intentional or unintentional errors in this document are the responsibility of the client. The client is responsible for the accuracy of the information provided. This drawing is to be used in conjunction with prepared specifications & details. The responsibility of the contractor is to verify the accuracy of the information within the plans & receive appropriate direction prior to construction work. Final layout to be determined on site and with the direction of the site supervisor. Plans are copyright to Distinctive Gardens & Interiors Pty Ltd.

Scale @ A1/A3
NTS

Drawing Date
01.08.22

Project Number
63-20

Client
Quanti Magna Developments
Pty Ltd

Drawn/Checked
D.T / D.B

Drawing Number
63-20.41

Drawing Title
Material Palette

Issue

F





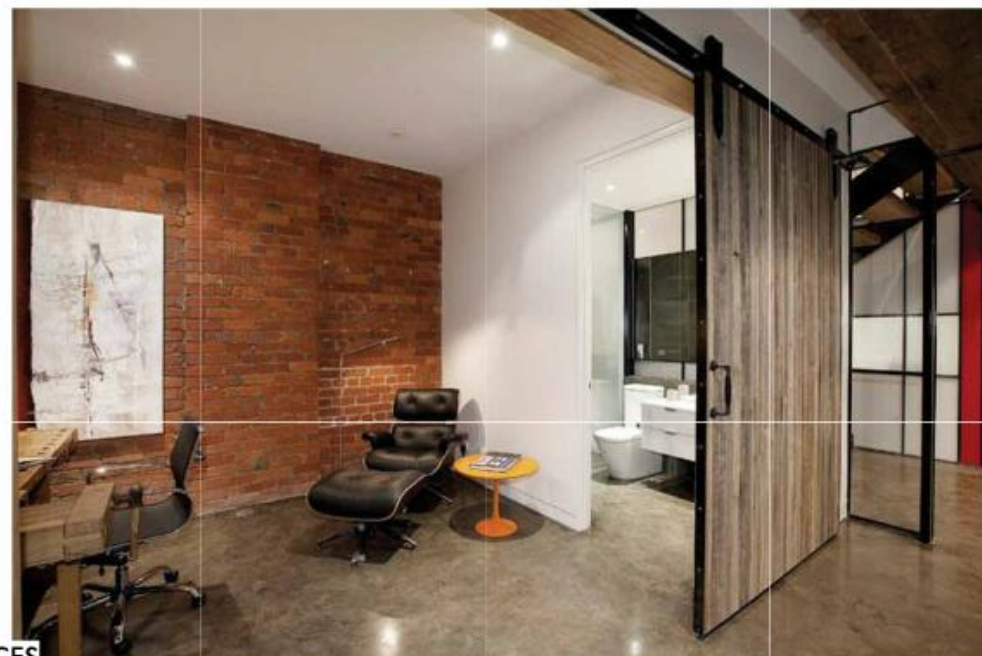
CAFES/RESTAURANTS



OFFICES



OFFICES



PUBLIC SPACE / STAIRS

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No.	Description	Date	Issued to	Issued by
D	Development Application	15.11.22	CH	PG
F	Development Application	01.06.22	CH	ZF
E	Preliminary Sketch	27.09.21	CH	DF
D	Preliminary Sketch	04.06.21	CH	DF
C	Preliminary Sketch	27.05.21	CH	DF
B	Preliminary Sketch	24.05.21	CH	DF
A	Description	12.05.21	CH	DF



Project Title
 Proposed Commercial Alteration and Addition

Project Address
 60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

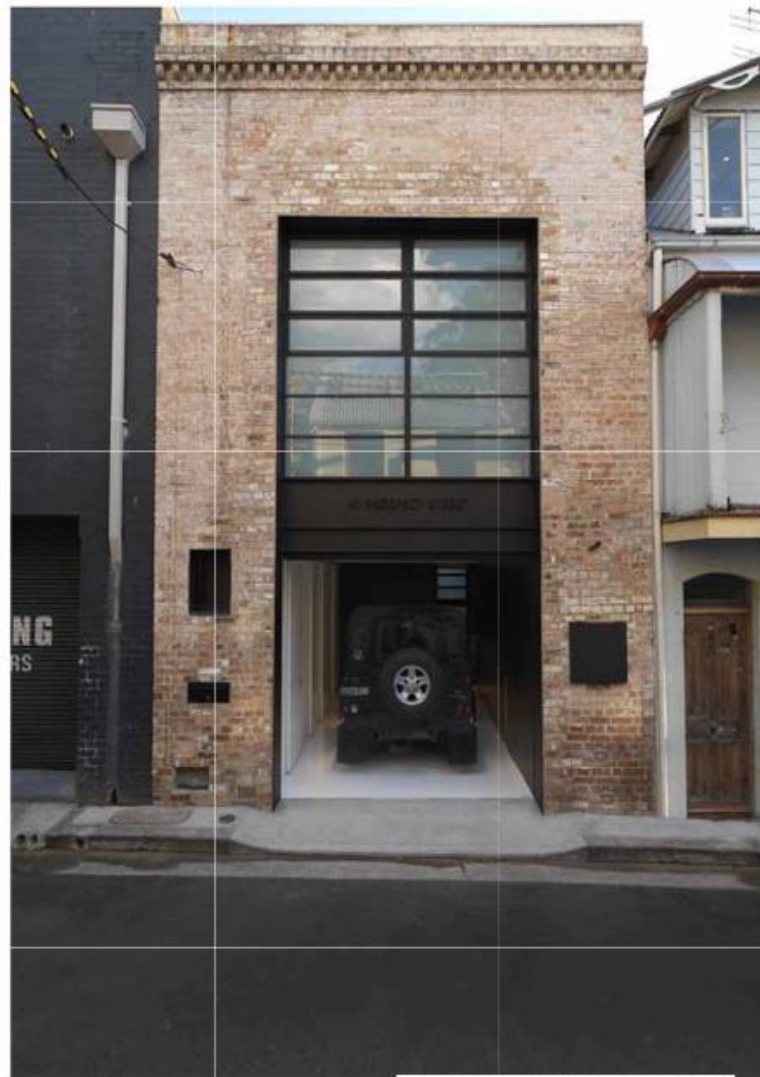
Location of all services to be provided by all contractors prior to commencement of works. Please Call Distinctive Living Design Pty Ltd on 1100 0000 0000 for further information. Diagrams & Screenshots for other existing drawings, information and Distinctive Living Design Pty Ltd. This drawing is to be read in conjunction with proposed specifications & details. For the responsibility of the contractor to verify Distinctive Living Design Pty Ltd drawings with the client & ensure appropriate direction prior to construction work. Please refer to the site and/or the direction of the site supervisor. Plans are copyright © Distinctive Living Design & Interiors Pty Ltd.

Scale @ A1/A3
 NTS
Drawing Date
 15.11.22
Project Number
 63-20

Client
 Quantil Magna Developments
 Ply Ltd
Drawn/Checked
 PG/ZY/DT/ D.B
Drawing Number
 63-20.44

Drawing Title
 Interior Mood
 Board
Issue
 G





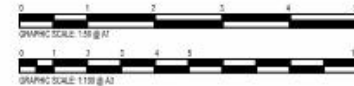
CONVERTED WAREHOUSE



AWNING ABOVE ENTRANCE

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C	Preliminary Sketch	27.05.21	C.H.	D.F.
B	Preliminary Sketch	24.05.21	C.H.	D.F.
A	Preliminary Sketch	12.05.21	C.H.	D.F.



Project Title
 Proposed Commercial Alteration and Addition

Project Address
 60 John Street, Camden, NSW, 2570 LOT 3/-/DP202740

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Scale @ A1/A3
 NTS
Drawing Date
 15.11.22
Project Number
 63-20

Client
 Quanti Magna Developments
 Pty Ltd
Drawn/Checked
 PG/ZY/DT/ D.B
Drawing Number
 63-20.45

Drawing Title
 Exterior Mood
 Board
Issue
 G





SHEET CLADDING



TIMBER + BRICK COMBO



STEEL CLADDING



BRICK DETAILING



DARK FACE BRICK



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Project Title
 Proposed Commercial Alteration and Addition

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Location of all services to be checked out by all contractors prior to commencement of works. Please Call Sydney Fire (Ph: 1100) after hours, by fire/ambulance, Engineers & Surveyors for other existing drawings, information and Data for plans in their reference & use with care only. This drawing is to be read in conjunction with approved specifications & details. For the responsibility of the contractor to verify the accuracy of any construction within the drawing & ensure appropriate direction prior to construction work to be determined on site and at the direction of the site supervisor. Plans are copyright of Distinctive Gardens & Interiors Pty Ltd.

Scale @ A1/A3
 NTS

Drawing Date
 15.11.22

Project Number
 63-20

Client
 Quantil Magna Developments
 Ply Ltd

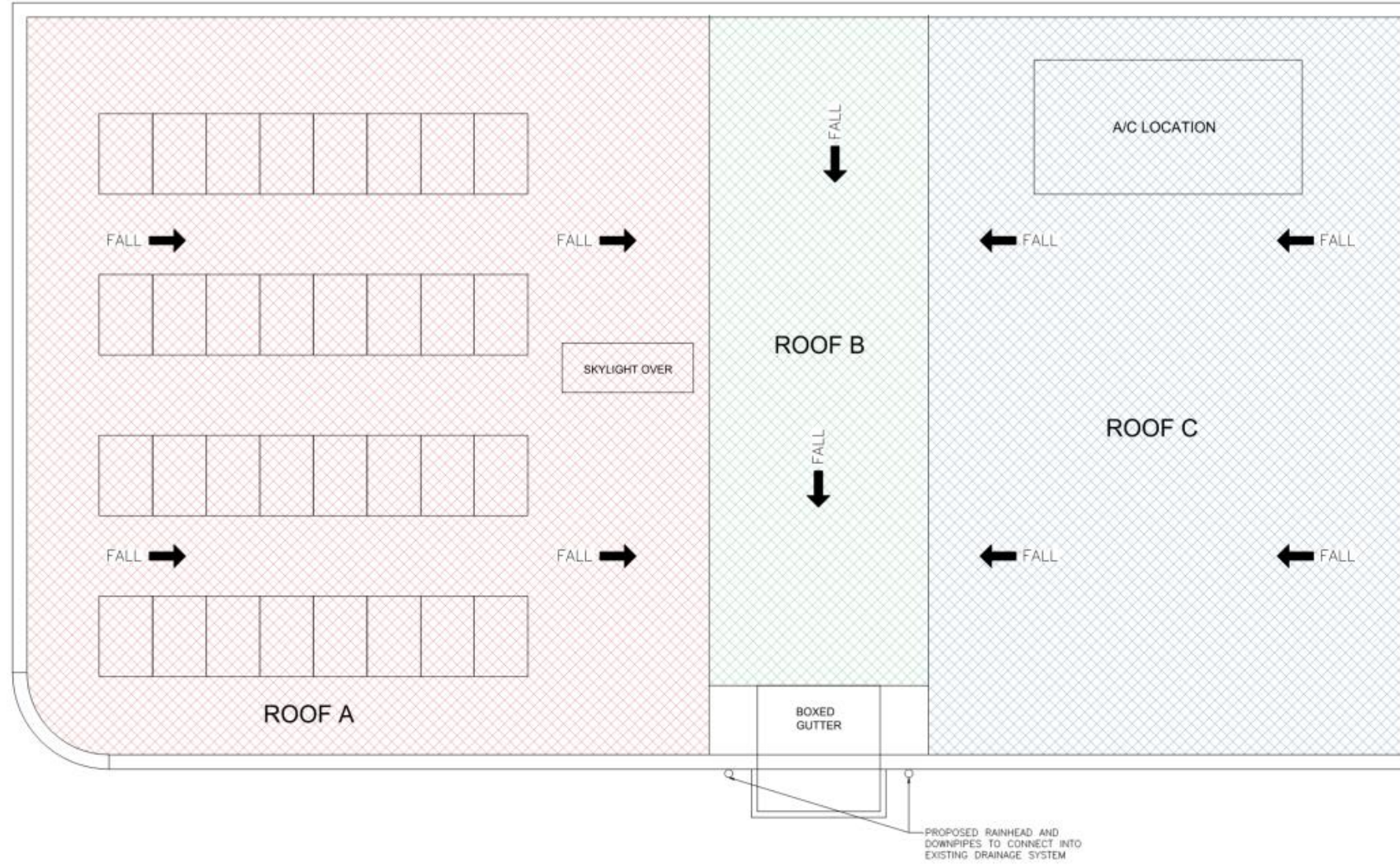
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 PG/ZY/DT / D.B

Drawing Number
 63-20.46

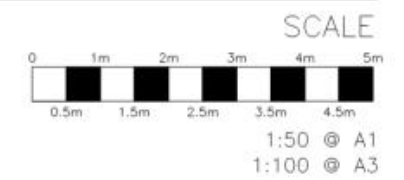
Drawing Title
 Materiality

Issue
 G





PROPOSED ROOF PLAN



-	-	-	-
-	-	-	-
-	-	-	-
A	DEVELOPMENT APPLICATION SET	17/09/21	KWH
REV	AMENDMENTS	REV DATE	INITIALS
A1	SCALE: AS SHOWN ON SHEET	DATE: 09/07/21	



D & M CONSULTING
CIVIL AND STRUCTURAL ENGINEERS
SHOP 1 & 2,
16 MITCHELL STREET, CAMDEN
PH (02) 4647 4014
EMAIL: engineer@dmceng.com.au

PROJECT: PROPOSED SECOND STOREY ADDITION	SHEET: 8/6	DWG NO: 200910A	DESIGNED: NY DRAWN: KH CHECKED: NY
ADDRESS: 60 JOHN STREET CAMDEN	CERTIFIED DESIGNED IN ACCORDANCE WITH AS3600, AS4100, AS1170.		
CLIENT: SUPREME LININGS - SHANE TAX	SIGNED & APPROVED: D.TURNER B.E.(MIEAust) CPEng		

CLPP05**CLPP05**

SUBJECT: DISCLOSURES BY PANEL MEMBERS RETURNS 2021/2022
FROM: Manager Statutory Planning
EDMS #: 22/530017

PURPOSE OF REPORT

The purpose of this report is to recommend that the Panel note the tabling of the Disclosures by Panel Members Returns for 2021/20220

BACKGROUND

Under section 4.17 of the Code of Conduct for Local Planning Panels, a Panel Member must complete and lodge a 'Disclosures of Pecuniary Interests and Other Matters' form with the Panel Chair. Returns are required to be tabled at a meeting of the Panel.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The completed Disclosures by Panel Members Returns for 2021/2022 are tabled.

RECOMMENDED

That the Camden Local Planning Panel note the tabling of the Disclosures by Panel Members for 2021/2022.

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