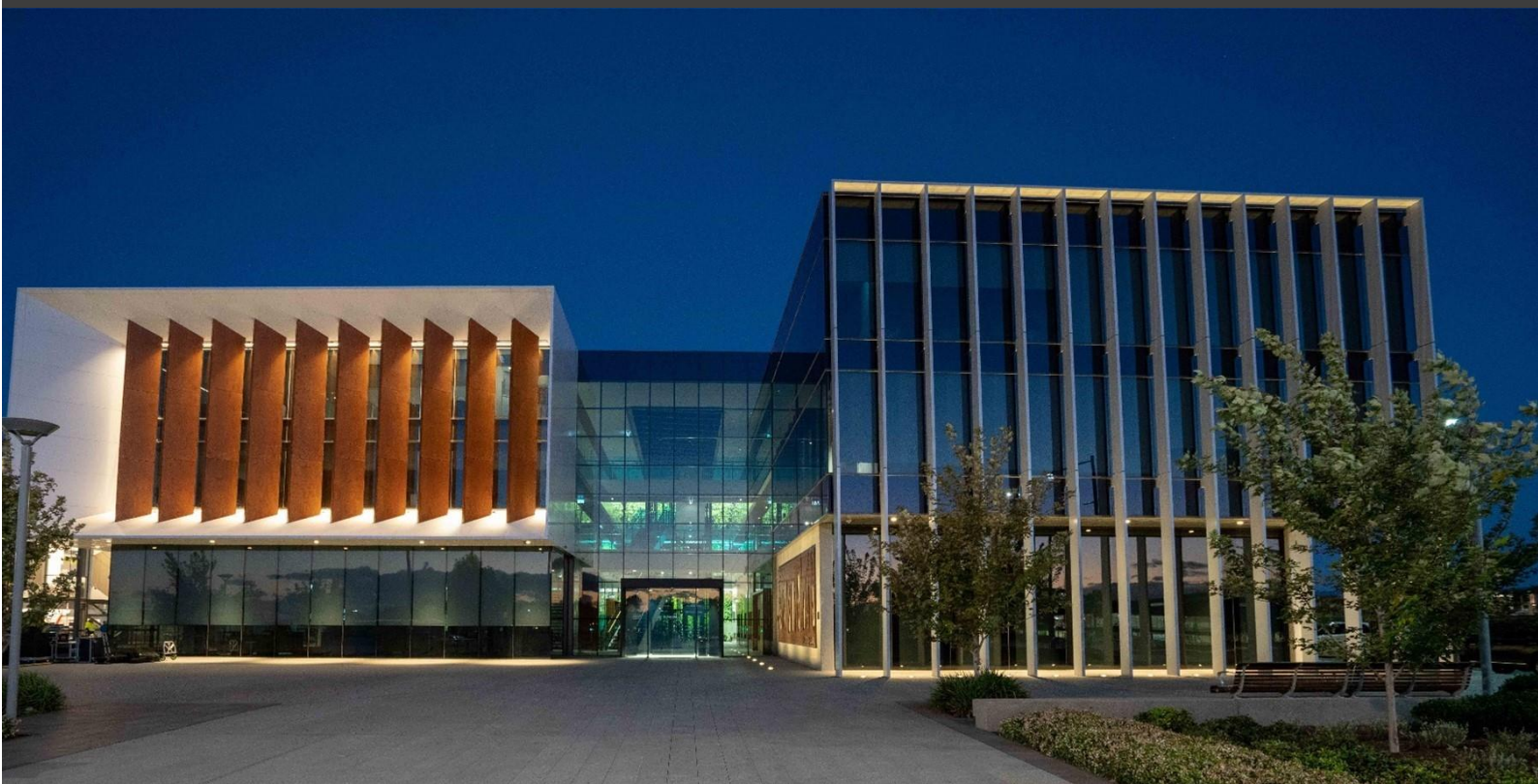


Business Paper

Camden Local Planning Panel
Electronic Determination

17 July 2023



camden
council

ORDER OF BUSINESS

CLPP01 **DA/2023/24/1 - Installation And Use Of A Telecommunications Facility, Consisting Of A 40-Metre Monopole, Antennas, Outdoor Equipment Cabinets And Ancillary Equipment - 90 Werombi Road, Grasmere** 3

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CLPP01

CLPP01

SUBJECT: DA/2023/24/1 - INSTALLATION AND USE OF A TELECOMMUNICATIONS FACILITY, CONSISTING OF A 40-METRE MONOPOLE, ANTENNAS, OUTDOOR EQUIPMENT CABINETS AND ANCILLARY EQUIPMENT - 90 WEROMBI ROAD, GRASMERE

FROM: Manager Statutory Planning

EDMS #: 23/324050

DA Number:	2023/24/1.
Development:	Installation and use of a telecommunications facility, consisting of a 40-metre monopole, antennas, outdoor equipment cabinets and ancillary equipment.
Estimated Cost of Development:	\$451,000.
Site Address(es):	90 Werombi Road GRASMERE LOT 10 DP 845472
Applicant:	Davidzo Foto
Owner(s):	Carrington Centennial Care Ltd.
Number of Submissions:	One submission.
Development Standard Contravention(s):	Clause 4.3 – Height of Buildings – Camden Local Environmental Plan 2010.
Classification:	Local.
Recommendation:	Approve with conditions.
Panel Referral Criteria:	The application proposes departure from a development standard greater than 10%.
Report Prepared By:	Nicholas Clarke – 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 installation and use of a telecommunications facility, consisting of a 40-metre monopole, antennas, outdoor equipment cabinets and ancillary equipment at 90 Werombi Road, Grasmere.

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 development application proposes a contravention to the height of buildings development standard greater than 10%.

SUMMARY OF RECOMMENDATION

That, the Panel determine DA/2023/24/1 for the installation and use of a telecommunications facility, consisting of a 40-metre monopole, antennas, outdoor equipment cabinets and ancillary equipment at 90 Werombi Road, Grasmere pursuant to Section 4.16(1)(a) 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 installation and use of a telecommunications facility, consisting of a 40-metre monopole, antennas, outdoor equipment cabinets and ancillary equipment at 90 Werombi Road, Grasmere.

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 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 10 February 2023 to 23 February 2023. During the exhibition period, Council received one objection. Concern was raised with the nighttime lighting of the pole and any illumination or flashing lights affixed to the pole. The matter raised in the submission is discussed in further detail within this report.

The development seeks to contravene the height of buildings development standard prescribed under Clause 4.3 of Camden Local Environmental Plan (CLEP) 2010 and the applicant has submitted a Clause 4.6 written request seeking to justify the contravention. The contravention is assessed in detail within this report.

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
4.3 Height of buildings 9.5m maximum height of buildings development standard.	40m maximum building height.	30.5m (321%)

AERIAL PHOTO

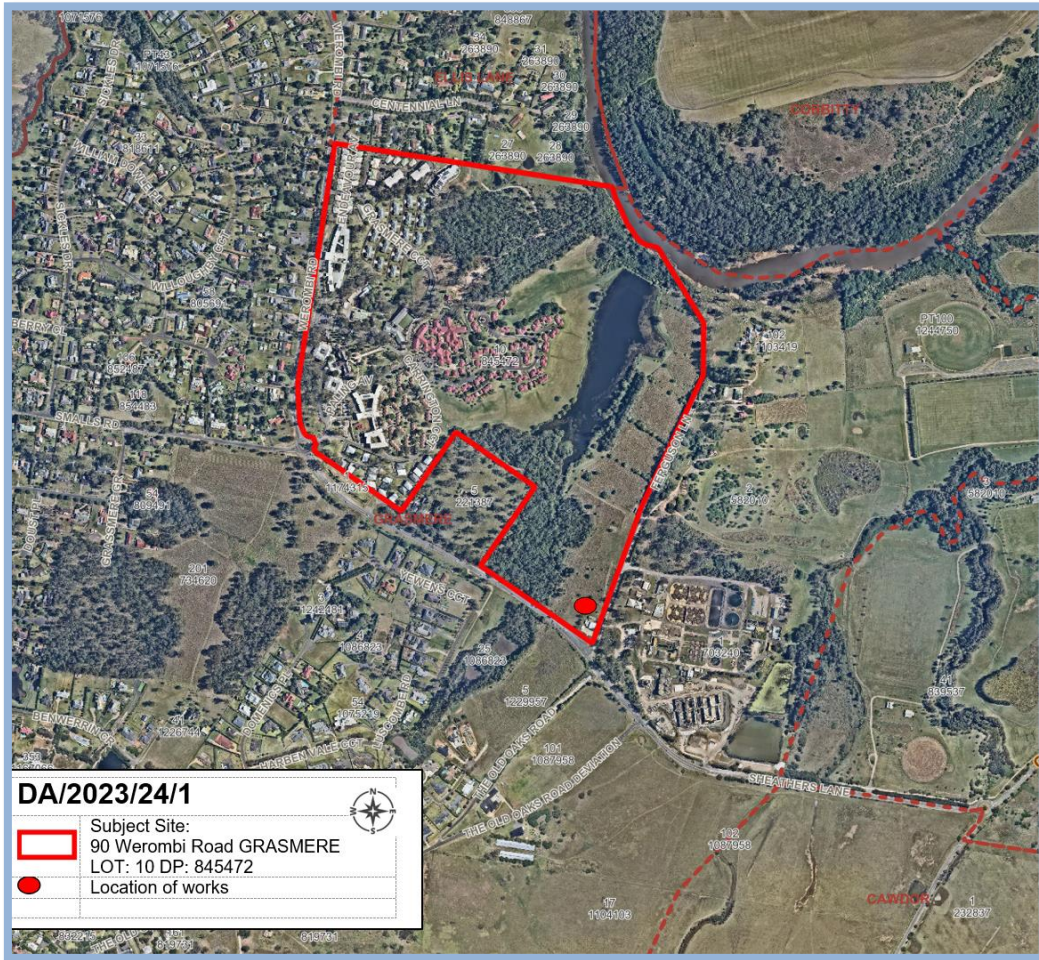


Figure 1: Aerial Photo

THE SITE

The site is commonly known as 90 Werombi Road, Grasmere and is legally described as Lot 10, DP 845472. The site has a frontage of approximately 1,290m to Werombi Road and approximately 1,000m to Ferguson Lane and an overall site area of approximately 71.44 hectares (by Deed).

The subject site contains the Carrington Care Retirement Village which includes Carrington hospital and ancillary facilities including self-contained units, associated driveways and vegetation corridors. A range of accommodation is located on site including detached single dwellings, multi-storey residential flat buildings and a residential aged care facility. The site is locally listed heritage item.

The surrounding area is characterised by large lot residential dwellings and farmland together with associated driveways and landscaping. Situated to the northeast of the site is Camden Airport and the Nepean River, the West Camden Water Recycling Plant to the east and Camden West RFS to the south.

The subject works are located at the southernmost point of the site, at the intersection of Werombi Road and Ferguson Lane.

ZONING PLAN

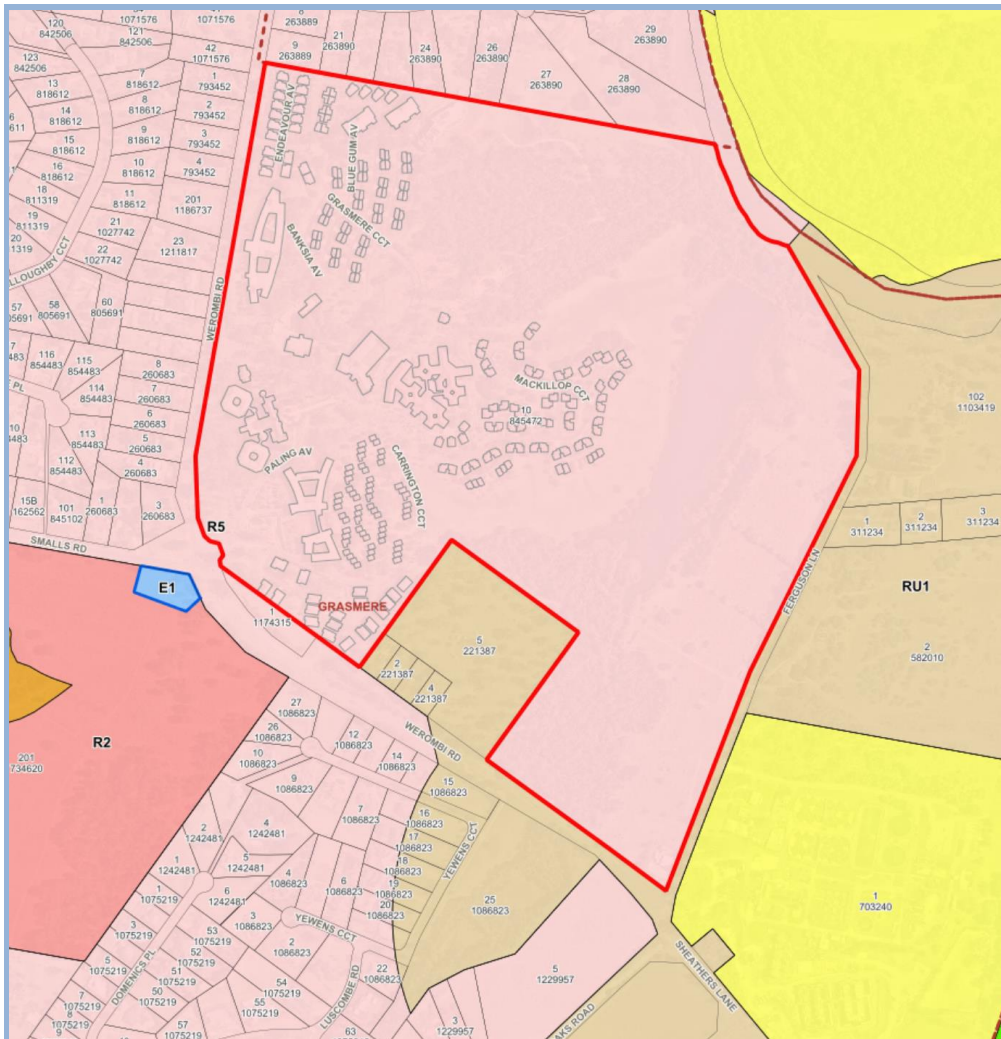


Figure 2: Zoning Map

HISTORY

Nil of relevance.

THE PROPOSAL

DA/2022/842/1 seeks approval for the installation and use of a telecommunications facility, consisting of a 40-metre monopole, antennas, outdoor equipment cabinets and ancillary equipment.

Specifically, the development involves:

- The installation of a new 40m monopole;
- The installation of a triangular headframe onto the proposed monopole;
- The installation of six Telstra panel antennas onto the proposed headframe;
- The installation of a Telstra ground-based equipment shelter,
- The installation of an access track, compound security fence and double access gate;

- The installation of ancillary equipment including feeder cables, antenna mounts, remote radio units, GPS antenna, electrical works and cable trays.

The estimated cost of the development is \$451,000.

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 (Transport and Infrastructure) 2021.
- Camden Local Environmental Plan 2010.

State Environmental Planning Policy (Resilience and Hazards) 2021

The SEPP requires the consent authority to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. The site is not identified as an area of environmental concern. The proposal was considered by Council's Specialist Environmental Health Officer who concurs that the site is suitable for the proposed development. As such, the consent authority can be satisfied that the site is suitable for the proposed development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring impacts of future land uses are considered in a regional context. Council staff are satisfied there will be no detrimental impact on the Hawkesbury-Nepean River system as a result of the development.

While some vegetation is located in proximity to the development, Council's Urban Tree & Landscape Officer has advised that this vegetation is young and immature, with the proposed underground fibre route likely to have minimal impact to any tree roots.

Adequate measures to mitigate environmental harm and manage erosion, sediment and water pollution can be imposed via conditions of consent should the application be approved.

State Environmental Planning Policy (Transport and Infrastructure) 2021.

Division 21 Telecommunications and other communication facilities

As the proposed development is not being undertaken by a public authority, development consent for the development is required to be obtained. Subject to Section 2.143(1) of the SEPP, development for the purposes of a telecommunications facility may be carried out by any person with consent on any land.

Pursuant to Section 2.143(2) of the SEPP, the consent authority must take into consideration the Department of Planning and Environment's publication, NSW Telecommunications Facilities Guideline, including Broadband. The development is assessed as being consistent with the Guideline.

An assessment table in which the development is considered against the Telecommunications Facilities Guideline, including Broadband is provided as an attachment to this report.

Camden Local Environmental Plan 2010 (Camden LEP)

Camden LEP aims to make local environmental planning provisions for land in Camden in accordance with the relevant standard environmental planning instrument under Section 3.20 of the *Environmental Planning and Assessment Act, 1979*.

Site Zoning

The site is zoned R5 Large Lot Residential pursuant to Clause 2.2 of CLEP 2010.

Land Use/Development Definitions

The development is characterised as a '*telecommunications facility*' by CLEP 2010.

Permissibility

The development is permitted with consent in the R5 Large Lot Residential zone pursuant to Clause 2.3 and the land use table of CLEP 2010.

Planning Controls

An assessment table in which the development is considered against CLEP 2010 planning controls is provided as an attachment to this report.

Proposed Contravention

The applicant proposes a contravention to Clause 4.3 Height of Buildings development standard that applies to the site. The development standard limits buildings/structures to a maximum height of 9.5 metres.

The development will have a maximum height of 40 metres measured to the top of the headframe attached to the monopole, which exceeds the development standard by 30.5 metres, representing a 321% variation.

The extent of the contravention is illustrated in the proposed plans, with an extract of the plans shown in the below figure.

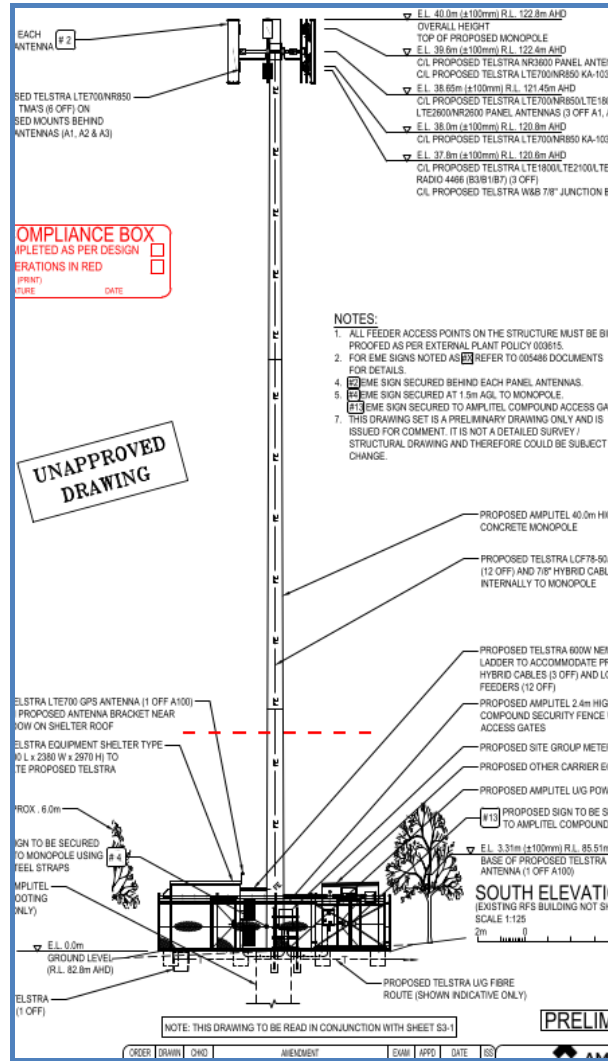


Figure 3: Extract of the elevations from the proposed plans. The dashed red line shows the 9.5 metre height of building limit.

Contravention Assessment

Pursuant to Clause 4.6(3) of CLEP 2010, the applicant has requested that the height of buildings development standard be varied. The written request has provided the following reasons seeking to justify that the development standard is unreasonable and unnecessary (each point is expanded upon in the applicant’s Clause 4.6 request).

- *There is an established community need for the improved mobile coverage in this location.*
- *There is a technical requirement for telecommunications facilities to protrude above the surrounding environment to function correctly.*

The applicant has also outlined the following key environmental planning grounds particular to the proposed development and site context:

- *The proposal retains significant merit from a public benefit perspective and warrants approval.*
- *The proposal is generally in accordance with the objectives of the R5 Large Lot*

Residential zone.

- *The proposal is in the public interest.*
- *There is a demonstrated need for the proposed infrastructure in the area.*
- *The proposal is in accordance with the objectives of the Camden Local Environmental Plan 2010 and State Environmental Planning Policy (Infrastructure) 2007 and other State and Federal Legislation, that allow development for the purposes of telecommunications facilities on any land, with consent (refer to Statement of Environmental Effects).*
- *The environmental impact assessment undertaken pursuant to Section 4.15 of the EPA Act 1979 has determined that the proposal would not cause any significant environmental impact and would have minimal impact upon the amenity of the area (refer to Statement of Environmental Effects).*

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

While the proposal departs from the height standard, the environmental planning grounds put forward by the applicant are considered supportable. It is considered that compliance with the development standard would be unreasonable and unnecessary in this instance, as 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 CLEP 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 facility will improve the capacity of Telstra's network in the area, relieving congestion on existing base stations in the surrounding districts. This will result in more reliable network coverage for residents and businesses, as well as emergency services.
- A 40m monopole is required at this location, based on the area the site must cover. There are precedents for telecommunications facilities to exceed the height limit.
- The bulk and scale of the proposed development will not have an adverse impact on this area as it is sited within a large R5 Large Lot zoned allotment.
- The site is well separated from sensitive community development as far as practical. The siting of the structure is located beside a NSW Rural Fire Service building, which acts as a buffer from the main thoroughfare of Werombi Road / Sheathers Lane, offsetting the facility's visual impact.
- The proposal will have minimal environmental impact. It will not require significant ground works.
- The contravention of the development standard does not cause unacceptable privacy or overshadowing impacts for residents of surrounding properties.
- The development will be in the public interest because it is consistent with the objectives of the Clause 4.3 Height of Buildings development standard, as demonstrated below:

a) To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.

No issue is raised to height, bulk, scale or to the desired future character of the locality, as the proposal is for a telecommunication facility and associated structures, which is specialised infrastructure and unlike typical built form.

b) To minimize the visual impact, disruption of views, loss of privacy and loss of privacy and loss of solar access to existing development.

The telecommunication facility as proposed will have minimal visual impact or disruption of views and has no impact on privacy or solar access to existing residential development.

c) To minimize the adverse impact of development on heritage conservation areas and heritage items.

The location of the telecommunications facility is situated at the furthest point possible from the physical structures of the listed heritage item. In addition, the monopole is largely not visible from the physical structures of the heritage item as it is located on the site where the topography is 30 metres lower and it is obscured by dense vegetation to the northwest.

- The development will be in the public interest because it is consistent with the objectives within the *R5 Large Lot* zone in which the development is proposed to be carried out, as demonstrated below:
 - *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

The proposed telecommunication facility and associated structures will support residential housing in the area, with minimal impact on environmentally sensitive locations or scenic quality.

- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

The proposed telecommunication facility and associated structures will not hinder the future development of the area, rather it will result in improved communication services throughout the area.

- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

The proposed telecommunication facility and associated structures will address the demand on services by providing improved communication services throughout the area.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed telecommunication facility and associated structures will not result in a use of the site that will conflict with the residential uses of adjoining land. The proposed development does not sterilise adjoining land or prevent future development from occurring.

Based on the above, it is considered that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case and there are sufficient environmental planning grounds to justify contravening the development standard in this instance.

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

(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, 2021* prescribes several matters that can be addressed via conditions should the application be approved.

(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

Safety Impact

Pursuant to Clause 7.2(2) of CLEP 2010, the Development Application was referred to the relevant Commonwealth body, being Aeria Management Group (formerly Sydney Metro Airports) and the Federal Department for Infrastructure Transport Regional

Development and the Arts for consideration.

Referral advice was provided from Aeria Management Group advising that Camden Airport have no concerns with the application as the proposed development has previously been considered by the Department at a height of 124m AHD, with the current application slightly below this height. In addition, the Department have provided specific conditions of consent to regulate the operation and construction of the telecommunications facility.

These conditions require the monopole to be obstacle lit with a low intensity steady red obstacle light during night and periods of low visibility at the highest point. Characteristics of low intensity obstacle lights are mandated by the Civil Aviation Safety Authority (CASA) under section 9.32 of the Manual of Standards (Aerodromes). Accordingly, no issues are considered to arise in respect to conflict and safety of operations from the nearby Camden Airport.

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

As demonstrated by the above assessment, the site is considered 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 10 February 2023 to 23 February 2023. During the exhibition period, Council received one objection.

The following discussion addresses the issue raised in the submission.

1. *Concern is raised over the nighttime lighting of the pole and any illumination or flashing lights affixed to the pole.*

Due to the proposed development location being in proximity to Camden Airport, the consent authority was required to consult with Aeria Management Group (formerly Sydney Metro Airports) who raised no issue with the development, subject to conditions imposed by the Federal Department for Infrastructure Transport Regional Development and the Arts. These conditions require the monopole to be obstacle lit with a low intensity steady red obstacle light during night and periods of low visibility at the highest point.

While it is noted a physical buffer of approximately 420m will be in place to minimise any visual impact, characteristics of low intensity obstacle lights are mandated by the Civil Aviation Safety Authority (CASA) under section 9.32 of the Manual of Standards (Aerodromes). As such, no issue is raised to the impact of night-time lighting as it will be in accordance with CASA requirements.

(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

External Referral	Response
Sydney Metro Airports	No issue was raised subject to conditions that can be imposed as conditions of consent.

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 justification in 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; and
- ii. approve DA/2023/24/1 for the installation and use of a telecommunications facility, consisting of a 40-metre monopole, antennas, outdoor equipment cabinets and ancillary equipment at 90 Werombi Road, Grasmere subject to the conditions attached to this report for the following reasons:
 - 1. The Panel has considered the written request to contravene 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 Section 4.3 of 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 in Section 4.3 of Camden Local Environmental Plan 2010 and the objectives for development within the R5 Large Lot Residential zone.
 - 2. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, and Camden Local Environmental Plan 2010.
 - 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. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.
6. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.

ATTACHMENTS

1. Recommended Conditions
2. Telecommunications Facilities Guideling Assessment Table
3. Camden LEP Assessment Table
4. Camden DCP Assessment Table
5. Public Submission - *Supporting Document*
6. Clause 4.6 written request
7. 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. Letter from the Federal Department for Infrastructure, Transport, Regional Development, Communications and the Arts, dated 22 December 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
S1, N111687	Site access and layout plan	Service Stream	29/08/2022
S1-1, N111687	Site Layout	Service Stream	29/08/2022
S1-2, N111687	Antenna Layout	Service Stream	29/08/2022
S3, N111687	South Elevation	Service Stream	29/08/2022
S3-1, N111687	Antenna Configuration Table	Service Stream	29/08/2022

Document Title	Prepared by	Date
Bushfire Protection Assessment Version 1	Eco Logical Australia	11 Jan 2023

- (3) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (4) **National Construction Code - Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA as in force on the relevant date. In this condition the relevant date has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.
- (5) **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.

- (6) **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.

- (7) **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*.

- (8) **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) **Long Service Levy** - In accordance with 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. This applies to building and construction works with a cost of \$250,000 or more.
- (2) **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.
- (3) **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.
- (4) **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.

- (5) **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*.

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 description of the work to be carried out;
 - the address of the land on which the work is to be carried out;
 - the registered number and date of issue of the relevant development consent;
 - the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
 - the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
 - 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:
- the name and address of the person by whom the notice is being given;
 - a description of the work to be carried out;
 - the address of the land on which the work is to be carried out;
 - the registered number and date of issue of the relevant development consent and construction certificate;
 - 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
 - the date on which the work is intended to commence.
- (4) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- that unauthorised entry to the work site is prohibited,
 - 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
 - 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.
- (5) **Site is to be Secured** - The site shall be secured and fenced.
- (6) **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.
- (7) **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 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.

- (8) **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.
- (9) **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.
- (10) **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.
- (11) **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.
- (12) **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.
- (13) **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.

4.0 - During Works

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

- (1) **Colours of Development** – The outdoor equipment shelter located at the base of the monopole to store ancillary facilities shall be finished in the Colourbond Colour ‘Pale Eucalypt’.
- (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) **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) **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.
- (5) **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.

- (6) **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.
- (7) **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.

- (8) **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.
- (9) **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).

- (10) **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.

- (11) **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.
- (12) **Survey Report** - The structure shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building/structure in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (13) **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.
- (14) **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.

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) **Height** - A registered surveyor shall certify that the maximum height of the building/structure is consistent with the height in the approved plans and this consent.

- (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

- (1) **Electromagnetic Emissions** - The installation and operation of the tower must comply with the requirements of the Australia Communications and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The operation of the tower must not cause the Electromagnetic Emissions (EME) that exceed the maximum levels set by ACMA and ARPANSA.
- (2) **Air conditioning units / cooling fans** - The operation of air conditioning units /cooling fans shall:
- a) be inaudible in a habitable room of adjoining residences during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.
- (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.

NSW Telecommunications Facilities Guideline, Including Broadband Table

Principle	Assessment	Compliance?
<p>Principle 1: Design and site telecommunications facilities to minimize visual impact</p> <p>a) As far as practical, integrate a telecommunications facility that is mounted on an existing building or structure with the design and appearance of the building or structure.</p> <p>b) Minimise the visual impact of telecommunications facilities, reduce visual clutter (particularly) on tops of buildings_ and ensure physical dimensions (including support mounts) are sympathetic to the scale and height of the building to which it is to be attached and to adjacent buildings.</p> <p>c) If a telecommunications facility protrudes from a building or structure and is predominantly seen against the sky, either match the prevailing colour of the host building or structure or use a neutral colour such as pale grey.</p> <p>d) Where possible and practical, screen or house ancillary facilities using the same colour as the prevailing background and consider using existing vegetation or new landscaping.</p> <p>e) Locate and design a telecommunications facility in a way that responds to its setting (rural, residential, industrial or commercial).</p>	<p>a) No existing buildings of a required design height exist to mount the proposed new infrastructure.</p> <p>b) Proposed facilities are a standalone structure and are not attached or adjacent to existing buildings.</p> <p>c) Proposed facilities are a standalone structure and do not protrude from a building or structure.</p> <p>d) Base outdoor cabinets will be required to be finished in 'pale eucalypt' to blend in with the landscape.</p> <p>e) The facility is located within the site of the Carrington Care Retirement Village that is zoned R5 Large Lot Residential and surrounded by large lot residential dwellings and farmland.</p> <p>It is considered that the development responds to the setting as the development will not have any adverse visual or environmental impact on the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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Principle	Assessment	Compliance?
	village as it is located at the southernmost point of the site.	Yes
f) Site and design a telecommunications facility located on or adjacent to a listed heritage item or within a heritage conservation area with external colours, finishes and scale sympathetic to the heritage item or conservation area.	f) The location of the proposed facility is 700m from the nearest heritage item located within the site.	Yes
g) Locate telecommunications facilities to minimize or avoid obstructing significant views of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	g) The proposed location and footprint minimise obstructions to views or vistas when viewed from public and private land.	Yes
h) Consult with relevant council when proposing pruning, lopping or removing any tree or vegetation. Obtain a tree preservation order, permit or development consent if required.	h) No tree removal is proposed or required for the development works.	Yes
i) Remove redundant telecommunications facilities and restore the site to the condition it was in prior to the facility's construction.	i) Not proposed.	Yes
j) Remove redundant components of existing facilities after upgrades.	j) No upgrades are proposed.	Yes
k) Where possible, consolidate telecommunications facilities to reduce visual clutter and work with other uses on co-location sites to minimize cumulative visual impact.	k) Proposed facilities are a standalone structure	Yes
l) Accord with all relevant industry design guides when siting and designing telecommunications facilities.	l) The development is considered to be consistent with all relevant design guides in respect to siting and design.	Yes
m) Assess potential visual impact in alternative site assessments.	m) The applicant has provided sufficient details on alternative options within the locality.	

Principle	Assessment	Compliance?
<p>Principle 2: Co-locate telecommunications facilities wherever practical</p> <p>a) As far as practical, locate telecommunications lines underground or within an existing underground conduit or duct.</p> <p>b) Where practical, co-locate or attach overhead lines, antennas and ancillary telecommunications facilities to existing buildings, public utility structures, poles, towers or other radiocommunications equipment to minimize clutter.</p> <p>c) Consider extending an existing tower as a practical co-location to new towers.</p> <p>d) Demonstration that co-location is not practicable if choosing not to co-locate a facility.</p> <p>e) If choosing to co-locate, design, install and operate a telecommunications facility so that resultant cumulative levels of radio frequency emissions are within the maximum human exposure levels set out in RPS S-1.</p>	<p>a) Proposed facilities do not operate underground.</p> <p>b) No existing operating structures are in proximity to the proposed monopole to enable co-location to occur.</p> <p>c) No existing towers at a suitable height occur to allow the telecommunications facility to be extended.</p> <p>d) The applicant has demonstrated co-location is not practicable.</p> <p>e) Co-location is not practicable.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Principle 3: Meet health standards for exposure to radio emissions</p> <p>(a) Design, install and operate a telecommunications facility so that maximum human exposure levels to radiofrequency emissions comply with RPS S-1</p> <p>(b) Using the format required by ARPANSA, report on predicted levels of EME surrounding any development covered by the Industry Code C564:2020 Mobile Phone Base Station Deployment, and how the development will</p>	<p>a) Should the application be approved, conditions of consent could be imposed requiring that radiofrequency emissions comply with RPS S-1.</p> <p>b) Information provided includes an EME report that concluded that the maximum calculated EME level is well below the public exposure limit.</p>	<p>Yes</p> <p>Yes</p>

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Principle	Assessment	Compliance?
comply with ACMA safety limits and RPS S-1.		
Principle 4: Minimise disturbance and risk, and maximise compliance		
(a) Ensure the siting and height of a telecommunications facility complies with the Commonwealth Civil Aviation Regulations 1998 and Airports (Protection of Airspace) Regulations 1996. Avoid penetrating any obstacle limitation surface (OLS) shown on a relevant OLS plan for an aerodrome or airport (as reported to the Civil Aviation Safety Authority) within 30km of the proposed development.	a) The proposed structure penetrates the OLS for Camden Airport. Pursuant to Clause 7.2(3) of CLEP 2010, Aeria Management Group (formerly Sydney Metro Airports) and the Federal Department for Infrastructure, Transport, Regional Development, Communications and the Arts have reviewed the proposal and support the development subject to conditions should the application be approved.	Yes
(b) Ensure no adverse radio frequency interference with any airport, port or Commonwealth defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.	b) Should the application be approved, conditions of consent could be imposed requiring that radio frequencies used do not conflict with any nearby frequency utilised by Camden Airport.	Yes
(c) Carry out the telecommunications facility and ancillary facilities in accordance with any manufacturer's installation specifications.	c) Should the application be approved, conditions of consent could be imposed specifying that the telecommunications facility is installed / constructed in accordance with the manufacturer's installation specifications.	Yes
(d) Protect the structural integrity of any building or structure on which a telecommunications facility is erected.	d) The proposed structure is not proposed to be erected on any existing building.	NA
(e) Erect the telecommunications facility wholly within the boundaries of a property as approved by the relevant landowner.	e) The telecommunications monopole is wholly located within the boundaries of the site.	Yes
(f) Ensure all construction of a telecommunications facility accords with Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom 2004), or its replacement.	f) A condition of consent can be imposed should the application be approved.	Yes
(g) Mitigate obstruction or risks to pedestrians or vehicles caused by	g) Minimal obstructions or risks are considered to result during construction	Yes

Principle	Assessment	Compliance?
the location of the facility, construction activity or materials used in construction.	given its location and proximity to adjoining development.	
(h) Where practical, carry out work at times that minimise disruption to adjoining properties and public access and restrict hours of work to 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.	h) A condition of consent can be imposed to regulate construction hours should the application be approved.	Yes
(i) Employ traffic control measures during construction in accordance with Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.	i) A condition of consent can be imposed to employ traffic control measures during construction should the application be approved.	Yes
(j) Guard open trenching in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.	j) A condition of consent can be imposed should the application be approved.	Yes
(k) Minimise disturbance to flora and fauna and restore land to a condition similar to its condition before the work was carried out.	k) While some vegetation is located in proximity to the development, Council's Urban Tree & Landscape Officer has advised that vegetation is young and immature, with the proposed underground fibre route likely to have minimal impact to any tree roots should they exist.	Yes
(l) Identify any potential impacts on threatened species and communities in consultation with relevant authorities and avoid disturbance to identified species and communities where possible.	l) No threatened species in proximity to the development have been identified during assessment.	Yes
(m) Identify the likelihood of harming an Aboriginal place and/or Aboriginal object and obtain approval from the Department of Premier and Cabinet if the impact is likely, or Aboriginal objects are found.	m) No items of Aboriginal significance have been identified during assessment.	Yes
(n) Reinstate, at your expense, street furniture, paving or other facilities removed or damaged during	n) A condition of consent can be imposed requiring any disturbed infrastructure or other facilities be reinstated should the	Yes

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Principle	Assessment	Compliance?
<p>construction to at least the same condition as that prior to installation.</p>	<p>application be approved.</p>	
<p>Principle 5: Undertake an alternative site assessment for new mobile phone base stations</p> <p>(a) Include adequate numbers of alternative sites in the alternative site assessment as a demonstration of good faith.</p> <p>(b) In addition to the new site selection matters in Section 4 of the Industry Code C564:2020 Mobile Phone Base Station Deployment:</p> <ul style="list-style-type: none"> • only include sites that meet coverage objectives, and that have been confirmed as available, with an owner agreeable to having the facility on their land • if the preferred site is a site owned by the Carrier, undertake a full assessment of the site • indicate the weight placed on selection criteria • undertake an assessment of each site before any site is dismissed. 	<p>a) The applicant has provided a list of five potential candidate sites in the Grasmere area. The listed alternative sites are considered reasonable and demonstrate why they are not viable options.</p> <p>b) The applicant has provided comments in the list of five potential candidate sites in the Grasmere area regarding coverage objectives and the type of correspondence undertaken with the land owner.</p>	<p>Yes</p> <p>Yes</p>

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

Clause	Assessment	Compliance?
<p>4.3 Height of buildings</p> <p>Maximum building heights must not exceed the maximum building height shown on the Height of Buildings (HOB) Map.</p> <p>The maximum building height for this site is 9.5m.</p>	<p>The proposed structure has a maximum height of 40 metres, which exceeds the HOB development standard by 30.5m.</p>	<p>No (Clause 4.6 written request submitted)</p>
<p>4.6 Exceptions to development 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>A Clause 4.6 written request has been submitted with the application. Consideration of the written request is made in the assessment report.</p>	<p>Yes</p>
<p>5.10 Heritage conservation</p> <p>(a) to conserve the environmental heritage of Camden, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The subject site contains Carrington Hospital, which is a local heritage item, consisting of the hospital and including Grasmere cottage, gardener's cottage and Masonic cottage. A Heritage Impact Statement has been submitted with the application.</p> <p>No issue is raised in terms of heritage impacts to the heritage item as the location of the proposed facility is sited a significant distance from the physical item, being approximately 700m.</p>	<p>Yes</p>
<p>7.2 Airspace operations</p> <p>Before granting development consent to development on land that will penetrate an identified obstacle limitation surface or PANS-OPS surface, the consent authority must consult the relevant Commonwealth body about the application and give the body not less than 28 days within which to consider the application.</p> <p>(5) The consent authority must not grant development consent for development referred to above if:</p> <p>(a) is satisfied the development will penetrate the obstacle limitation surface map, and</p>	<p>The site is located within Camden Airport OLS and is within the Inner Horizontal Surface. For development to penetrate this surface it would need to be at or exceed an AHD of RL115.</p> <p>The proposed structure has a maximum height of 122.8m AHD.</p> <p>Pursuant to Clause 7.2(2) of CLEP 2010, the Development Application was referred to the relevant Commonwealth body, being Aeria Management Group (formerly Sydney Metro Airports) and the Federal Department for Infrastructure, Transport, Regional</p>	<p>Yes</p>

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<p>(b) objects to development consent being granted.</p>	<p>Development, Communications and the Arts for consideration.</p> <p>Referral advice was provided from Aeria Management Group advising that Camden Airport have no concerns with the application as the proposed development has previously been considered by the Department at a height of 124m AHD, with the current application slightly below this height.</p> <p>Pursuant to 7.2(4), conditions have been provided by the Federal Department for Infrastructure, Transport, Regional Development, Communications and the Arts, which are contained within the recommended conditions.</p>	
<p>5.10 Heritage conservation</p> <p>The consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.</p>	<p>The site is listed as a Local Heritage Item under CLEP 2010.</p> <p>The proposed siting is situated at the furthest point possible from the physical structures of the listed heritage item. In addition, the monopole is largely not visible from the physical structures of the heritage item as it is located on the site where the topography is 30 metres lower and it is obscured by dense vegetation to the northwest. As such, it is considered there is no impact on the significance or setting of the heritage significant buildings on the site.</p>	<p>Yes</p>

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Section / Control	Assessment	Compliance?
2.4 Trees and Vegetation Provide criteria for permitting removal and appropriate ongoing management of prescribed trees and vegetation.	No trees are proposed for removal. Council's Urban Tree & Landscape Officer has reviewed the proposal and has raised no issue with the development, with no specific conditions provided.	Yes.
2.5 Environmentally Sensitive Land Protect, manage, enhance and restore as much environmentally sensitive land as possible.	No trees are proposed for removal. Council's Urban Tree & Landscape Officer has reviewed the proposal and has raised no issue with the development, with no specific conditions provided	Yes.
2.7 Bush Fire Risk Management Development on land identified as bushfire prone on Council's Bush Fire Prone Land Map must address the bush fire protection measures in the NSW RFS publication Planning for Bush Fire Protection (or equivalent)	The land will not be developed for residential or rural residential purposes or special fire purposes and therefore does not warrant referral to the NSW Rural Fire Service as Integrated Development.	Yes.
2.14 Waste Management. (1) Waste Management Plan to be provided.	No issue is raised regarding waste management.	Yes.
2.16 Environmental Heritage 2.16.3 General Heritage Provisions 5. New development must be designed reflecting the general form, bulk, scale, height, architectural elements and other significant elements of the surrounding heritage items and heritage conservation areas.	The proposed siting is situated at the furthest point possible from the physical structures of the listed heritage item. In addition, the monopole is largely not visible from the heritage item as it is located on the site where the topography is 30 metres lower and it is obscured by dense vegetation to the northwest. As such, it is considered there is no impact on the significance or setting of the heritage significant buildings on the site.	Yes.

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Attachment 4



16 June 2023

Planning Department
Camden Council
PO Box 183,
Camden NSW 2570
mail@camden.nsw.gov.au

Dear Sir/Madam

RE: Clause 4.6 Variation Request to accompany a Development Application for a proposed Telstra telecommunications facility at 90 Werombi Street Grasmere NSW

Service Stream Ltd (Service Stream), on behalf of Telstra Mobile Pty Ltd (Telstra) is writing to Council to request an exemption to Clause 4.3 Height of Buildings under Clause 4.6 of the Camden Local Environment Plan 2011 (CLEP).

Clause 4.3(2) states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings (HOB) Map. The LEP prescribes a maximum height of 9.5 meters for the subject land (zoned under R5 Large Lot Residential). Clause 4.6(3) states that:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Additionally, development consent must not be granted unless:

- (a) *the consent authority is satisfied that:*
 - i. *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - 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.*

To provide an appropriate degree of flexibility; pursuant to Clause 4.6(3); exceptions to Development Standards can be granted as long as the applicant provides a formal written request to the consent authority justifying the contravention of a development standard.

Proposal summary

The proposed development is for the installation of a telecommunications facility comprising a 40m concrete monopole, a Telstra triangular headframe, antennas and ancillary transmission equipment within a 10.0m by 6.0m fenced compound. The total height of the facility is 40.0m and will accommodate Telstra.

The specific Development Standard which the applicant seeks to vary is the Height of Buildings Standard (the Standard), listed within Clause 4.3 of the CLEP. Pursuant to Clause 4.3 of the R5 Large Lot Residential zone, the subject property and surrounding area have a building height limit of 9.5m.

Clause 4.6 (3) (a), That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Strict compliance with the CLEP's height control is considered to be unrealistic in this instance. given the nature of telecommunications facilities. The height of the proposed facility is necessary as the nature of telecommunications facilities requires them to protrude above surrounding vegetation and structures. In order to operate effectively, a 'line of sight' needs to be established between antennas and receivers with a minimum of obstacles or interference. The more interference there is, the poorer the quality of the signal will be.

Telstra has modelled the proposed site and locality to determine what antenna height they require to provide the necessary coverage to meet the current demand in the area.

Typically, telecommunication facilities exceed the height limits prescribed in LEPs. It is very common for these exemptions to be granted as it is generally recognised that these heights are necessary.

Clause 4.6 (3) (b) that there are sufficient environmental planning grounds to justify contravening the development standard

The environmental planning grounds which justify contravening this development standard are:

- The proposal is generally in accordance with the objectives of the R5 large Lot Residential zone
- The proposal is in the public interest.
- There is a demonstrated need for the proposed infrastructure in the area.
- The proposal is in accordance with the objectives of the Camden Local Environmental Plan 2011 and State Environmental Planning Policy (Infrastructure) 2007 and other State and Federal Legislation, that allow development for the purposes of telecommunications facilities on any land, with consent (refer to Statement of Environmental Effects).
- The environmental impact assessment undertaken pursuant to Section 4.15 of the EPA Act 1979 has determined that the proposal would not cause any significant environmental impact and would have minimal impact upon the amenity of the area (refer to Statement of Environmental Effects).

The subject site is zoned R5 Large Lot Residential and an assessment of the proposal against each objective of the zone is described below.

An assessment of the proposal against the objectives of the C4 Environmental Living Zone:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

The proposal does not conflict with this objective. The existing use at the subject site is not residential development it's the location of the Camden West RFS depot. The establishment of the proposed facility will not impact the ability for adjoining sites to be developed as or continue to be used for residential purposes and will not impede the current use as an RFS depot.

This objective recognises that the area has environmental sensitive locations and scenic qualities. The proposal is well separated from existing residential properties and will not impact any scenic qualities of the area surrounding the site. Additionally, situating the proposal within an existing RFS depot and adjacent the West Camden Water Recycling Facility means the proposal will align with surrounding land uses and removes the need to clear vegetation or disturb any land that has not previously been developed.

- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

The proposal does not conflict with this objective. The provision of access to high quality mobile and data coverage in the area will support the future development of urban areas in the vicinity of the site.

- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

The proposal does not conflict with this objective. The provision of mobile coverage supports the effective operation of public services and facilities. The proposal will not lead to increased stresses on existing services and infrastructure, these services could potentially be enhanced by improved mobile phone coverage in the area.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed telecommunications facility will not lead to a conflict between any adjoining zones. Quality mobile coverage in the area will support and align with the objectives of all zones and land uses in the area.

Height of Buildings (HOB) standard objectives

The intent of the Height of Building Standard is to limit undesirable impacts from matters such as bulk and scale, overshadowing, solar access and visual dominance. Clause 4.3 is a generic provision and could not possibly anticipate every type of development likely to be proposed. It was not intended to limit infrastructure heights but rather, limit the height of standard buildings. Infrastructure such as telecommunications facilities, power poles and masts have far less impact when they breach the Height of Building standard than that of a more traditional building such as a dwelling, office or retail building. The most important consideration of this height provision is what the visual impact will be. The impact of breaching this height restriction is different depending on the type of development - an office building would have a vastly greater impact on the skyline than that of a monopole of the same height.

It is for these reasons that we are of the opinion that the purpose of this standard is not intended to constrain utility infrastructure development.

In accordance with Section 4.3 of the CLEP, the objectives of the Height of Buildings Development Standard are:

- (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.

An assessment of the proposal against the objectives of the Height of Buildings Standard is presented below:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

Telecommunication facilities, like other infrastructure, are designed to be functional and discrete, rather than a focal point. It is for this reasons that they are not considered to be architectural features. The proposal aligns with bulk and scale of the adjacent RFS depot and the West Camden Water Treatment facility to the east of the site.

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

The site has been chosen as it is a discrete location which does not negatively impact on the visual amenity of surrounding residential land uses. The development comprises a single monopole supporting a triangular headframe. The narrow design of the facility prevents blocking of the sky and sunlight penetration for all users of the area including nearby residences and road users.

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

The proposed site is heritage listed under item no.1118 "Carrington Hospital (including "Grasmere" Cottage, Gardener's Cottage and Masonic Cottage)".

A heritage impact statement prepared by City Plan and submitted as Appendix D of development application PAN-271420 concluded The monopole will not result in significant negative impact on the heritage significance of the area.

This assessment takes into account the height of the proposal which was also deemed to not result in any negative impacts on the adjoining heritage items. Therefore compliance with this objective is achieved.

Clause 4.6(4)(a)(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

It is considered that this written request comprised has adequately addressed the matters required by Clause 4.6(3) in relation to the proposed development. Strict compliance with the height control prescribed in the LEP is considered to be unreasonable given the nature of telecommunications facilities requiring relatively uninterrupted 'line of sight' between antennas end users.

Conclusion

As the clause 4.3 establishes the height of the proposed development contravenes the Principal Development Standards. In this instance it is not believed that the provisions relating to maximum heights is intended for infrastructure of this kind.

The proposed facility is considered to have sufficient environmental planning grounds due to its design, location and contribution to the local community. The proposed development is considered to be in the public interest as it will provide an essential communications service that will service residents, businesses and visitors to the area.

This proposed development is generally consistent with the relevant objectives and would not have a significant impact to the built form or environmental values of the area.

The proposed development is recognised to have addressed the technical requirements of Clause 4.6 of the LEP. Given the technical requirements of telecommunications facilities, adherence to the height restrictions applying to this land are impossible to achieve. It is for this reason that it is considered unreasonable and therefore a dispensation should be allowed.

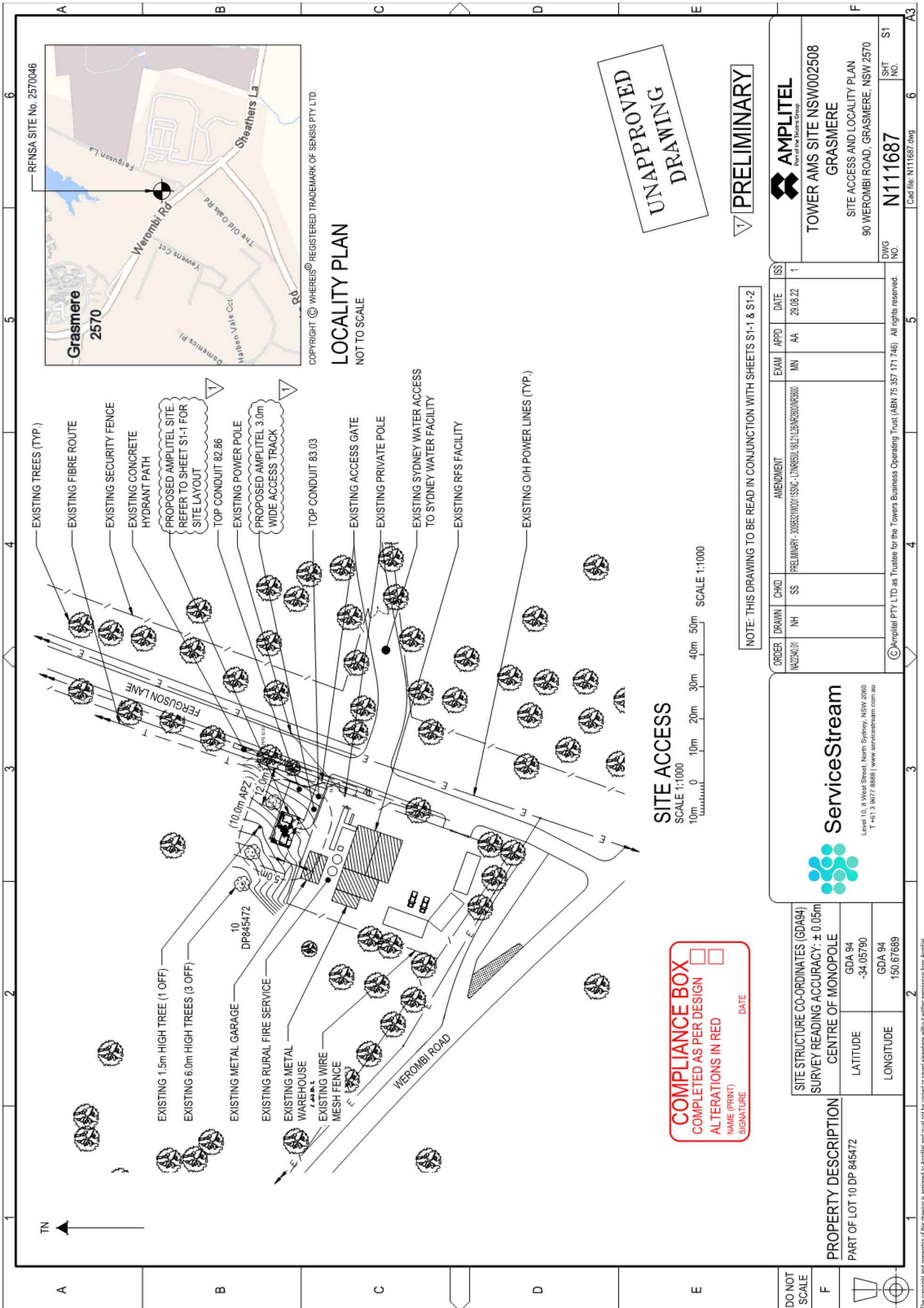
Service Stream, on behalf of Telstra, requests that Council support this variation to the building height standard and provide consent for the proposed telecommunications facility.

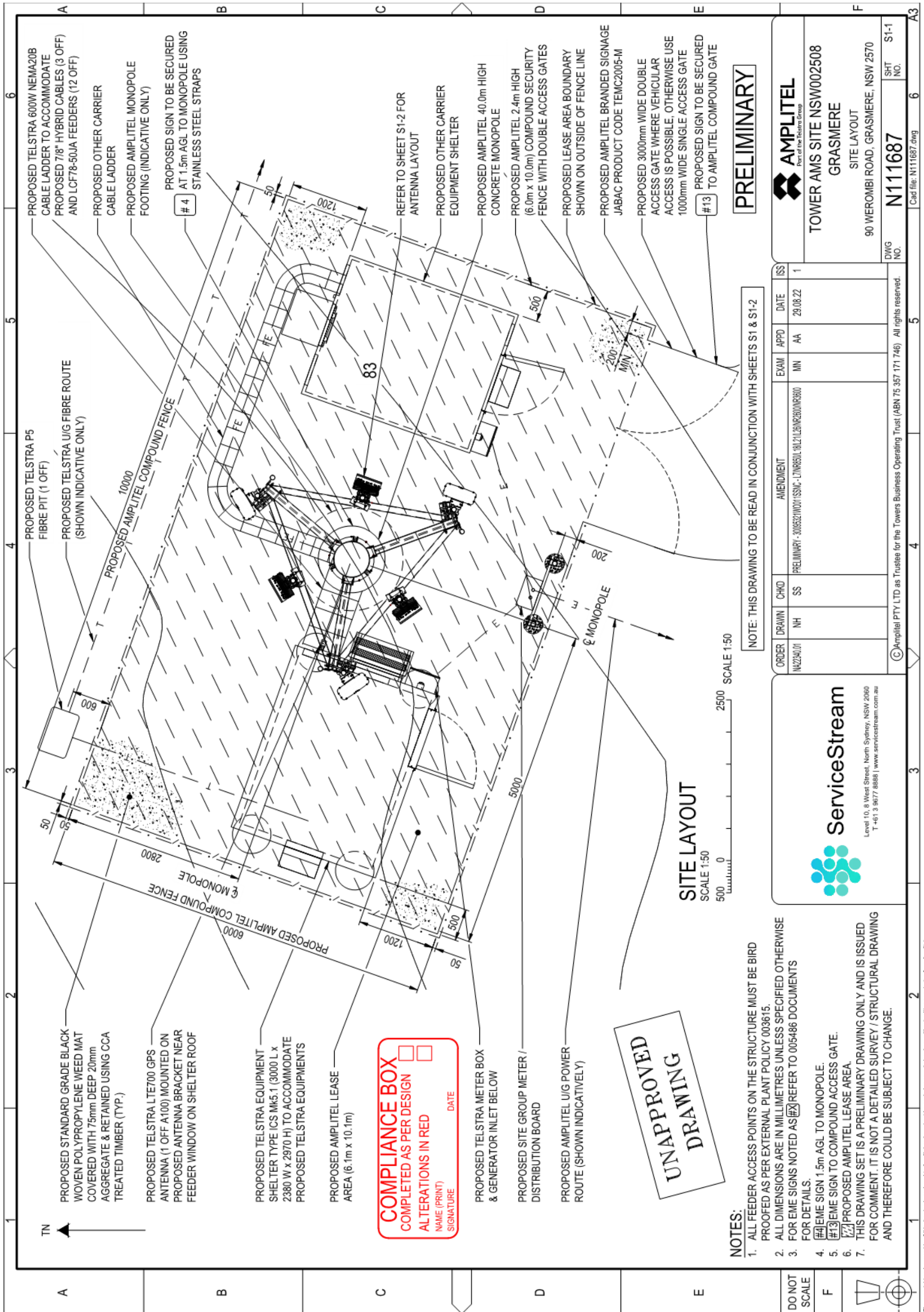
Kind regards,

Blake Hender

Blake Hender

Service Stream – on behalf of Telstra Mobile Pty Ltd
0456745624
Blake.hender@servicestream.com.au





DO NOT SCALE	<p>AMPLITEL Part of the Telstra Group</p>	
F	<p>TOWER AMS SITE NSW002508 GRASMERE SITE LAYOUT</p>	
	<p>90 WEROMBI ROAD, GRASMERE, NSW 2570</p>	<p>DWG NO. N111687 SHT NO. S1-1</p>

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
NA2290/01	NH	SS	PRELIMINARY - 3065321WD01/ISSVC - 17WR650L16L2L2WR200WR360	MN	AA	29.08.22	1

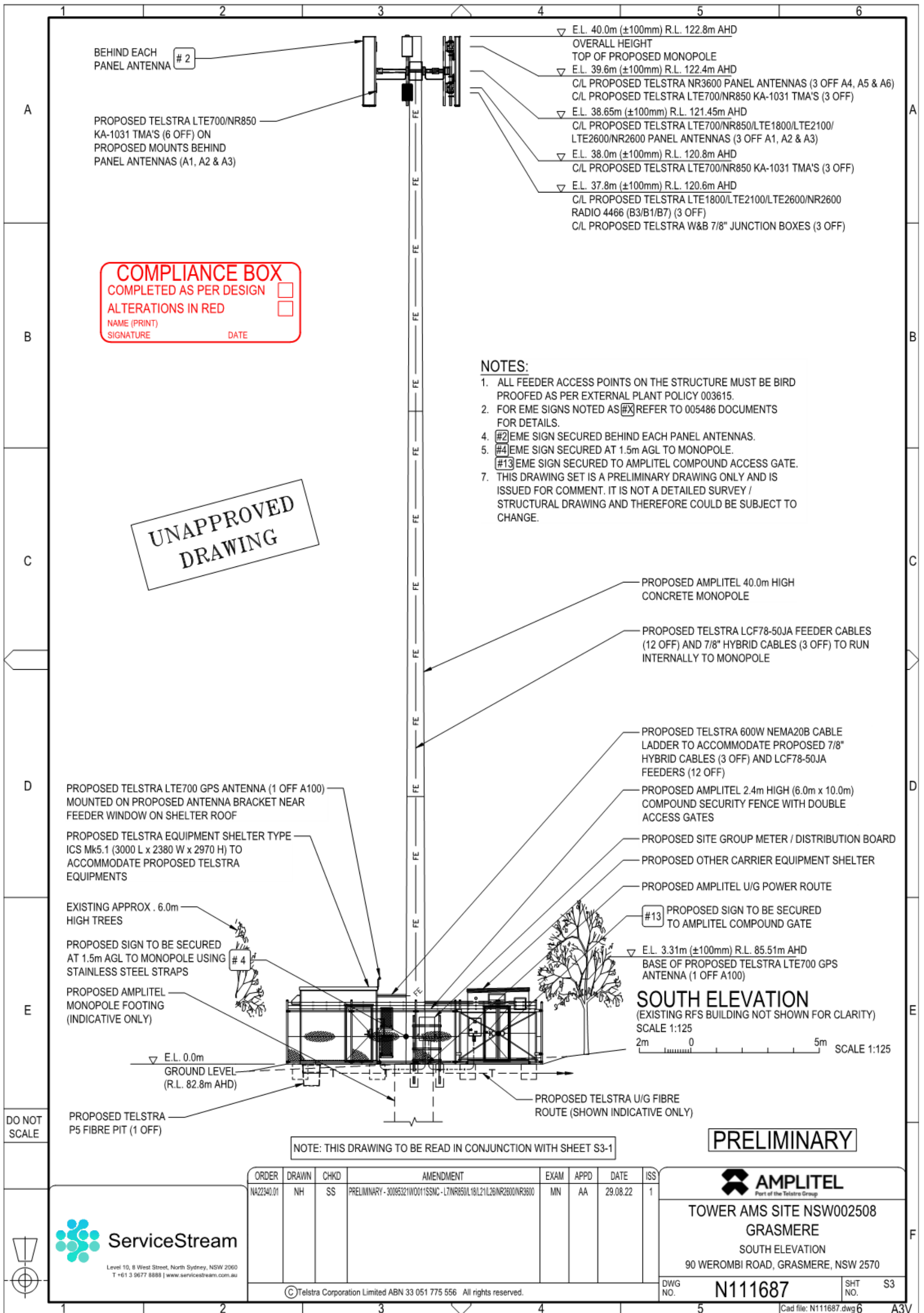
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ServiceStream

Level 10, 8 West Street, North Sydney, NSW 2060
 T +61 3 9677 8888 | www.servicestream.com.au

CLPP01

Attachment 7



TELSTRA MOBILES ANTENNA CONFIGURATION TABLE					
ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA ACTION REQUIRED	ANTENNA HEIGHT C/L A.G.L.	PHYSICAL ANTENNA BEARING (°T)	SECTOR NO. & TECHNOLOGY
A1	COMMSCOPE RRVV-65D-R6D-ZF PANEL 2688 x 498 x 197mm	INSTALL	38.65m	110°	S1: LTE700 / NR850
					S1: LTE700 / NR850
					S1: LTE700 / NR850
					S1: LTE700 / NR850
					S1: LTE700 / NR850
A2	COMMSCOPE RRVV-65D-R6D-ZF PANEL 2688 x 498 x 197mm	INSTALL	38.65m	235°	S2: LTE700 / NR850
					S2: LTE700 / NR850
					S2: LTE700 / NR850
					S2: LTE700 / NR850
					S2: LTE700 / NR850
A3	COMMSCOPE RRVV-65D-R6D-ZF PANEL 2688 x 498 x 197mm	INSTALL	38.65m	330°	S3: LTE700 / NR850
					S3: LTE700 / NR850
					S3: LTE700 / NR850
					S3: LTE700 / NR850
					S3: LTE700 / NR850
A4	ERICSSON AIR3258 PANEL 793 x 408 x 235mm	INSTALL	39.6m	110°	S1: NR3600 S1: NR3600
A5	ERICSSON AIR3258 PANEL 793 x 408 x 235mm	INSTALL	39.6m	235°	S2: NR3600 S2: NR3600
A6	ERICSSON AIR3258 PANEL 793 x 408 x 235mm	INSTALL	39.6m	330°	S3: NR3600 S3: NR3600
A200	GPS ANTENNA KRE 101 2082/1 Ø68 x 96mm	INSTALL	BASE OF GPS 3.31m	0°	-

COMPLIANCE BOX
 COMPLETED AS PER DESIGN
 ALTERATIONS IN RED
 NAME (PRINT) _____
 SIGNATURE _____ DATE _____

**UNAPPROVED
DRAWING**

PRELIMINARY

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEET S3

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
NA22340.01	NH	SS	PRELIMINARY - 31095321W0011SSMC - L7/NR850L18/L21/L26/NR2600/NR3600	MN	AA	29.08.22	1



Telstra
 MOBILE NETWORK SITE 362719
 GRASMERE
 ANTENNA CONFIGURATION TABLE
 90 WEROMBI ROAD, GRASMERE, NSW 2570

DWG NO. **N111687** SHT NO. S3-1

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CLPP02

CLPP02

SUBJECT: DA/2023/311/1 - CHANGE OF USE EXPANDING THE EXISTING INDOOR RECREATION FACILITY (24-HOUR GYM) INTO THE ADJACENT GROUND FLOOR SUITES 1 AND 5 - 76-100 ARGYLE STREET, CAMDEN

FROM: Manager Statutory Planning

EDMS #: 23/342332

DA Number:	2023/311/1
Development:	Change of use expanding the existing indoor recreation facility (24-hour gym), into the adjacent ground floor suites 1 and 5
Estimated Cost of Development:	\$25,000
Site Address(es):	76-100 Argyle Street, Camden
Applicant:	Prestige Town Planning Pty Ltd
Owner(s):	Wolin Investments Pty Ltd
Number of Submissions:	One
Development Standard Contravention(s):	None
Classification:	Local development
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Partial demolition of a heritage item
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 change of use expanding the existing *‘recreation facility – indoor’* into the adjacent suites 1 and 5 in the Whiteman’s building at 76-100 Argyle 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, the proposal involves the partial demolition of a local heritage item.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2023/311/1 for the expansion of the existing indoor recreation facility (24-hour gym) into the adjacent suites 1 and 5 in the Whiteman’s building at 76-100 Argyle Street, Camden 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 change of use expanding the existing indoor recreation facility (24-hour gym) into the adjacent suites 1 and 5 in the Whiteman's building at 76-100 Argyle Street, Camden.

In September 2020, the building suffered fire and subsequent water damage and an emergency safety order was issued. On 12 February 2021, the Panel approved DA/2020/1054/1 for the replacement of the roof and internal structural works. On 16 December 2021 the Panel approved DA/2021/285/1 for additional internal and external alterations to the Whiteman's building. On 16 December 2021, the Panel approved DA/2021/847/1 for a change of use to an indoor recreation facility (24-hour gym), including fit out and signage on the ground floor Suites 1 and 3.

The current 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 14 days in accordance with Camden Development Control Plan 2019 (Camden DCP). The exhibition period was from 31 May to 20 June 2023 and one submission was received. The concerns raised in the submission relate primarily to potential car parking impacts, which are discussed later in this report.

Although there is no increase in gross floor area, the proposed change of use from a retail premises to a gym attracts a higher base rate for parking under the Camden DCP. The proposal is unable to provide any additional off-street parking, due the site's existing built form and heritage constraints. As discussed later in this report, the impact from this numerical deficit is expected to be negligible and it is considered that there are sufficient opportunities for parking surrounding the site and elsewhere in the town centre.

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

AERIAL PHOTO



THE SITE

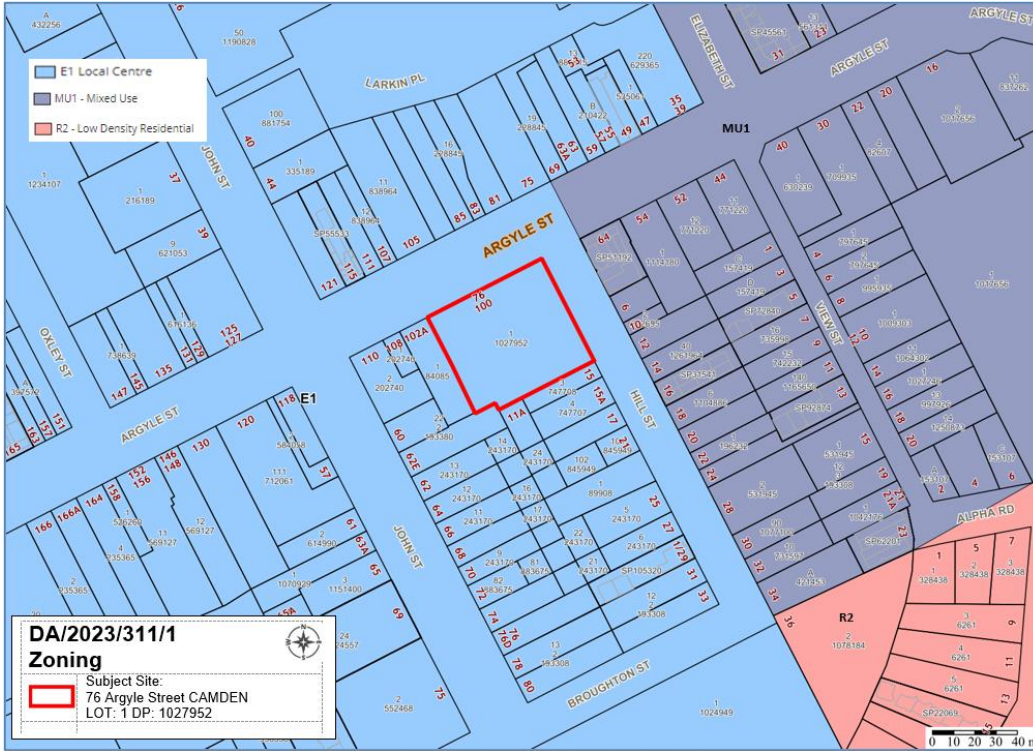
The site is known as ground floor tenancies 1, 3 and 5 at 76-100 Argyle Street, Camden and is legally described as Lot 1 in DP 1243920.

The site is in the commercial centre of Camden on land zoned E1 Local Centre and has a secondary frontage to Hill Street. The site contains a number of attached, two storey commercial buildings which form part of the site’s I9 “Whiteman’s” heritage listing within the Camden Heritage Conservation Area.

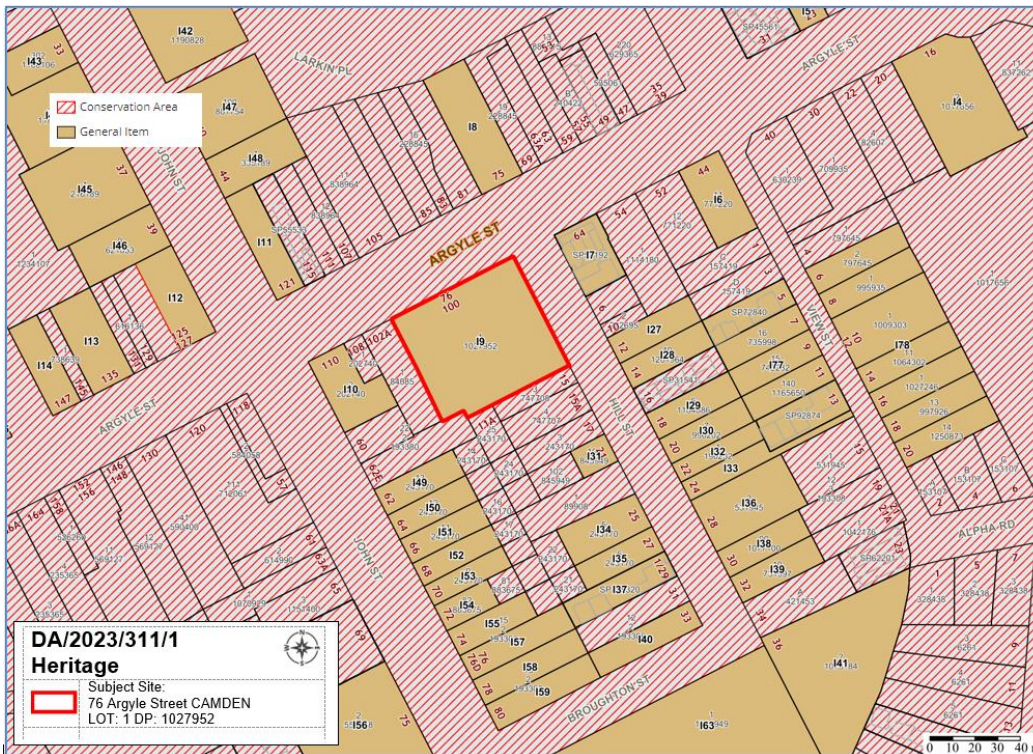
Direct pedestrian entry is provided via double doors along the tenancy’s frontage to Argyle Street, using personal security fobs. A secondary members’ entrance/lobby (also security controlled) exists at the rear of the gym, also enabling direct access from the public car park at the rear of the site.

The surrounding area is comprised of a mix of retail and business uses, including another 24-hour gym (Plus Fitness) approximately 50m to the east, on the opposite side of Hill Street and a further gym (Curves) on the first floor of a separate building on the subject Whiteman’s site.

ZONING PLAN



HERITAGE PLAN



HISTORY

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

Date	Development
1889	C.T. Whiteman built and opened the store on the corner of Argyle and Hill Streets.
22 December 2006	DA/2005/231/1 approved the fit out and use of the first floor for a restaurant with a new balcony awning including restaurant seating.
5 March 2007	DA/2007/151/1 approved the use of the first floor balcony as a restaurant.
5 September 2013	DA/2012/1194/1 approved internal alterations to create a retail arcade comprised of five units.
23 May 2017	DA/2016/1190/1 approved the use of the rear, unroofed upper deck area to accommodate 100 patrons associated with the existing restaurant including fit out of toilets, erection of acoustic screens and associated site works.
18 September 2020	The subject building was significantly damaged by fire. The roof collapsed as a result. An Emergency Order under Section 124 of the <i>Local Government Act 1993</i> was issued to the owner of the site requiring an immediate inspection by a Structural Engineer, implementation of a formal exclusion zone, asbestos assessment, installation of safety fencing and to make the site safe.
26 October 2020	An additional Emergency Order under Section 124 of the <i>Local Government Act 1993</i> was issued to the owner to undertake works in accordance with the recommendations of the asbestos assessment. All make safe works and asbestos removal have occurred between September and November 2020.
12 February 2021	DA/2020/1054/1 approved alterations and additions for the roof replacement, including removal of fire damaged roof structure, replacement of timber flooring, removal of internal wall materials, construction of a new galvanised metal orb roof, reconstruction of windows and doors and internal plastering. These works are currently underway.
16 December 2021	DA/2021/285/1 approved internal and external alterations to the Whiteman’s building.
16 December 2021	DA/2021/847/1 approved the change of use to an indoor recreation facility (24/7 Anytime Fitness gymnasium) including internal fit-out and signage.

THE PROPOSAL

The subject DA seeks approval for the change of use expanding the 24-hour gym (“Anytime Fitness”) into Suites 1 and 5 and associated internal fit out.

Specifically, the development involves:

- Demolition of tenancy partition walls and internal fit out works

- 24-hour access for members, seven days per week, with on-site staff presence during the following hours:
 - Monday to Wednesday: 10am to 7pm;
 - Thursday: 10am to 6pm;
 - Friday: 10am to 4pm;
 - Saturday: 10am to 2pm; and
 - Sunday: Unstaffed.

The proposed staffing numbers and hours present on-site remain unchanged from the previous approval DA/2021/847/1.

- Average patronage is expected to be 10-15 members, with an absolute maximum of 20-25 persons.
- Use of existing on-street parking in Argyle and Hill Streets, the nearest public car park to the rear of the site which contains 117 spaces and alternative public car parks located in close proximity to the site; and
- Installation of transparent vinyl window decals for member privacy on the glazed front façade to match existing and the glazed area within the arcade walkway.

The estimated cost of the development is \$25,000.



Figure 1 detailing expansion of existing 24 hour gym into Suites 1 and 5

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)

The Camden LEP aims to make local environmental planning provisions for land in Camden in accordance with the relevant standard environmental planning instrument under Section 3.20 of the *Environmental Planning and Assessment Act 1979*.

Site Zoning

The site is zoned E1 Local Centre pursuant to Clause 2.2 of the Camden LEP.

Land Use/Development Definitions

The proposed development involves a change of use of the land from a retail premises to a 24-hour gym and internal building alterations.

Permissibility

The proposed use of the site as a 'recreation facility (indoor)' is permitted with consent in the E1 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.

(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 as certificates have been issued by an Occupational Hygienist stating that the site / building is suitable for people to occupy in order to complete the works outlined in this application.

(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. The variation identified in that table is further addressed below:

Car Parking

The proposed development varies from the car parking requirement stipulated under the Camden DCP. Whilst there is no increase in gross floor area (GFA) proposed, the Camden DCP base parking rates for the development are as follows:

- Existing retail premises (credit) = 1 space per 22m²
- Proposed gymnasium = 7.5 spaces per 100m² (GFA)

Based on the rates described above, the previously existing retail premises generated a demand for 4.5 car parking spaces, while the proposed gymnasium generates a demand for 7.5 spaces (the proposed expansion of the gym has an area of 99m²). Accordingly, the proposed development results in a variation of three additional car parking spaces.

The applicant has submitted justification for the proposed deficit in the submitted Statement of Environmental Effects. Council's Traffic Engineer has assessed the applicant's parking submission and acknowledges the site's existing built form and heritage constraints, as well as the availability of public parking immediately around the site and elsewhere in the town centre. It is recommended that the parking variation be supported for the following reasons:

- There is space for approximately five vehicles to informally park behind the subject building(s).
- There is 1 and 2 hour on-street parking available on both sides of Hill and Argyle Streets, in addition to a 117-space public car park directly adjoining the rear of the site. Various sections of this car park have no time limit, while others have a 3-hour limit. There are larger public car parks also nearby, including John Street and Larkin Place which are within a 100m–150m walking distance from the site; in addition to a public bus stop on John Street, 70m from the site;
- The DCP's prescribed gym rate (7.5 spaces per 100m²) is typically applied for larger gyms which have more equipment and offer multiple group classes at any given time. The scale of the subject premises lends itself to more individual and one-on-one training sessions, or small groups, thus lessening demand for parking by large groups at any one time;
- Similarly, the proposed 24-hour operations will distribute patron visits over a longer period than gyms with more typical business hours;
- The peak visitation times for Anytime Fitness 24-hour gyms is between 5am to 9am and 5pm and 8pm, generally outside of the peak hours of operation for the surrounding commercial and retail businesses;
- As the premises is close to businesses, offices and residential properties, the local workers and nearby residents will likely comprise a significant portion of the membership base and walk or cycle to the facility, reducing demand for vehicular parking;
- Similarly, member visits may occur before or after work or other multi-purpose trips around the town centre, thus reducing demand for parking immediately at the premises;

- The subject gym does not include extended facilities such as swimming pools, child minding facilities or cafes, therefore lessening demand for group or extended visits.

Consequently, it is recommended that the Panel support this proposed variation to the Camden 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 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 above 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 is an appropriate commercial use of the site which will contribute to the vibrancy of the town centre. All works are sympathetic to the heritage values of the site and appropriate parking facilities exist in proximity to the site.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is 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 Development Control Plan 2019. The exhibition period was from 31 May to 20 June 2023 and one submission was received, objecting to the proposal.

The following discussion addresses the issue raised in the submission.

1. *Allowing another 24/7 gym that is going to increase the parking issue in Camden especially when the building they are going into has no dedicated parking for the members.*

Officer comment:

As noted in the above assessment, there is considered to be sufficient public parking available in the vicinity of the site to cater for the development. The development is not likely to create any unreasonable parking impacts for the locality.

(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.

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/2023/311/1 for the change of use expanding the existing indoor recreation facility (24 hour gym) and associated internal fit out into the ground floor suites 1 and 5 of the Whiteman's building at 76-100 Argyle Street, Camden, subject to the conditions attached to this report for the following reasons:

- 1. The development is consistent with the objectives and controls of the applicable environmental planning instrument, being Camden Local Environmental Plan 2010.**
- 2. The development is consistent with the objectives of Camden Development Control Plan 2019.**
- 3. The development is considered to be of an appropriate scale and form for the site and the character of the locality.**
- 4. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.**
- 5. For the above reasons, the development is a suitable 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. Public Submission - *Supporting Document*
5. 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** – 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
DA01, Rev. A	Existing Tenancy Plan	Archi Spectrum	30.03.2023
DA02, Rev. A	Proposed Tenancy Plan	Archi Spectrum	30.03.2023
DA03, Rev. A	North Elevation	Archi Spectrum	30.03.2023
DA04, Rev. A	Site Plan	Archi Spectrum	30.03.2023
DA05, Rev. A	Reflected Ceiling Plan - Finishes	Archi Spectrum	30.03.2023
DA06	Section A-A & B-B	Archi Spectrum	21/10/21

Document Title	Prepared by	Date
Waste Management Plan	N/A	N/A
Plan of Management	Prestige Town Planning and Anytime Fitness	16 May 2023
Statement of Heritage Impact	Julie Mackenzie	May 2023

- (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) **Heritage Conservation** – Heritage conservation related works are to be undertaken as follows:
- All external illumination and/or lighting intensity (for signage or direct lighting) shall comply with AS 1158 and AS 4282.
 - Light fittings are to be suspended, rather than recessed in the front portion of the tenancy where the ceilings are timber lined. Fittings are to be minimised in this area as the reconstructed timber will have an intumescent paint finish.
 - No fittings are permitted to be fixed to the original riveted steel beams.
 - Joinery must be installed in a reversible manner.
 - The original heritage safe and sliding fire door must not be altered in any way.

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*, the building 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 (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the principal certifier.

The sign shall be maintained while the work is being carried out and removed upon the completion of works.

- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **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 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.

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) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection Authority's Environmental Noise Control Manual.

Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection Authority's Environmental Noise Control Manual.

Noise levels emitted during works must comply with:

- 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).
- 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).
- 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.

- (4) **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.

5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Fire Safety Certificate** - 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*.

6.0 - Ongoing Use

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

- (1) **Air Conditioning Units** - The operation of air conditioning units shall operate as follows:

- a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
- b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.
- (2) **Amenity** - The approved development must 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) **Music and/or Amplifiers** - Music and other amplified sound, including recorded or broadcast programmes or the like, played on the premises, shall be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists, and shall not exceed 45dB(A) leq 15 mins measured within the adjacent commercial properties.
- (5) **Display of Goods on Footpath** - No goods are to be displayed outside the confines of the building.
- (6) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday	24 hours a day, 7 days per week
Tuesday	24 hours a day, 7 days per week
Wednesday	24 hours a day, 7 days per week
Thursday	24 hours a day, 7 days per week
Friday	24 hours a day, 7 days per week
Saturday	24 hours a day, 7 days per week
Sunday and Public Holidays	24 hours a day, 7 days per week

- (7) **Waste and Delivery Vehicles Operating Hours** - Waste and delivery vehicles servicing the site shall only occur during the between the hours of 7am and 10pm.
- (8) **Plan of Management** – The gym is to be managed in accordance with the document titled Plan of Management, prepared by Prestige Town Planning and Anytime Fitness dated 16 May 2023. The policies and procedures contained within the Plan of Management are to be reviewed on an annual basis, following complaints or as new information arises through the operation of the facility.

Camden Local Environmental Plan 2010 (Camden LEP) 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 a zone.</p>	The proposed change of use and internal building alterations are consistent with the zone objectives as they will enable an expansion of an existing commercial use on the ground floor of the Whiteman's building, which will complement the Camden town centre and assist in activating the street frontage.	Yes
<p>2.7 Demolition requires development consent Development consent is required to demolish a building or work (unless the demolition is exempt or complying development under another environmental planning instrument).</p>	The proposal includes some minor demolition works, however significant demolition has already occurred due to the fire damage and as approved under other DAs associated with the rectification of the base building. The proposed removal of the existing intertenancy partitions does not pose any structural safety risks.	Yes
<p>4.3 Height of buildings The maximum building height for this site is 7m.</p>	No changes to the previously approved building height are proposed.	N/A
<p>4.4 Floor space ratio Maximum floor space ratios must not exceed the floor space ratio shown on the Floor Space Ratio Map.</p>	No FSR is identified for the subject site.	N/A
<p>5.10 Heritage conservation 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 heritage significance of the site and its structures has been considered for the purposes of the proposed development.</p> <p>All works are considered appropriate and necessary to enable the adaptive re-use of the subject tenancies. The proposal will ensure that the building is able to be used for commercial purposes, as it has been historically.</p>	Yes
<p>5.21 Flood planning Development consent must not be granted to development on land at or below the flood planning level unless the consent authority is satisfied to a number of matters listed by this clause; including compatibility with the flood hazard of the land.</p>	The development is above the flood planning level. The proposal will not change the floor levels for the existing building.	Yes

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Control	Assessment	Compliance
2.9 Contaminated and Potentially Contaminated Land Management	This proposal is for internal alterations only. The site has previously been made safe for commercial uses under consent DA/2020/1054/1.	Yes
An assessment is to be made under <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>		
2.12 Acoustic Amenity	Council's Specialist Support Environmental Health Officer has reviewed the proposal and raised no objection to the development subject to the imposition of appropriate conditions.	Yes
Non-residential buildings are to be designed to minimise the impact of noise. Noise emissions from commercial development must be assessed in accordance with the Noise Guide for Local Government and must be consistent with the methodology within the <i>NSW EPA NPfl</i> .		
2.13 Air Quality and Odour	Air conditioning has been provided to the premises as part of the rectification works approved under DA/2021/285/1. Subject to recommended conditions (around noise management) the environmental amenity of the surrounding area will be protected.	Yes
Odour impacts and emissions to be considered and environmental amenity to be protected.		
2.14 Waste Management	A waste management plan accompanied the DA addressing all waste likely to be generated by the proposed demolition and construction works and ongoing use of the premises. Access for waste and delivery vehicles remains unchanged. Conditions are recommended for waste management.	Yes
A Waste Management Plan must be submitted for all new development, including demolitions, construction and the ongoing (or change of) use.		
2.16.3 General Heritage Provisions	The new fit out works proposed for the expansion of the gym are limited to extending into the existing ground floor suites 1 and 5.	Yes
New work must be easily identified as such and is required to be sympathetic to the heritage place.		

CLPP02

Attachment 3

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

CLPP02

Attachment 3

<p>When alterations or additions are proposed, the removal of any existing unsympathetic elements is encouraged.</p>	<p>These new works will be discernible from the existing shell and will not detract from the heritage significance of the site.</p> <p>The proposed demolition of non-load bearing intertenancy partitions will not impact on the site's heritage significance.</p>	<p>Yes</p>
<p>Where significance permits modification, alterations to the original room layout of a heritage item is permissible provided the original details such as joinery, plasterwork and wall nibs and can still be interpreted. The significant internal and external fabric and building elements of the principal building are to be retained and conserved.</p>	<p>The preservation of salvageable heritage elements in the existing premises has been considered in the assessment of DA/2021/285/1.</p>	<p>Yes</p>
<p>Where there is a uniform building front setback, new development must recognise this.</p>	<p>No changes are required to the existing shop front facing Argyle Street, except for the installation of transparent graphic vinyl artwork to match the existing shopfront glazing for the gym. These elements are supported by Council's heritage officer (subject to the recommended conditions).</p>	<p>Yes</p>
<p>The existing informal and irregular pattern of rear property building alignments is to be retained.</p>	<p>No changes are proposed to the existing rear setback or façade.</p>	<p>N/A</p>
<p>The existing pattern, pitch, materials and details of original roof forms within the Heritage Conservation Area must be retained.</p>	<p>No changes are proposed to the existing roof under this DA.</p>	<p>N/A</p>
<p>Original verandas and balconies are not to be removed, altered or enclosed.</p>	<p>No changes are proposed to the existing balcony/verandah.</p>	<p>N/A</p>

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

<p>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.</p>	<p>No increase is proposed to the existing shopfront glazing. The extent of privacy decals proposed to match existing decals on the shop front windows of the gym for passive surveillance of Argyle Street by gym patrons. Their soft grey colour is considered appropriate for the HCA.</p>	<p>Yes</p>
<p>Colour schemes on heritage items must be appropriate and sympathetic to the building type period and architectural style.</p>	<p>No changes are proposed to the existing external colour palette.</p>	<p>N/A</p>
<p>Appropriate external lighting may be used to highlight the architectural features of significant buildings.</p>	<p>No change to existing lighting for patron safety.</p>	<p>N/A</p>
<p>Skylights, air conditioning units, antennas, solar panels, satellite dishes etc. must not be visible from the street.</p>	<p>All air conditioning units and waste storage areas will be located at the rear of the premises, to avoid adverse visual impacts to Argyle Street.</p>	<p>Yes</p>
<p>The demolition of a heritage place is contrary to the intent of heritage listing. It will only be considered as a last resort, where a Heritage Impact Statement is submitted covering alternatives for retention have been investigated and ruled out, confirmation that the building does not satisfy the criteria for listing established by the NSW Heritage Branch and/or where the structure is considered incapable of repair.</p>	<p>The removal and construction of various stud walls refers to <i>later lightweight walls</i> which are not part of the original fabric of the building, as outlined in the Heritage Impact Statement. Their removal is supported by Council's heritage officer.</p>	<p>Yes</p>
<p>Where consent is issued for demolition, or part demolition, of a heritage place a comprehensive diagrammatic and photographic archival record is to be made of the structure to be demolished. This must be submitted to Council's satisfaction prior to commencement of any demolition works. A heritage consultant experienced in the preparation of an archival recording is required to undertake the recording.</p>	<p>A post-fire detailed photographic survey was prepared for the whole building in previous DAs. Conditions have been imposed on DA/2021/285/1 which require additional photographs to be taken during and at completion of the further base building rectification and conservation works. No further photographs are required following the fit out of the expansion of the commercial gym.</p>	<p>Yes</p>

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

CLPP02

Attachment 3

<p><u>2.16.4 Camden Heritage Conservation Area</u></p> <p>Original uses of significant buildings should be encouraged and facilitated. Where this is no longer possible, appropriate adaptive re-use opportunities can be used to facilitate the conservation of these buildings.</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>The proposed change of use and fit out for the expansion of the 24 hour gym represents an appropriate adaptive re-use of the site. Whilst the premises traditionally supported retail uses, the expansion of the gym will re-instate activation and passive surveillance of the streetscape. The reinstatement of a commercial use within the premises will contribute to the overall viability and conservation of the Whiteman's building.</p> <p>No changes a proposed to the existing awning/verandah.</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>This proposal does not result in any changes to the existing signage as previously approved under DA/2021/847/1.</p>	<p>N/A</p>
<p><u>2.18.2 Off Street Car Parking Rates/Requirements</u></p> <p>The DCP prescribes various rates for indoor recreation facilities. Typical gymnasiums require 7.5 car parking spaces per 100m² of gross floor area (GFA).</p>	<p>There is no increase in GFA proposed.</p> <p>Suites 1 and 5 were previously used as a retail space generating a demand for five parking spaces (under the rates contained in the Camden DCP).</p> <p>The proposed expansion of the gym generates a demand for an additional eight spaces, based on the GFA of the tenancies 1 and 5.</p> <p>Based on the above, the proposed development results in a variation of three additional car parking spaces. The proposed variation is considered reasonable for the reasons outlined in the main body of the report.</p>	<p>No, refer to main assessment report for further discussion</p>

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

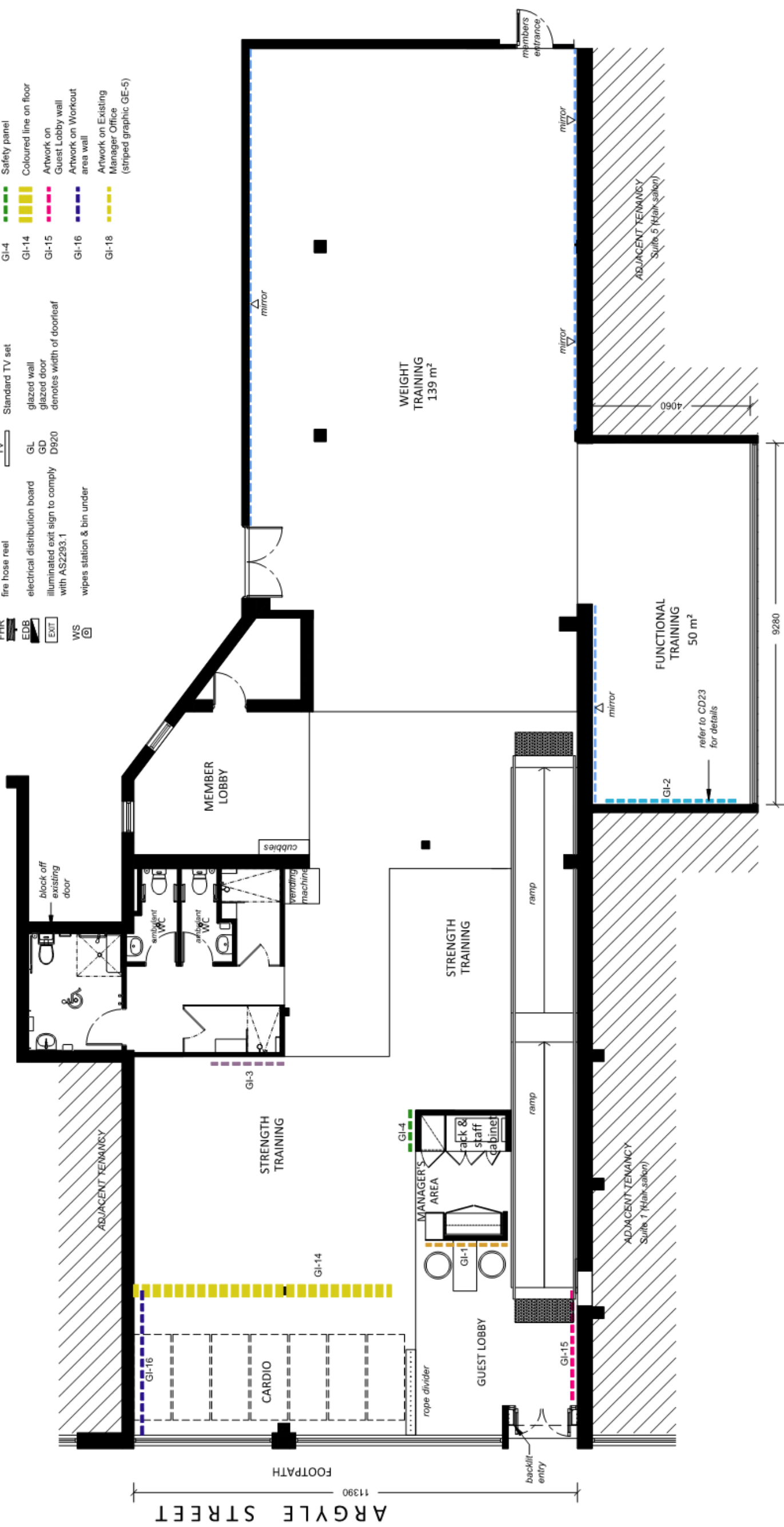
5.3.1 Camden – E1 Local Centre		
New development should complement or reinforce the retail functions of the centre, particularly along Argyle Street frontages and associated pedestrian accessways.	The proposed works will enable the premises to contribute to the commercial functions of the town centre, as it has historically.	Yes
Buildings should maintain and enhance the historic character of Argyle, Hill and John Streets in the town centre.	No changes are proposed to the existing front façade, except for the vinyl decal on the shopfront window which is supported by Council's heritage officer.	Yes
Buildings fronting Argyle Street should incorporate awning structures into their front facades in a manner consistent with the prevailing character of existing buildings. These awnings will convenient and sheltered access for pedestrians at the frontage of the premises.	No changes proposed to the existing awning.	N/A
Development within the E1 Local Centre zone at Camden must be consistent with the <i>Camden Town Centre Urban Design Framework</i>	The proposed development is consistent with the <i>Camden Town Centre Urban Design Framework</i>	Yes

CLPP02

Attachment 3

- LEGEND:**
- existing wall to remain
 - new 13mm plasterboard wall
 - glazed wall
 - fire hose reel
 - electrical distribution board
 - illuminated exit sign to comply with AS2293.1
 - wipes station & bin under
 - block off existing door
 - GL
 - FHR
 - EDB
 - EXIT
 - WS
 - cleaning station
 - Logo on New logo wall
 - AF on Black oak vinyl wall
 - Signage panel
 - Safety panel
 - Coloured line on floor
 - Artwork on Guest Lobby wall
 - Artwork on Workout area wall
 - Artwork on Existing Manager Office (striped graphic GE-5)
 - wall mounted fan. Fan controlled by press release type timer switch located below fan
 - Standard TV set
 - glazed wall
 - glazed door
 - denotes width of doorleaf

- E-9
- GI-1
- GI-2
- GI-3
- GI-4
- GI-14
- GI-15
- GI-16
- GI-18



EXISTING TENANCY PLAN
SCALE: 1:100

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 Nominated Architect: Martin Bednarco A | NSW ARB #8912
 Suite C5, 8 Allen St, Waterloo NSW 2017 | A.B.N. 40 966 067 144
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PROJECT: **Anytime Fitness Camden**
 Shop 1&3, 90-100 Argyle Street Camden NSW 2570

CLIENT: **Anytime Fitness Camden**
 Shop 1&3, 90-100 Argyle Street Camden NSW 2570

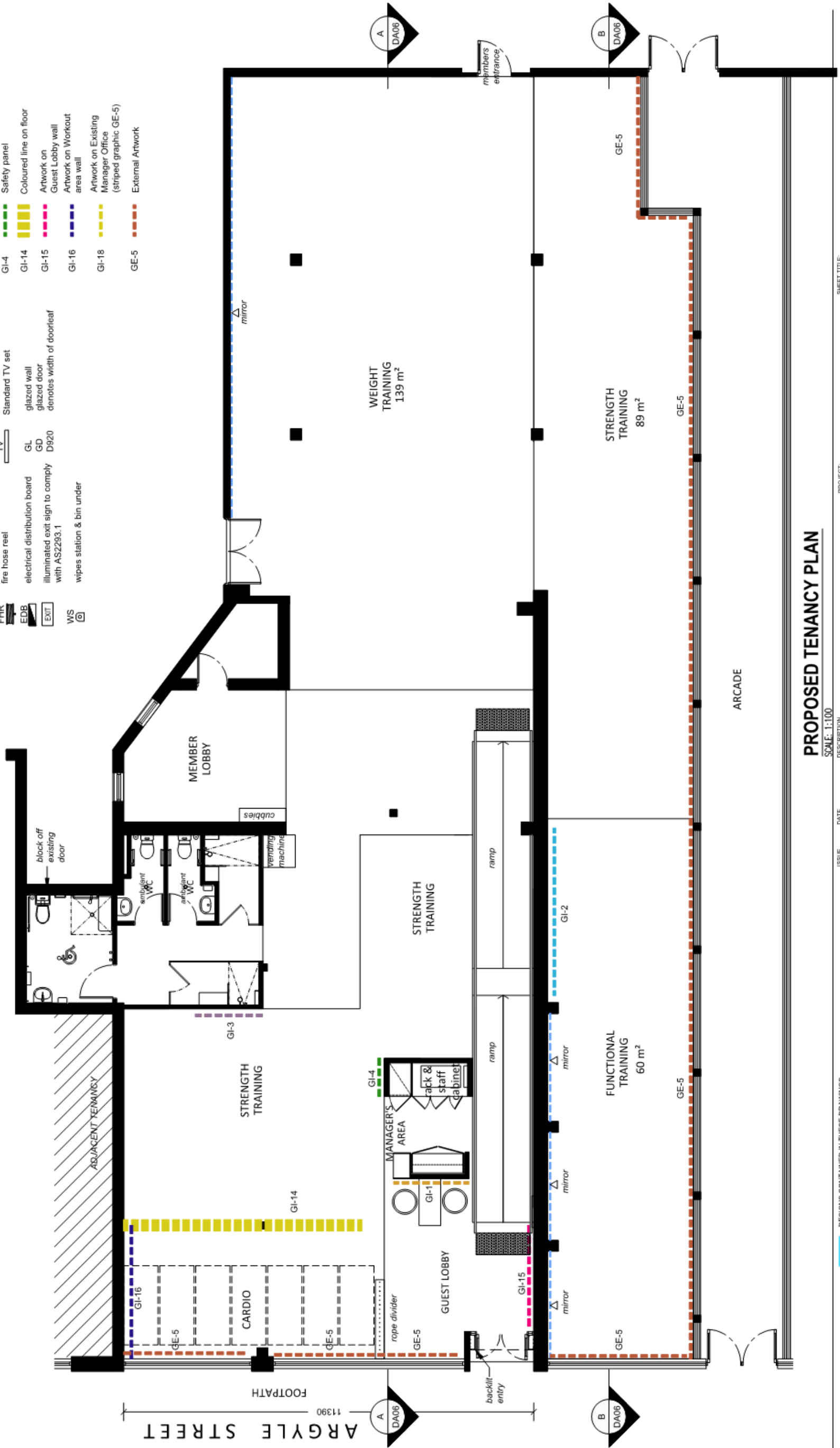
ISSUE: A DATE: 30.03.2023 DESCRIPTION: DA Issue to Council

SHEET TITLE: **Existing Tenancy Plan**

SCALE: 1:100 @ A3 SHEET SIZE: **A3** DWG NO: **DA01 a** REVISION:

DRAWN: Peter S

- LEGEND:**
- existing wall to remain
 - new 13mm plasterboard wall
 - glazed wall
 - fire hose reel
 - electrical distribution board
 - illuminated exit sign to comply with AS2293.1
 - wipers station & bin under
 - existing wall to remain
 - wall mounted fan, Fan controlled by press release type timer switch located below fan
 - Standard TV set
 - glazed wall
 - glazed door
 - denotes width of doorleaf with AS2293.1
 - wipers station & bin under
 - Cleaning Station
 - Logo on New logo wall
 - AF on Black oak vinyl wall
 - Signage panel
 - Safety panel
 - Coloured line on floor
 - Artwork on Guest Lobby wall
 - Artwork on Workout area wall
 - Artwork on Existing Manager Office (striped graphic GE-5)
 - External Artwork



PROPOSED TENANCY PLAN

SCALE: 1:100

ISSUE: A

DATE: 30.03.2023

DESCRIPTION: DA Issue to Council

PROJECT: Anytime Fitness Camden
Shop 1&3, 90-100 Argyle Street Camden NSW 2570

CLIENT: Anytime Fitness Camden
Shop 1&3, 90-100 Argyle Street Camden NSW 2570

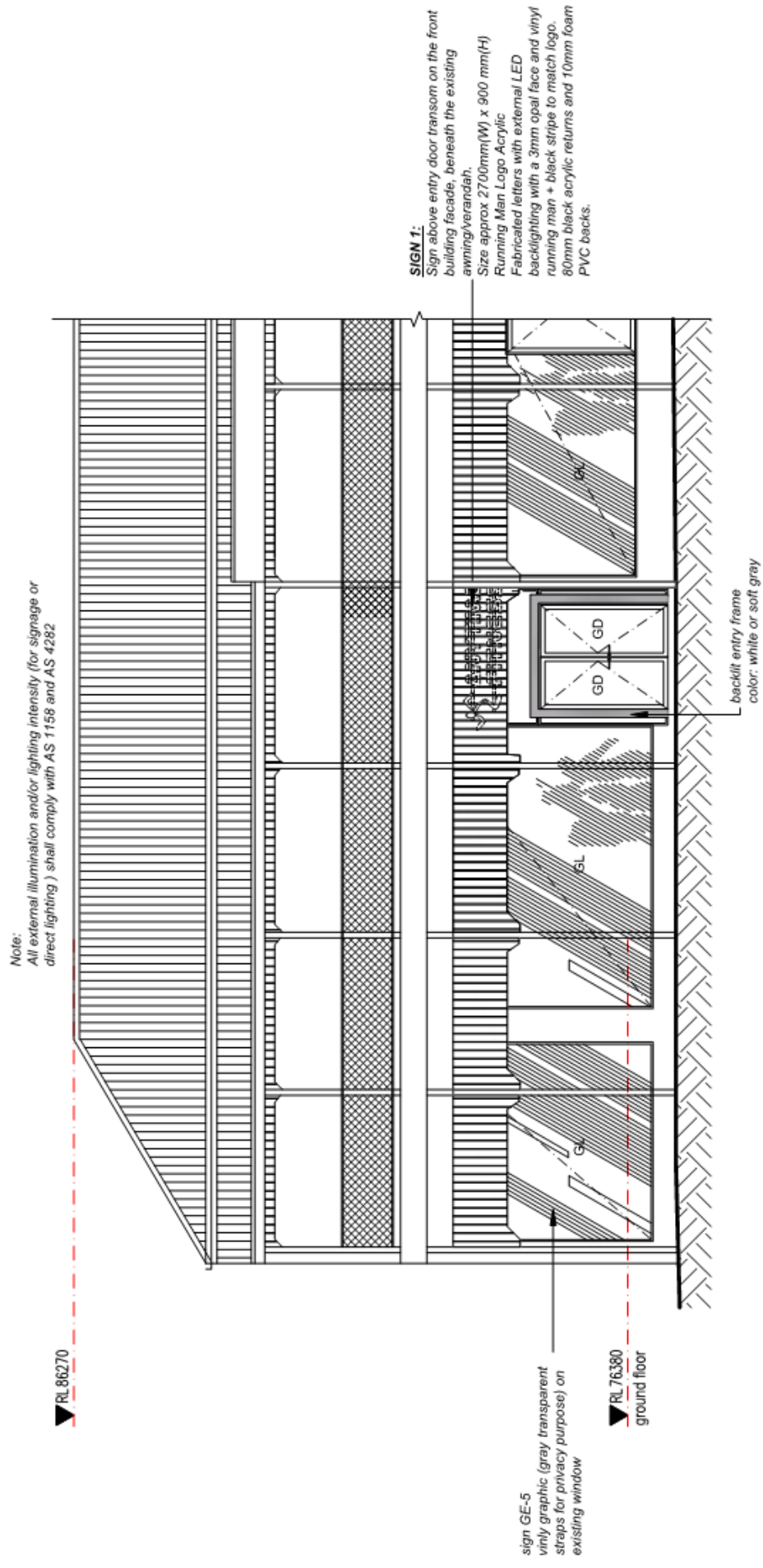
SHEET TITLE: Proposed Tenancy Plan

SCALE: 1:100 @ A3
DRAWN: Peter S
REVISION: DA02 a



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NORTH ELEVATION
SCALE: 1:100

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ISSUE	DATE	DESCRIPTION
A	30.03.2023	DA Issue to Council

PROJECT: **Anytime Fitness Camden**
Shop 1&3, 90-100 Argyle Street Camden NSW 2570

CLIENT: **Anytime Fitness Camden**
Shop 1&3, 90-100 Argyle Street Camden NSW 2570

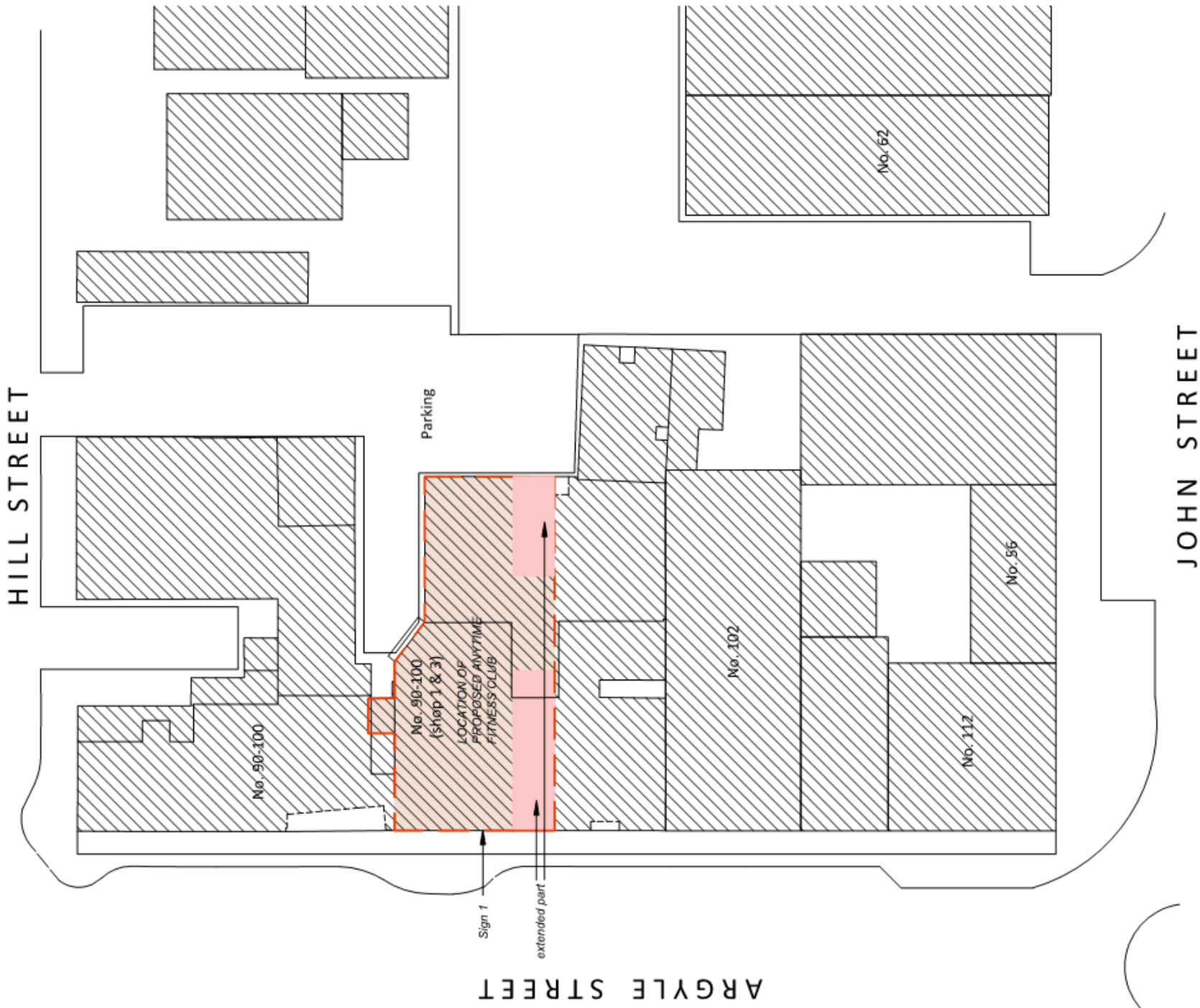
SHEET TITLE: **North Elevation & Signage Details**

SCALE: 1:100 @ A3

DWG NO: **DA03 a**

REVISION:

DRAWN: Peter S



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ISSUE	DATE	DESCRIPTION
A	30.03.2023	DA Issue to Council

PROJECT: **Anytime Fitness Camden**
 Shop 1&3, 90-100 Argyle Street Camden NSW 2570

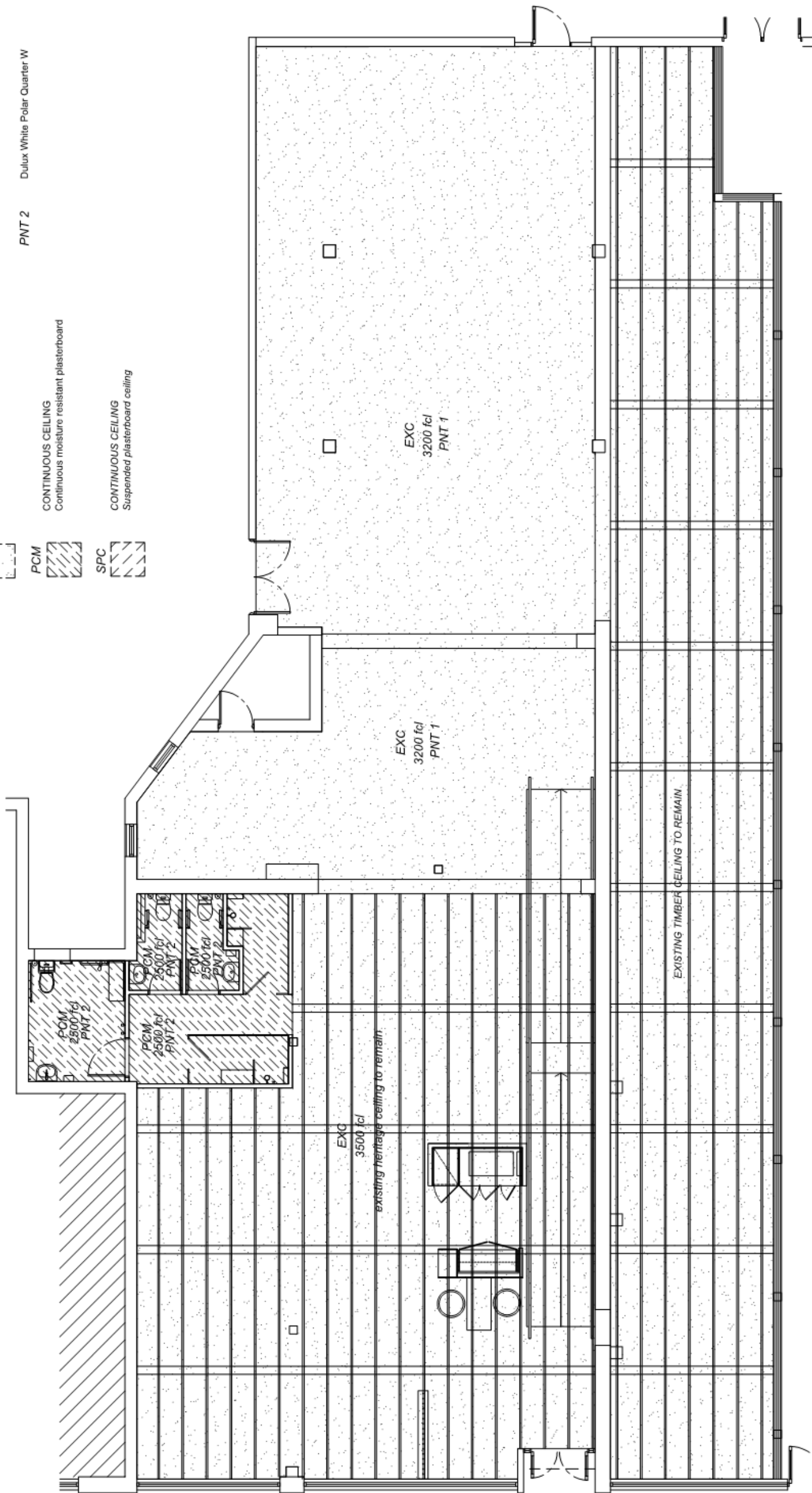
CLIENT: **Anytime Fitness Camden**
 Shop 1&3, 90-100 Argyle Street Camden NSW 2570

SHEET TITLE: **Site Plan**


SCALE: 1:500 @ A3
 SHEET SIZE: **A3**

DWG NO: **DA04 a**
 REVISION:

- LEGEND:**
- EXC [Pattern] EXPOSED CEILING
Raw exposed ceiling and exposed installations
 - PCM [Pattern] CONTINUOUS CEILING
Continuous moisture resistant plasterboard
 - SPC [Pattern] CONTINUOUS CEILING
Suspended plasterboard ceiling
- PAINT LEGEND:**
- PNT 1 Dulux Malay Grey
 - PNT 2 Dulux White Polar Quarter W



REFLECTED CEILING PLAN - FINISHES
SCALE: 1:100

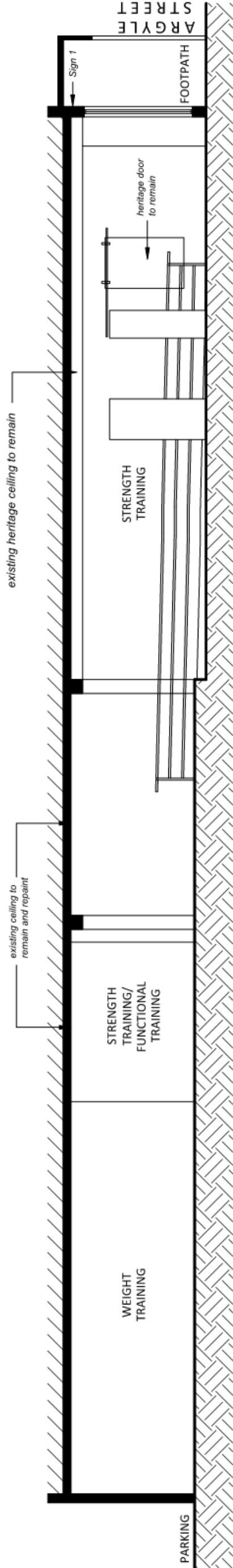

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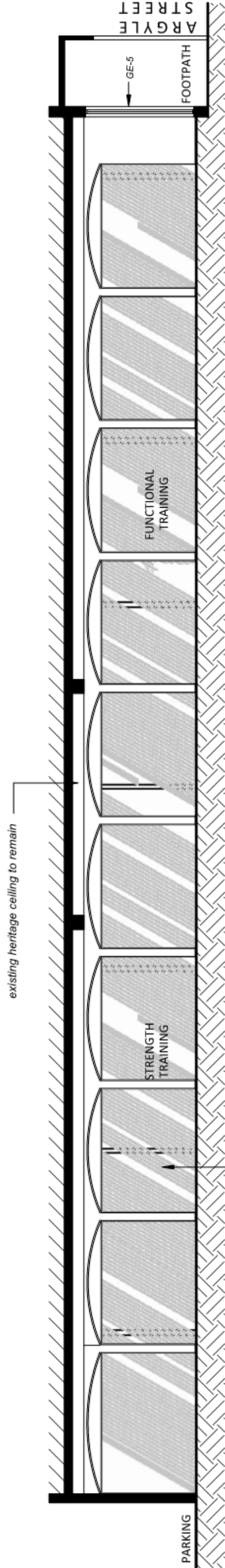
PROJECT: **Anytime Fitness Camden**
 Shop 1&3, 90-100 Argyle Street Camden NSW 2570
 CLIENT: **Anytime Fitness Camden**
 Shop 1&3, 90-100 Argyle Street Camden NSW 2570

SHEET TITLE: **Reflected Ceiling Plan - Finishes**
 SCALE: 1:100 @ A3
 SHEET SIZE: **A3**
 DRAWN: Peter S
 DWG NO: **DA05 a**
 REVISION:

ISSUE FOR REVIEW ONLY 5 May 2023



SECTION A-A
SCALE: 1:100



SECTION B-B
SCALE: 1:100

sign GE-5
vinyl graphic (gray transparent
straps for privacy purpose) on
existing window

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ISSUE	DATE	DESCRIPTION
N/A	N/A	PRELIMINARY - FOR REVIEW ONLY
C	21.10.2021	Revised DA Issue to Council

PROJECT: **Anytime Fitness Camden**
 Shop 1&3, 90-100 Argyle Street Camden NSW 2570

CLIENT: **Anytime Fitness Camden**
 Shop 1&3, 90-100 Argyle Street Camden NSW 2570

SHEET TITLE: **Section A-A & B-B**

SCALE: 1:100 @ A3
 DRAWN: Peter S
 DWG NO: **A3 DA06**
 REVISION: **na**

CLPP03

CLPP03

SUBJECT: DA/2022/961/1 - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING (FORMER ST MARK'S CHURCH) AND ASSOCIATED LANDSCAPING WORKS - 33 LUKER STREET, ELDERSLIE

FROM: Manager Statutory Planning

EDMS #: 23/371334

DA Number:	2022/961/1.
Development:	Alterations and additions to existing dwelling (former St. Mark's church) and associated landscaping works.
Estimated Cost of Development:	\$477,850.00
Site Address(es):	33 Luker Street, Elderslie
Applicant:	Mr Matthew Ingram
Owner(s):	Mr Matthew Ingram
Number of Submissions:	None.
Development Standard Contravention(s):	None.
Classification:	Local
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Alterations to a heritage item.
Report Prepared By:	Ante Perica, 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 alterations and additions to an existing dwelling (former St. Mark's church) and associated landscaping works at 33 Luker Street, Elderslie.

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 involves alterations (partial demolition) to a local heritage item.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/961/1 for alterations and additions to an existing dwelling (former St. Mark's church) and associated landscaping works 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 alterations and additions to an existing dwelling (former St. Mark's church) and associated landscaping works at 33 Luker Street, Elderslie.

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 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 2 to 15 November 2022 and no submissions were received.

The site contains a local heritage item (Item I110) being the former St. Mark's Church building as well as two more recently constructed detached carport and garage structures.

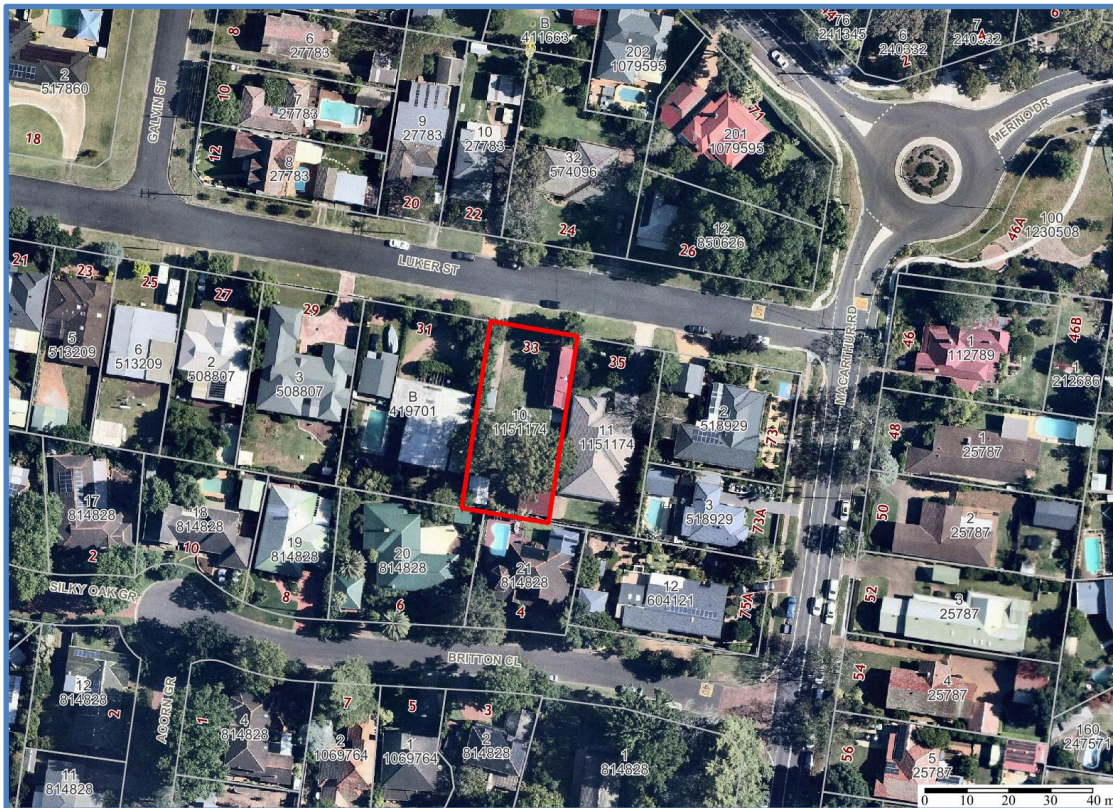
The submitted Heritage Impact Statement (HIS) concludes that the proposed removal of one rear window and adjacent weatherboards in the associated rear wall of the former St. Mark's Church building to accommodate a new single storey pavilion-style dwelling addition will have a modest impact on the existing building and on the heritage significance of the site.

Council staff support the findings of the HIS and deem the proposed development to be well sited and of an appropriate scale, with respect to the former church building, the adjoining properties and the existing low-density character of Luker Street.

The dwelling extension is of a contemporary design, reflecting the current period with the proposed pavilion junction providing a clear link between old and new structures. The addition will allow the former church building to retain its presence in the streetscape. The new work will also be softened by the proposed landscaping design, which includes the retention of all existing mature trees across the site as well as the addition of new feature trees and garden beds.

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

AERIAL PHOTO



THE SITE

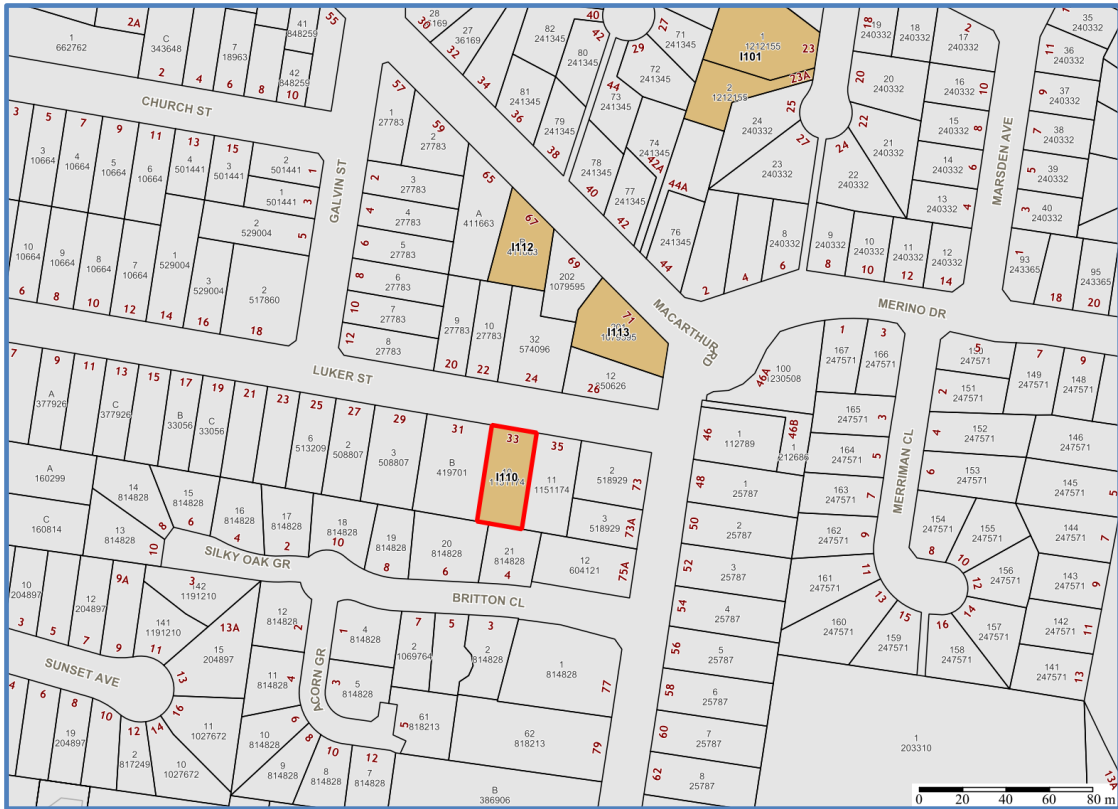
The site is known as 33 Luker Street, Elderslie and is legally described as Lot 10, DP 1151174.

The site is rectangular, with a 21m frontage to Luker Street, a depth of 45m and an area of 948.3m². There is a gentle fall of approximately 1.7m from the rear south-eastern corner to the front north-western corner. The site contains a local heritage item (Item I110) being the former St. Mark’s Church building as well as two more recently constructed detached carport and garage structures. A total of four trees exist to the rear of the site, with two trees in the front north-eastern corner of the site and a group of eight trees planted as a hedgerow along the western boundary of the site. Lapped and capped timber fences mark the rear and side boundaries, while a white picket fence is located along the Luker Street frontage. The site is not mapped as being bushfire or flood prone.

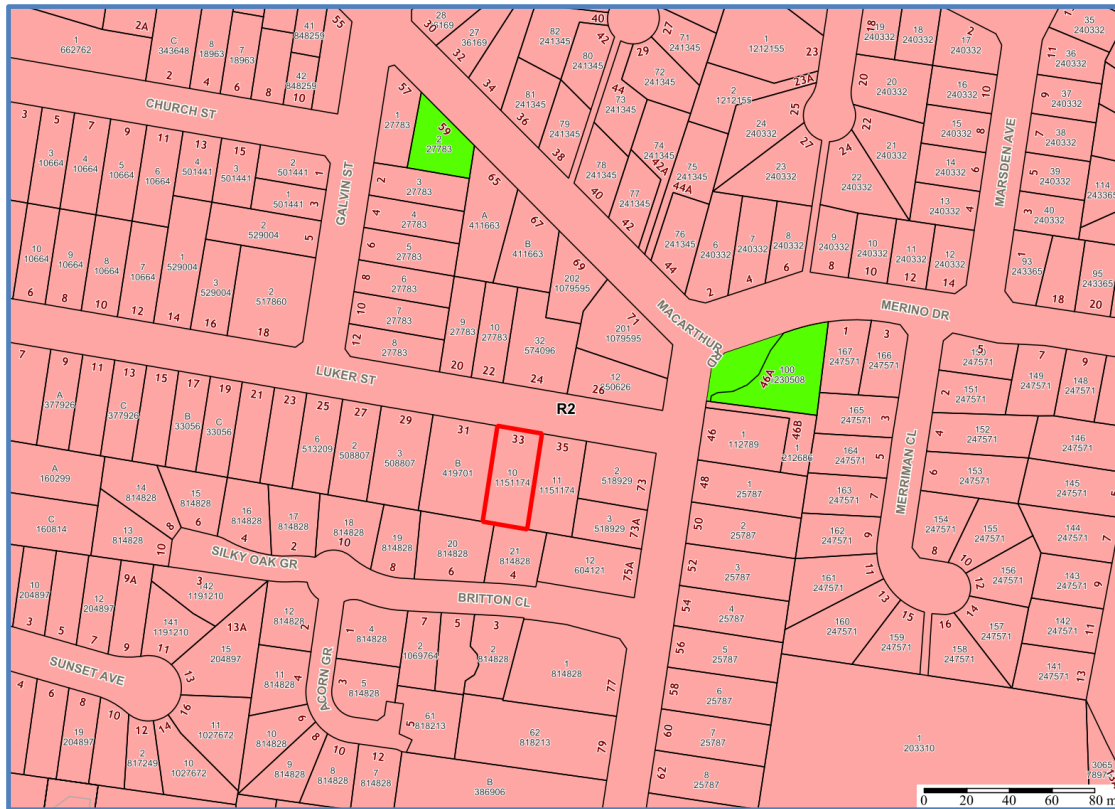
The surrounding area contains predominantly single storey dwellings constructed in a variety of styles. Three dwellings within 200m of the site are also identified as local heritage items, as shown in the heritage map below. The lot immediately to the east contains a recently constructed single storey project-style home and the lot to the west contains an older single storey dwelling.

The wider neighbourhood contains several local parks as well as a child care centre and Mawarra Public School, which are both located to the south east on the eastern side of Macarthur Road. Camden’s town centre lies approximately 1km to the west with Elderslie to the north and Spring Farm to the east.

HERITAGE MAP



ZONING PLAN



HISTORY

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

Date	Development
27 January 2009	Approval of DA/2008/136/1 for subdivision, removal of tree, demolition of hall, relocation of church and kitchen annex. Note – Whilst not in the description of the cover page, this DA also approved the use of the former church building for future residential purposes (as outlined in the Council report for the meeting on 27/01/19) and facilitated the registration of a building envelope for a future dwelling extension to the former church building on the subject lot (Lot 10). This determination was modified on 26 June 2009.
9 June 2011	Approval of DA/2011/487/1 for alterations/additions to existing dwelling.
7 September 2011	Approval of DA/2011/842/1 for a new garage and driveway.
6 November 2014	Approval of DA/2014/905/1 for construction of a carport.
6 December 2019	Approval of DA/2019/603/1 for alterations and additions to existing dwelling (former St. Mark's church) and associated landscaping works. Note – DA/2019/603/1 was approved by the Camden Local Planning Panel. This application was submitted for a

	proposed re-design.
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THE PROPOSAL

DA/2022/961/1 seeks approval for alterations and additions to an existing dwelling (former St. Mark's church) and associated landscaping works.

Specifically, the development involves:

- removal of one small window and adjacent weatherboards in the associated rear wall of the 2011 kitchen and bathroom addition to the existing dwelling (former church building), and construction of a new door opening to create access to a glazed junction leading to two main pavilions.
- the first pavilion will contain two bedrooms, a bathroom, toilet, gallery, and entry area with access to an outdoor pergola area. The entry area then leads to the second pavilion containing a family area, kitchen, and dining area with a staircase to an attic above comprising the master bedroom and ensuite.
- installation of various new landscaping components surrounding the dwelling addition and former church building.

The existing dwelling (former church building) will remain used for residential purposes, with the main internal living space being converted to a home office/studio/library. There are no changes proposed to the existing gravel driveway (including verge crossover), carport, garage or fencing.

The estimated cost of the development is \$477,850.

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 (Building Sustainability Index: BASIX) 2004.
- Camden Local Environmental Plan 2010.

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

The Resilience and Hazards SEPP regulates hazardous and offensive development and aims to ensure that the consent authority has sufficient information to assess whether or not development is hazardous or offensive. 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.

A contamination assessment including sampling was undertaken for the site in 2007, prior to the approval of DA/2008/136/1 for the subdivision which created the subject lot and permitted occupation of the church as a residence. This assessment concluded that the historical uses of the site had a low risk for contamination. The sampling results across the site area subject to this application (Lot 10) achieved the minimum environmental criteria for residential occupation. The church building has been occupied for residential use since approximately 2008. Accordingly, potentially contaminating activities are considered unlikely during this time. Notwithstanding, a standard contingency condition is recommended that requires any contamination found during construction to be managed in accordance with Council's Management of Contaminated Lands Policy.

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

The development is considered satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP. There will be no unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment as a result of the development.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate was submitted with the DA. The requirements outlined in the certificate have been satisfied in the design of the proposal. A condition is imposed to ensure such commitments are fulfilled during the construction of the development.

Camden Local Environmental Plan 2010 (LEP)

Site Zoning and Permissibility

The site is zoned R2 Low Density Residential pursuant to Clause 2.2 of the LEP. The development is defined as alterations and additions to an existing "dwelling house" by the LEP.

The development is permitted with consent in the R2 zone pursuant to the land use table within the LEP.

Planning Controls

An assessment table in which the development is considered against the 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 unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment 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 2019)

An assessment table in which the development is considered against the Camden DCP 2019 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.

(c) the suitability of the site for the development

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

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 2 to 15 November 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 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/2022/961/1 for alterations and additions to an existing dwelling (former St. Mark's church) and associated landscaping works at 33 Luker Street, Elderslie, subject to the conditions attached to this report for the following reasons:

1. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 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 considered to be of an appropriate scale and form for the site and the character of the locality.
4. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.
5. For the above reasons, the development is a suitable 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. 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** – 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
Job No: #179 Drawing No: DA-03 Issue: D	Demolition Plan	Applicant	29/05/2023
Job No: #179 Drawing No: DA-04 Issue: D	Demolition Elevations	Applicant	29/05/2023
Job No: #179 Drawing No: DA-05 Issue: D	Demolition Elevations	Applicant	29/05/2023
Job No: #179 Drawing No: DA-06 Issue: D	Proposed Site Plan	Applicant	29/05/2023
Job No: #179 Drawing No: DA-07 Issue: D	Proposed Ground Floor Plan	Applicant	29/05/2023
Job No: #179 Drawing No: DA-08 Issue: D	Proposed Attic Floor Plan	Applicant	29/05/2023
Job No: #179 Drawing No: DA-09 Issue: D	Proposed Roof Plan	Applicant	29/05/2023
Job No: #179 Drawing No: DA-10 Issue: D	Proposed Elevations	Applicant	29/05/2023
Job No: #179 Drawing No: DA-11 Issue: D	Proposed Elevations	Applicant	29/05/2023
Job No: #179 Drawing No: DA-12 Issue: D	Proposed Sections	Applicant	29/05/2023
Job No: #179 Drawing No: DA-13 Issue: D	Proposed Sections	Applicant	29/05/2023
Job No: #179 Drawing No: DA-16 Issue: D	Proposed Landscape Concept Plan	Applicant	29/05/2023
-	Schedule of Materials and Colours	Applicant	-

Document Title	Prepared by	Date
BASIX Certificate No. A450231_03	Conroy Heritage Planning	30 May 2023
Waste Management Plan	Conroy Heritage Planning	October 2022
Statement of Heritage Impacts - Proposed alterations and additions to the former St. Mark's Church	Conroy Heritage Planning	October 2022
Addendum to the Statement of Heritage Impacts - Proposed alterations and additions to the former St. Mark's Church	Conroy Heritage Planning	May 2023

- (2) **Modified Documents and Plans** - The development must be modified as follows:
- a) Concept stormwater drainage plan is to be in accordance with the approved site plan under condition 1.0(1) of this consent.
- Amended plans or documentation demonstrating compliance shall be provided to the certifier and Council prior to the issue of a Construction Certificate.
- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this development consent applies.
- (3) **National Construction Code - Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA as in force on the relevant date. In this condition the relevant date has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.
- (4) **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.

- (5) **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:

- b) to the extent to which an exemption is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
 - c) 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.
- (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) **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.

- (8) **Fireplace** – The fireplace shall have only been constructed if it is to have a solid fuel heater that must have the following:
- a) Must have an emissions rate of 1 gram per kilogram or less as determined by AS/NZS 4013:1999, Domestic solid fuel burning appliances—Method for determination of flue gas emission.
 - b) Must have an efficiency rating of 65% or greater as determined by AS/NZS 4013:1999, Domestic solid fuel burning appliances—Method for determination of flue gas emission.

- c) Must be installed in accordance with AS/NZS 2918:2001, Domestic solid fuel burning appliances—Installation.
- d) The top of the flue must be at least 1m above any structure on the subject premises and any other building within a 15m radius of the flue.

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) **Smoke Alarms** - In accordance with the *Environmental Planning and Assessment Regulation 2021*, where not existing, smoke detectors complying with AS 3786 shall be installed. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.
- (2) **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.
- (3) **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.
- (4) **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.
- (5) **Long Service Levy** - In accordance with 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. This applies to building and construction works with a cost of \$250,000 or more.
- (6) **Appropriate Heritage Knowledge and Experience** - All works must be carried out under the supervision of a tradesperson or heritage consultant with knowledge and experience in heritage conservation related to the work being undertaken.
- (7) **Archival Recording** - An archival record of the existing building(s) and site shall be completed and provided to the certifier and Council for the following properties:
 - a) 33 Luker Street ELDERSLIE

The recording shall be in accordance with the NSW Heritage Office guidelines "Photographic Recording of Heritage Items using Film or Digital Capture" (2006) (or as amended).
- (8) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Appendix B of Camden Development Control Plan 2019. Details demonstrating compliance must be provided to the certifier.

The detailed landscape plan must also include:

- a) Provide additional detail within plant schedule table including container size, number of plants and species mature dimensions.
- (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* prior to works commencing.

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 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.

- (10) **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.
- (11) **Demolition Work** - Consent is granted for the partial demolition of the rear façade window and adjacent weatherboards in the associated rear wall of the former church building to accommodate a new door junction, 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.

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 street gutter.

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 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*.

- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all

works coincide with the completion of the main building being erected by the principal contractor.

- (6) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to principal certifier prior to the development proceeding beyond floor level stage.
- (7) **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.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **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.
- (10) **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.
- (11) **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.
- (12) **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.
- (13) **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.
- (14) **Fill Material (Dwellings)** – 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 prepared in accordance with;

For 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."

For Excavated Natural Material (ENM):

- i) compliance with the Excavated Natural Material Order 2014 and the Resource Recovery Orders and Exemptions issued under Part 9 of the Protection of the Environment Operations (Waste) Regulation 2014
 - c) confirm that the fill material 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") and is compatible with any salinity management plans approved for the site.
- (15) **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. Furthermore:
- a) An arborist must be on site during pier excavation works. The Arborist is to direct excavation activity to avoid any major tree roots and treat any smaller roots by ensuring roots are cut cleanly.
 - b) To avoid major roots piers may need to be reposition slightly either side of the root.
- (16) **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.

- (17) **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.

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) **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.
- (3) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.
- (4) **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 PCA.
- (5) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.

6.0 - Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - c) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - d) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.
- (2) **Building Uses and Alterations** – It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for

commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent of Council.

- (3) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (4) **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.

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> <p><u>R2 Low Density Residential Zone</u></p> <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To allow for educational, recreational, community and religious activities that support the wellbeing of the community. To minimise conflict between land uses within the zone and land uses within adjoining zones. 	<p>The site is zoned R2 Low Density Residential.</p> <p>The development is defined as alterations and additions to an existing dwelling house, which is permitted with consent.</p> <p>The development is consistent with the relevant objectives of the zone in that it will enable the continued use of the site for residential purposes and will not conflict with any surrounding land uses in the R2 or surrounding zones.</p>	Yes
<p>2.6 Subdivision – consent requirements</p> <p>Development consent is required to subdivide land (unless the subdivision is exempt or complying development under another environmental planning instrument).</p>	The proposed development does not involve the subdivision of land.	N/A
<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>Development consent is sought for the partial demolition of one rear window and associated wall of the existing heritage building to create a new door opening to the proposed addition.</p> <p>It is noted that the previous kitchen/laundry and bathroom addition is not original and bears no heritage significance. Accordingly, no concern is raised with its demolition.</p>	Yes
<p>4.1 Minimum subdivision lot size</p> <p>This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.</p>	A minimum lot size of 600m ² applies to the site as shown on the lot size map (LSZ_009). Notwithstanding, the site comprises a total lot size of 948.3m ² , with no further subdivision proposed.	NA
<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 9.5m.</p>	<p>Maximum height of building complies with the maximum building height map (HOB_009) which is 9.5m.</p> <p>The maximum height of the proposed addition is 7.333m when measured to scale from existing ground level to the proposed ridge level as illustrated on the proposed elevations drawing.</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>	The site does not have FSR imposed by clause 4.4.	NA

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

Clause	Assessment	Compliance?
<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 submission of a heritage conservation management plan may also be required.</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 is 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>The applicant has prepared a Heritage Impact Statement (HIS) that has assessed the proposal against clause 5.10.</p> <p>The application and heritage impact assessment has been considered by Council's Heritage Advisor who supports the application subject to recommended conditions.</p> <p>The proposal has been further considered against the objectives and controls in section 2.16 of the Camden DCP 2019 relating to general heritage and heritage conservation area.</p> <p>The site is listed as a local heritage item (Item I110) pursuant to Schedule 5, Part 1 of the LEP and is also located in proximity to other heritage items (also dwellings) of local significance (such as item I112 and item I113).</p> <p>The design will maintain a clear delineation between the old and new works with a change in materials from timber weather boards and double hung windows in the former church building to modern steel cladding and glazed junctions in the new addition.</p> <p>The single storey addition with an attic is subservient to the original church building and located to the rear to ensure the modest character of the former church is not compromised. The proposal will not impact any significant view lines in Luker Street, including those to and from St John's Church, which is located to the west.</p> <p>Furthermore, the site is not anticipated to contain any archaeological remanent/artefact/object nor is it considered to be a known Aboriginal site.</p> <p>A standard unexpected finds and relics discovery condition has been included in the recommended conditions.</p>	Yes
<p>6.2 Public utility infrastructure</p> <p>Development consent must not be granted for development on land in an urban release area unless the Council 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 it is required.</p>	<p>Council staff are satisfied the site contains essential public utility infrastructure, as demonstrated by existing development access on site.</p>	Yes

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Attachment 2

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

Clause	Assessment	Compliance?
<p>7.2 Airspace operations</p> <p>Before granting development consent to development on land that will penetrate an identified obstacle limitation surface or PANS-OPS surface, the consent authority must consult the relevant Commonwealth body about the application and give the body not less than 28 days within which to consider the application.</p> <p>The consent authority may only grant development consent for development referred to above if:</p> <p>(a) the relevant Commonwealth body is satisfied the development will not penetrate the obstacle limitation surface, or does not object to the consent authority granting development consent and any conditions provided will be imposed as far as practicable,</p> <p>(b) the relevant Commonwealth body is satisfied the development will penetrate the PANS-OPS surface and does not object to development consent being granted.</p>	<p>The site is located within the Inner horizontal surface, with a 115 (AHD) restriction. The proposal will result in a maximum 97.173 (AHD). Accordingly, the proposed development does not penetrate the OLS.</p>	<p>Yes</p>
<p>7.3 Development in areas subject to airport noise</p> <p>2) The consent authority must not grant development consent for the purposes of caravan parks, centre-based child care facilities, education establishments, hospitals or residential accommodation if the development will be in ANEF contour 25 or higher.</p> <p>3) Before granting consent to development for the following purposes on land in the vicinity of Camden Airport, the consent authority must consider whether the development will meet AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction with respect to interior noise levels—</p> <p>(a) if the development will be in ANEF contour 20 to 25—caravan parks, centre-based child care facilities, educational establishments, hospitals and residential accommodation,</p> <p>(b) if the development will be in ANEF contour 25 or higher—business premises, community facilities, light industry, places of public worship or retail premises.</p> <p>4) In this clause—</p> <p>ANEF contour means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Camden Airport prepared by the Department of the Commonwealth responsible for airports.</p>	<p>The development is not located within the ANEF zone.</p>	<p>Yes</p>

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

Clause	Assessment	Compliance?
<p>7.4 Earthworks</p> <p>Before granting development consent for earthworks the consent authority must consider a number of matters listed by this clause; including the impact on the existing and likely amenity of adjoining properties.</p>	<p>It is noted that no significant excavation, fill or continuous trenching is proposed. The proposed addition will use a suspended following system supported by piers, with minor excavation works required to install the piers. The matters listed by this clause have been considered and the earthworks are considered acceptable with regard to them.</p> <p>The proposal has been further considered against the objectives and controls in section 2.1 and 4.2.2 of the Camden DCP 2019 relating to earthworks and cut and fill.</p>	<p>Yes</p>

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Attachment 2

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Section / Control	Assessment	Compliance?
1.2 Notification of Development Applications.		
Notification is where Council writes to those people identified as requiring notification (e.g. adjoining and surrounding landowners, community groups etc), advising of the lodgment of an application. Notification is for a minimum period of 14 days.	The application was notified for a period of 14 days in accordance with Camden Councils adopted Community Participation Plan 2021. The application received <u>no</u> written submissions objecting to the proposal over the notification period from 02 November to 15 November 2022.	Yes.
2.1 Earthworks.		
(1) Building work should be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill.	The development has been designed to respond to the existing site contours. The proposed addition will use a suspended system supported by piers, with minor excavation works required to install the piers.	Yes.
(1) All retaining walls are to be of masonry construction (or the like).	No retaining walls are proposed.	N/A
(2) All retaining walls proposed are to be identified in the development application.	The amended plans, provided in response to the request for additional information letter issued by Council removed the retaining wall and sunken courtyard which were originally proposed.	
(3) All retaining walls to be max height 1m.		
(5) Retaining walls may be built on the boundary provided that a section 88B instrument is created on the affected lots to support the walls. Retaining walls are to be designed and constructed to allow for installation of boundary fencing without impact on the structural soundness of the retaining wall and its footings.		
(6) Where retaining walls are not on the boundary the retaining wall and associated infrastructure are to be wholly contained within the allotment.		
(1) All land forming operations should involve the use of clean fill (also known as Virgin Excavated Natural Material or 'VENM'). The VENM must also meet the same salinity characteristics of the receiving land. Council may consider alternatives to VENM on merit.	Standard condition of consent recommended requiring use and certification of VENM as a safeguard.	Yes.
2.2 Salinity Management.		
(3) All development must incorporate Salinity Management measures.	A condition is recommended that requires a salinity assessment, or compliance with the salinity requirements contained within Council's Engineering Specifications. This will satisfy the requirements of the DCP.	Yes.
(4) All sediment and erosion controls are to be installed prior to the commencement of any works.	Minimal excavations are required for the installation of piers supporting the suspended following system to support the dwelling extension. Standard conditions are recommended to ensure appropriate erosion and sediment controls and dust suppression measures are implemented throughout the development.	Yes.
2.3 Water Management.		
(1) Development must demonstrate compliance with Council's Engineering Specifications including requirements for detention, drainage and water sensitive urban design.	The development has been designed in accordance with Council's Engineering Specifications with roofwater from the proposed extension being discharged to Luker Street as illustrated on the stormwater plan provided.	Yes.
2.4 Trees and Vegetation.		

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Section / Control	Assessment	Compliance?
(1) 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.	All trees within the site will be retained and protected during construction. Various new feature trees and shrubs are proposed as illustrated on the landscape plan provided.	Yes.
(2) If the Council receives an application to remove a tree, it must notify adjoining land owners in accordance with Part 1 of this DCP if, in Council's opinion, it may significantly impact on local amenity.	As above, all trees within the site will be retained and protected during construction. Notwithstanding the above, the development application has been neighbour notified to adjoining landowners in accordance with the Camden Community Participation Plan 2021. No submissions were received during the notification period.	N/A
(4) Council must not grant an approval unless it has taken into consideration subpoints from this section.	As above, all trees within the site will be retained and protected during construction. Various new feature trees and shrubs are proposed as illustrated on the landscape plan provided. Furthermore, the proposal has been reviewed and assessed by Councils Urban Tree and Landscape Officer who recommended the proposal be supported subject to recommended conditions.	Yes.
(5) If an approval is granted for the removal of a tree or vegetation, up to four (4) replacement trees are required to be planted for every tree removed.	No trees are proposed for removal. All trees within the site will be retained and protected.	N/A
(6) Approval cannot be issued under this DCP for the removal of a tree or other vegetation that is, or forms part of a heritage item or that is within a heritage conservation area unless Council is satisfied the proposed activity; <i>(d) Would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.</i>	As above, all trees within the site will be retained and protected.	N/A
2.9 Contamination and Potentially Contaminated Land Management.		
(1) SEPP 55 Assessment must be considered.	Given the recent site history since the contamination assessment completed in 2007 for DA/2008/136/1, there is unlikely to be any new contamination on the site and it is deemed to remain suitable for residential use.	Yes.
2.10 Development Near Camden Airport.		
(3) Buildings within OLS must use materials that have low reflectivity.	The single storey development will not exceed the obstacle height limit shown for the site on Camden Airport's OLS map. Furthermore, as per the colours and materials schedule provided, the proposed construction materials will have low reflectivity.	Yes.
2.12 Acoustic Amenity.		
(1) Acoustic reports (where required), must be prepared by a suitably qualified consultant.	A standard condition of consent relating to demolition/construction noise during works is recommended. The proposed development will not adversely impact the immediate surrounding development with respect to acoustic impacts.	Yes.
2.14 Waste Management.		
(1) Waste Management Plan to be provided.	A waste management plan (WMP) that adequately addresses the applicable waste management controls of the DCP has been submitted with the DA. A condition is recommended requiring compliance with the WMP.	Yes.
2.16.1 Aboriginal Culture and Heritage		
Development applications must identify any areas of Aboriginal heritage value that are within or adjoining the area of the proposed development, including any areas within the development site that are to be retained and protected (and identify the management protocols for these).	The site is not known to contain any Aboriginal objects and is not identified as an Aboriginal place. Standard conditions are recommended to manage any unexpected relic discoveries during works.	

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

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Attachment 3

Section / Control	Assessment	Compliance?
2.16.2 (Heritage Concepts) and 2.16.3 (General Heritage Provisions)		
<p>Council requires a Heritage Impact Statement to be provided with a development application.</p> <p>This subsection sets out general objectives and controls for various types of work and is applicable to all Heritage Items, Heritage Conservations Areas, Culturally Significant Places and for development in the vicinity of Heritage Places.</p>	<p>A Heritage Impact Assessment has been provided by the applicant to Council to assess. The proposal has been considered against the general heritage provisions and Councils Heritage Advisor is supportive of the proposal subject to recommended conditions.</p> <p>The proposed rear dwelling addition represents a contemporary design with steel finishes which will contrast with, and be distinct from, the existing weatherboard former church building.</p> <p>The previous bathroom/kitchen extension does not contain heritage significance and therefore, its partial demolition and junction with the new work is supported.</p> <p>Whilst of a contemporary nature, the proposed rear dwelling addition will be partially obscured by the former church building. Additionally, its setback of 14.595m and darker colour palette will reduce its dominance when viewed from Luker Street.</p> <p>The proposed roof form is complementary to the existing building, which will retain its significance due to its contrasting roof colour (red). Furthermore, despite the ridgeline of the proposed addition being marginally above the existing ridgeline of the nave portion of the church, when viewed from Luker street the effect of distance on perspective will result in the addition appearing to be considerably lower than the roof of the nave portion of the church. Additionally, the steeple will still dominate the streetscape.</p> <p>The contemporary addition clearly demarcates the old and new building elements. The extension will be comprised of low-reflective materials.</p> <p>The rear extension will be of a darker colour palette than the existing building to clearly delineate between old and new. Council's Heritage Officer has reviewed the proposed colour palette and deemed it to be appropriate.</p> <p>All existing fences are to remain.</p> <p>The existing front garden is to be retained and enhanced as well as all mature trees to be retained.</p> <p>The existing gravel driveway is to be retained. No increase proposed to existing hardstand areas.</p> <p>Only a partial demolition of the rear façade of the former church building is proposed and this will not have a significant impact on the curtilage of the building or its presentation to Luker Street.</p>	Yes.
2.19 Landscape Design.		
<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>Landscape plan submitted.</p> <p>The proposed landscaping is appropriate for the site and will help soften the proposed dwelling addition.</p>	Yes.

Camden Development Control Plan 2019 - Dwelling Houses			
Section	Control	Assessment	Compliance?
4.2.1 Site Analysis	A site analysis plan must be provided	A satisfactory site plan/site analysis plan has been provided which demonstrates compliance with part 4.2.1 of the Camden DCP 2019.	Yes
4.2.2 Cut and Fill	≤1m cut and fill	The proposed addition will use a suspended following system supported by piers, with minor excavation works required to install the piers.	Yes
	Fill >300mm within 1m of a boundary contained	As above, the proposed addition will	N/A

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

	by a drop edge beam	use a suspended system supported by piers. No deepened drop edge beams will be utilised.	
	Drop edge beam $\leq 1\text{m}$ above existing ground level	No fill is proposed within 2m of any boundary. Standard condition recommended to ensure compliance as a safeguard	N/A
	Retaining walls and associated infrastructure must be contained within property boundaries	No retaining walls are proposed. The amended plans, provided in response to the request for additional information letter issued by Council removed the retaining wall and sunken courtyard which were originally proposed.	N/A
	Height of voids $\leq 3\text{m}$ (refer to Figure 4-1)	No voids are proposed.	N/A
4.2.3 Streetscape and Architectural Design	Primary street facade must incorporate ≥ 2 design features	No alterations are proposed to the primary street facade of the existing heritage item (St Mark's Church) which comprises the entrance to the dwelling. Notwithstanding, the entrance provides a porch feature with varying roof lines. The modern dwelling addition also provides vertical windows, varying roof lines and contrasting materials and colours.	Yes
	Front facade to feature ≥ 1 ground floor habitable room with a window facing the street	A dining room is provided with a window facing the street.	Yes
	Secondary street facade must incorporate ≥ 2 design features	The site is not a corner lot. No secondary street frontage.	N/A
	$\geq 450\text{mm}$ eaves overhang measured from the fascia board (except for walls built to the boundary)	Min 200mm eaves provided to match the existing heritage item which is considered suitable. Additionally, a compliant BASIX certificate has been provided.	Yes
	Pitch of hipped and gable roof forms on main dwelling between 18° and 30°	Roof pitch of 37 degrees for the proposed addition is provided to match the existing heritage item which is considered suitable.	Yes
4.2.4 Setbacks (Regular Lots)	$\geq 4.5\text{m}$ front setback	No change is proposed to the existing front setback from the heritage item to the front boundary. The front setback to the front facade of the proposed addition is $>4.5\text{m}$.	Yes
	2m secondary street setback	Not a corner lot. No secondary street frontage.	N/A
	Garage and carports $\geq 1\text{m}$ behind the building line and $\geq 5.5\text{m}$ from the road boundary for both primary and secondary street frontages	Carport is located $\geq 1\text{m}$ behind the building line and $>5.5\text{m}$ from the road boundary of the primary street frontage.	Yes
	Design features may encroach into the primary street setback $\leq 1.5\text{m}$	Noted, no changes are proposed to the front porch of the existing heritage item.	Yes
	$\geq 0.9\text{m}$ side setback	$\geq 0.9\text{m}$ and 1.015m side setbacks are provided for the dwelling.	Yes
	Walls along side boundaries must be articulated	Articulation is achieved via varying roof lines, external cladding, window placement and the use of a bay window.	Yes
	$\geq 4\text{m}$ rear setback for single storey dwellings and building elements	10.750m rear setback provided.	Yes
	$\geq 6\text{m}$ rear setback for two storey dwellings	Single storey dwelling with an attic proposed.	N/A
1m rear lane setback (but may be reduced to 0.5m if satisfactory waste collection can be demonstrated)	No rear lane.	N/A	

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

4.2.4 Setbacks (Battle-Axe Lots)	≥4.5m front setback	Site is not a battle-axe lot.	N/A
	≥3.5m front setback if the lot fronts an access denied street or open space (refer to Figure 4-3) Side and rear setbacks are to be measured in accordance with Figure 4-3		
4.2.4 Zero Lot Line Development	Easement for support and maintenance required unless a 450mm side boundary setback is provided (refer to Figure 4-4)	Zero-lot development is not proposed.	N/A
	Single storey wall length ≤50% of the zero lot line boundary		
	Two storey wall length ≤50% of the zero lot line boundary		
	≤10m length for all zero lot line wall sections		
	Filling adjacent to an easement for support and maintenance contained by a drop edge beam		
Rear access provided by ≥0.9m side setback on the non-zero lot line boundary or a rear garage door			
4.2.5 Height, Coverage Siting	Compliance with the Camden LEP height of buildings development standard	The proposed development complies with the 9.5m height restriction imposed under Clause 4.3 of the LEP.	Yes
		The maximum height of the proposed addition is 7.333m when measured to scale from existing ground level to the proposed ridge level as illustrated on the proposed elevations drawing.	
	≤2 storeys where height of buildings development standard ≤9.5m	Single storey with an attic is proposed.	Yes
	Attic rooms permitted in roof void where roof pitch ≤45° (not considered a storey)	Attic proposed to contain a bedroom and ensuite. Roof pitch provided is 37 degrees, achieving compliance.	Yes
	Ground floor level ≤1m above finished ground level unless no adverse impacts	Due to the use of a suspended system supported by piers, certain portions along the north and western elevations of the dwelling will result in a ground floor level being greater than 1m above finished ground level (approximately 1.2 - 1.3m at a maximum).	Yes
		However, the use of a suspended system has been utilised in order to minimise adverse impacts on the tree protection zones of the three significant trees at the rear of the site.	
		Notwithstanding, given the proposed addition is single storey and will be setback 4.5m from the side boundary with a carport in-between, no significant adverse privacy impacts are raised. It is also noted that the existing eight trees planted as hedgerows along the western site boundary will be retained providing screening, which will limit any potential for significant privacy impacts.	
For lots <450m ² , ≤60% site coverage for single storey development	Lot size is 948.3m ² .	N/A	
For lots <450m ² , ≤50% ground floor and ≤35% upper floor site coverage for two storey development	As above, lot size is 948.3m ² .	N/A	
For lots ≥450m ² , ≤50% site coverage for single storey development	Lot size is 948.3m ² .	Yes	
	Total built development (incl. former church, new dwelling extension, existing sheds and car port. 440.078 / 948.3 * 100 = 46.4%		


Camden Development Control Plan 2019 (Camden DCP) Assessment Table

	<p>Ground floor:</p>  <p>Attic:</p>   <p>Outbuildings</p>   <p>For lots $\geq 450m^2$, $\leq 50\%$ ground floor and $\leq 30\%$ upper floor site coverage for two storey development</p>	<p>Single storey development.</p>	<p>N/A</p>
<p>4.2.6 Landscaped Area</p>	<p>$\geq 30\%$ landscaped area (refer to Figure 4-5)</p>	<p>$439.734/948.3 \times 100 = 46.3\%$</p> <p>Note: - Gravel areas (including the driveway) included in the</p>	<p>Yes</p>

CLPP03

Attachment 3

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

		landscaped area calculation. - Areas less than 1.5 metres in width not included in the landscaped area calculation	
	≥40% of front setback must be landscaped area	Front setback area (measured from the external side of the existing heritage item to be utilised as a study/office/library area) = 93.119m ² 83.125/93.119*100 = 89.2%	Yes
	A landscaping plan must be provided	Landscape Plan provided.	Yes
4.2.7 Principal Open Space (PPOS)	PPOS must be located behind the building line and directly accessible from a habitable room (other than a bedroom)	PPOS area is provided within the rear setback area between the proposed addition and existing sheds along the rear boundary. PPOS can be directly accessed from the 'family' room via sliding doors.	Yes
	PPOS ≥4m wide, ≥4m deep and ≤1:10 gradient	PPOS ≥4m wide, ≥4m deep and ≤1:10 gradient can be provided within the rear setback area.	Yes
	For lots ≤10m wide, ≥16m ² PPOS For lots >10m wide, ≥24m ² PPOS	Lot is 21.040m in width.	N/A
		≥24m ² PPOS is provided within the rear setback area between the proposed addition and existing sheds along the rear boundary.	Yes
4.2.8 Solar Access	≥1 living area must receive ≥3 hours direct sunlight between 9am and 3pm on 21 June	Dining and study/library area will receive ≥3 hours direct sunlight between 9am and 3pm on 21 June as illustrated on the shadow diagrams provided.	Yes
	Direct sunlight must reach ≥50% of the PPOS of the subject dwelling and any adjoining dwelling for ≥3 hours between 9am and 3pm on 21 June	≥ 50% of PPOS for adjacent lots will receive ≥3 hours solar access between 9am & 3pm on 21st June. The three existing significant trees located at the rear of the site will result in less than 50% of the PPOS area for the subject site receiving ≥3 hours direct solar access between 9am & 3pm on 21st June. This is due to the large canopy of the three significant trees. However, due to their significant backdrop to the property as viewed from Luker Street, the retention of these trees is essential, and the overshadowing considered acceptable.	Yes
	≥1 window to a living area of neighbouring dwellings must receive ≥3 hours sunlight between 9am and 3pm on 21 June	As per the shadow diagrams provided, the proposed addition will cause minimal additional shadows which will not prevent ≥1 window to a living area of neighboring lots from receiving ≥3 hours sunlight between 9am and 3pm on 21 June.	Yes
4.2.9 Visual and Acoustic Privacy	Privacy screen or fixed obscure glass provided for any part of a first floor habitable room window that is less than 1.5m above the	Single storey dwelling. The attic is not considered an additional storey.	Yes

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

	finished floor level of that room (if the room overlooks an adjacent dwelling window or the private open space of an adjacent dwelling)	Notwithstanding, the windows at the rear of the dwelling are setback >10m from the rear boundary. Additionally, the attic bedroom window above the carport facing the western boundary is setback 4.5m. No significant adverse privacy concerns raised.	
	First floor balconies or decks facing side or rear boundaries only permitted where there are no adverse privacy impacts.	No balconies are proposed as per the plans provided.	N/A
	≤2m depth for first floor balconies or decks		
4.2.10 Parking, Garages and Site Access (General)	≥1 car parking space for 1-2 bedroom dwellings	3 bedrooms proposed.	N/A
	≥2 car parking spaces for 3+ bedroom dwellings	≥2 car parking spaces provided via the existing car port and existing garage which are located behind the building line.	Yes
	≥1 car parking space must be behind the building line where the space is accessed from the street on the front property boundary	≥1 car parking space is provided behind the building line via the carport.	Yes
	For lots ≤7m wide, garages must be accessed from a rear lane	Lot width is >7m.	N/A
	For lots >7m and <15m wide, garage doors must be ≤60% of the dwelling's front elevation width	Lot width is >15m.	N/A
	For lots >15m wide, garage doors must be ≤50% of the dwelling's front elevation width	Lot width is 21.040m. Front elevation width measured to scale = 19.164m. Car port width measured to scale = 4.058m. 4.058/19.164*100 = 21.1%	Yes
4.2.10 Parking, Garages and Site Access (Double Garages)	Double garages are only permitted on lots >10m and <12.5m wide where: <ul style="list-style-type: none"> it is in conjunction with a two storey dwelling and recessed from it, there is no loss of on-street parking, the dwelling includes a habitable room overlooking the street, the dwelling includes a balcony of ≥50% of the dwelling width on the front facade with a different finish from the dwelling, and the dwelling's front entrance is visible from the street 	Lot width is 21.040m.	N/A
4.2.10 Parking, Garages and Site Access (Triple Garages)	Triple garages are not permitted on lots <12.5m wide, garage doors must be ≤50% of the dwelling's front elevation width and 1 garage must be set back ≥1m behind the other garages	Triple garage not proposed.	N/A
4.2.10 Parking, Garages and Site Access (Secondary Driveways)	1 driveway is permitted per residential property. Secondary driveways will be considered on merit in accordance with the Camden DCP	Existing driveway to be utilised. No additional driveway is proposed.	Yes
4.2.11 Fencing	Front fencing ≤1.2m above existing ground level and open style with minimum apertures of 25mm (refer to Figure 4-6)	No changes are proposed to the exiting fencing.	N/A
	Fences on corner lots ≤1.8m to a point 2m behind the primary building line. Fencing forward of this point must be ≤1.2m above existing ground level and open style with minimum apertures of 25mm (refer to Figure 4-6)		
	All other fencing must comply with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		
4.2.12	Waste storage and collections are to be shown	Waste storage bins are provided behind	Yes

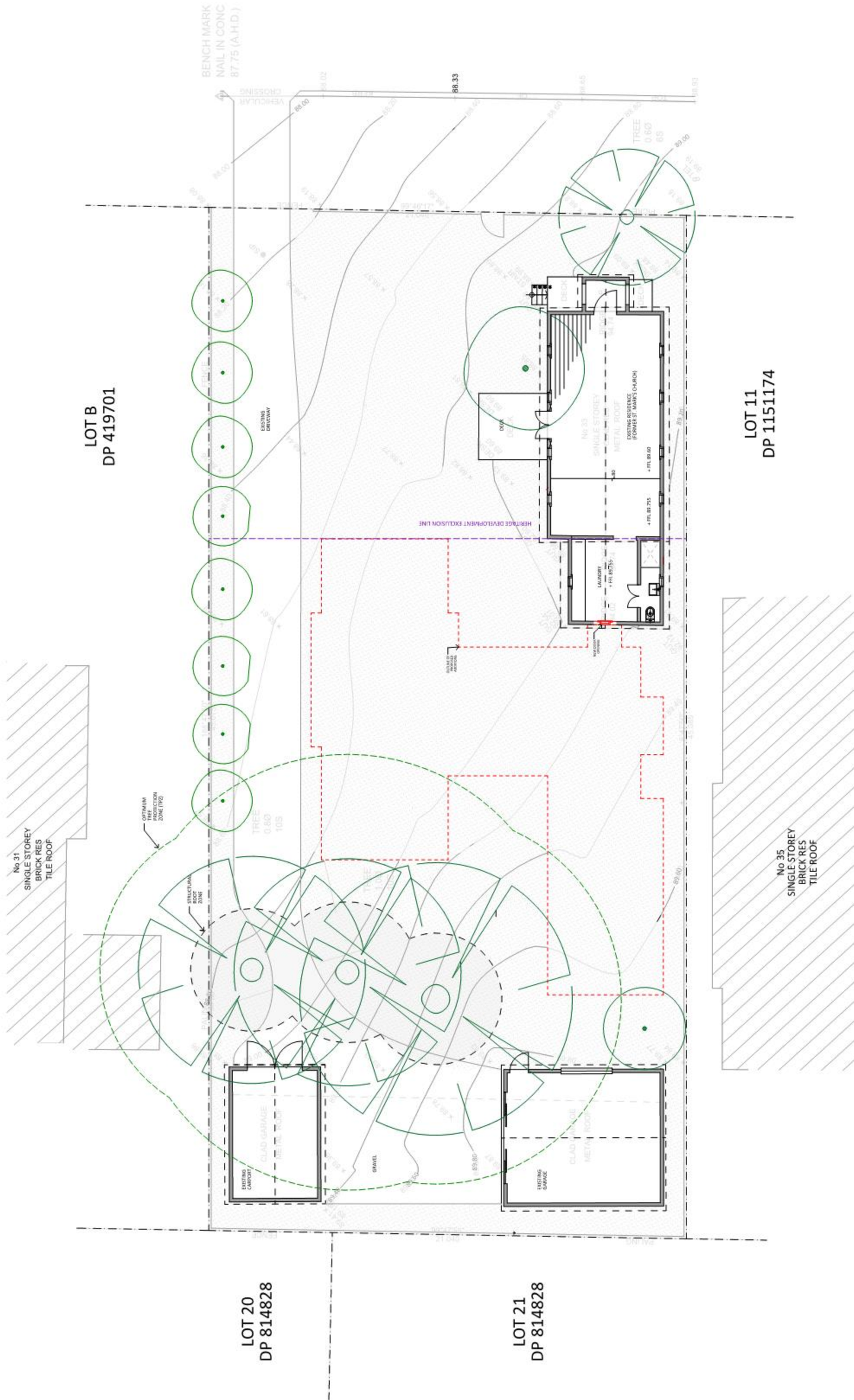
Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Waste Storage Areas and Waste Collection Areas	on DA plans. Waste storage areas are to be provided behind the building line	the proposed carport as illustrated on the Landscape Plan provided.	
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Standard Residential Driveway Design			
Metric	Requirement	Assessment	Compliance?
Width	≥3m to ≤4m for single garages	No changes to the existing driveway width are proposed. Furthermore, no additional driveway is proposed.	Yes
	≥4m to ≤5.5m for double garages	No new double garage is proposed.	N/A
	≥4m to ≤6.5m for triple+ garages	No new triple garage is proposed.	N/A
Clearance	≥6m from the tangent point of any street corner	No changes to the existing driveway width are proposed.	N/A
	1m from infrastructure		
	300mm from stormwater connections		

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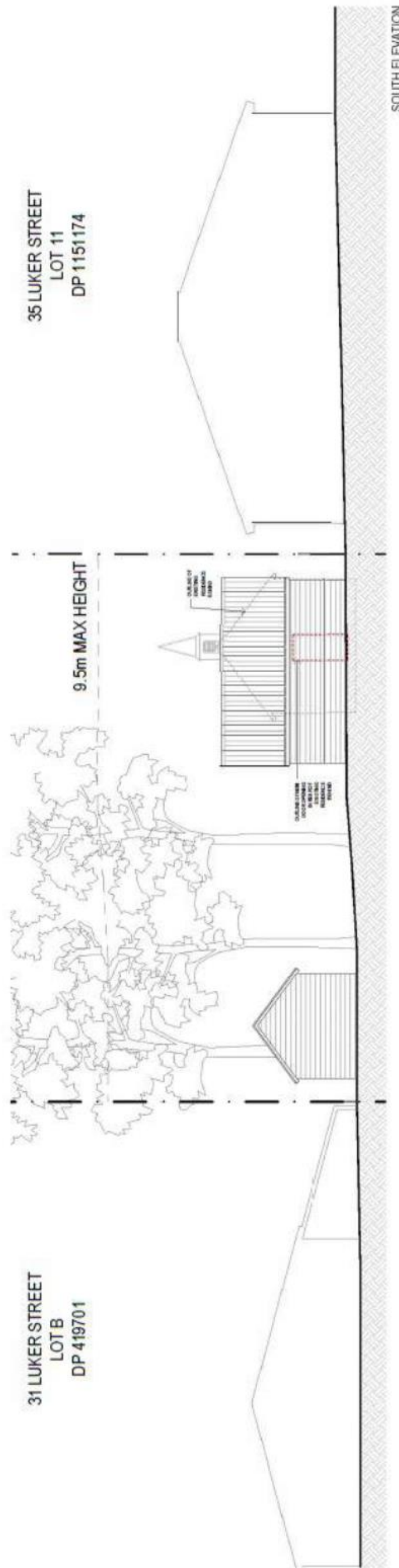
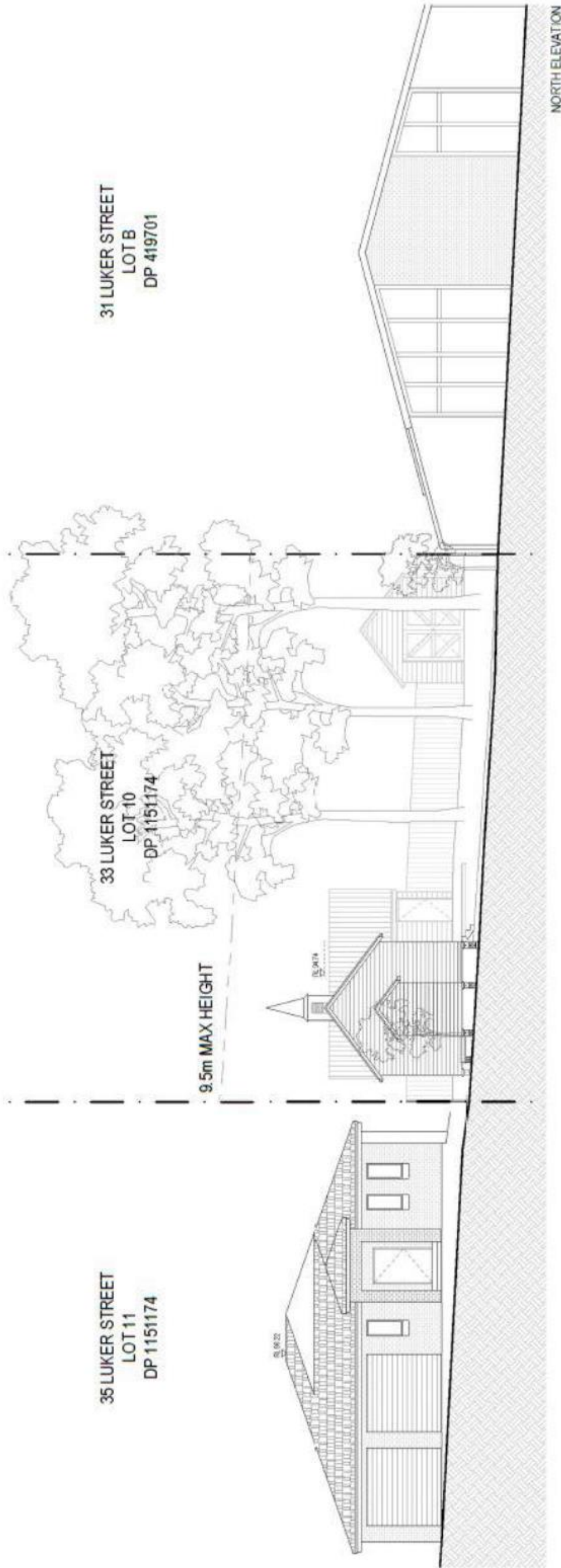
Attachment 3



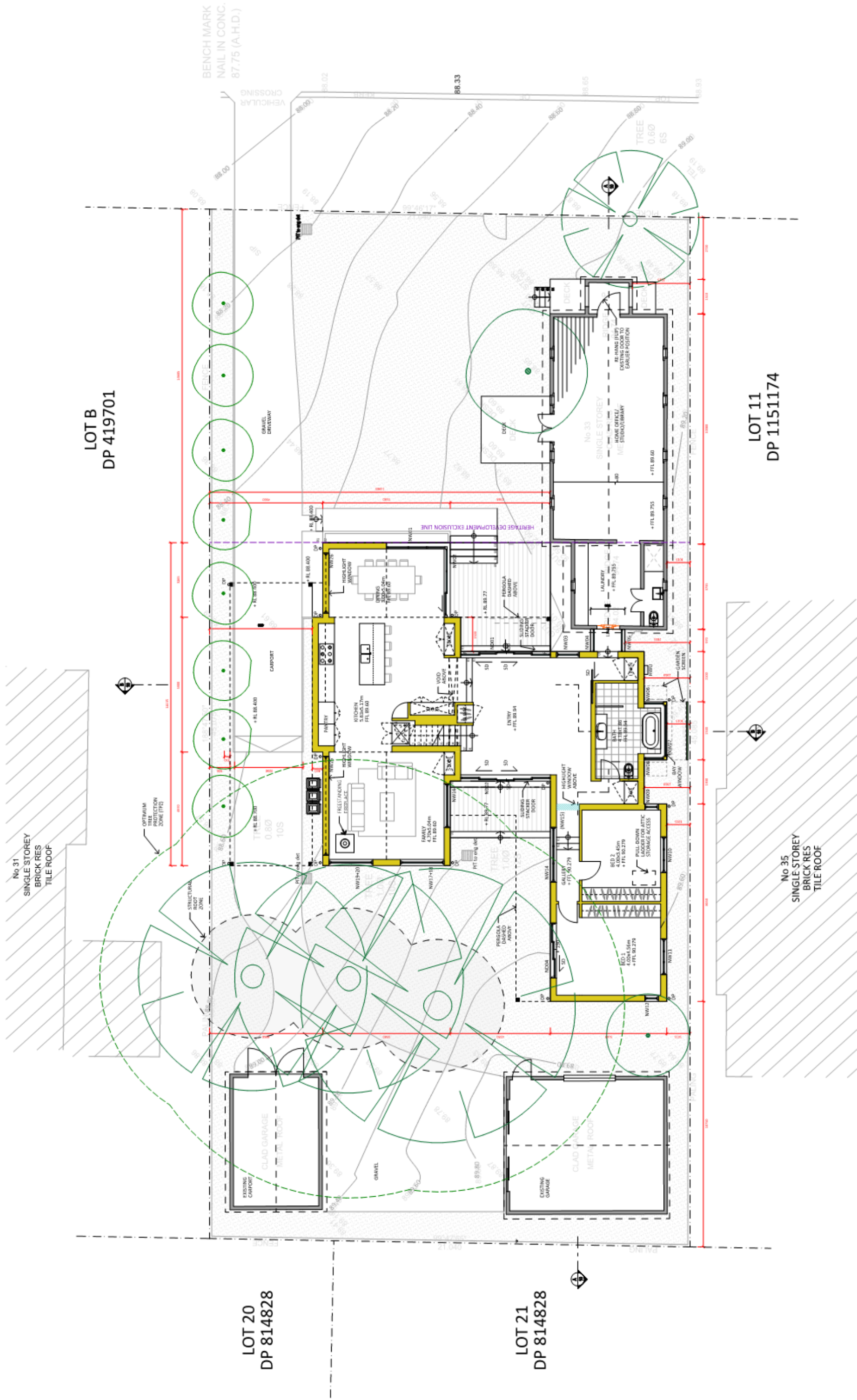
DEMOLITION PLAN		33 LUKER STREET DA	
<p>1. THIS PLAN IS TO BE USED TO DEMONSTRATE THE PROPOSED DEMOLITION OF THE EXISTING BUILDING ON THE SITE.</p> <p>2. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>3. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>4. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>5. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>6. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>7. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>8. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>9. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>10. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p>	<p>11. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>12. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>13. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>14. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>15. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>16. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>17. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>18. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>19. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>20. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p>	<p>21. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>22. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>23. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>24. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>25. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>26. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>27. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>28. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>29. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>30. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p>	<p>31. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>32. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>33. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>34. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>35. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>36. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>37. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>38. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>39. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p> <p>40. THE PROPOSED DEMOLITION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT.</p>
<p>Scale: 1:150</p> <p>DA DOCUMENTATION</p>	<p>LOT 10 DP 1151174</p>	<p>33 LUKER STREET DA</p>	<p>29 MAY 23 #179 I D 5/19</p>

Attachment 4

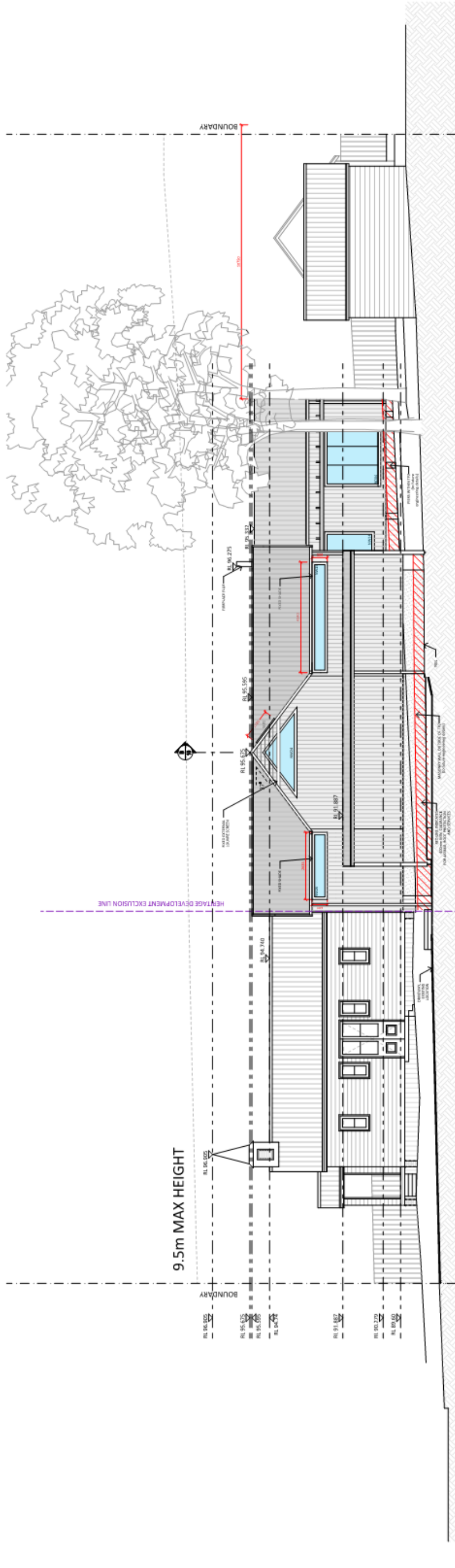
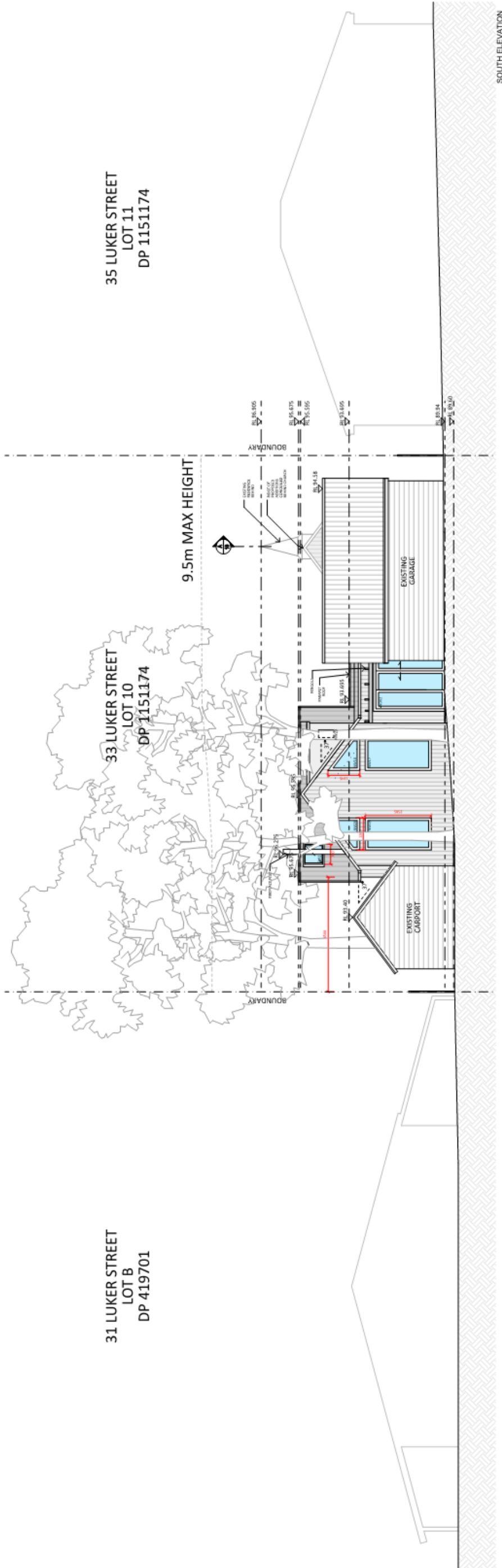
CLPP03



DEMOLITION ELEVATIONS		DEMOLITION ELEVATIONS	DA DOCUMENTATION	33 LUKER STREET DA
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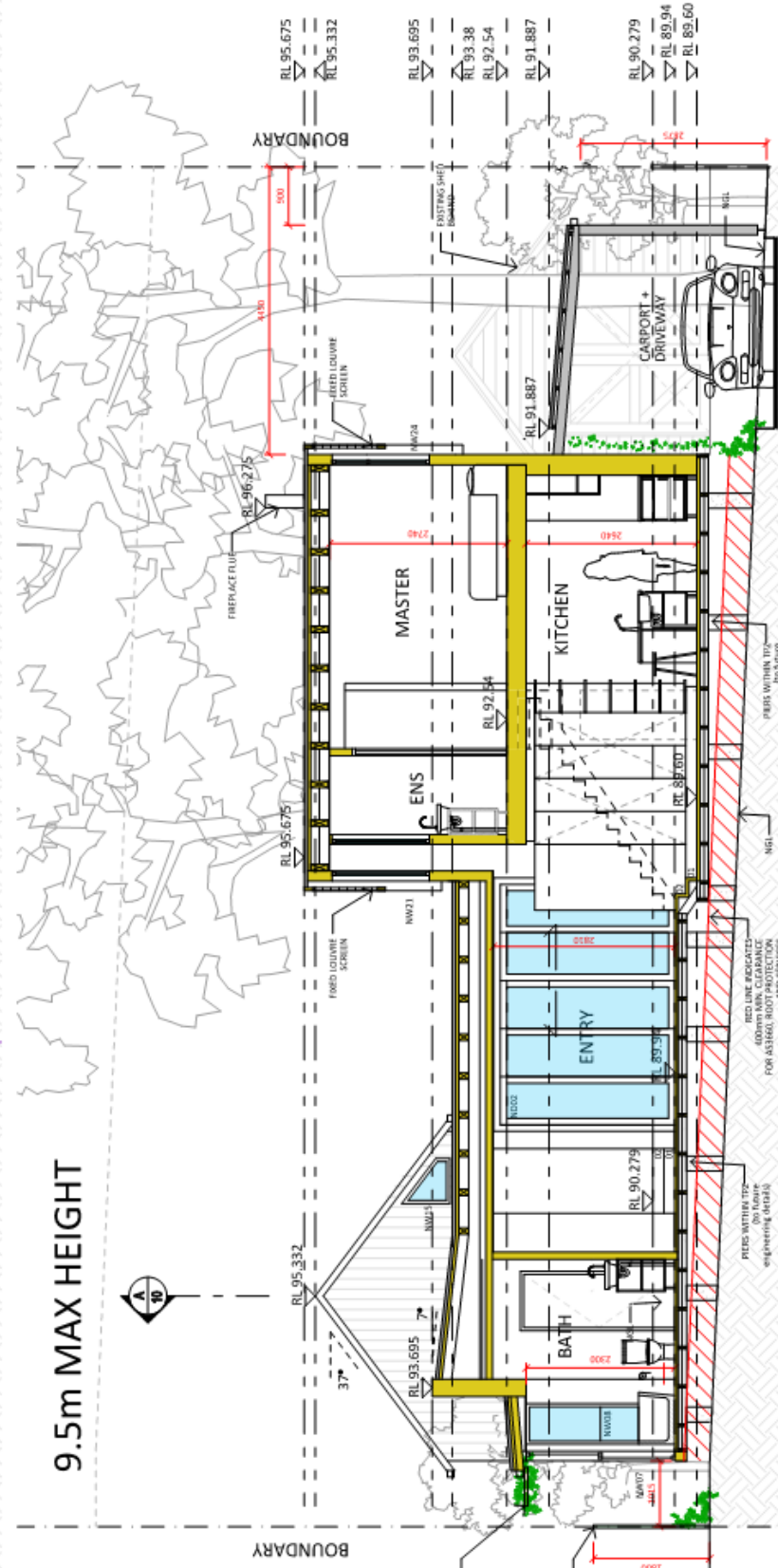
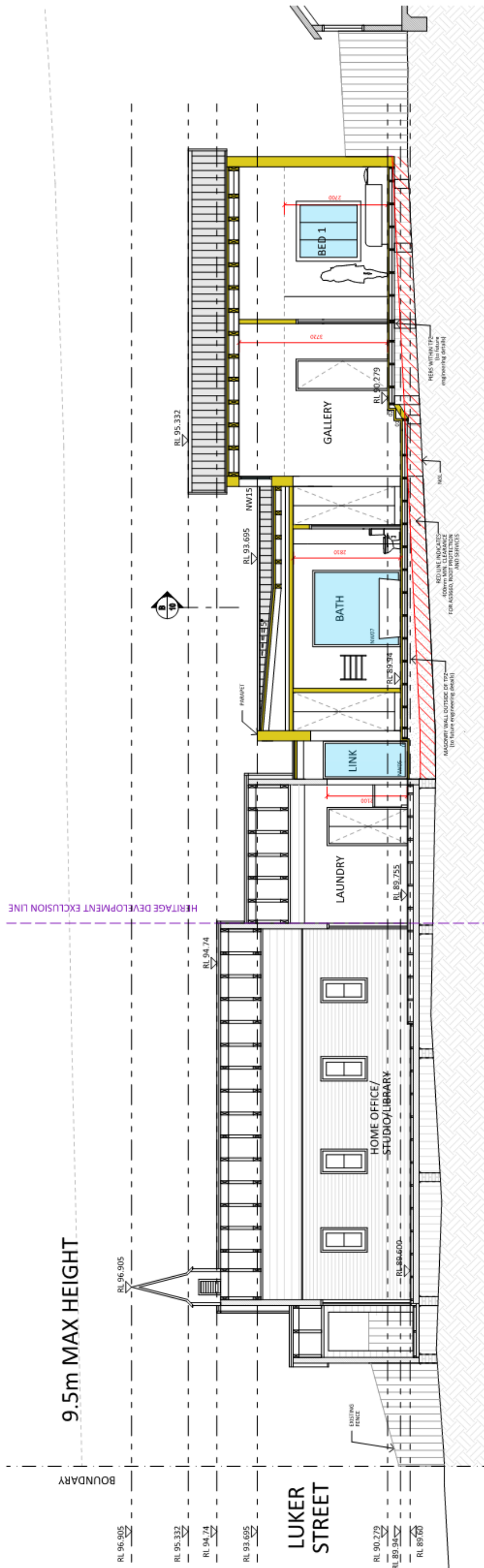


PROPOSED GROUND FLOOR PLAN 1:150 DA DOCUMENTATION	33 Luker Street, Elderslie Matthew Ingram + Emma Williams	LOT 10 DP 1151174	33 LUKER STREET DA
	33 Luker Street, Elderslie Matthew Ingram + Emma Williams	LOT 10 DP 1151174	33 LUKER STREET DA

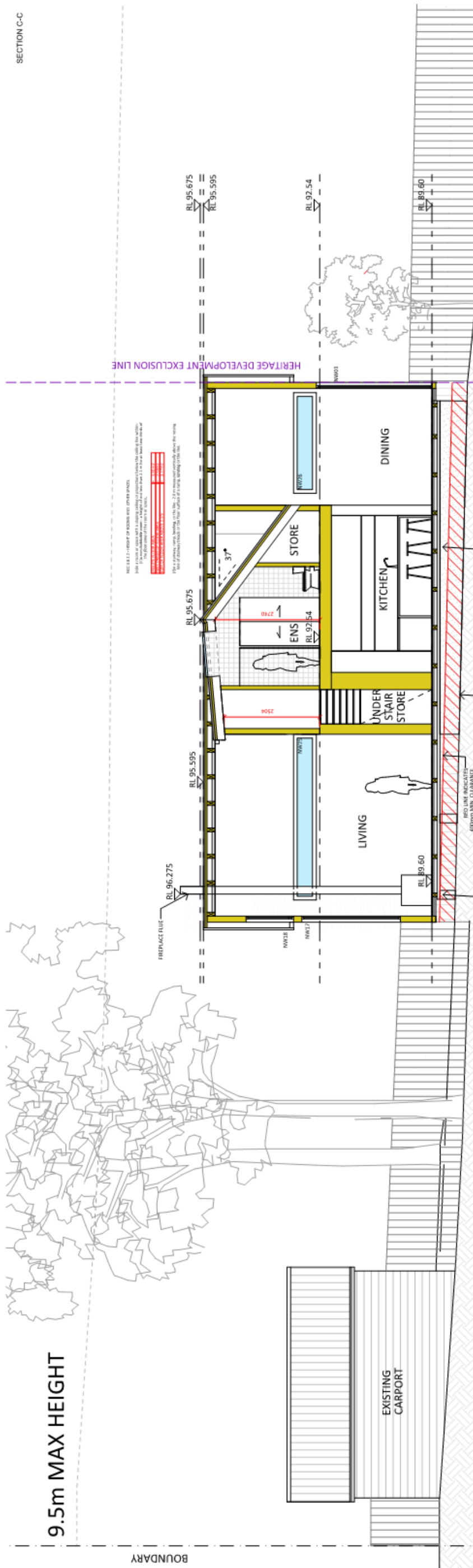
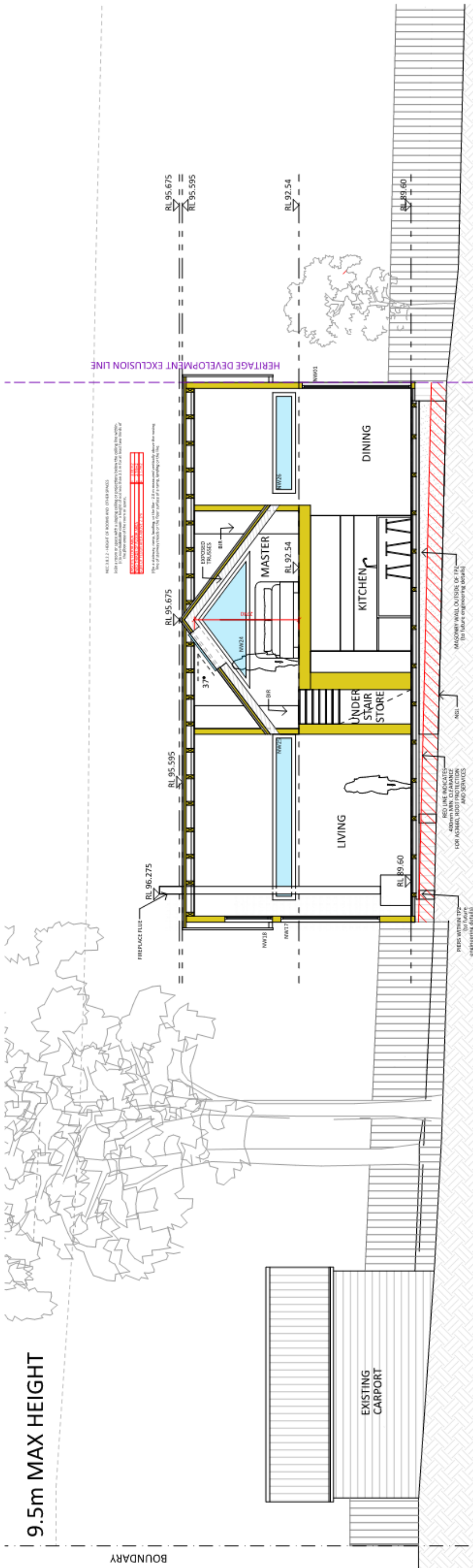


PROPOSED ELEVATIONS

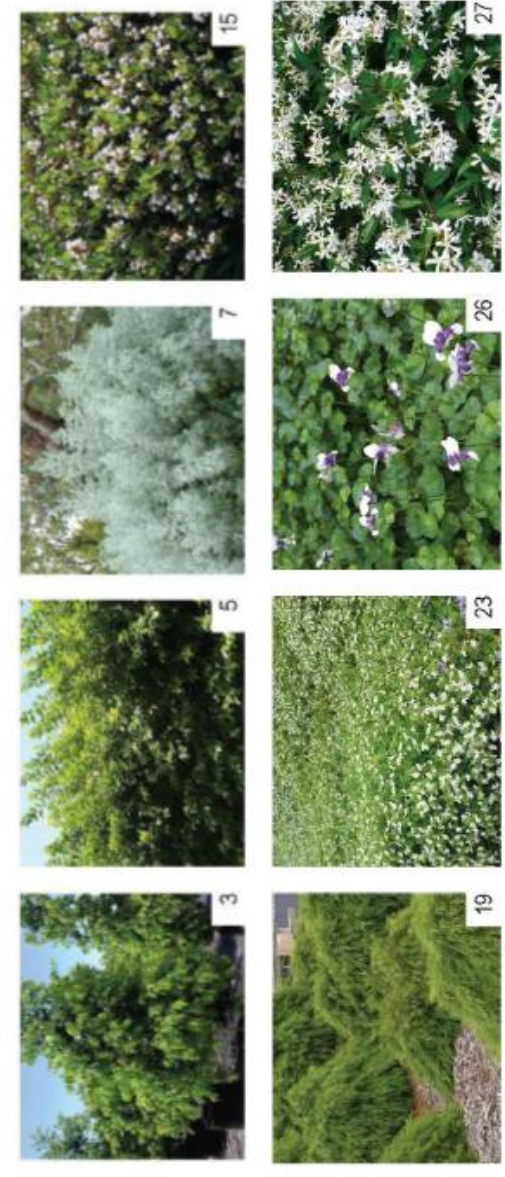
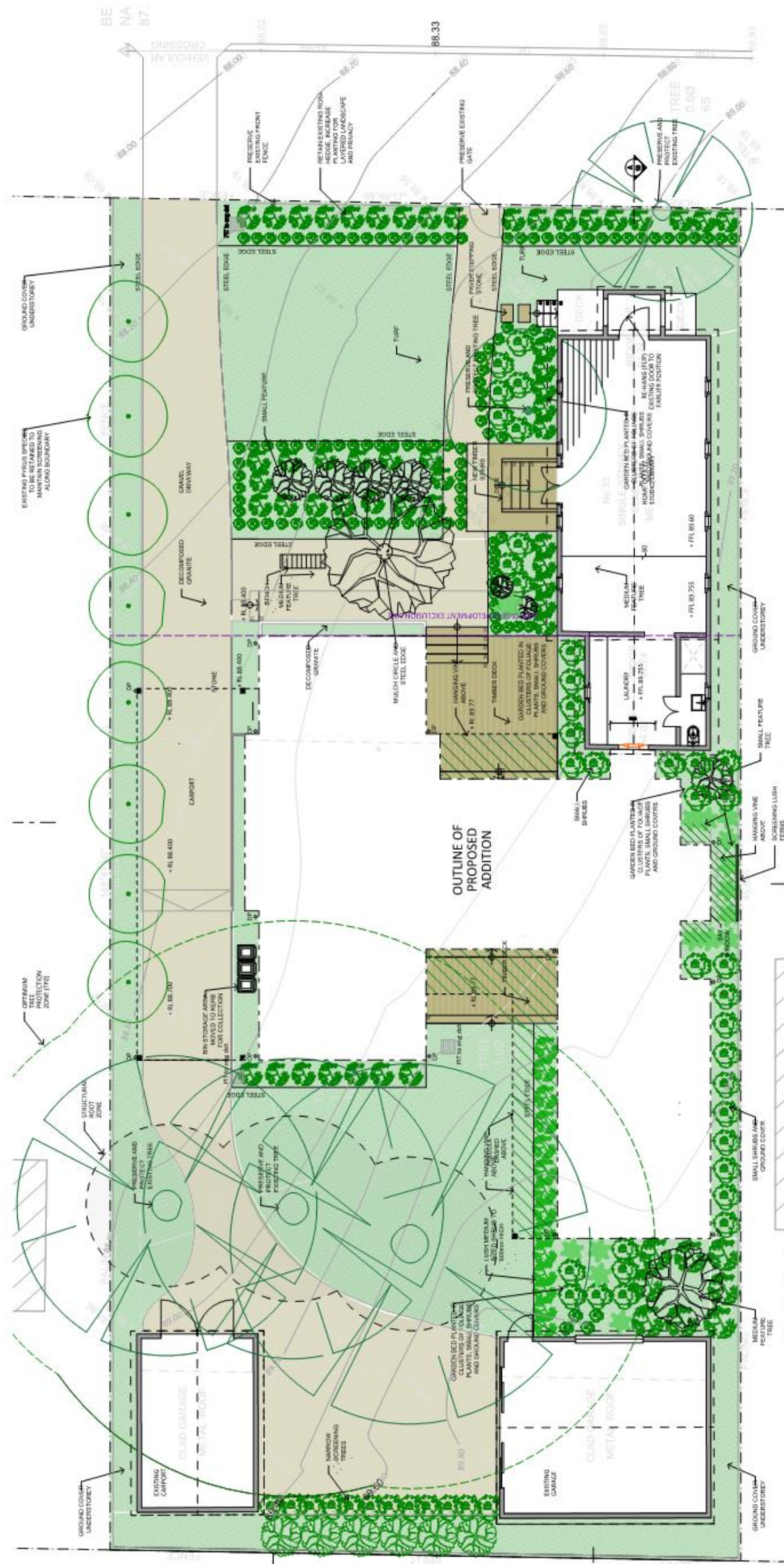
<p>31 LUKER STREET LOT B DP 419701</p>	<p>33 LUKER STREET LOT 10 DP 1151174</p>	<p>PROPOSED ELEVATIONS 1:150</p>	<p>DA DOCUMENTATION</p>	<p>33 Luker Street, Elderslie</p>	<p>Matthew Ingram + Emma Williams</p>	<p>DATE: 29 MAY 23</p>
						<p>PROJECT: #179</p>
<p>1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p>						



PROPOSED SECTIONS		33 LUKER STREET DA	
SECTION	1:150	LOT 10	DP 1151174
DATE	28/06/23	DA DOCUMENTATION	
<p>1. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METERS.</p> <p>2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p>		<p>APPROVED BY:</p> <p>A. DA 20/2023</p> <p>B. DA 20/2023</p> <p>C. DA 20/2023</p>	<p>DATE: 29 MAY 23</p> <p>BY: #179</p> <p>SCALE: 1:1</p> <p>DATE: 14/19</p>
<p>DESIGNED BY: Matthew Ingram + Emma Williams</p> <p>33 Luker Street, Elderslie</p>			



PROPOSED SECTIONS	1:1	1:150	DA DOCUMENTATION	LOT 10 DP 1151174	33 LUKER STREET DA
	1:1	1:150			
Matthew Ingram + Emma Williams 33 Luker Street, Elderslie			15/19	#179	29 MAY 23



- PLANTING PALETTE : TREES**
1. Acer Palmatum "Japanese Maple"
 2. Olea Europea
 3. Waterhousea Floribunda "Green Avenue"
 4. Zelkova Serrata "Green Vase"
- PLANTING PALETTE : SCREENING**
5. Xylosma Senticosum to 1800mm high
- PLANTING PALETTE : SHRUBS**
6. Acanthus Mollis
 7. Artemisia Arborescens "Powis Castle"
 8. Azalea "Shiraz"
 9. Baecckae Virgata Nana
 10. Buxus Microphylla Ball
- PLANTING PALETTE : CLIMBERS**
11. Buxus Microphylla Var. Japonica
 12. Coprosma "Karo Red"
 13. Gardenia Augusta "Radicans"
 14. Lavandula Augustifolia Alba
 15. Rhamnolipis Indica "Snow Maiden"
 16. Rosmarinus Officinalis
 17. Santolina Chamaecyparis "Clipped Ball"
 18. Teucrium Fruicans
 19. Acacia Cognata "LimeLight"
 20. Casuarina Glauca "Cousin It"
 21. Dichondra Repens "Silver Falls"
 22. Plectranthus Forsteri
- PLANTING PALETTE : CLIMBERS**
23. Scaevola Albida "Mauve Carpet"
 24. Stachys Byzantina
 25. Thymus Vulgans
 26. Viola Hederaceae
 27. Trachelospermum Jasminoides
 28. Passiflora Eculis
 29. Vitis Vinifera
 30. Sir Walter Buffalo

PROPOSED LANDSCAPE PLAN 1:150		DA DOCUMENTATION	
PREPARED BY: Matthew Ingram + Emma Williams PROJECT: 33 Luker Street, Elderslie			
DATE: 29 MAY 23	LOT: LOT 10	DP: DP 151374	SCALE: 1:100
PROJECT: #179	DRAWN BY: I D		CHECKED BY: M/W

Schedule of Materials and Colours

for the proposed alterations and additions to the former St Mark's Church

33 Luker Street, Elderslie



LOCATION	MATERIAL	FINISH (ALL FINISHES TO BE MATTE OR LOW-SHEEN)
CHURCH		
Materials - walls	Weatherboard cladding (existing)	colour to be retained
Roof cladding	Corrugated (rolled) iron in short sheets (existing)	Dulux Manor Red
Guttering	Steel (existing)	Dulux Manor Red
Belfry sides	Metal sheet and timber (existing)	match existing cladding colour
Belfry roof	Metal sheet (existing)	Dulux Manor Red
Trim and architraves	Timber (existing)	Dulux Vivid White
Window frames and external doors	Timber (Existing and proposed)	Dulux Vivid White
ADDITION		
Base and chimney	Face brick	Mixed warm mid-tone red-browns to compliment other materials
Walls:	James Hardie Scyon Axon Cladding. Grooving laid vertically.	Dulux Monument
Feature walls to western gable	Blackbutt panelling, laid vertically	(oiled) honey coloured finish
Pergola and carport fascias	Blackbutt panelling	(oiled) honey coloured finish

Window/door frames and glazing bars	Powder-coated metal	Warm charcoal-black to compliment the wall cladding colour.
Glazing	Double-glazed	N/A
Roof cladding	Steel sheeting. Lysaght Klip-Lok 700 Hi-Strength or similar profile.	Dulux Monument

Indicative Examples of Dulux Colours (Note that differences in monitor settings and quality mean that these are provided as a guide only)

	
Dulux Hogs Bristle Quarter (a warm light cream)	Dulux Manor Red (dark red-oxide)
	
Dulux Vivid White (bright white with cool undertone)	Dulux Monument Dark, warm grey)
Polished blackbutt	

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Oran Park NSW 2570

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