

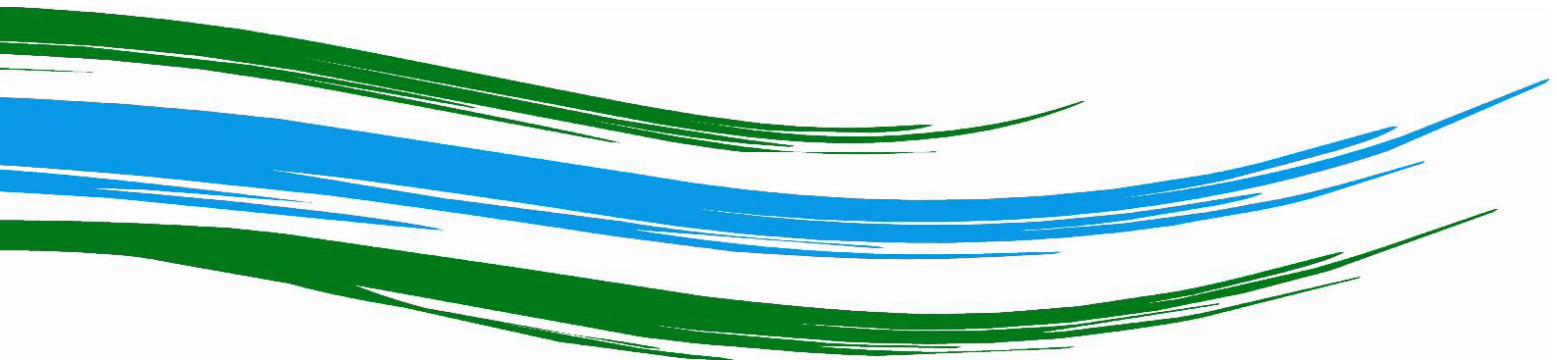


Camden Council

Business Paper

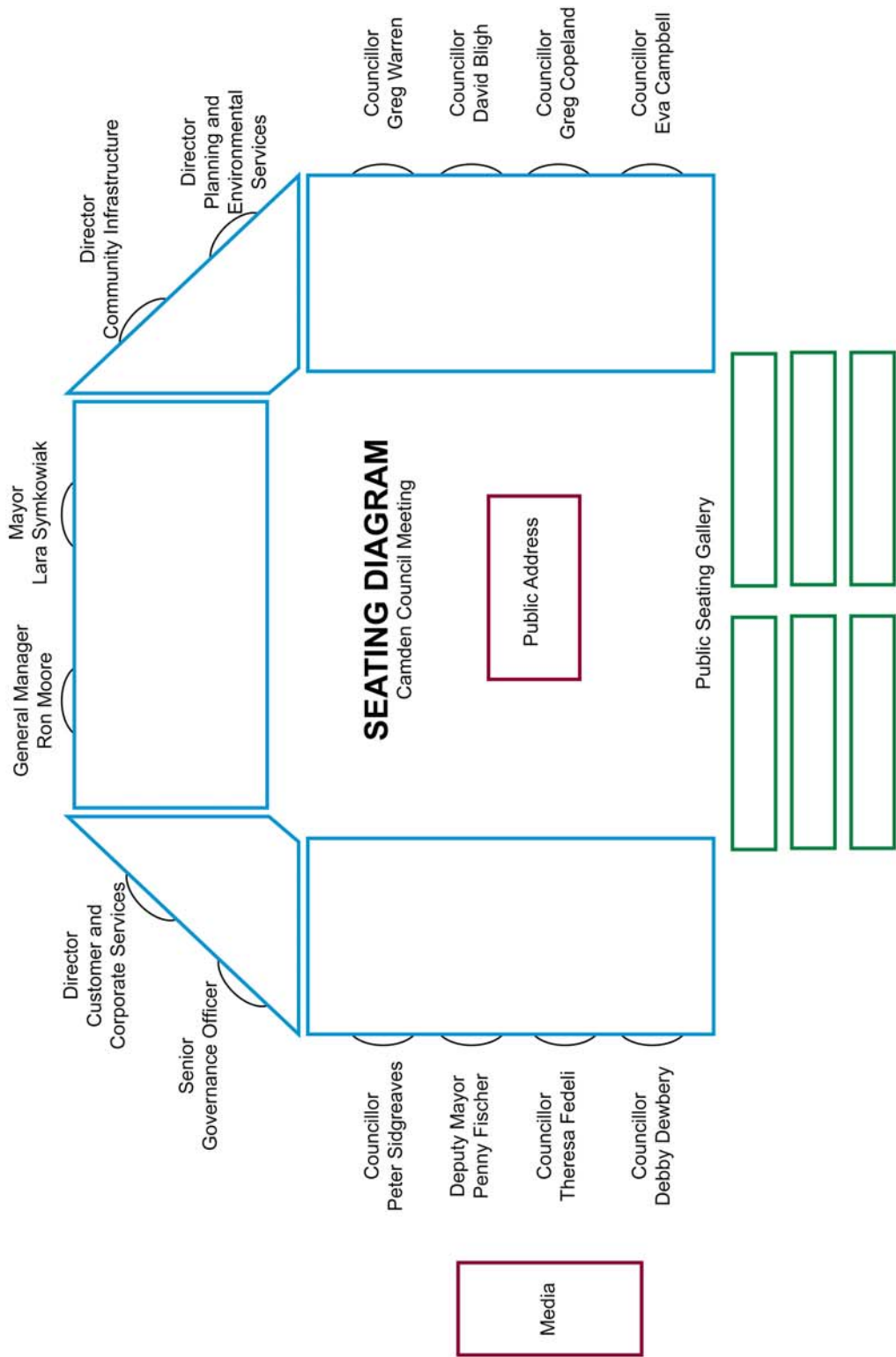
Ordinary Council Meeting
26 August 2014

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DoPE	Department of Planning & Environment
DWE	Department of Water and Energy
DoH	Department of Housing
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
OLG	Office of Local Government, Department of Premier & Cabinet
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



*Please do not talk during Council Meeting proceedings.
Recording of the Council Meeting is not permitted by members of the public at any time.*

ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

Either – "So help me God" or "I so affirm" (at the option of councillors)

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

Either – "So help me God" or "I so affirm" (at the option of councillors)

ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGMENT OF COUNTRY

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

ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the Local Government Act this meeting is being audio recorded by Council staff for minute taking purposes.

ORDINARY COUNCIL

SUBJECT: APOLOGIES

Leave of absence tendered on behalf of Councillors from this meeting.

RECOMMENDED

That leave of absence be granted.

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5 -7.27).

Councillors should be familiar with the disclosure provisions contained in the Local Government Act 1993, Environmental Planning and Assessment Act, 1979 and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

The Public Address segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.

Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

RECOMMENDED

That the public addresses be noted.

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 12 August 2014.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 12 August 2014, copies of which have been circulated, be confirmed and adopted.

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORD01

ORDINARY COUNCIL

ORD01

SUBJECT: CONSTRUCTION OF A SINGLE STOREY 64 PLACE CHILD CARE CENTRE, CAR PARKING, LANDSCAPING, ACOUSTIC FENCE PROVISION AND ASSOCIATED SITE WORKS

FROM: Director Planning & Environmental Services

TRIM #: 14/102068

APPLICATION NO: 1060/2013
PROPOSAL: Construction of a single storey 64 place child care centre, car parking, landscaping, acoustic fence provision and associated site works
PROPERTY ADDRESS: 215-219 Turner Road, Currans Hill
PROPERTY DESCRIPTION: Lot 105, DP 1161129
ZONING: R1 General Residential
OWNER: Mr B and Mrs C M Jelenkovic
APPLICANT: Mr Bill Jelenkovic

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a single storey 64 place child care centre, car parking, landscaping, acoustic fence provision and associated site works at 215-219 Turner Road, Currans Hill.

The DA is referred to Council for determination as there remain unresolved issues received in seven submissions from the public and there is a proposed variation to the Camden Development Control Plan 2011 (DCP).

SUMMARY OF RECOMMENDATION

That Council determine DA 1060/2013 for a child care centre for the construction of a single storey 64 place child care centre, car parking, landscaping, acoustic fence provision and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a single storey 64 place child care centre, car parking, landscaping, acoustic fence provision and associated site works at 215-219 Turner Road, Currans Hill.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans (DCP) and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 28 days in accordance with Camden Development Control Plan 2011. Seven submissions were received (all objecting to the

proposed development). **A copy of the submissions is provided with the Business Paper supporting documents.**

The issues raised in the submissions relate to increase in traffic as a result of the proposal, insufficient car parking, size and location of the proposed child care centre, width of Turner Road and Ascot Drive, emergency evacuation, adverse noise issues and special day events.

It is acknowledged that the proposed development will result in an increase in traffic volumes in the area however the proposed road network within the area is deemed to be sufficient to cater for that increase. Council's Traffic Engineer has assessed the proposal and notes that the peak hour traffic generation will not exceed the environmental goals of Ascot Drive/Turner Road and the surrounding road network. The installation of 'No Stopping' restrictions is also proposed to ensure the movement of traffic will not be adversely affected by the proposed development.

The DA proposes one way traffic movement which includes entry into the site via Ascot Drive and exit from the site onto Turner Road. This will aid the movement of vehicles to and from the site. A plan of management is a recommended condition to ensure that drop off and pick up arrangements are scheduled so as to not adversely impact on adjoining properties.

The issue of insufficient car parking as been assessed and based on the total children and staff numbers proposed, the Camden DCP requires the provision of 19 spaces. The DA proposes a total of 19 spaces and therefore complies with Council's requirements.

When originally lodged, the DA proposed the construction of a two storey child care centre however following discussions with Council staff, the applicant reduced the proposed centre to single storey catering for a maximum 64 children. The reduction in floor area has reduced the bulk and scale of the building and provided a centre that is more in keeping with the existing character of the area. It is considered that the site is suitable for its intended use given its proximity to public transport, schools and public open space.

Both Turner Road and Ascot Drive are of a sufficient width to accommodate the proposed development. Turner Road has a road reserve of 9m and Ascot Drive has a road reserve of 12m. The installation of 'No Stopping' 10 metres west of the exit drive way on Turner Road and eastwards to the end of the kerb extension on Ascot Drive are recommended. This will aid in ensuring the movement of vehicles through Turner Road and Ascot Dive will not be adversely impacted by the proposal.

The issue of emergency vehicles accessing the site has been considered and the local road network is sufficient for emergency vehicle access if required.

In relation to noise issues, a noise impact assessment has been lodged in support of the DA and this report has been reviewed by Council staff. The noise impact assessment recommends a number of measures to ensure that no adverse noise impacts will occur as a result of the proposal. These measures include acoustic fence provision along the southern and western boundaries and the limitation of children numbers in outdoor play areas at any one time. Subject to the inclusion of these measures, the DA complies with Council's Environmental Noise Policy.

The issue of special day events has been considered and a condition is recommended which requires an operational plan of management be prepared prior to the occupation

of the building. The operational plan of management will require the number of special events to be limited to a maximum of 10 events per year to reduce any potential impacts on adjacent lands.

The applicant proposes a variation to Section D5.1 of the DCP in relation to the proposed hours of operation. The DCP limits hours of operation from 7am to 6pm however the proposed hours of operation are from 6.30am to 6.30pm. The rationale for the extended hours is to allow parents to drop off children and commence work in the surrounding Smeaton Grange area by 7am. No submissions have been received in relation to the proposed hours of operation.

Council staff have assessed this DCP variation and recommend that it be supported. The increase in hours will not adversely impact on the adjoining residential development in terms of noise or traffic movement and will allow greater flexibility for those using the child care centre and working in the surrounding area.

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

AERIAL PHOTO



THE SITE

The site is commonly known as 215-219 Turner Road, Currans Hill and is legally described as Lot 105, DP 1161129.

The site is not identified as a child care centre site under the Camden DCP however a child care centre is a permissible use on the site.

The site is located on a corner site and has two street frontages approximately 40m to Turner Road and approximately 35m to Ascot Drive and an overall area of approximately 1,435.2m². The site is currently vacant having undergone bulk earthworks as part of a previous subdivision DA.

The surrounding properties are characterised by low density residential development together with their associated driveways, landscaping and fencing.

The Gregory Hills employment area lies to the north of this area whilst to the east lies the Campbelltown Local Government Area. To the south exists the residential suburb of Mount Annan whilst the industrial suburb of Smeaton Grange lies to the west of the subject site.

HISTORY

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

Date	Development
9 November 2010	Creation of this lot approved by DA 1291/2009
24 January 2012	Deletion of condition by DA 1291(2)/2009 requiring the implementation of an 88b instrument requiring bush fire attack level report for each lot prior to the subdivision Certificate
27 June 2012	Modification of DA 1291(3)/2009 requiring half road widths for the full frontage of the proposed subdivision fronting Turner Road
30 July 2013	Modification of DA 1291(4)/2009 for the re-alignment of road and configuration of approved layout and the modification by DA 1291(5)/2009 to permit completion of Turner Road adjoining works to occur in the last stage

THE PROPOSAL

DA 1060/2013 seeks approval for the construction of a single storey 64 place child care centre, car parking, landscaping, acoustic fence provision and associated site works.

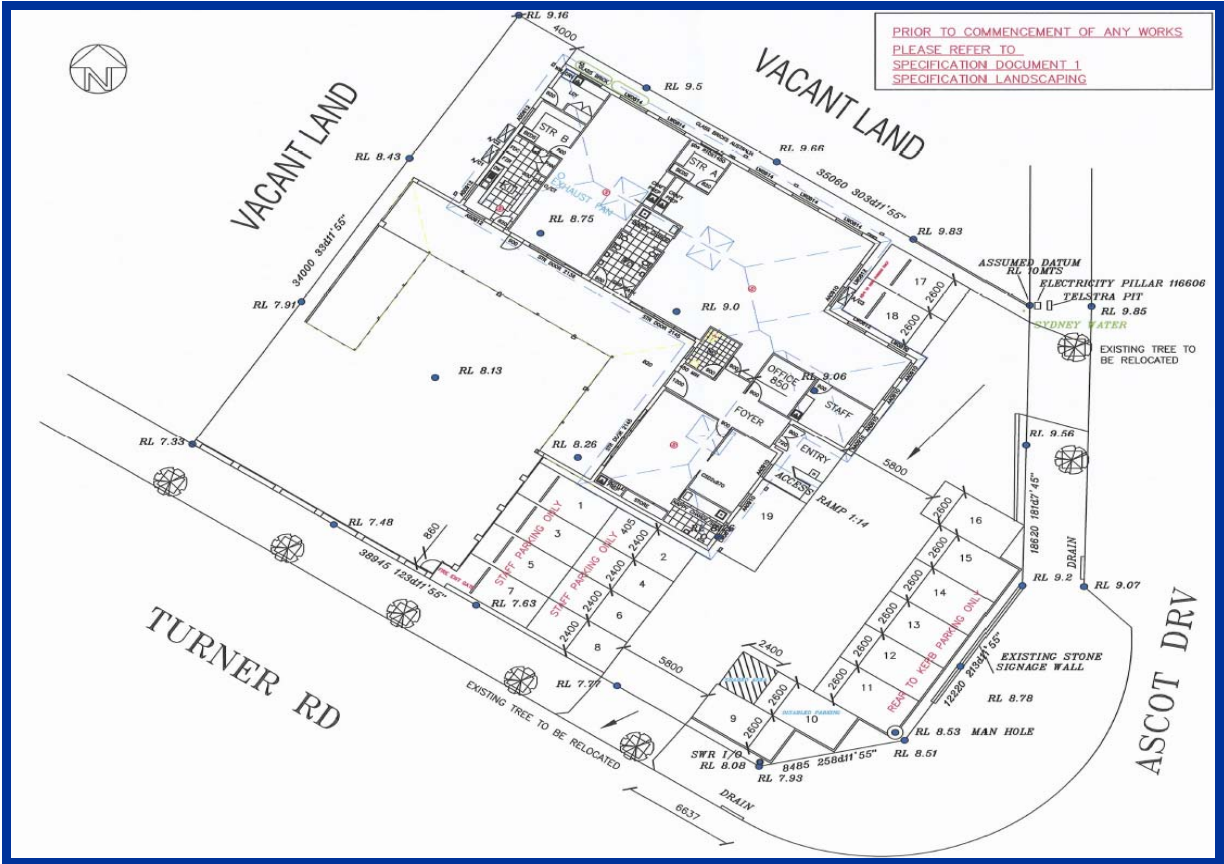
Specifically the proposed development involves:

- construction of a single storey building ranging in height from 7.6m to 9.1m. The building will be of brick construction with a tiled roof and colourbond aluminium windows and doors;
- construction of 19 off street car parking spaces and landscaping embellishment;
- operating hours Monday to Friday 6.30am to 6.30pm. No operating hours proposed for the weekends and public holidays;
- the employment of 8 staff; and
- the placement of 64 children.

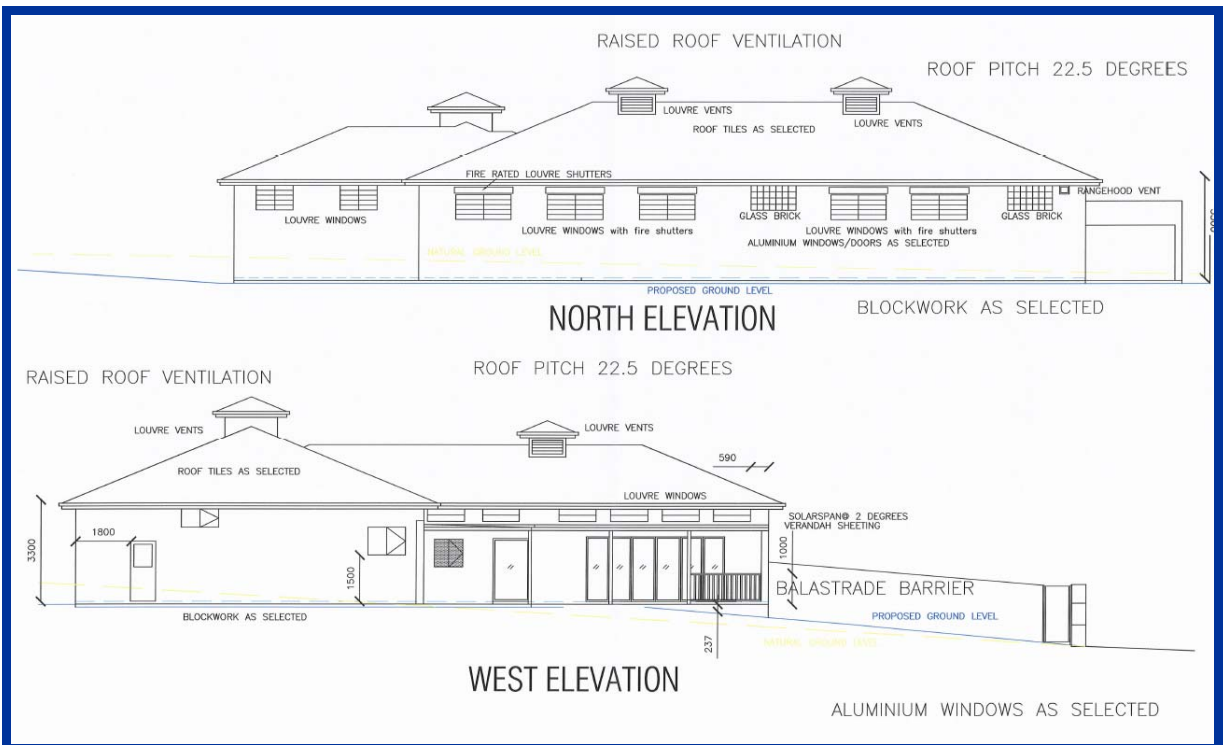
No signage is proposed as part of this application.

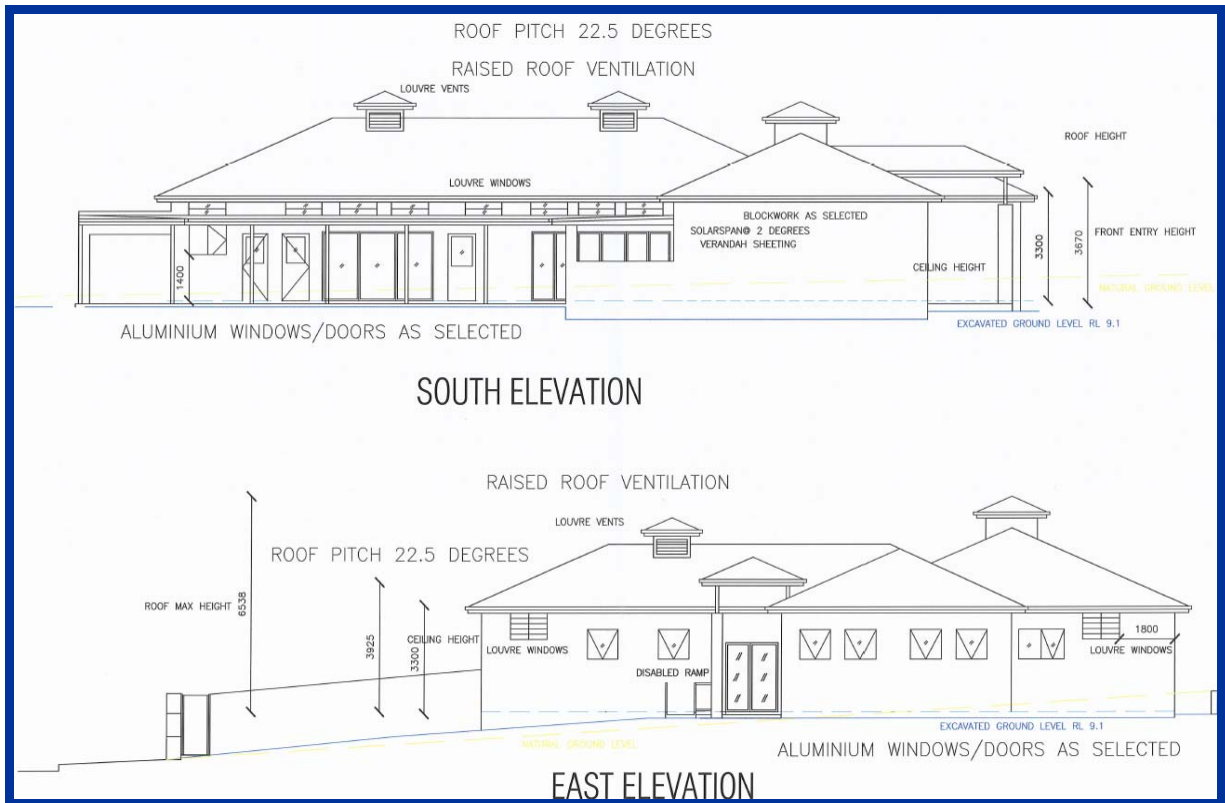
The value of works is \$353,695.18

A copy of the proposed plans is provided as attachment 1 to this report.
PROPOSED SITE PLAN



PROPOSED ELEVATIONS





ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied that the proposed site is suitable for its intended use (in terms of contamination) prior to granting consent. The applicant has submitted a Phase 2 Contamination Assessment in support of this DA. This Phase 2 Assessment was approved as part of the subdivision creating the subject site by DA 1291/2009.

Council staff have reviewed this application and are satisfied that the site is not contaminated and is suitable for its intended use as a child care centre. The proposed development is therefore consistent with the relevant provisions of the SEPP.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed as part of the proposed development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned R1 General Residential under the provisions of the LEP. The proposed development is defined as a “Childcare Centre” under the LEP which is a permissible land use in this zone.

Zone Objectives

The objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.

Officer comment:

This objective is not relevant in that the DA proposes the construction of a child care centre.

- To provide for a variety of housing types and densities.

Officer comment:

This objective is not relevant in that the DA proposes the construction of a child care centre.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Officer comment:

The DA proposes the construction of a child care centre which will provide a service to meet the day to day needs of residents. The proposed development is considered to be consistent with this objective.

- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.

Officer comment:

The DA proposes a child care centre which will provide a location for educational activities that will support the wellbeing of the community. The proposed development is considered to be consistent with this objective.

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

Officer comment:

It is considered that the proposed development will not result in conflict between other land uses within the zone and adjoining zones subject to a number of conditions relating to acoustic fence provisions and hours of operation.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP. Discussion of any variations of the controls is provided after the compliance table.

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum building height 9.5m	A building height ranging between 7.6m to 9.1m is proposed	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure including sewer and water	Yes
7.5 Child Care Centres	Ensure that child care centres do not unreasonably impact on the amenity of adjoining residential development	The proposed development will not unreasonably impact on the amenity of adjoining residential development in that the bulk and scale of the development will be consistent with the surrounding development	Yes
	Ensure that child care centres do not adversely affect traffic and pedestrian safety due to increased traffic congestion	The proposed development will not adversely affect traffic and pedestrian safety due to the separate ingress and egress into the site. It is not considered that the proposed development will result in significant additional traffic congestion upon the surrounding road network	Yes

Clause	Requirement	Provided	Compliance
	The consent authority must consider whether the land has an area of not less than 1,200m ²	The site has an area of approximately 1,435.2m ²	Yes
	The consent authority must consider whether the land has a boundary that adjoins an existing or proposed classified road	The site does not adjoin an existing or proposed classified road thus maintaining safe access for children	Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instruments applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures	Appropriate erosion and sedimentation controls measures have been proposed	Yes
B1.2 Earthworks	Subdivision and building work should be designed to respond to the topography Subdivision and building works shall be designed to ensure minimal cut and fill is required for its construction phase	The development responds to the topography of the land Minimal cut and fill is proposed as part of this development	
B1.3 Salinity Management	Salinity resistant construction	The development will be constructed to be salinity resistant	Yes
B1.9.9 Waste	Waste management plan	A waste management plan has been provided	Yes

Control	Requirement	Provided	Compliance
Management Plan		and is acceptable	
B1.12 Contaminated and Potentially Contaminated Land	Contamination assessment and remediation (if required)	<p>The applicant has submitted a Phase 2 Contamination Assessment in support of this DA. This Phase 2 Assessment was approved as part of the subdivision creating the subject site by DA 1291/2009</p> <p>Council staff are satisfied that the site is suitable for its intended use as a child care centre</p>	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	An acoustic report was provided in support of the proposed development. Subject to the provision of an acoustic fence along the southern and western boundaries, limitation on outdoor play space numbers and additional façade treatments, there will be no unreasonable adverse impact on existing acoustic amenity. The proposed development demonstrates compliance with Council's Environmental Noise Policy	Yes
B2 Landscape Design	A landscape plan is required	A landscape plan has been provided and is acceptable	Yes
B5.1 Off-street Car Parking Rates and Requirements	Compliance with Australian Standard AS 2890 and Council's engineering specification	The proposed development will contain conditions to comply with Council's Engineering Specifications and the relevant Australian Standard	Yes
	Child care centres	19 off-street car parking	

Control	Requirement	Provided	Compliance
	<p>require 1 car parking space for every 6 children in attendance and 1 car parking space per employee</p> <p>Based on the breakdown of children and staff, a total of 19 car parking spaces are required</p>	spaces have been provided which complies with the requirements of the DCP	Yes
D5.1 Child Care Centres	<p>All child care centres must be licensed by the NSW Department of Education and Communities (DEC)</p> <p>Child care centres should be located in the general vicinity of primary schools, employment areas, churches and recreation areas</p> <p>Child care centres should be located near services such as shops, medical facilities and public transport</p> <p>Child care centres should be located on sites with a minimum lot size of at least 1,200m²</p> <p>Child care centres should be located where traffic control devices do not impede vehicular access into the site</p>	<p>A condition is recommended requiring a licence to be issued by DEC prior to the occupation of the building</p> <p>The site is located approximately 860m from Mount Annan Christian C3 Church and School and is located approximately 140 metres from a reserve</p> <p>The site is located in close proximity to a range of services including a bus stop which is located approximately 500m from the subject site</p> <p>The site has an area of approximately 1,435.2m²</p> <p>The DA does not propose any traffic control devices however the site provides separate ingress and egress enabling all vehicles that enter and exit the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	Child care centres should be located where children will not be adversely affected by land contamination, excessive noise and air pollution	site to manoeuvre in a forward direction thus reducing any potential impacts The site is suitable for the intended child care centre use. The proposed child care centre will not be impacted by excessive noise or air pollution given the surrounding land uses comprise residential development	Yes
	Child care centres shall not be located on sites fronting or abutting a classified roads, where a traffic conflict may occur, on industrial lands, on sites which are flood affected or within transmission lines or on unsewered sites	The proposed child care centre is not located on a site which fronts a classified road and will not be subject to traffic conflicts. The site is located on residential land that is not flood affected or adjacent to/within a transmission line	Yes
	A front setback of 5.5m is required	A front set back is provided from the primary road frontage (Turner road) of approximately 7 metres	Yes
	A secondary street setback of 4m is required	A min 5.5m setback to Ascot Drive is provided	Yes
	A side setback of 1.2m is required	A side setback of 1.2m is provided	Yes
	A rear setback of 4m for ground floors and 8m for second floors must be provided	It is a recommended condition that a rear setback of 4m is provided. This requires the relocation of the proposed verandah. This will not compromise compliance with the	Yes

ORD01

Control	Requirement	Provided	Compliance
	<p>Entrances to buildings should be orientated towards the front of the site facing the street</p> <p>Consideration should be given to designing new buildings in a manner which allows them to revert to a dwelling house if necessary</p> <p>A landscape concept plan must be submitted with the DA</p> <p>Details of all fencing must be shown and consideration must be given to maximising privacy and noise reduction, ensuring safety of children and all fencing must be of a type and colour consistent with the residential character of the area so as to minimise the centres impact on the streetscape</p> <p>Open space requirements are to comply with the requirements set out in the Children (Education and Care Services)</p>	<p>open space requirement or acoustic controls</p> <p>The proposed entrance fronts Ascot Drive and is clearly identifiable</p> <p>The proposed building is capable of being reverted to a dwelling in the future due to its design, bulk and scale</p> <p>A landscape concept plan has been provided and is sufficient to soften the proposal's impact on both Turner Road and Ascot Drive</p> <p>The development proposes the provision of an acoustic fence 2.1m in height along the south and west boundaries in order to attenuate any adverse noise impacts from the child care centre. It is considered that this portion of the fence will not adversely impact the streetscape in that it will be articulated and softened with landscaping</p> <p>The proposed development will provide approximately 467.5m² of open space</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>Supplementary Provisions Regulation 2004. Based on 64 children, the DA requires the provision of 448m² of open space</p>		
	<p>Driveway and car parking layouts are to be designed to allow for the safe delivery and collection of children, staff, parent, visitor and service vehicles</p>	<p>It is considered that the proposed development allows for the safe delivery/collection of children, parents and staff and service vehicles. Pathways and ramps will comply with AS 2890</p>	<p>Yes</p>
	<p>Child care centres will need to comply with the requirements of the Building Code of Australia, including fire safety measures AS/NZ 2890 and Disability Discrimination Act with regards to disabled access and car parking</p>	<p>It is a recommended condition that the development comply with the BCA and AS/NZ2890</p>	<p>Yes</p>
	<p>Hours of operation will be restricted between 7am and 6pm Monday to Friday</p>	<p>The development proposes hours of operation from 6.30am to 6.30pm Monday to Friday</p>	<p>No – DCP Variation 1</p>
	<p>Child care centres must have access to potable water</p>	<p>The proposed development has access to a potable water supply</p>	<p>Yes</p>
	<p>Kitchen fit-out must comply with the Food Act and Regulations and Council's Food Premise Code</p>	<p>The proposed development will be conditioned to comply with the Food Act and Regulations and Council's Food Premise Code</p>	<p>Yes</p>

Control	Requirement	Provided	Compliance
	DAs for child care centres must be accompanied by a contamination Investigation	The DA was accompanied by a contamination assessment which states the site is suitable for its intended child care centre use. Council staff agree with this assessment	Yes
	An acoustic report prepared by a qualified consultant must be lodged with the DA. The report must be undertaken in accordance with Council's Environmental Noise Policy	The DA was accompanied by an acoustic report prepared by a qualified consultant. The report was undertaken in accordance with Council's Environmental Noise Policy and recommends the provision of acoustic fencing 2.1m in height along the southern and western boundary and a number of additional attenuation measures. Council staff have reviewed this report and agree with its findings	Yes

DCP Variation 1 – Hours of Operation

DCP Requirement

The DCP limits hours of operation for child care centres from 7am to 6pm Monday to Friday. The DCP allows for a variation to these hours if it can be demonstrated that no adverse impacts on neighbouring properties will result from an earlier starting and/or later closing time.

Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- the hours of operation requested by the centre are 6.30am to 6.30pm however the noise impact assessment requires that children will not be involved in out door play before 7am and therefore there will be no adverse impact as a result of the extended hours; and

- the extended hours will allow parents to drop off children and commence work in the surrounding Smeaton Grange/Camden area by 7am.

Council Staff Assessment

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- it is a recommended condition that hours of outdoor play are restricted from 6.30am to 7am and from 6pm to 6.30pm and this will aid in ensuring the amenity of residents is maintained;
- the proposed attenuation measures including a 2.1m acoustic fence along the southern and western boundaries will also attenuate any adverse noise impacts; and
- no submissions have been received in relation to the proposed hours of operation.

Consequently it is recommended that Council support this variation to the DCP.

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

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

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in 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 proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site

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

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for 28 days in accordance with the DCP. The exhibition period was from 13 December 2013 to 10 January 2014. 7 submissions were received (all objecting to the proposed development).

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

1. Increase in traffic around and on the intersection of Turner Road and Ascot Drive.

Officers Comment

It is acknowledged that the proposed development will result in an increase in traffic volumes in the area however the proposed road network within the area is sufficient to cater for that increase. The traffic report submitted in support of this development calculates that during peak morning periods, i.e. 7am – 9am, a total of 52 trip movements will be generated as a result of 64 children. During peak afternoon periods, i.e. 4pm to 6pm, a total of 45 trip movements will be generated. Given the estimated peak periods, The traffic generation is considered to be of low impact on the surrounding road network.

2. *Insufficient car parking being provided will have an adverse impact on Turner Road and Ascot Drive*

Officers Comment

The issue of insufficient car parking has been assessed and based on the total children and staff numbers, the Camden DCP requires the provision of 19 spaces. The DA proposes a total of 19 spaces and therefore provides sufficient spaces. In addition, the DA proposes one way traffic movement entry into the site via Ascot Drive and exit from the site onto Turner Road and this will aid in the movement of vehicles to and from the site and reduce any adverse traffic and parking impacts. The installation of 'No Stopping' restrictions is also proposed to ensure the existing amenity of residents is maintained.

3. *Concerns regarding the size and location of the proposed child care centre*

Officers Comment

When originally lodged, the DA proposed the construction of a two storey child care centre however following discussions with Council staff, the applicant reduced the proposed centre to single storey catering for a maximum 64 children. The reduction in floor area has reduced the bulk and scale of the building and provided a centre that is more in keeping with the existing character of the area. It is considered that the site is suitable for its intended use given its proximity to public transport, schools and public open space.

4. *The width of Turner Road has insufficient room for two vehicles to pass each other.*

Officers Comment

Turner Road is deemed to be of a sufficient width (9m) to accommodate the proposed development. As aforementioned, the installation of 'No Stopping Restriction' 10 metres west of the exit drive way on Turner Road and eastwards to the end of the kerb extension on Ascot Drive will aid in ensuring the 19 car parking spaces provided on site are utilised.

5. *Emergency evacuation measures*

Officer Comment

The issue of emergency evacuation has been considered and the local road network is deemed to be sufficient for emergency vehicle access if required. Turner Road has a width of 9m and Ascot Drive has a width of 12m.

6. *Increase of noise generated by the development.*

Officer comment

In relation to noise issues, a noise impact assessment has been lodged in support of the DA and this report has been reviewed by Council staff. The noise impact assessment recommends a number of measures to ensure that no adverse noise impacts will occur as a result of the proposal. These measures include acoustic fence provision along the southern and western boundaries and the limitation of children numbers in outdoor play areas at any one time. Subject to the inclusion of these measures, the DA complies with Council's Environmental Noise Policy and will not have any adverse noise impacts on adjoining properties.

7. *Special Events Days will cause adverse impacts to the frequency and numbers of attendees*

Officer comment

The issue of special day events has been considered and a condition is recommended which requires an operational plan of management to be prepared prior to the occupation of the building. The operational plan of management will require the number of special events and attendees to be limited to a maximum of 10 events per year to reduce any potential impacts on adjacent lands.

(e) *The public interest*

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

The DA was not required to be referred to any external agency for comment.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1060/2013 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

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

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
Drawing Status 1	Colour Schedule	Jalenko Homes	29 October 2013
Sheets 1 of 8 issue 2	Floor Plan	Jalenko Homes	May 2014
Sheets 2 of 8 issue 3	Elevation 2	Jalenko Homes	May 2014
Sheet 3 of 8 issue 2	Elevation 1	Jalenko Homes	May 2014
Sheet 4 of 8 issue 3	Site Plan	Jalenko Homes	May 2014
Sheet 5 of 8 issue C	Proposed New Childcare Centre	Star Planning	12 May 2014
Sheet 6 of 8 issue C	Proposed New Child Care Centre	Star Planning	12 May 2014
Sheet 7 of 8 issue 2	Play Area Details	Jalenko Homes	May 2014
Statement of Environmental Effects	Proposed Manooka Valley Child Care Centre	Lodged with Application	25 November 2014
Traffic and Parking Impact Assessment	Proposed Childcare Centre	Hemanote Consultants	October 2013
Noise Impact Statement prepared for Jalenko Homes	Proposed Currans Hill Childcare Centre	EMM (EMGA Mitchell McLennan)	22 April 2014

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Amendment to Plans** – A 4m rear setback must be provided in accordance with the requirements of Table D20 of the Camden DCP 2011. The proposed verandah must therefore be setback a minimum of 4m and a plan demonstrating this provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- (3) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (4) **Food Codes And Regulations Compliance** - The construction and fit-out of the premises or any part thereof, to be used for the manufacture, preparation or storage of food, must comply with Camden Council's Food Premises Code, the *Food Act 2003* and the *Food Regulations 2010* (incorporating the Food Standards Code).
- (5) **Plans** - The premises, fittings and fixtures must be constructed and installed in accordance with the approved plans unless otherwise specified in these conditions of approval.

- (6) **Cooking and Cleaning Appliances** - Cooking and cleaning appliances intended to be used for cooking or preparation of food or cleaning of food equipment must be of a commercial quality / standard.
- (7) **Kitchen Access** - Access to the kitchen whilst in use is to be restricted to staff only. Suitable doors shall be provided and fitted to all openings that lead into the kitchen with self closing devices fitted to ensure that access remains restricted.
- (8) **Advertising/Business Identification Signs Application** – Advertising/Business identification signage requires prior development consent. A development application must be submitted and approval granted by the Consent Authority (i.e. Camden Council) prior to the erection of any advertising/business identification signs.
- (9) **Landscaping Maintenance and Establishment Period** - For a period of 12 months, commencing from the Date of Practical Completion (DPC), the Applicant will have the maintenance responsibility for all landscaping works associated with this Consent, including all street tree installations and street tree repairs. The Applicant will also be responsible to ensure the landscaping works, including all street tree installations or street tree repairs are successfully established during this 12 month period.

The street trees are to be installed with consideration given to proposed driveways, street lights, vehicle entry and exit sight lines. The Street Trees are to have well constructed tree guard protection installed. A minimum requirement is the installation of at least 3 bollards per street tree. The bollards are to be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for 1.2m above ground exposure and .6m buried support. The bollards are to be timber (or other acceptable composite material) and a minimum 150mm x 150mm width. Timber bollards are to be a durability minimum of H4 CCA.

The Date of Practical Completion (DPC) 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 or street tree repair and all landscaping mulching.

It is the Applicant's responsibility to arrange a site inspection with the Principal Certifying Authority (PCA), upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

At the completion of the 12 month landscaping maintenance and establishment period, all areas of lawn and plantings, including any nature strip and road verge areas, street trees, street tree protective guards, bollards and garden bed areas, must be in a safe and functional condition and all plantings must be reasonably established and have signs of healthy and vigorous growth

At the completion of the maintenance and establishment period, the landscaping works must comply with the approved Landscaping Plans.

2.0 - Construction Certificate Requirements

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

- (1) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

Note:

- (a) Under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
- (b) Under section 109E of the *Environmental Planning and Assessment Act 1997*, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (2) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (a) all matters associated with Council's Erosion and Sediment Control Policy;
- (b) all matters associated with Occupational Health and Safety;
- (c) all matters associated with Traffic Management/Control; and
- (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (3) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate.

The survey must include descriptions of each photo and the date when each individual photo was taken.

- (4) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of \$5,000.00 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (5) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (6) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements and approval of Council). Plans and proposals must be approved by Council prior to the Construction Certificate being issued.

- (7) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with Camden Council's current Engineering Design Specifications.
- (8) **Vehicular Area Design Standards** - The internal driveway and car parking area must be designed in accordance with AS2890.1-1993 off-street car parking.
- (9) **Stormwater Disposal** - Stormwater runoff from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (10) **Water Quality Measures** - The proposed surface water collection and disposal systems must incorporate adequate silt traps and grit and oil arrestors.

Only uncontaminated stormwater must be discharged to the stormwater drainage system. Details of the silt traps and grit arrestors must be shown on the submitted engineering plans prior to the Construction Certificate being issued.

- (11) **Parking Spaces** - A minimum of 19 car parking spaces must be provided on site. These spaces and associated access driveways and manoeuvring areas must conform with Camden Council's Car Parking Code (Camden Development Control Plan (DCP) 2011), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (i.e. Camden Council) standard.

Documentary evidence of compliance from an Accredited Certifier/Suitably qualified person must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

- (12) **Access for People with Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the *Building Code of Australia*. Prior to the issue of a Construction Certificate, the plans must be amended to reflect this.
- (13) **WorkCover** - If gas is to be utilised, the requirements of WorkCover must be sought in relation to the provision of gas for cooking purposes and any other particular requirement they may have for this development.

A written response must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

- (14) **Veranda Setback** – The Veranda must be setback a minimum of 4 metres from the boundary. The plan is to be amended to demonstrate this and provided to the PCA prior to the issue of a Construction Certificate.
- (15) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with:
 - (a) Camden Council's current Engineering Specifications, and
 - (b) Camden Council's Development Control Plan 2011

- (16) **Department of Family & Community Services** - Compliance with any requirements of the Department of Family & Community Services in relation to this development is required. In this regard, a letter from the Department of Community Services which details the approved number and age of children to be accommodated at the facility and any conditions of operation must be submitted to the Consent Authority (i.e. Camden Council) prior to the Construction Certificate being issued.
- (17) **Stacked Parking** – The proposed stacked parking is to be utilised by staff only and must be clearly identified through signage. Details of this must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- (18) **Detailed Landscaping Plans** - Prior to the issue of the Construction Certificate, detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape designer, must be submitted with the Construction Certificate application in accordance with Camden Council's current Engineering Design Specifications.

The detailed Landscaping Plans must supply sufficient information in regards to (but not limited to):

Street trees:

- (a) That the Street Trees have well constructed tree guard protection installed. A minimum requirement is the installation of at least 3 bollards per street tree. The bollards are to be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for 1.2m above ground exposure and .6m buried support. The bollards are to be timber (or other acceptable composite material) and a minimum 150mm x 150mm width. Timber bollards are to be a durability minimum of H4 CCA.

Landscaping Plans - The detailed Landscaping Plans must mirror and be consistent with the approved Concept Landscaping Plans.

3.0 - Prior To Works Commencing

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

- (1) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (2) **Soil Erosion And Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (3) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (4) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (5) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (6) **Notice Of Commencement Of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
 - (7) **Construction Certificate before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.

4.0 - During Construction

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

- (1) **Survey Report (Peg Out)** - The building must be set out by a registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (2) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (3) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
 - (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
 - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (4) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
 - (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
 - (b) 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 the site;
 - (c) 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;
 - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
 - (e) a waste control container shall be located on the development site.
- (5) **Excavation and Backfilling** – All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (6) **Shoring and Adequacy of Adjoining Property** - Shall be in accordance with Clause 98E of the *Environmental Planning and Assessment Regulation 2000*.
- (7) **Protection of Public Places** – If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

- (8) **Salinity Management Plan** - All proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with "Salinity Management Plan: Stage 1 and 2 Lot 12 DP 104138 1 Manooka Valley Currans Hill, Prepared by GeoEnviro Consultancy Pty Ltd, Ref JC06054A-r4, Dated January 2010."
- (9) **Acoustic Barrier Servicing Outdoor Play Area** - A solid acoustic fence at least 2.1 meters high is to be constructed along the entire western boundary and also along part of the southern boundary (that encloses the outdoor play area). The acoustic fences are to be constructed from durable material with a minimum mass of 15 kg/m² to prevent noise transmission and have no gaps.
- (10) **Acoustic treatment of Verandah** - External shiplap cladding at least 600mm in width is to be constructed for the entire length of the verandah that faces the western boundary. The location of the cladding on the verandah is to be consistent with the approved Floor Plan, Dated 5/14, Section C-C"
- (11) **Acoustic Barrier Servicing Car Spaces** - A solid fence at least 1.8 metres high is to be constructed along the northern boundary. The fence is to start from the north-western boundary and extend up to and include the full length of car parking space "no 17". The solid fences are to be constructed from durable material to prevent noise transmission and have no gaps.
- (12) **Wall Finish** - Walls in food preparation, service and scullery areas must be finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall to a height of at least 2m above floor level and to the underside of canopy hoods. Walls that are not tiled or otherwise finished must be cement rendered to a smooth even surface and painted with a light coloured washable paint, or sealed with other approved materials.
- (13) **Floor Finish** - Floors in the food preparation areas, sculleries and food storage areas shall be constructed of approved materials that are non-slip and impervious, and meet the requirements of Council's Food Premises Code.
- (14) **Coving** - Intersections of the floor with walls and plinths shall be coved so that the area can be easily cleaned.
- (15) **Ceilings** - Ceilings are to be constructed of a rigid smooth faced, non-absorbent material and could include fibrous plaster, plasterboard, fibrous cement, cement render or other approved material painted with a washable gloss paint of light colour.

- (16) **Light Fittings** - Light fittings must be recessed into the ceiling or flush mounted and edges sealed. They must be enclosed in unbreakable diffusers.
- (17) **Service Pipes** - All service pipes and electrical conduits shall be concealed within the floor, plinths, walls or ceilings.

OR

All service pipes and electrical conduits which are not capable of being concealed within walls shall be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and adjacent horizontal surface.

- (18) **Gaps Sealed** - All gaps between shelves and vertical surfaces must be sealed to prevent the accumulation of grease and food particles. Alternatively 25mm clearance is required to allow the area to be cleaned.
- (19) **Fixtures & Fittings** - All benches, fixtures, refrigeration cabinets and cooking appliances must be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Alternatively, clearances are to be provided from vertical surfaces in accordance with Council's Food Premises Code.
- (20) **Shelving** - Shelving shall be constructed with at least 150mm clearance from the floor. Wall shelves must have at least 25mm clearance from vertical surfaces.
- (21) **Wall Tiles** - The walls behind the benches, sinks, tubs, hand basins, cupboards and similar fittings shall be tiled for a height of 450mm with glazed ceramic tiles.
- (22) **Hand Washing Facilities** - Hand basins shall be provided in accessible locations within each food preparation and food service area. (Note: AS4674-2004 requires that hand basins are accessible and no further than 5 m from any place where food handlers are handling open food).

The hand basins must be:

- a) Provided with water at least 40oC from a mixed hot and cold supply;
 - b) Supplied with a sufficient supply of liquid soap and single-use towels or other suitable hand drying facilities located adjacent to the hand basin;
 - c) Kept in a clean and sanitary condition and in good repair at all times;
 - d) Not used for any other purpose other than the washing of hands.
- (23) **Bottle Preparation Room** – This room must have a separate equipment washing sink and a dedicated hand washing basin. Both sink and basin are to be supplied with hot and cold water through a common spout.
- (24) **Drop in Panels** - Drop in panels for ceilings are prohibited over food preparation areas.

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- (25) **Storage Cupboards** - Adequate provision must be made for the storage of cleaning chemicals and staff personal belongings.
 - (26) **Dishwashing Facilities** - The premises must be provided with:
 - (a) a commercial dishwashing machine capable of achieving a hot water temperature of at least 77° Celsius that is fitted with a temperature thermometer or gauge; and
 - (b) at least one single bowl cleaning sink or tub containing at least one compartment.
 - (27) **Exhaust Ventilation** - Mechanical exhaust ventilation must be provided where cooking appliances are installed. Exhaust ventilation systems shall be installed in accordance with the requirements of Australian Standard 1668-1991 Parts 1 & 2.
 - (28) **Closed Cupboards** - Closed cupboards are to be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Cupboards are to be supported on plinths in accordance with Council's Food Premises Code.
 - (29) **Storage of Stock** - Floors throughout the premises must be maintained free of stored stock so as to allow cleaning and removal of waste.
 - (30) **Wall Construction** - All walls must be of a solid impervious construction and closed jointed. Walls may be constructed of brick, concrete, concrete blocks, structural fibrous cement or other similar homogenous material.
 - (31) **Vehicular Area Surface Finish** - The visitor car parking spaces, driveways, footpaths and the like must be constructed of coloured, textured or stencilled concrete or paving.
 - (32) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste including building or demolition waste must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the development consent. Evidence of the certification of the fill as uncontaminated must be provided to the Principal Certifying Authority.

5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days

from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (2) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. The Fire Safety Certificate is to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:
- (a) has been assessed by a properly qualified person; and
 - (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of Fire & Rescue New South Wales, and
 - (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
- (3) **Offensive Noise** - The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997*.
- (4) **Acoustic Compliance Report** - An acoustic assessment report based on noise monitoring of the site shall be submitted to Camden Council (Consent Authority) prior to the issue of an occupation certificate. The acoustic monitoring shall be undertaken by a qualified acoustic consultant with the purpose to demonstrate the following:

Mechanical plant noise (air-conditioner and kitchen exhaust) complies with:

LAeq, 15min 35 dB(A) Day period 7.00am – 6.00pm

when assessed one metre inside the nearest existing residential boundary and one metre within any future adjoining residential property boundary.

Materials and Mitigation Controls

that all noise attenuation materials and structures used for the mitigation of noise (such as acoustic fences and shiplap cladding material) is compliant with the conditions and constructed to the correct heights.

For any non-compliance, the acoustic compliance report must make recommendations for compliance or further attenuation of noise sources and these recommendations will be enforced by Council at the cost of the owner / occupier. An application pursuant to s.96 of the EP&A Act for the modification of the issued development consent must be submitted to Camden Council for determination, with the recommended amendments to be implemented following Council Consent.

The owner/occupier must then provide a supplementary acoustic assessment and report to the Principal Certifying Authority certifying that all compliance works have been completed and that noise levels comply with the above criteria.

- (5) **Registration & Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form.
 - (6) **Certification of Exhaust System** - Where an exhaust ventilation system is installed, a Certificate of Compliance must be submitted to Camden Council, prior to occupation. The certificate must be issued by a suitably qualified person and verify that the kitchen exhaust system as installed, has been tested and complies with Australian Standard 1668 – 1991 Parts 1 & 2 and the Building Code of Australia.
 - (7) **Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA), an additional inspection of the commercial kitchen must be undertaken by or on behalf of the PCA prior to the issuing of an Occupation Certificate. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.
 - (8) **Compliance Letter.** - Where the consent authority is not the Principle Certifying Authority (PCA) an additional inspection of the commercial kitchen must be undertaken by the Consent Authority (involving an Environmental Health Officer from the Consent Authority) prior to the issuing of an Occupation Certificate. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.
- Note: failure to comply with Council's Food Premises Code, the Food Act 2003 and the Food Regulations 2010 (incorporating the Food Standards Code), at final inspection stage prior to OC, will result in refusal to operate and possible issue of Improvement Notices to the proprietor. Any improvements to the kitchen due to non-compliance will be at the applicant's expense.
- (9) **Parking Restrictions** – Parking is prohibited along the site's frontage to Turner Road. Relevant signage must be erected to illustrate this and be approved the Camden Local Traffic Committee.
 - (10) **Street Trees, their tree root barrier guards, protective guards and bollards** - During any earthworks, development works and maintenance and establishment periods, relating to this Consent, the Applicant is advised:
 - (a) Any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, do not survive, are relocated, removed, or damaged must be successfully restored at the time the damage, death or disturbance occurred.

- (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Occupation Certificate.
- (11) **Works as Executed Plan** - Prior to the Occupation Certificate being issued, a works-as-executed drawing must be submitted in accordance with Camden Council's current Engineering Construction Specifications to the Principal Certifying Authority.
- (12) **Footpath Crossing Construction** - Prior to the issue of any Occupation Certificate a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.
- (13) **On Site Parking Signs** - Sign/s measuring 600mm x 900mm must be erected which is visible to persons driving along the street that indicates on-site parking is available. Visitor spaces must be suitably signposted indicating their use for visitor parking only. The sign/s shall be maintained in good repair at all times.
- (14) **Operational Plan of Management** – The applicant must prepare an Operational Plan of Management and this must be submitted to the Principal Certifying Authority prior to the release of an Occupation Certificate. The Operational Plan of Management must specify and include the following measures to deal with:
- Number of staff;
 - Staff Working Hours
 - The minimisation of impact on the nearby residents by traffic and parking associated with the development;
 - Child drop off and pick up procedures by vehicles;
 - Child check in and check out procedures;
 - Family day events, including:
 - I. Limitations to be placed on the type of events to be held (no more than 10 events per year) at the centre and the family personnel that the event will be limited to;
 - II. Limitations to be placed on the number of events to be scheduled per year;
 - III. Limitations to be placed on the number of attendees for each event;
 - IV. Dates and Times for each events;
 - V. Notice periods for each event, being not less than 7 days
 - Details on Emergency Evacuation;
 - Neighbourhood complaint management, including:
 - I. Maintaining and operating a complaints procedure and policy to deal with neighbour complaints; and
 - II. Maintaining a neighbour complaints register which is accessible to neighbours on a regular basis.

6.0 - Operational Conditions

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

- (1) **Internal Road Design and Width** - With the exception of garbage and recycling collection vehicles, the developer must not permit the reversing of vehicles onto or away from the road reserve. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with Australian Standard 2890.1 Parking Facilities - Off Street Car Parking.
- (2) **Children at External Play** – Noise emitted from children participating in outdoor playground activities shall not exceed the (LAeq, 15 minute), 40 dB(A) when assessed within any existing or future residential property boundary.

In addition, Children at external play are not permitted to be outdoors between the hours of 6.30am -7.00am and 6.00pm -6.30pm.
- (3) **Maximum Number of Children at Playground** – In order to maintain noise control a maximum number of 10 children in the 3-6 years age group are permitted to occupy or participate in external play in the outdoor playground at the one time.
- (4) **Approved Number Not Exceeded** - Management must ensure that the approved maximum number of persons permitted in the child care facility is not exceeded, and is monitored by the approved method submitted with your Development Application.
- (5) **Kitchen Exhaust Noise Operating Restriction** – The kitchen exhaust fan must have a total discharge sound power level of 57 dB(A) or the kitchen exhaust itself must have a silencer fitted on the outlet of the kitchen exhaust fan with an insertion loss to reduce sound levels to 57 dB(A). Selection of suitable mechanical plant must be undertaken with the involvement of a suitably qualified acoustic consultant.
- (6) **Air Conditioner Plant Noise Restriction** – The noise level from the combined use and operation of mechanical plant must not exceed 35dB(A) LAeq 15 minutes when measured one meter inside the nearest residential boundary.
- (7) **Mechanical Plant Noise Restriction** -The use and operation of all mechanical plant shall be restricted to only operate between the hours of 6.30am to 6.30pm, Monday to Friday.
- (8) **Emission Requirements** – All gases, odours, fumes, steam, moisture and particulate matter generated by the use of the premises must be collected into approved stacks for discharge to the atmosphere. The quality of the discharges from the stack system must comply with the requirements of the Protection of the Environment Act 1997, as amended and Regulations made there under
- (9) **Environmental Requirement** – All activities associated with the development must be carried out within the development, and must be carried out in an environmentally satisfactory manner as defined under section 95 of the Protection of the Environment Operation Act 1997.
- (10) **Hot Storage** - All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.

- (11) **Cold Storage** - All equipment used for the display or storage of cold food shall maintain the food temperature of not more than 5°C.
- (12) **Commercial Waste Contract** - The applicant shall enter into a commercial contract for the collection of trade waste and recycling. A copy of this agreement shall be held on the premises at all times.

If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (13) **Hours of Operation** - The hours of operation for the approved land-use are:

Monday to Friday:6.30am to 6.30pm

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.

- (14) **Graffiti Removal** – All graffiti is to be removed within 48 hours of it occurring.
- (15) **Operational Plan of Management** - The applicant/operator must comply with the provisions of the Operational Plan of Management at all times.
- (16) **Amplified Music** – The use of amplified music in outdoor areas of the centre is prohibited.

RECOMMENDED

That Council approve DA 1060/2013 for the construction of a single storey 64 place child care centre, car parking, landscaping, acoustic fence provision and associated site works at 215-219 Turner Road Currans Hill subject to conditions listed above.

ATTACHMENTS

1. Proposed Plan
2. Submissions - *Supporting Document*
3. Submission Map - *Supporting Document*

ORDINARY COUNCIL

ORD02

ORD03

SUBJECT: SUBDIVISION TO CREATE 2 RESIDENTIAL LOTS, CONSTRUCTION OF 2 X TWO STOREY SEMI-DETACHED DWELLINGS AND ASSOCIATED SITE WORKS AT 1 MYOPORUM AVENUE, MOUNT ANNAN

FROM: Director Planning & Environmental Services
TRIM #: 14/87367

APPLICATION NO: 86/2014
PROPOSAL: Subdivision to create 2 residential lots, construction of 2 x two storey semi-detached dwelling and associated site works
PROPERTY ADDRESS: 1 Myoporum Avenue, Mount Annan
PROPERTY DESCRIPTION: Lot 3427, DP1105910
ZONING: R3 Medium Density Residential
OWNER: Ms T Decevic
APPLICANT: Ms T Decevic

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a subdivision to create 2 residential lots, construction of 2 x two storey semi-detached dwellings and associated site works at 1 Myoporum Avenue, Mount Annan.

The DA is referred to Council for determination as there remain unresolved issues received in four submissions (received from 2 properties).

SUMMARY OF RECOMMENDATION

That Council determine DA 86/2014 for a subdivision to create 2 residential lots, construction of 2 x two storey semi-detached dwellings and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a subdivision to create 2 residential lots, construction of 2 x two storey semi-detached dwellings and associated site works at 1 Myoporum Avenue, Mount Annan.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited twice for periods of 14 days in accordance with Camden Development Control Plan 2011. Four submissions were received from 2 properties (all objecting to the proposed development). **A copy of the submissions is provided with the Business Paper supporting documents.**

The issues raised in the submissions relate to compliance with the DCP, the zoning of the site, that the development does not fit in with existing surrounding development, overshadowing and privacy impacts, accuracy of the proposed plans, traffic safety, on-street car parking and loss of property values.

The proposed development involves the subdivision of the site into 2 lots and the construction of a semi-detached dwelling on each.

The site has been zoned R3 Medium Density Residential since the gazettal of Camden Local Environmental Plan 2010 in September 2010. Prior to this the site was zoned 2(d) Residential under Camden Local Environment Plan No 47. The previous 2(d) zone also permitted medium density forms of housing.

The proposed semi-detached dwellings are permitted in the applicable R3 Medium Density Residential zone. The proposed development is consistent with the controls in the DCP. It is considered that the proposed development is compatible with existing surrounding development.

It is acknowledged that some overshadowing will occur to adjoining properties however this is a common occurrence with two storey development. Importantly the site complies with the DCP's requirements for solar access both for this and adjoining sites.

The proposed semi-detached dwellings have been designed to prevent overlooking into adjoining properties. The two storey elements contain bedrooms and bathrooms which will not create significant privacy impacts as they are low use rooms.

The proposed plans have been updated, assessed by Council staff and the dimensions and areas shown on them are considered to be correct.

The additional vehicle movements generated by the two proposed dwellings is minimal will not significantly impact on traffic or safety. The location of the driveway is in accordance with relevant Australian Standards.

The proposed development provides 2 car parking spaces per dwelling which complies with the DCP. It is noted that other on-street car parking opportunities exist in the surrounding street network including further along Myoporum Avenue to the south west.

Loss of property values is not a matter for consideration under the *Environmental Planning and Assessment Act 1979*.

The proposed development **fully complies** with all applicable planning controls.

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

AERIAL PHOTO



THE SITE

The site is commonly known as 1 Myoporum Avenue, Mount Annan and is legally described as lot 3427, DP 1105910.

The site has a frontage of 53.1m to Myoporum Avenue and Mount Annan Drive, a depth of 24m and an overall area of 753.6m². The site falls from south east to north west and was previously used for a land sales office and car park. The sales office has been removed however the remains of the car park are still located on the site. Part of the site along it's north eastern boundary is identified as being bush fire prone.

The immediate area is characterised by residential dwellings and public open space. The wider surrounding area contains the existing residential suburb of Mount Annan. To the west and south lies the developing residential suburb of Spring Farm. To the east lies the Australian Botanic Garden, Mount Annan whilst to the north exists Narellan Road and residential suburb of Currans Hill.

HISTORY

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

Date	Development
26 June 2007	Creation of this lot approved by DA 314/2006
23 November 2007	Approval of DA 797/2007 for a temporary exhibition village, car parking and signage
19 December 2009	Approval of Section 96 Modification Application 797(2)/2007 for the extended duration of the exhibition village operation and existing car parking and signage by 3 years
20 December 2010	Approval of DA 1362/2010 for a temporary sales office and associated signage

THE PROPOSAL

DA 86/2014 seeks approval for a subdivision to create 2 residential lots, construction of 2 two storey semi-detached dwelling and associated site works.

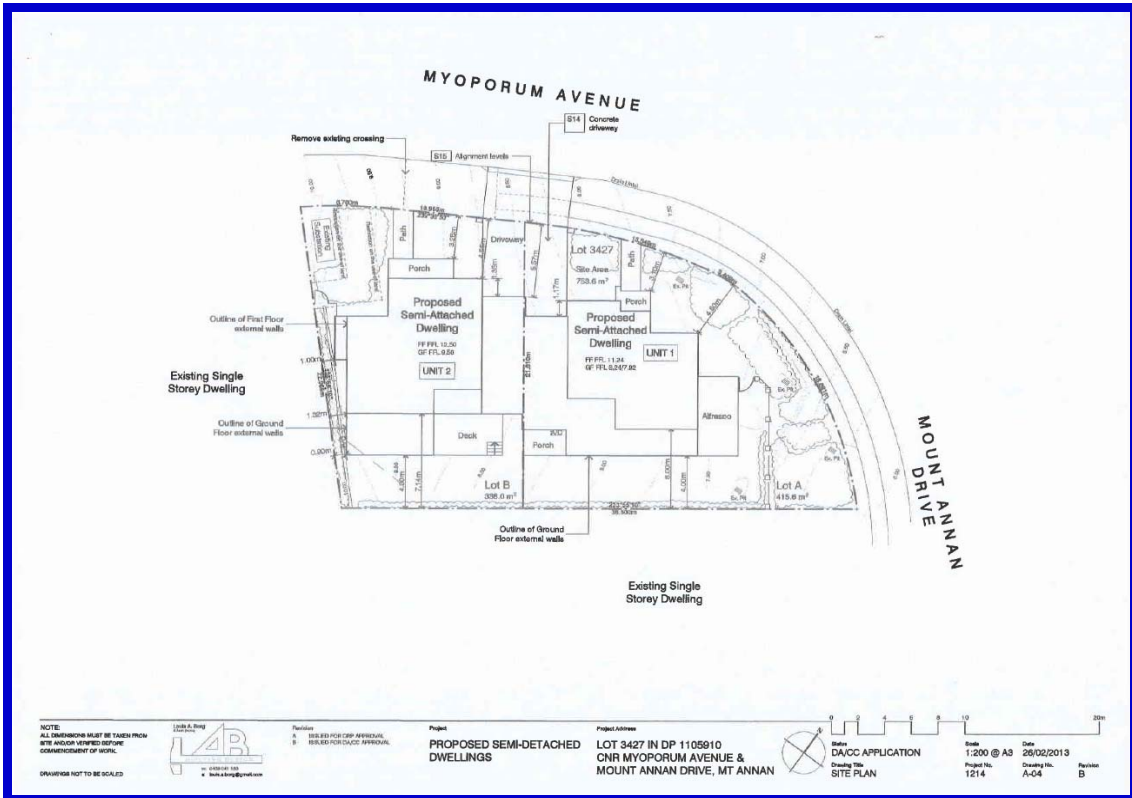
Specifically the proposed development involves:

- subdivision to create 2 residential lots. Proposed lot A will have an area of 415.6m² and proposed lot B will have an area of 338m²; and
- construction of 2 x two storey semi-detached dwellings and associated site works on each of the lots. The dwelling on proposed lot B will have 4 bedrooms and the dwelling on proposed lot A will have 3 bedrooms.

The value of the works is \$440,000.

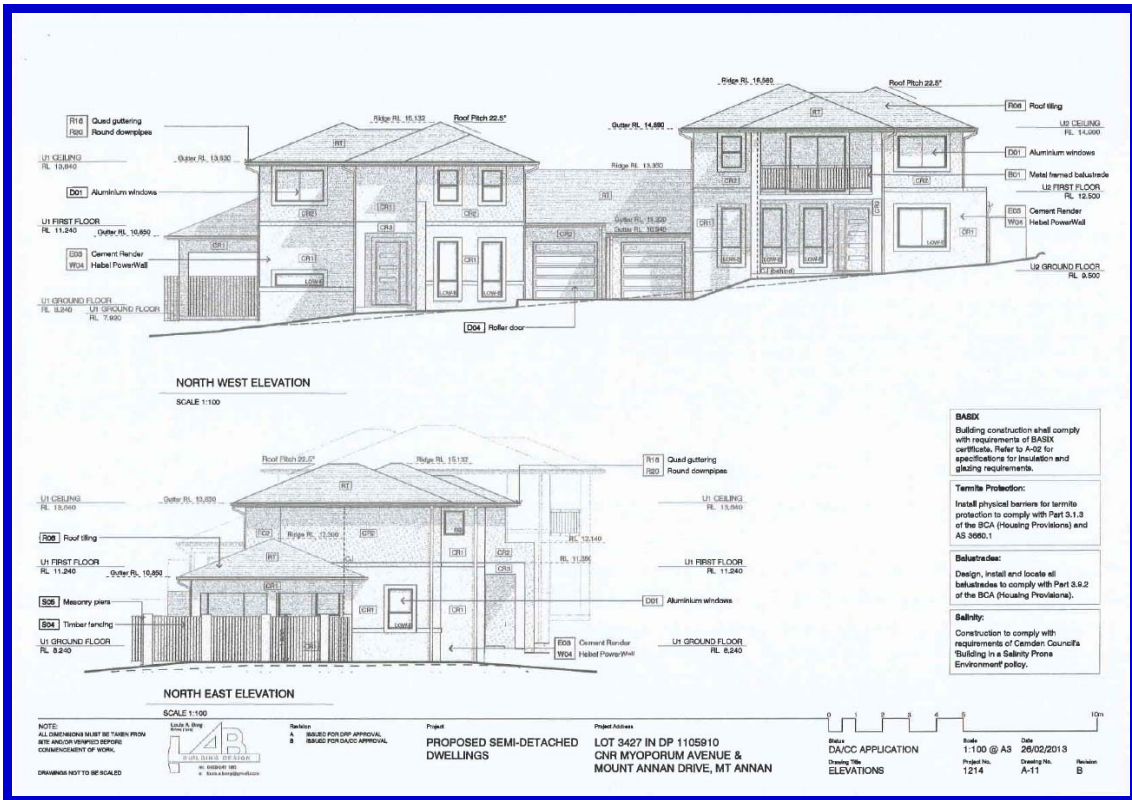
A copy of the proposed plans is provided as attachment 1 to this report.

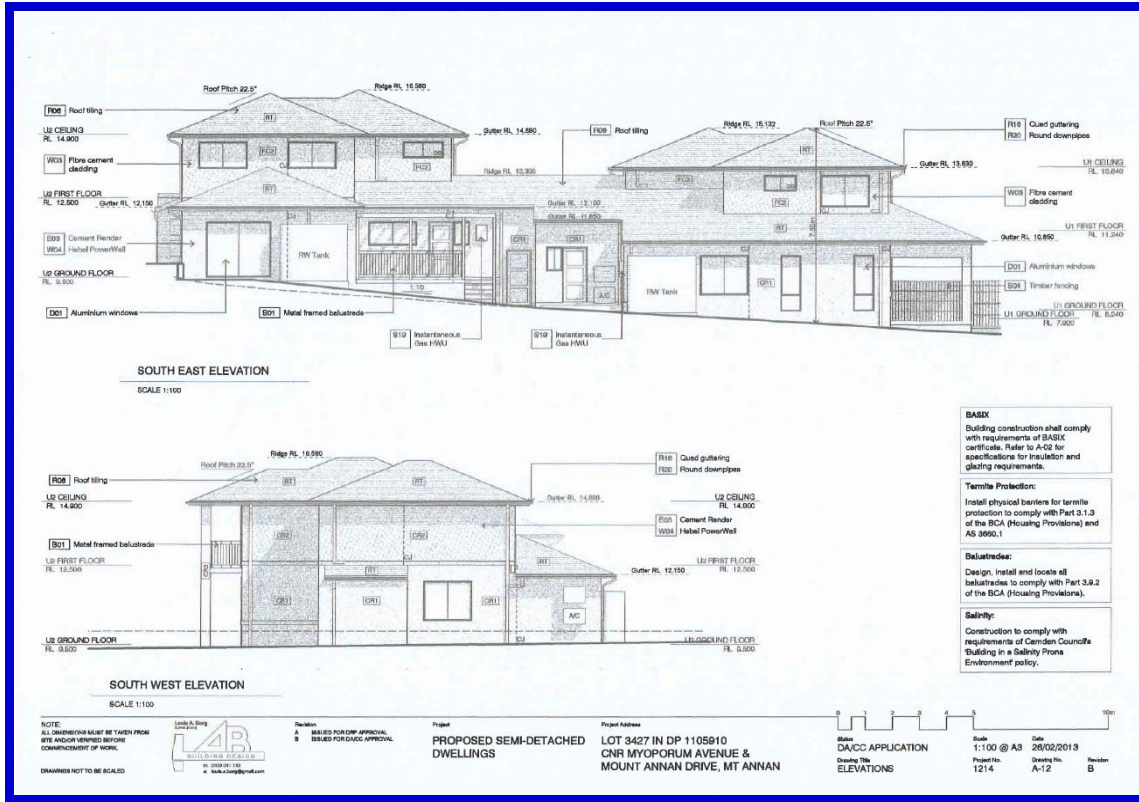
PROPOSED SITE PLAN



ORD03

PROPOSED ELEVATIONS





ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

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

The SEPP aims to encourage sustainable residential development and requires DAs for such development to be accompanied by a list of BASIX commitments as to the manner in which the development will be carried out.

Council staff have reviewed the BASIX certificates for the proposed development and are satisfied that it has been designed to achieve the minimum targets for water, thermal comfort and energy. It is a recommended condition that the proposed

development is carried out in accordance with the commitments described in the BASIX certificates.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. This applicant has submitted a phase 2 contamination assessment for the site in support of this DA. The contamination assessment notes that the site is not contaminated and is suitable for its intended residential use.

However a contingency condition is recommended that requires that if any contamination is found during construction it be managed in accordance with Council's Management of Contaminated Land policy.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts on the Hawkesbury-Nepean River system as a result of the proposed development. A condition is recommended to provide sediment and erosion controls as part of the development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned R3 Medium Density Residential under the provisions of the LEP. The proposed development is defined as “semi-detached dwellings” by the LEP which is a permissible land use in this zone.

Objectives

The objectives of the R3 Medium Density Residential Zone are as follows:

- To provide for the housing needs of the community within a medium density residential environment.

Officer comment:

Whilst not a medium density development, the construction of two semi-detached dwellings on this site represents a more dense form of housing than traditional single detached dwelling that is conducive to the site and its surroundings. The proposed development is not considered to be inconsistent with this objective.

- To provide a variety of housing types within a medium density residential environment.

Officer comment:

The proposed development will add to the variety of housing available in the area.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for two semi-detached dwellings.

- To encourage redevelopment of land for medium density housing in locations close to main activity centres within the Camden local government area.

Officer comment:

The proposed development will be in close proximity to the Mount Annan neighborhood centre which is located approximately 210m to the east. This neighbourhood centre is an activity centre and therefore the proposed development is consistent with this objective.

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

Officer comment:

The proposed development has been assessed and it is not considered that it will have any adverse impacts on any other land uses within this or adjoining zones.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
2.6 Subdivision – consent requirements	Land may be subdivided but only with development consent	Subdivision is proposed as part of this DA	Yes
4.1 Minimum Subdivision Lot Size	Minimum 250m ² lot area	2 lots are proposed with areas of 415.6m ² and 338m ²	Yes
4.3 Height of Buildings	Maximum 9.5m building height	Proposed 8.3m building height	Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

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

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Appropriate erosion, sediment and dust controls measures have been proposed and recommended as part of the conditions contained in this report	Yes
B1.2 Earthworks	Maximum 1m cut and fill	Less than 1m cut and fill is proposed	Yes
	Use of clean fill	A standard condition is recommended to ensure that only clean fill is used	Yes
B1.3 Salinity Management	Salinity resistant construction	The proposed development will be constructed to be salinity resistant in accordance with Council's Building in a Salinity Prone Environment policy	Yes
B1.4 Water Management	Compliance with Council's engineering specifications	A condition is recommended requiring compliance with Council's engineering specifications	Yes
B1.8 Environmental and Declared Noxious weeds	Noxious weeds management	A standard condition is recommended that will ensure noxious weeds management in accordance with the DCP	Yes
B1.9.5 Waste Minimisation and Management	Waste management plan	A suitable waste management plan has been provided	Yes
B1.10 Bushfire Risk Management	Compliance with Planning for Bush Fire Protection 2006	A condition is recommended which requires the applicant to obtain approval from the Rural Fire Service in accordance with Section 100B of the <i>Rural Fires Act 1997</i>	Yes
B1.12 Contaminated and Potentially Contaminated Land	Compliance with Council's Management of Contaminated Lands Policy	A phase 2 contamination assessment for the site has noted that it is not contaminated.	Yes

Control	Requirement	Provided	Compliance
Management		A contingency condition is recommended that requires that if any contamination is found during construction it be managed in accordance with Council's Management of Contaminated Land policy	
B1.13 Mine Subsidence	Approved from the Mines Subsidence Board	The proposed plans have been stamped approved by the Mines Subsidence Board	Yes
B5.1 Off-street Car Parking Rates / Requirements	Dwelling houses with more than 2 bedrooms require 2 car parking spaces, one of which must be behind the building line	Both dwellings have a single garage with room for tandem parking in the driveways in front	Yes
D2.1.1 Setbacks	Front – minimum of 4.5m	Minimum 4.5m setback	Yes
	Secondary street – minimum of 2m and consistency with adjoining dwellings (approximately 6.25m)	Secondary street setback between approximately 6.25m and 11m	Yes
	Rear – minimum of 4m for single storey portion, 6m for two storey portion	Ground floor setbacks of 4m are proposed for each dwelling. First floor setbacks of 7.14m and 6m are proposed for the dwellings on lots B and A respectively	Yes
	Garages – 5.5m and 1m behind building line	Garage setbacks of 5.6m and 6.6m (with 1.35m and 1.17m setbacks behind the main building facades) are proposed	Yes
	Side (for detached dwellings) – minimum of 0.9m	Both dwellings are semi-detached however have side setbacks (on the non-attached sides) of 0.9m and 6.25m	Yes
	Walls alongside	The elevations along all	Yes

Control	Requirement	Provided	Compliance
	boundary setbacks to be articulated Architectural building elements may encroach into the front setback	setbacks have been sufficiently articulated to avoid the appearance of excessively long walls Porches for each of the dwellings will encroach into their front setbacks	Yes
D2.1.3 Height, Massing and Siting	Maximum 9.5m building height	Proposed 8.3m building height	Yes
D2.1.4 Visual and Acoustic Privacy	Direct overlooking of neighbouring main living and private open space areas should be minimised	The proposed development will not result in adverse overlooking impacts. The first floor level contains only bedrooms and bathrooms	Yes
D2.1.5 Private Open Space, Site Cover and Landscaped Area	The maximum site coverage for a two storey development must not exceed 50% of the site area for the ground floor and 30% for the upper floor. A minimum 30% of the site must be landscaped 20% of the site must be private open space (POS) An area of principal private open space (PPOS) with a minimum area of 24m ² , minimum length of 4m and a maximum gradient of 1:10 must be provided Sunlight must	Ground Floor Coverage: Lot A = 32% Lot B = 43% Upper Floor Coverage: Lot A = 18% Lot B = 26% Landscaped Area Coverage: Lot A = 53% Lot B = 40% Private Open Space: Lot A = 27% Lot B = 22% PPOS in excess of 24m ² will be provided for both dwellings The PPOS of both	Yes Yes Yes

ORD03

Control	Requirement	Provided	Compliance
	reach 50% of the PPOS (in the proposed and surrounding development) for a minimum of 3 hours between 9am and 3pm on 21 June	proposed and adjoining dwellings will comply with this requirement	
	North facing windows of living areas in proposed and surrounding development must receive a minimum of 3 hours of sunlight between 9am and 3pm on 21 June	North facing windows of proposed and adjoining living areas will comply with this requirement	Yes
	At least one principal living area must face predominantly north	Both dwellings have living areas that face predominantly north	Yes
	The PPOS must be adequately screened for privacy	The proposed PPOS for both dwellings will be adequately screened for privacy	Yes
	At least 65% of the POS areas must be soft landscaping	POS as soft landscaping: Lot A = 78% Lot B = 72%	Yes
	An external clothes drying area with good solar access must be provided	There is sufficient areas of the site with good solar access for a clothes drying area to be provided	Yes
D2.1.6 Garages, Site Access and Parking	Minimum 5.5m from front façade, setback 1m behind front of building façade	Both garages meet these minimum setbacks	Yes
	Garage doors to be no more than 50% of the building façade width	The dwellings for both garages comply with this requirement	Yes
D2.1.7	The form, scale	It is considered that the	Yes

Control	Requirement	Provided	Compliance
Streetscape and Architectural Design	and siting of the building and the materials and colours must be appropriate to the character of the area	form, scale and siting of the dwellings is appropriate to the character of the area	
	The façade facing a street frontage must provide at least two design features to enhance the existing and future desired built form and character of the neighbourhood	The dwellings incorporate a range of features including porches, varied colours, heights, a first floor balcony and staggered walls	Yes
	450mm eaves are to be provided to 75% of dwellings	450mm eaves will be provided to at least 75% of each of the dwellings	Yes
D2.2.2 Dual Occupancies and Semi-Detached Dwellings	Architectural treatment and building of both dwellings must be compatible	The architectural treatment and building materials of both dwellings are compatible	Yes
	Form of differentiation are encouraged in all dwellings	Both dwellings are differentiated in their design to add to an interesting and attractive streetscape	Yes
	Car parking must be provided in accordance with Chapter B5 of the DCP, therefore 2 spaces are required for each dwelling	2 spaces will be provided for each dwelling	Yes

(a)(iii) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

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

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) *The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality*

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) *The suitability of the site*

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

(d) *Any submissions made in accordance with this Act or the Regulations*

The DA was publicly exhibited twice for periods of 14 days in accordance with the DCP. The exhibition period was from 2 to 16 April 2014. Four submissions were received from 2 properties (all objecting to the proposed development). **A copy of a Public Exhibition and Submissions Map is provided with the Business paper supporting documents.**

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

1. *The lot does not meet minimum lot size requirements for dual occupancy development under Camden Development Control Plan 2006*

Officer comment:

Camden Development Control Plan 2006 no longer applies to the site. The applicable DCP is Camden Development Control Plan 2011. The proposed development involves the subdivision of the site into 2 lots and the construction of a semi-detached dwelling on each. No dual occupancy development is proposed and there is no minimum lot size for semi-detached dwellings.

However it is considered that the proposed lot sizes of 415.6m² and 338m² are suitable for semi-detached dwellings. It is noted that the minimum lot size for this site is 250m².

2. *Concerns about the zoning of the site and lack of information provided to purchasers of surrounding properties*

Officer comment:

The site has been zoned R3 Medium Density Residential since the gazettal of Camden Local Environmental Plan 2010 in September 2010. Prior to this the site was zoned 2(d) Residential under Camden Local Environment Plan No 47. The previous 2(d) zone also permitted medium density forms of housing.

3. *Concerns the proposed development does will not fit in with the surrounding development*

Officer comment:

The proposed semi-detached dwellings are permitted in the applicable R3 Medium Density Residential zone. The proposed development is consistent with the controls in the DCP. It is considered that the proposed development will fit in with existing surrounding development.

- 4. There is significant overshadowing to properties beside and behind the proposed dwellings*

Officer comment:

It is acknowledged that some overshadowing will be caused to adjoining properties however this is a common occurrence with two storey development.

Importantly the site complies with the DCP's requirements for solar access both for this and adjoining sites. These controls require that neighboring properties have 3 hours of sunlight between 9am and 3pm for 50% of their principal private open space areas and the north facing windows of their living areas.

Council staff have assessed the orientation of the site and the shadow diagrams submitted by the applicant and are satisfied that the above controls are met.

- 5. We have concerns regarding the privacy impacts from the two storey element of the buildings*

Officer comment:

The proposed semi-detached dwellings have been designed to prevent overlooking into adjoining properties. The two storey elements contain bedrooms and bathrooms which will not create significant privacy impacts as they are not high use rooms.

- 6. Concerns with regards to the accuracy of the dimensions and areas contained in the submitted plans*

Officer comment:

The proposed plans have been updated, assessed by Council staff and the dimensions and areas shown on them are considered to be correct.

- 7. Having this development in the street will increase the traffic flow in the area and we have safety concerns due to the proximity of the driveway to the roundabout. This will also limit the availability of on-street car parking.*

Officer comment:

The additional vehicle movements generated by the two proposed dwellings is minimal will not significantly impact on traffic or safety. The location of the driveway is in accordance with relevant Australian Standards.

The proposed development provides 2 car parking spaces per dwelling which complies with the DCP. It is noted that other on-street car parking opportunities exist in the surrounding street network including further along Myoporium Avenue to the south west.

8. *Loss of property values*

Officer comment:

Loss of property values is not a matter for consideration under the *Environmental Planning and Assessment Act 1979*.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

The DA was not required to be referred to any external agency for comment.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 86/2014 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

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

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
Project No. 1214, Drawing No. A-02 to A-19	Proposed Semi-Detached Dwellings	AR Building Design	26/2/2013
-	Waste Management Plan	Unknown	February 2013
-	Statement of Environmental Effects	Unknown	February 2013
Project No. 1214, Drawing	Mine Subsidence Approved Plans	AR Building Design	February 2013

No. A-02 to A-19			
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Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the Building Code of Australia.
- (3) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all hard and soft landscaping elements associated with this Consent.

The 12 month maintenance and establishment period includes (but not limited to) the Applicant's responsibility for the establishment, care and repair of all landscaping elements.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation and mulching.

It is the Applicant's responsibility to arrange a site inspection with the Principal Certifying Authority (PCA), upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

At the completion of the 12 month landscaping maintenance and establishment period, all landscaping elements must 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 must comply with the approved Landscaping Plans.

- (4) **External Materials and Finishes** - The development shall be completed in accordance with the approved schedule of external materials, colours and finishes.
- (5) **Fencing** - Where fencing has not been specifically addressed by this Development Consent, any fence erected on the property boundary or within the allotment must comply with Camden Council Development Control Plan 2011 (DCP 2011).
- (6) **Water Tanks** - Overflow from any tank must be piped directly to the stormwater drainage system serving the house and/or other buildings on the property.
- (7) **Stormwater Disposal** - Stormwater run-off from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (8) **Services** –
 - (a) All services within the subdivision shall be underground.

- (b) All service connections to existing works in Council's Road Reserve requires a Public Road Activity approval from Council. Connections to existing works within Public Reserve or Drainage Reserve will require owners permission (ie, Camden Council).
- (9) **Waste Management** - To ensure compliance with environmental legislation, ensure all wastes are stored in a manner that prevents the escape of pollutants to the environment.
- (10) **Drop Edge Beam** – Any fill within 2m of a property boundary shall be fully contained by the use of deepened (drop) edge beam construction with no fill permitted outside of this building footprint. The deepened edge beam must not exceed 1m above natural ground level.

2.0 - Construction Certificate Requirements

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

- (1) **Damage to Public Infrastructure** – All public infrastructure that adjoins the development site on public land shall be protected from damage during construction works.

Public infrastructure includes roadways, kerb and guttering, footpaths, service authority infrastructure (such as light poles, electricity pillar boxes, telecommunication pits, sewer and water infrastructure), street trees and drainage systems.

The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. Where existing damage is present, a dilapidation survey of Council's assets, including photographs (with evidence of date) and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of construction works.

The applicant shall bear the cost of all restoration works to public property damaged during the course of this development. Any damage to public infrastructure will be required to be reinstated to Council's satisfaction prior to the issue of a Final Occupation Certificate

- (2) **Salinity** - The proposed dwelling, landscaping and associated works for the development shall comply with the requirements of the 88B instrument for the lot.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 shall be submitted to the Principal Certifying Authority.

Details of compliance shall be forwarded to the certifying authority with the Construction Certificate application.

- (3) **Structural Engineers Details** - The piers/slab/footings shall be designed and certified by a practising structural engineer and shall take into consideration the geotechnical report applicable to the site.

- (4) **NSW Rural Fire Service Approval** – Prior to the issue of a Construction Certificate, the applicant must obtain approval from the NSW Rural Fire Service for the approved development pursuant to Section 100B of the *Rural Fires Act 1997*.

All requirements of the NSW Rural Fire Service must be fully complied with in the design, construction and maintenance of the development.

- (5) **Existing Electricity Substation** – Prior to the issue of a Construction Certificate, approval must be obtained from Endeavour Energy regarding the development adjacent to the existing electricity substation on the site. Any requirements of Endeavour Energy in this regard must be complied with.

3.0 - Prior To Works Commencing

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

- (1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **Erection of Signs** – The erection of signs shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (3) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and Clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
- (5) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

4.0 - During Construction

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

- (1) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste, including building or demolition waste, must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the Development Consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (2) **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 must be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (3) **Survey Report (Peg Out)** - The building must be set out by a registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (4) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level must be used.
- (5) **Retaining Walls** - If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

The following restrictions apply to any retaining wall erected within the allotment boundaries:

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be provided to the Principal Certifying Authority, prior to any works commencing on the site. Manufacturers' installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;

Note: Where Councils is nominated as the Principal Certifying Authority, construction of the retaining wall must be inspected at critical stages as nominated in the Mandatory Inspection Notice. Prior to issue of an Occupation Certificate, certification will also be required attesting that the wall has been built in accordance with the relevant standard.

- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to, a stormwater disposal system within the property boundaries;
- (c) retaining walls shall not be erected within drainage easements;
- (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as easements for support and maintenance).

(6) **Hours of Work** – The hours for all construction work are restricted to between:

- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
- (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
- (c) work on Sunday and Public Holidays is prohibited.

(7) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:

- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
- (b) 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 the site;

- (c) 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;
 - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
 - (e) a waste control container shall be located on the development site.
- (8) **Site Management - No Nuisance Creation** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise dust or other activity, to owners and occupiers of adjacent properties.
- (9) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.
- (10) **Surface Drainage** – To prevent surface water from entering the building:
- (a) the floor level for slab on ground construction shall be a minimum of 150mm above finished ground level for habitable rooms;
 - (b) seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
 - (c) the control of surface water drainage shall in all respects comply with the *Building Code of Australia (Class 1 and Class 10 Buildings)*; and
 - (d) where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.
- (11) **Shoring and Adequacy of Adjoining Property** – Shoring and adequacy of adjoining property shall be in accordance with Clause 98E of the Environmental Planning and Assessment Regulation 2000.
- (12) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to

persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

- (13) **Drainage Easements** - No changes to site levels, or any form of construction shall occur within any drainage easements that may be located on the allotment.
- (14) **Roofwater to Street** - 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 street gutter shall only occur at the existing drainage outlet point in the street gutter. New connections that require the rectification of the street gutter shall only occur with the prior approval of Camden Council.

All roofwater must be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out.

- (15) **BASIX Certificate** – Under clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- (a) relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.
- (16) **Driveway Gradients and Design** - The driveway gradient and design for the dwelling house must comply with Australian Standard AS2890.1-2004 - 'Off street car parking'. Please note the following:
- (a) The level for the driveway across the footpath area must achieve a gradient of 4%.
 - (b) Driveway and garage levels are critical and may be required to be confirmed during construction with the provision of a survey report.

- (17) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc) be encountered during any stage of earth works/ site preparation/ construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

Where remediation work is required the applicant will be required to comply fully with Council's Policy - Management of Contaminated Lands with regards to obtaining consent for the remediation works.

- (18) **Noxious Weeds –**

- (a) The applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occurs during or after subdivision and prior to sale of new lots. New infestations must be reported to Council.
- (b) As per the requirements of the *Noxious weeds Act 1993*, the applicant must also ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.
- (c) Maintenance work is to be carried out, involving regular surveys to determine if any species are becoming established through time. Any noxious or environmental weed infestations that occurs during subdivision, and prior to sale of new lots. These must be reported to Council and fully and continuously suppress and destroy, by appropriate means.

- (19) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

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

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".

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

Sampling of VENM for salinity of fill volumes:

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

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

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note 1)	1000 or part thereof

Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (2) **Component Certificates** - Where Camden Council is appointed as the Principal Certifying Authority (PCA) for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a Final Occupation Certificate:
- (a) Insulation installation certificates.
 - (b) Termite management system installation certificates.
 - (c) Smoke alarm installation certificate from installing licensed electrician.
 - (d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment.
 - (e) Certification attesting that retaining walls have been constructed in accordance with Engineer's details or manufacturer's specifications as applicable.
 - (f) All certificates or information relating to BASIX compliance for the development.
 - (g) An 'Approval to Operate a Sewage Management System' issued by Camden Council (for areas that are not serviced by a Sydney Water sewer).
 - (h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the *Building Code of Australia*.
 - (i) All certificates relating to salinity, as required by conditions of the development consent.
 - (j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Camden Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *Environmental Planning and Assessment Act, 1979* with respect to any required critical stage inspections.

- (3) **Footpath Crossing Construction** – Prior to use or occupation of the development, a footpath crossing must be constructed in accordance with the Development Consent, approved plans and Camden Council's issued footpath crossing information.
- (4) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report

shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.

- (5) **Subdivision Certificate** – Prior to the issue of an Occupation Certificate, a Subdivision Certificate must be issued and registered for the approved Torrens title subdivision as part of this development.

6.0 - Operational Conditions

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

- (1) **Residential Air Conditioning Units** - The operation of the approved air conditioning units must operate at all times so:
 - (a) as to be inaudible in a habitable room during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays; and
 - (b) as to emit a sound pressure level when measured at the boundary of any other 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 must be measured as a LAeq 15 minute.
 - (c) as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act, 1997.

7.0 - Subdivision Certificate

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

- (1) **Compliance Certificate** - Prior to the issue of the Subdivision Certificate the applicant must submit to Council documentary evidence/ compliance certificate to confirm compliance of all conditions of the subject consent.
- (2) **Services** - Prior to the issue of any Subdivision Certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
 - (a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment.

Application for such a certificate must be made through an authorised Water Servicing Co-ordinator.
 - (b) a Notification of Arrangements from Endeavour Energy.
 - (c) Written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.

- (3) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (4) **Show Restrictions on the Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (5) **Section 88B Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates all necessary easements and restrictions to user, including:
- (a) Easement for services.
 - (b) Restriction as to user creating an easement for support and maintenance 900mm wide adjacent to the “zero” lot line wall.
- (6) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$7,110 per additional lot or dwelling, total \$7,110, for **Open Space, Recreation & Community Land**.

The contribution must be indexed by the methods set out in Paragraph 2.15.2 of the plan and paid prior to the issue of a Subdivision Certificate.

The monetary contribution may at the sole discretion of Council be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

- (7) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$10,008.00 per additional lot or dwelling, total \$10,008.00, for **Recreation & Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation & Administration Services**.

The contribution must be indexed by the methods set out in Paragraph 2.15.1 of the plan and paid prior to the issue of a Subdivision Certificate.

RECOMMENDED

That Council: approve DA 86/2014 for a subdivision to create 2 residential lots, construction of 2 x two semi-detached dwellings and associated site works at 1 Myoporom Avenue, Mount Annan, subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plan
2. Proposed Plan - Supporting Document - *Supporting Document*
3. Submissions - *Supporting Document*
4. Submissions Map - *Supporting Document*

ORDINARY COUNCIL

ORD03

ORD03

**SUBJECT: BAKERY HOME INDUSTRY AT 69 BENWERRIN CRESCENT,
GRASMERE**
FROM: Director Planning & Environmental Services
TRIM #: 14/108858

APPLICATION NO: 351/2014
PROPOSAL: Bakery home industry
PROPERTY ADDRESS: 69 Benwerrin Crescent, Grasmere
PROPERTY DESCRIPTION: Lot 13, DP 1075219
ZONING: R5 Large Lot Residential
OWNER: Mr F and Mrs M Fonti
APPLICANT: Mr F and Mrs M Fonti

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a bakery home industry at 69 Benwerrin Crescent, Grasmere.

The DA is referred to Council for determination as there remain unresolved issues received in three submissions from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA 351/2014 for the for a bakery home industry pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a bakery home industry at 69 Benwerrin Crescent, Grasmere.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011 (DCP). Three submissions were received (objecting to the proposed development). **A copy of the submissions is provided with the Business Paper supporting documents.**

The issues raised in the objections include the industry being unsuitable for a residential area, traffic, safety, vermin and amenity impacts, operating hours, damage to Benwerrin Crescent and that a trial period should be imposed.

The site is zoned R5 Large Lot Residential. The proposed development is defined as a “home industry” and is permitted with consent in the R5 zone. The industry also fully complies with all applicable planning controls.

Two (2) staff other than the permanent residents of the site will work in the industry. The industry will utilise an appointment based system whereby only one customer at a time will be permitted to access the site to collect ordered items. Both staff and customers will park on site behind the front building line. It is not considered that this will result in significant additional traffic on Benwerrin Crescent.

It is considered that the additional traffic generated by the proposed development will be minimal and not significantly increase risks to children or pets living on the street.

Conditions are recommended to ensure that public health requirements are met. These conditions also include a requirement for vermin proofing.

The proposed operating hours are 8.30am-5.30pm Monday to Friday and 8.30am-12pm Saturday which are traditional working hours. Given the small scale nature of the industry and the minimal additional traffic expected to be generated by it, it is not considered that surrounding residential amenity will be negatively impacted.

There is sufficient space within the site for residents, workers and customers to park and a condition is recommended to ensure that this occurs.

As aforementioned, it is not anticipated that the proposed industry will significantly increase traffic in the surrounding area. Consequently, it is not anticipated that damage will occur to Benwerrin Crescent.

The proposed development complies with all applicable planning controls. The proposal is for a home industry that is not considered to have any significant impacts upon the surrounding area. Conditions are also recommended to control any negative issues including noise, air quality and on site car parking.

The proposed development **fully complies** with all applicable planning controls.

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

AERIAL PHOTO



THE SITE

The site is commonly known as 69 Benwerrin Crescent, Grasmere, and is legally described as lot 13, DP 1075219.

The site has a frontage of 46m to Benwerrin Crescent, a depth of 89m and an overall area of 4,003m². The site is relatively flat and contains a two storey attached dual occupancy. The site also contains a detached garage that is set back 10m from the nearest property boundary at 67 Benwerrin Crescent.

The surrounding area is predominantly characterised by rural residential properties that vary in size from approximately 3,000m² to 13,000m². These properties contain single storey dwellings with generous setbacks to site boundaries.

To the west lies the Wollondilly LGA whilst to the south and east lie the rural suburbs of Bickley Vale and Cawdor respectively. The Camden town centre is approximately 2.3km to the west of the site whilst the Nepean River and the rural residential suburb of Ellis Lane lie to the north.

HISTORY

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

Date	Development
30 January 2002	Creation of this lot approved by DA 300015/2002
15 July 2005	Attached dual occupancy approved by DA 284/2005

THE PROPOSAL

DA 351/2014 seeks approval for a bakery home industry.

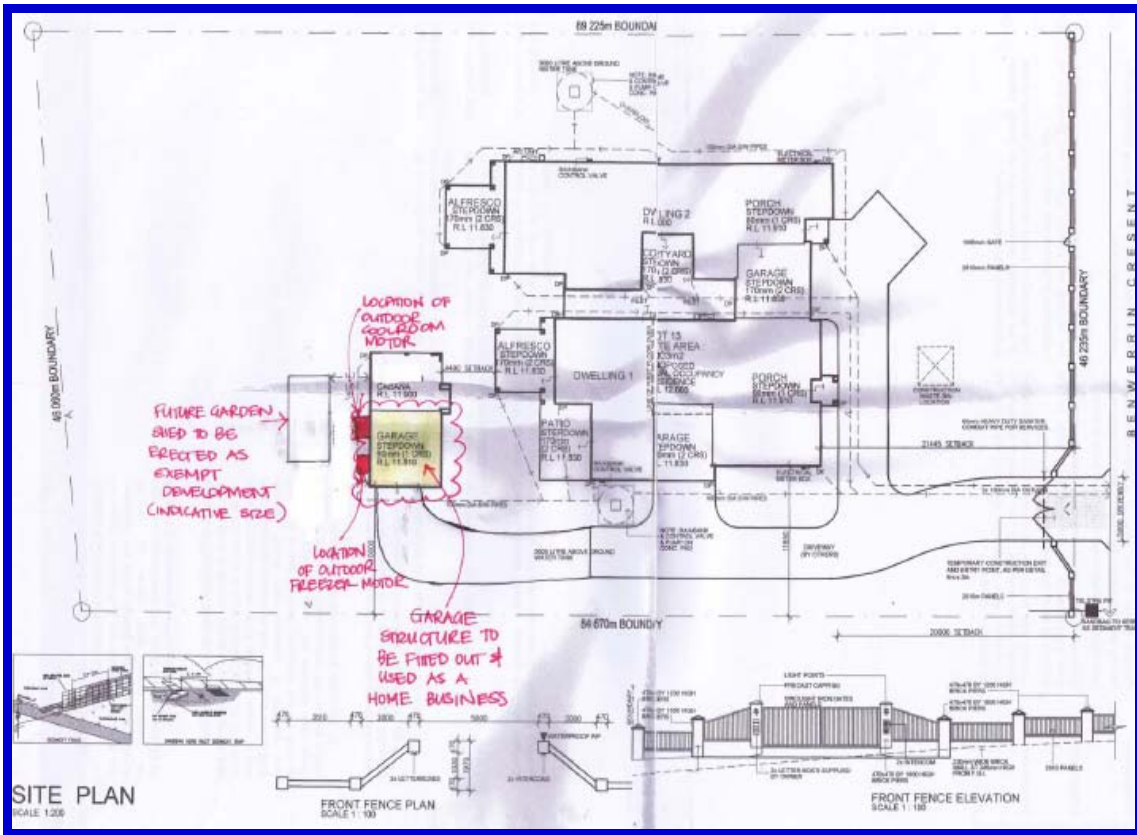
Specifically the proposed development involves:

- fit out and use of an existing detached double garage as a bakery. The fit out will include the construction of a 6.4m² sanitary area, replacement of the existing garage roller door with a wall, provision of a cool room and freezer and the fit out of the garage as a kitchen;
- the bakery will manufacture pastries and cakes (no bread will be produced);
- between 5 and 10 customer visits per day. Customers will pick up baked goods by appointment only or alternatively have orders delivered out to them;
- 1 delivery of baked good constituents per month;
- operating hours of Monday to Friday 8.30am to 5.30pm and Saturday 8.30am to 12pm. No operations are proposed on Sunday; and
- the employment of the permanent residents of the dwelling as well as 2 additional staff.

The value of the works is \$36,756.

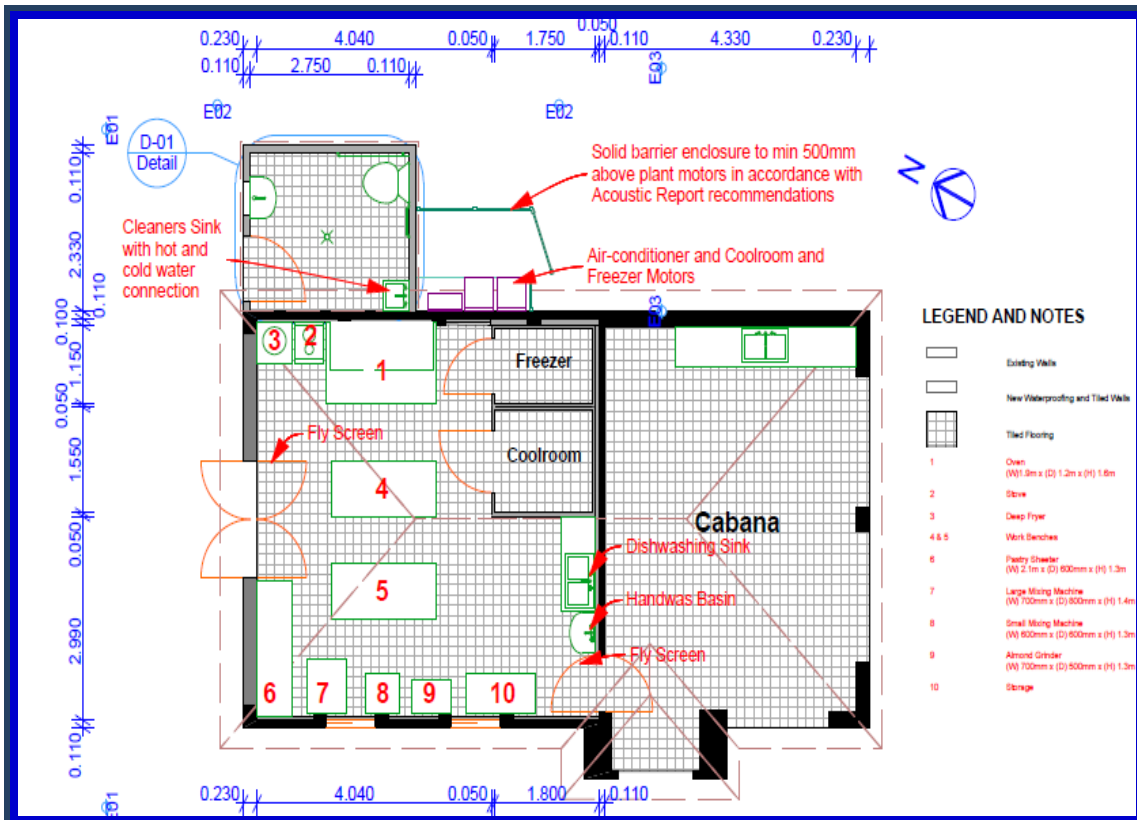
A copy of the proposed plans is provided as attachment 1 to this report.

PROPOSED SITE PLAN

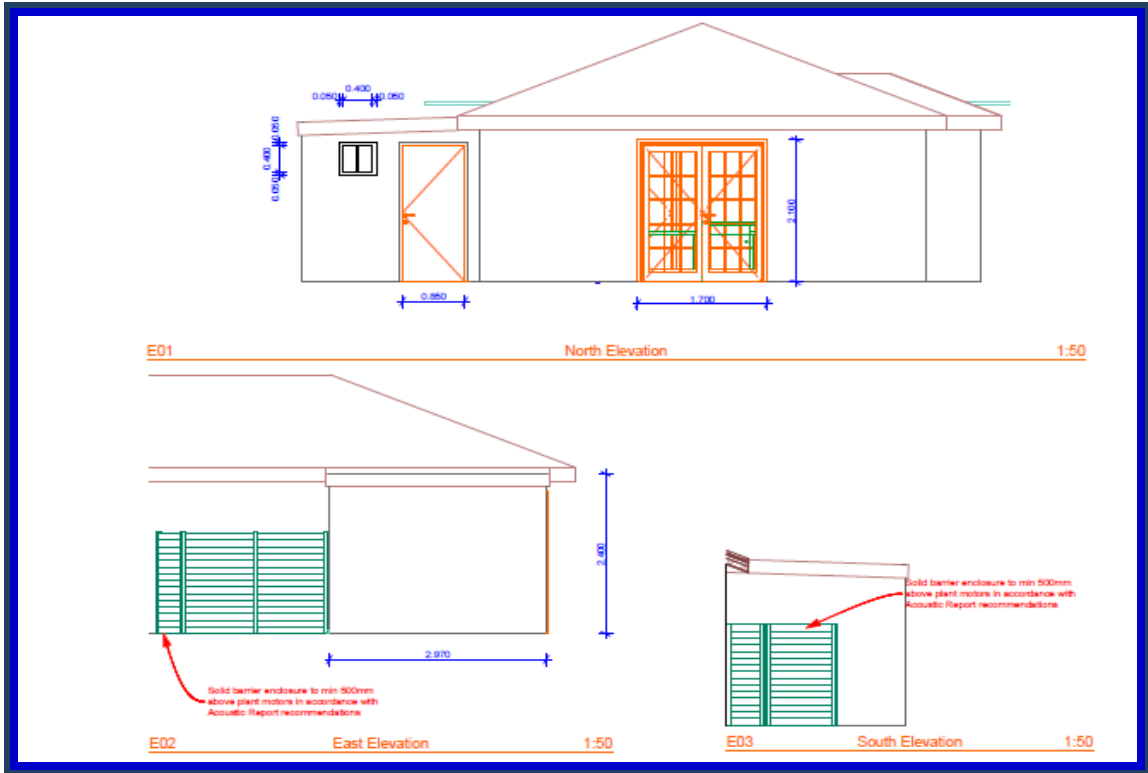


ORD03

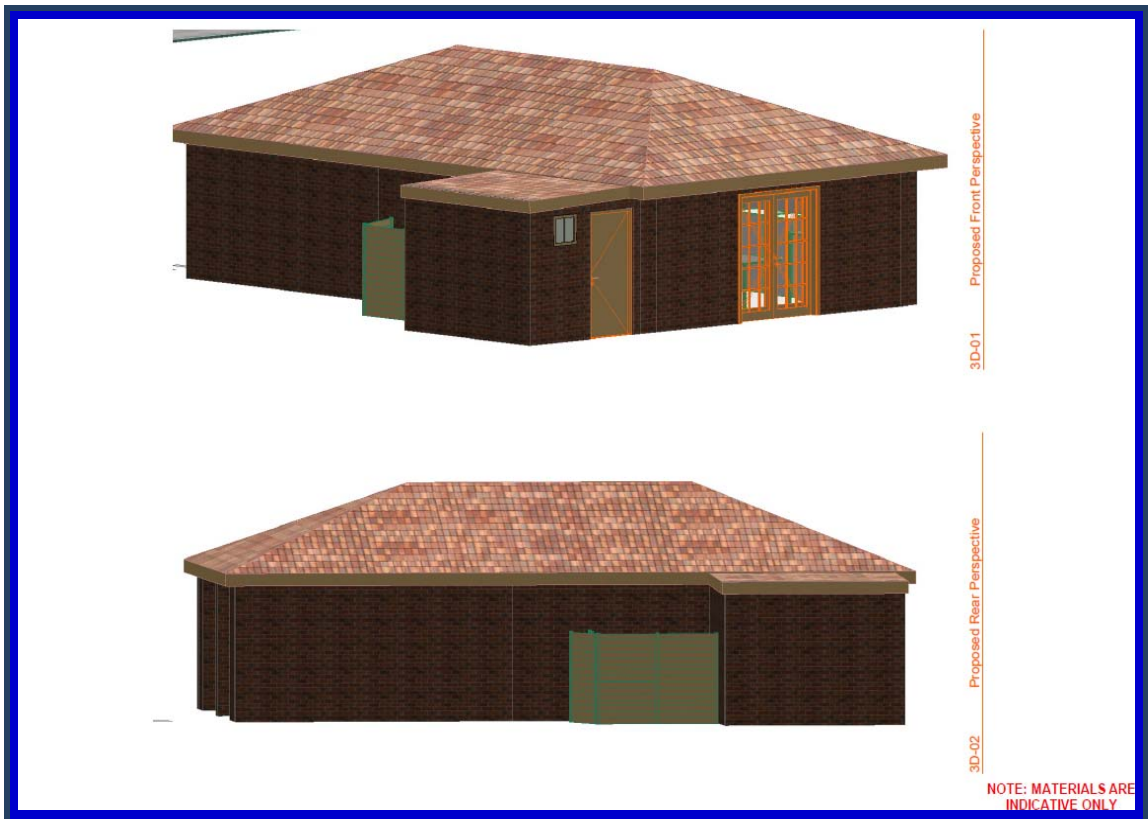
PROPOSED FLOOR PLAN



ELEVATIONS



PROPOSED PERSPECTIVES



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. The site has previously been approved for residential development in the form of the existing dual occupancy development and the proposed home industry is not a more sensitive land use.

The site is therefore considered to suitable for the proposed home industry.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned R5 Large Lot Residential under the provisions of the LEP. The proposed development is defined as a “home industry” by the LEP which is a permissible land use in this zone.

Objectives

The objectives of the R5 Large Lot Residential zone are as follows:

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

Officer comment:

The proposed development will be predominantly contained within an existing detached garage that is well setback from surrounding residential development. The garage is located behind the front building line, therefore the industry operations will not be visible from the street. Considering this, together with the proposed operating hours and the recommendations of the submitted acoustic report the rural setting and scenic quality of the area will be maintained.

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

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a home industry inside an existing double garage.

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

Officer comment:

The proposed development will not result in an increase in the demand for public services or public facilities. The site's existing on-site water disposal system is sufficient to cater for the proposed development.

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

Officer comment:

The proposed development has been assessed and, subject to the conditions contained in this report (including conditions to control noise and odour), it will not conflict with land uses within either this or adjoining zones.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
5.4 Controls relating to miscellaneous permissible uses	Home industries are to have a maximum floor area of 50m ² .	The floor area of the proposed home industry will be 40.4m ² . A condition to prohibit the use of the area identified as a cabana on the floor plans as part of the industry is recommended	Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

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

Control	Requirement	Provided	Compliance
B1.9 Waste Management and Minimisation	A waste management plan (WMP) must be provided outlining how waste will be managed through out the construction and operational stages of the development	A WMP was submitted with the DA and outlines how waste will be managed. The WMP is deemed to be satisfactory and meets the DCP's requirements	Yes
B1.16 Acoustic Amenity	Applicants are required to submit an acoustic report for development where indicated in Council's Environmental Noise Policy	The applicant has submitted an acoustic report in support of this DA. This report recommends approval subject to construction of a sound barrier wall on all open sides of the air conditioning unit. A condition is recommended that requires compliance with the report to ensure that no adverse noise impacts will be experienced by surrounding properties	Yes
B1.17 Air Quality	Air quality must be maintained and odours controlled through operational practices and technology	Conditions are recommended to ensure that the air quality of the surrounding area is maintained	Yes
B5 Parking and Access	Dual occupancies require: 1 car parking space for each dwelling with 1 to 2 bedrooms Home industries require: 1 car parking space per staff member other than permanent	The site's dual occupancy dwellings have two bedrooms each. Each dwelling is provided with a dedicated double garage. The additional double garage to be used for this home industry is in	Yes

Control	Requirement	Provided	Compliance
	Residents with additional car parking possibly being required depending on the nature of the industry	<p>excess of this requirement.</p> <p>A maximum of 2 staff members other than permanent residents will be employed by the industry and it is anticipated that 1 parking space will be required for visitor parking given the appointment based collection system.</p> <p>There is adequate space on site for both staff and customers to park in the driveway leading to the home industry</p>	Yes
D5.6 Home Business & Home Industry	<p>Home industries must comply with the following:</p> <ul style="list-style-type: none"> • Not employ more than 2 persons other than residents • Not have an area greater than 50m² • Not interfere with the amenity of the locality • Not expose to view any unsightly matter, goods or products • Not give rise to traffic levels out of keeping with those of the surrounding locality • Only operate between 8.30am-5.30pm 	<p>Only 2 staff other than residents will be employed</p> <p>The area of the industry will be only 40.4m²</p> <p>Subject to the recommended conditions the industry will not interfere with the amenity of the locality</p> <p>No unsightly matter, goods or products will be exposed to view</p> <p>Given its small scale nature and appointment based collection system, the industry will not give rise to traffic levels out of keeping with those of the surrounding locality</p> <p>The industry will operate within these</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	Monday to Friday and 8.30am-12pm Saturdays	hours on these days	
	<ul style="list-style-type: none"> Not involve deliveries outside of the approved operating hours 	No deliveries will occur outside of the proposed operate hours	Yes
	<ul style="list-style-type: none"> A statement of environmental effects must be submitted with the DA 	A statement of environmental effects was submitted with the DA	Yes

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

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

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in 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 proposed home industry is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site

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

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 19 May to 2 June 2014. Three submissions were received (all objecting to the proposed development). **A copy of a Public Exhibition and Submissions Map is provided with the Business Paper supporting documents.**

The following discussion addresses the issues and concerns raised in the submission and petition.

- The area is zoned for residential development and is not suitable for commercial development. The industry should be located in a commercial zone.*

Officer comment:

The site is zoned R5 Large Lot Residential. The proposed development is defined as a "home industry" and is permitted with consent in the R5 zone. The industry also fully complies with all applicable planning controls.

2. *There will be an increase in traffic and visitors to the site that will affect residential amenity.*

Officer comment:

Two (2) staff other than the permanent residents of the site will work in the home industry. The industry will utilise an appointment based system whereby only one customer at a time will be permitted to access the site to collect ordered items. Both staff and customers will park on site behind the front building line. It is not considered that this will result in significant additional traffic on Benwerrin Crescent.

3. *Concern for children and pets living in the street.*

Officer comment:

It is considered that the additional traffic generated by the proposed development will be minimal and not significantly increase risks to children or pets living on the street.

4. *The industry will attract vermin and animals to the street.*

Officer comment:

Conditions are recommended to ensure that public health requirements are met. These conditions also include a requirement for vermin proofing.

5. *Surrounding home owners will be affected by 6-day trading.*

Officer comment:

The proposed operating hours are 8.30am-5.30pm Monday to Friday and 8.30am-12pm Saturday which are traditional working hours. Given the small scale nature of the home industry and the minimal additional traffic expected to be generated by it, it is not considered that surrounding residential amenity will be negatively impacted.

6. *The driveway is gated and delivery vehicles and customers will be forced to park on the street*

Officer comment:

There is sufficient space within the site for residents, workers and customers to park and a condition is recommended to ensure that this occurs.

7. *Benwerrin Crescent has no curb or guttering and the influx of vehicular activity will damage the verge of the road.*

Officer comment:

As aforementioned, it is not anticipated that the proposed industry will significantly increase traffic in the surrounding area. Consequently, it is not anticipated that damage will occur to Benwerrin Crescent.

8. *A trial period for the industry should be imposed.*

Officer comment:

The proposed development fully complies with all applicable planning controls. The proposal is for a small scale home industry that is not considered to have any significant impacts upon the surrounding area. Conditions are also recommended to control any negative issues including noise, air quality and on site car parking.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

The DA was not required to be referred to any external agency for comment.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 351/2014 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

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

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
Drawing No. DA01, Revision C	Existing Floor Plan	Planzone Consulting	7/7/14
Drawing No. DA02, Revision C	Proposed Floor Plan	Planzone Consulting	7/7/14
Drawing No. DA03, Revision C	Services	Planzone Consulting	7/7/14

Drawing No. DA04, Revision C	South Elevation	Planzone Consulting	7/7/14
Drawing No. DA04, Revision A	Detail Plan	Planzone Consulting	5/5/14
Drawing No. DA05 a, Revision C	Accessible Sanitary Facility Plan	Planzone Consulting	7/7/14
Drawing No. DA05 b, Revision C	Accessible WC Elevations	Planzone Consulting	7/7/14
Drawing No. DA06, Revision C	Proposed Front Perspective, Proposed Rear Perspective	Planzone Consulting	7/7/14
Additional Information Response Letter	Additional Information For DA-351/2014, Property: 69 Benwerrin Crescent, Grasmere	Planzone Consulting	7/7/14
Environmental Noise Assessment, Report No. 5445-1-1R	Environmental Noise Assessment	Day Design Pty Ltd	1-7-14
Statement of Environmental Effects, Document ID: SEE.20140326	Statement of Environmental Effects	Planzone Consulting	5-5-14

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Use of Cabana** – The area identified as a Cabana on the floor plans is not to be used as part of the home industry (including for storage).
- (3) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (4) **Food Codes And Regulations Compliance** - The construction and fit-out of the premises or any part thereof, to be used for the manufacture, preparation or storage of food for sale, must comply with Camden Council's Food Premises Code, the *Food Act 2003* and the *Food Regulations 2010* (incorporating the Food Standards Code).
- (5) **Future Garden Shed** – The future garden shed as indicated on the site plan is not approved by this development consent. Either a separate DA must be lodged for the shed or it must comply with the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

2.0 - Construction Certificate Requirements

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

- (1) **Sydney Water** - The Sydney Water Trade Waste Section must be contacted regarding their requirements for the installation of a grease trap and a trade waste agreement.
- (2) **Colour Palette** – An external colour palette is to be provided for the approved works to the existing garage that uses the same colours as the existing garage. Details to be provided to the Certifying Authority for approval prior to the issue of a Construction Certificate.

3.0 - Prior To Works Commencing

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

- (1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and Clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
- (3) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (4) **Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (ie Camden Council) prior to the erection of any advertising signs.

4.0 - During Construction

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

- (1) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project

when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (2) **Damage to Public Infrastructure** – All public infrastructure that adjoins the development site on public land shall be protected from damage during construction works.

Public infrastructure includes roadways, kerb and guttering, footpaths, service authority infrastructure (such as light poles, electricity pillar boxes, telecommunication pits, sewer and water infrastructure), street trees and drainage systems.

The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. Where existing damage is present, a dilapidation survey of Council's assets, including photographs (with evidence of date) and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of construction works.

The applicant shall bear the cost of all restoration works to public property damaged during the course of this development. Any damage to public infrastructure will be required to be reinstated to Council's satisfaction prior to the issue of a Final Occupation Certificate

- (3) **Ceilings** - Ceilings are to be constructed of a rigid smooth faced, non-absorbent material and could include fibrous plaster, plasterboard, fibrous cement, cement render or other approved material painted with a washable gloss paint of light colour.
- (4) **Drop In Panels** - Drop in panels for ceilings are prohibited over food preparation areas.
- (5) **Storage Cupboards** - Adequate provision must be made for the storage of cleaning chemicals and staff personal belongings.
- (6) **Hand Wash Basins** - The premises must be provided with a wash basin in, or convenient to:
- (a) each toilet; and
 - (b) each kitchen area.

The wash basin must be:

- (a) provided with water at least 40°C from a mixed hot and cold water supply;
 - (b) supplied with liquid soap and an adequate supply of single use towels or other suitable hand drying facilities located adjacent to the hand basins;
 - (c) kept in a clean and sanitary condition and in good repair at all times; and
 - (d) not used for any other purpose other than the washing of hands.
- (7) **Light Fittings** - Light fittings must be recessed into the ceiling or flush mounted and edges sealed. They must be enclosed in unbreakable diffusers.
- (8) **Service Pipes** - All service pipes and electrical conduits shall be concealed within the floor, plinths, walls or ceilings.

OR

All service pipes and electrical conduits which are not capable of being concealed within walls shall be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and adjacent horizontal surface.

- (9) **Exhaust Ventilation** - Mechanical exhaust ventilation must be provided where cooking appliances are installed. Exhaust ventilation systems shall be installed in accordance with the requirements of Australian Standard 1668-1991 Parts 1 & 2.
- (10) **Fixtures & Fittings** - All benches, fixtures, refrigeration cabinets and cooking appliances must be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Alternatively, clearances are to be provided from vertical surfaces in accordance with Council's Food Premises Code.
- (11) **Closed Cupboards** - Closed cupboards are to be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Cupboards are to be supported on plinths in accordance with Council's Food Premises Code.
- (12) **Waste Management** – A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises.

All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.

- (13) **Vermin Proofing** – All openings in the walls and ceilings/roof throughout the premises shall be made proof against vermin.
- (14) **Flyscreens** - Flyscreens shall be provided to all window openings and door openings.

- (15) **Hours of Work** – The hours for all construction work are restricted to between:
- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
 - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (16) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
 - (b) 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 the site;
 - (c) 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;
 - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
 - (e) a waste control container shall be located on the development site.
- (17) **Noise** – Work on the site shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act (1997)*.

Work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual for the control of construction site noise that specifies that:

For a cumulative period of exposure to construction activity noise of up to 4 weeks, the Laeq (15 minute) emitted by the works to specific residences should not exceed the LA90 background level by more than 20 dBA.

For a cumulative construction noise exposure period of between 4 to 26 weeks, the emitted Laeq (15 minutes) noise level should not exceed the LA90 level by more than 10 dBA.

For a cumulative construction noise exposure period greater than 26 weeks, the emitted Laeq (15 minute) noise level should not exceed the LA90 level by more than 5 dBA.

5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **Registration & Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form.
- (2) **Certification of Exhaust System** - Where an exhaust ventilation system is installed, a Certificate of Compliance must be submitted to Camden Council, prior to occupation. The certificate must be issued by a suitably qualified person and verify that the kitchen exhaust system as installed, has been tested and complies with Australian Standard 1668 – 1991 Parts 1 & 2 and the Building Code of Australia.
- (3) **Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA), an additional inspection of the commercial kitchen must be undertaken by or on behalf of the PCA prior to the issuing of an Occupation Certificate. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.
- (4) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (5) **Acoustic Compliance Report** - An Acoustic compliance report shall be submitted to the Principal Certifying Authority prior to Occupation Certificate certifying if noise levels from the mechanical plant, refrigeration and operating equipment, comply with the following criteria when measured at the nearest residential boundary:
 - 40 dB(A) during the day;
 - 37dB(A) in the evening; and
 - 35dB(A) at night.

For any non-compliance, the acoustic compliance report must make recommendations for compliance or further attenuation of noise sources and these recommendations will be enforced by Council at the cost of the owner / occupier. The owner / occupier must then provide a supplementary acoustic report to the Principal Certifying Authority certifying that all compliance works have been completed and that noise levels comply with the above criteria and with the EPA's "Industrial Noise Policy".

6.0 - Operational Conditions

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

- (1) **No Noise Nuisance** - All refrigeration equipment and associated fittings must be installed so that they operate without causing a vibration nuisance or offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*.
- (2) **Management of Noise Sources** - All windows and doors of the bakery shall be closed while bakery machinery is operated in accordance with the Environmental Noise Assessment Report prepared by Day Design Consulting Acoustical Engineers - Report No 5445-1-1R dated 1 July 2014
- (3) **Selection of Mechanical Plant** – Mechanical plant for the bakery shall be selected and installed having regard to the requirements for management of noise nuisance arising from the bakery operation and the Environmental Noise Assessment undertaken by Day Design Consulting Acoustical Engineers Report No 5445-1-1R dated 1 July 2014
- (4) **Noise Management and Acoustical Treatment** – Acoustical treatment of outdoor plant shall be provided in accordance with Section 7.1 “Outdoor Air Conditioner units Sound Barrier Wall” detailed in the Environmental Noise Assessment Report prepared by Day Design Consulting Acoustical Engineers - Report No 5445-1-1R dated 1 July 2014
- (5) **Food Transport Vehicle(s) and Appliances** - Food transport vehicle(s) and appliances must be constructed in accordance with the provisions of the Food Standards Code incorporated in the *Food Act 2003*. Details of vehicles must be submitted to Council and approved prior to the business commencing.
- (6) **Hours of Operation** - The hours of operation for the approved home industry are:

Monday to Friday: 8.30am to 5:30pm
Saturday: 8:30am to 12pm
Sunday and Public Holidays: Closed

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.
- (7) **Maximum Staff Numbers** – A maximum of 2 staff members other than residents are permitted to work at the home industry.
- (8) **Appointment Only Pick-ups** – Only 1 customer shall be permitted on site at any one time. Orders must not be made on the site and customers must only enter the site to collect orders at their appointment time.
- (9) **Vehicles that Service the Site** - Vehicles that service the site must comply with the following requirements at all times:
 - (a) All vehicles must enter and exit the site in a forward direction.

- (b) All staff and customers must park within the site along the driveway leading to the home industry at all times.
 - (c) All vehicles awaiting loading, unloading or servicing must be parked on-site and not on adjacent or nearby public roads. Deliveries by external suppliers are limited to a maximum of 1 per month.
 - (d) Articulated or heavy rigid vehicles in excess of 11 metres in length shall not service the premises due to the limited manoeuvring capabilities of the site.
- (10) **Home Industry** – The approved home industry must at all times comply with the definition of a home industry as defined by Camden Local Environmental Plan 2010.
- (11) **Offensive Odours** – The operations of the home industry must not give rise to any offensive odours at any time.

RECOMMENDED

That Council approve DA 351/2014 for a bakery home industry at 69 Benwerrin Crescent, Grasmere, subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans
2. Proposed Plan - Supporting Document - *Supporting Document*
3. Submissions - *Supporting Document*
4. Submission Map - *Supporting Document*

ORDINARY COUNCIL

ORD04

SUBJECT: ADDITIONAL INFORMATION, MACQUARIE GROVE ROAD, KIRKHAM - PRE GATEWAY REVIEW

FROM: Director Planning & Environmental Services

TRIM #: 14/123633

PURPOSE OF REPORT

The purpose of this report is to update Council on the progress of the pre gateway review for the land at 256 Macquarie Grove Road & 190 Kirkham Lane, Kirkham, and for Council to consider additional information submitted by the proponent in response to Council’s submission to the Joint Regional Planning Panel of 8 July, 2014, **Attachment 1 to this report.**

BACKGROUND

In October 2008, Council received an application to consider the rezoning of land at Macquarie Grove Road, Kirkham (Figure 1). The submission proposed to rezone 8ha of RU1 Primary Production Land (40ha minimum lot size) to R5 Large Lot Residential (4000m² minimum lot size). The proposed rezoning will achieve 13 additional lots with 2 existing.



Figure 1 Subject Site – Lot 1 of DP 882365 and Lot 1 of DP 554326 – 256 Macquarie Grove Rd & 190 Kirkham Lane, Kirkham

Since 2008, Council has considered this proposal six (6) times. On four (4) occasions Council has resolved not to support the planning proposal.

Attachment 2 to this report provides a detailed chronology of Council meetings and key events with regards to this planning proposal.

At its meeting of July 8th 2014 Council resolved to:

- i. endorse the submission to be forwarded to the Joint Regional Planning Panel for consideration;*
- ii. reaffirm its decision of the meeting of August 13, 2013 not to support the planning proposal; and*
- iii. write to the State Member for Camden Mr Chris Patterson requesting that the NSW state government scrap the pre gateway process for rezoning.*

The submission of the 8th of July detailed Council's significant concerns and the lack of information provided with regards to traffic and drainage. In addition the submission reiterated a number of outstanding concerns with regards to;

1. Community Objections and Concerns;
2. Visual Impacts;
3. Exempt and Complying SEPP;
4. Housing Diversity; and
5. State and Local Government Strategic Planning Objectives.

Since the meeting of July 8th, 2014, the proponent has prepared additional information with regards to drainage and traffic issues.

The Joint Regional Planning Panel (JRPP) has provided this additional information for Council's consideration. Council's response to this additional information will be considered at the JRPP meeting of October 2nd, 2014.

MAIN REPORT

Drainage

Council's Concerns

In its submission of 8 July, Council raised the following concerns:

- The revised proposal does not demonstrate the ability to comply with Council's engineering standards. Council's specifications require a formed "escape path" downstream of basins for overland flows, this enables safe conveyance of stormwater should the OSD basin fail.
- The current proposal would see water directed across private property on no formed path should the OSD basins fail. To enable compliance, the proposed development would require the permission of owners in the adjacent lots (The Meadows) to form these channels.

Additional Information Provided

The applicant provided additional information in response to Council's submission that disputed the interpretation of Council's Engineering specifications. The response refers to clause 3.3.8 *Detention/Retention Basins* of the Engineering Specifications and

suggests there is no requirement to provide a formed flow path downstream of the basin to cater for events above the 1% AEP.

In addition the response refers to Clause 3.1.2 of the Camden Engineering Specifications “...Flows in excess of the 1% AEP event must be considered in terms of safety and impacts, but are not required to be fully contained within the major system. Major system flows designed to be conveyed in road reserves must be conveyed at a depth of less than 0.2 meters to allow for the safe access of pedestrians”

Council Officer Position

The Camden Engineering Design Specifications (2009) which is available on Council's website stipulate with regards to onsite detention:

“3.6 On Site Detention

(j) An emergency overland flow path shall be provided for all OSD in case of extremely large flows or improper operation of OSD outlet”.

On-site detention basins are to incorporate an emergency spillway and an escape path downstream for overland flows. The purpose of an escape path is to ensure that downstream property does not experience unexpected flows in a large storm event or basin failure. In this instance, the water would cause substantial and unreasonable interference with the downstream property as there is no deferred path for the flow of water as it transverses private land. The proposal has not acknowledged the need for downstream land to have appropriate legal rights to facilitate this escape path for the flow of water.

Without the specific agreement of downstream landowners, the drainage associated with the proposed development would not be able to be effectively managed.

Council has sought legal opinion with regards to its liability in this case, and has been advised that as the OSD is a Council owned facility legal liability may lie with Council should the failure of the system cause any damage to private property. This is considered to be an unacceptable risk to Council.

Therefore the position of Council officers remains the same. To demonstrate the capacity of this land to be rezoned for residential purposes the applicant needs to clearly demonstrate the capacity to appropriately manage drainage.

The drainage proposal as it stands is not best practice, and as a result, is inconsistent with Council's engineering specifications and associated industry standards and therefore cannot be supported.

Traffic

Council's Concerns

In its submission of 8 July, Council raised the following concerns:

- The proponent has not undertaken any additional traffic analysis. The additional information submitted reiterates the status of the previous Traffic Safety Audit Report undertaken by the proponent in 2008.
- Given the limited information provided, it is not possible for Council officers to provide definitive advice with regards to the safety of the intersection from Macquarie Grove Road.
- There are however outstanding concerns regarding the impact of the proposed intersection on Macquarie Grove Road, in particular with regard to the removal of vegetation to provide sight lines and the impact on the rural nature of the existing road as a result of potential widening.
- Council officers have previously requested the proponent to undertake assessment of the potential access from the existing Meadows Estate, as this could potentially have less impact and provide safer access to the site. This has not been undertaken and remains an outstanding issue.

Additional Information Provided

The applicant has submitted additional information that shows the design of the proposed intersection on Macquarie Grove Road, and demonstrates consideration of the appropriate standards.

In addition further consideration has been made of the alternative access options off The Meadows. The advice provided asserts that all options considered can meet all safety requirements to access and exit the site.

Council Officer Position

Whilst the reports demonstrated that access from Macquarie Grove Road can meet all relevant traffic safety standards it does not remove the fact that it will damage the existing rural character of Macquarie Grove Road by the creation of the intersection, associated road widening and the subsequent removal of trees to provide sight lines.

The consideration of access from The Meadows may provide a better outcome for the site in terms of both safety and visual impacts. In addition this option will reduce the number of trees required to be removed. It is however noted, that this option will have a higher impact on the existing community within the existing Meadows Estate.

It is noted that further detailed work will need to be undertaken by the applicant (should the site be rezoned) to demonstrate compliance with the appropriate standards. This would include the detailed design of the intersection and associated road widening.

Landscape

Council's Concern

In its submission of 8 July, Council raised the following concerns:

- The additional information does not include information on fencing design or restriction on the location of outbuildings within the buffer.
- Officers have also raised concerns over the ability to enforce and monitor the s.88B instrument to ensure maintenance of trees and restrict inappropriate development within the 10m buffer.

Additional Information Response

Additional information provided by the applicant shows the proposed fencing to be "rural style" timber post and rail fence along the Macquarie Grove road corridor. It is also proposed to impose a building envelope (that excludes the 10m buffer along Macquarie Grove Rd) as a mechanism to restrict encroachment into the buffer.

Council Officer Position

Officers still have outstanding concerns over the ability to enforce and monitor the s.88B instrument to ensure maintenance of trees and restrict inappropriate development within the 10m buffer.

Outstanding Issues

In the submission of July 8th Council also raised five outstanding matters. These matters were not identified by the JRPP as requiring additional information, however, they remain outstanding issues for Council.

These issues will be reiterated to the JRPP as part of this submission.

Where to from Here

It is recommended that Council make a further submission to the JRPP in response to the second iteration of additional information received from the proponent.

Council's response will be considered by the JRPP at the determination meeting of October 2nd 2014. The JRPP will make a recommendation to the Minister as to whether the planning proposal should proceed to the Department of Planning and Environment for a gateway determination.

If the Minister approves the proposal to proceed, a planning authority will be appointed to undertake the rezoning, this may or may not be Council.

The gateway process will require that the planning proposal is publicly exhibited for a minimum period of 14 days or as determined by the gateway approval. The public exhibition will be facilitated by the appointed planning authority.

It is also noted that as per the Council resolution of July 8th 2014, the General Manager has written to the State Member for Camden Mr Chris Patterson requesting that the NSW State Government scrap the pre gate review process for rezoning. Mr Patterson

has acknowledged receipt of this letter and forwarded the correspondence to the Minster for Planning to seek her views on the matter.

FINANCIAL IMPLICATIONS

There are no financial implications to Council as a result of this report.

CONCLUSION

The applicant for the proposed rezoning at Macquarie Grove Road, Kirkham has submitted additional information in response to Council's submission to the JRPP of July 8th 2014.

The additional information does not address the ongoing concerns regarding the ability to implement a fully compliant drainage system in accordance with Council's Engineering Specifications. The current proposal would create potential liability on Council if the system were to fail, as there are no formed overland flow paths through the existing private properties.

It is a requirement of any rezoning to demonstrate the capability of the land to support the proposed future use. In this instance, it has not being demonstrated that the subject lands can comply with Councils engineering specifications.

RECOMMENDED

That Council:

- i. endorse the content of this report as the submission to be forwarded to the Joint Regional Planning Panel for consideration; and**
- ii. reaffirm its decision of the meeting of July 8th, 2014 not to support the planning proposal.**

ATTACHMENTS

1. Attachment 1 Macquarie Grove Rd, Kirkham – Pre Gateway Review - Submission Document
2. Attachment 2 Kirkham Timeline of Key Events

ORDINARY COUNCIL

ORD05**SUBJECT: RESPONSE TO THE PUBLIC EXHIBITION OF THE DRAFT
CAMPBELLTOWN LOCAL ENVIRONMENTAL PLAN 2014****FROM: Director Planning & Environmental Services****TRIM #: 14/131447**

PURPOSE OF REPORT

The purpose of this report is to inform Council of the public exhibition of the draft Campbelltown LEP and to resolve to forward a submission in response to the exhibition. The submission forms **Attachment 1 to this report**.

BACKGROUND

Campbelltown Council has prepared a draft Local Environmental Plan 2014 (CLEP 2014). This is in response to the NSW State Government's requirement for all NSW councils to adopt new planning controls based on that state wide Standard Instrument – Principal Local Environmental Plan.

The draft CLEP 2014 applies to all land in the Campbelltown Local Government Area, except for particular urban release areas covered by State Environmental Planning Policies (SEPPs), and those areas identified as deferred areas.

Campbelltown Council currently has a series of Local Environmental Plans and older Interim Development Orders (prepared prior to the Environmental Planning and Assessment Act 1979), which control development across the Campbelltown LGA.

In preparing the Draft CLEP 2014, Campbelltown Council considered the Standard Instrument LEP and transferred the current planning provisions on a "best fit" basis, where possible, except in circumstances where Council has made specific policy changes. This approach reflects that of Camden Council in 2010 when transferring to the Standard Instrument.

The draft CLEP 2014 was exhibited from 12 June, 2014 – 8th August, 2014.

MAIN REPORT

Council officers have undertaken a review of the exhibited draft CLEP 2014 and considered potential opportunities and impacts for the Camden LGA.

Summary of Key Changes (from current instruments)

Key changes to the draft CLEP 2014 include:

- Lot size averaging provisions for a limited area comprising the East Edge Scenic Protection Lands
- A new "urban design blueprint" for land located on the eastern side of the railway line in the Campbelltown City Centre

- Introduction of a medium density residential zone (R3) in an area located on the eastern side of the Moore Oxley Bypass and in some other areas close to some business centres
- Rationalisation of the current zoning of the part of the UWS Campus identified for residential purposes, and
- Adoption of a range of urban land use controls consistent with the Menangle Park Master Plan (subject to a separate Planning Proposal to rezone this land proceeding in a consistent timeframe).

Cross Council Matters for Consideration

Both Councils are currently working on a number of cross boundary matters. It is worth considering these matters in association with the development of the draft CLEP 2014.

Scenic Hills

It is noted that the draft CLEP 2014 proposes to zone the Scenic Hills land as E3 Environmental Protection, with some designated dwelling footprints. The use of the E3 zone reflects the desire by the community to retain the significant vegetation and views of the Scenic Hills in perpetuity.

Camden is currently managing planning proposals in the vicinity of the scenic hills area, proposing the rezoning of existing rural land for residential purposes. These lands are likely to be visible from the Campbelltown LGA (Scenic Hills), and it is important that both Councils continue to work together to mitigate the impacts on the Scenic Hills whilst continuing to deliver quality urban outcomes.

Glenlee

Campbelltown and Camden Councils are working on a joint Planning Proposal for lands at Glenlee to facilitate a rezoning for industrial lands. The Glenlee proposal provides an excellent opportunity for both Local Government Areas to deliver more employment lands close to key infrastructure, and new communities.

Currently the gateway approval identifies the completion of this process by December 2014. The progression of this planning proposal needs to be undertaken jointly by both Councils, with that in mind it is suggested that consideration be given to any potential impacts on the timeframes of the Glenlee Planning proposal, as a consequence of the CLEP 2014.

East Leppington – Local Government Area Boundary Adjustment

Both Councils are currently in the process of discussing a boundary adjustment in the vicinity of the East Leppington Precinct. Consideration could be given to including potential changes within this draft LEP, to avoid needing to undertake an amending LEP for these minor changes.

FINANCIAL IMPLICATIONS

There are no financial implications to Council as a result of this report.

CONCLUSION

Campbelltown Council has publicly exhibited its draft CLEP 2014. The draft CLEP 2014 transfers existing landuse controls for the Campbelltown LGA into a consolidated, Local Environmental Plan that conforms with the Standard Instrument (Local Environmental Plans) Order 2006.

The draft CLEP 2014 widely adopts a “best fit” transfer of controls, and reflects current state government strategic planning objectives.

Council officers from both Councils are continuing to work closely with each other to ensure all cross boundary matters and potential impacts have been carefully considered as a consequence of the draft CLEP 2014.

RECOMMENDED

That Council resolve to forward Attachment 1 – response to the exhibition of the draft Campbelltown LEP 2014 to Campbelltown Council

ATTACHMENTS

1. 14 124096 draft submission - draft Campbelltown LEP 2014

ORDINARY COUNCIL

ORD06

ORD06

SUBJECT: INVESTMENT MONIES - JUNE 2014
FROM: Acting Director Customer & Corporate Services
TRIM #: 14/127260

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 30 June 2014 is provided.

MAIN REPORT

The weighted average return on all investments was 4.03% p.a. for the month of June 2014. The industry benchmark for this period was 2.70% (Average BBSW 90 day).

It is certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant regulations and Council's Investment Policy.

The Principal Accounting Officer is the Manager Finance & Corporate Planning.

Council's Investment Report is an **attachment to this report**.

RECOMMENDED

That Council:

- i. **note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act, Regulations, and Council's Investment Policy*;**
- ii. **the list of investments for June 2014 be noted; and**
- iii. **the weighted average interest rate return of 4.03% p.a. for the month of June 2014 be noted.**

ATTACHMENTS

1. Investment Report - June 2014

ORDINARY COUNCIL

ORD07

SUBJECT: INVESTMENT MONIES - JULY 2014
FROM: Acting Director Customer & Corporate Services
TRIM #: 14/127465

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 July 2014 is provided.

MAIN REPORT

The weighted average return on all investments was 3.98% p.a. for the month of July 2014. The industry benchmark for this period was 2.65% (Average BBSW 90 day).

It is certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant regulations and Council's Investment Policy.

The Principal Accounting Officer is the Manager Finance & Corporate Planning.

Council's Investment Report is an **attachment to this report**.

RECOMMENDED

That Council:

- i. **note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act, Regulations, and Council's Investment Policy*;**
- ii. **the list of investments for July 2014 be noted; and**
- iii. **the weighted average interest rate return of 3.98% p.a. for the month of July 2014 be noted.**

ATTACHMENTS

1. Investment Report - July 2014



ORDINARY COUNCIL

ORD08

ORD08

SUBJECT: RATES AND CHARGES AND LEVIES WRITTEN OFF 2013/2014
FROM: Acting Director Customer & Corporate Services
BINDER: 14/124111

PURPOSE OF REPORT

The purpose of this report is to advise Council of the 2013/2014 Rates and Charges to be written-off as permitted under the Local Government Act.

BACKGROUND

The Local Government (General) Regulation 2005 (Clause 131) requires the General Manager to advise Council of all Rates and Charges to be written off in the previous financial year.

MAIN REPORT

The amounts proposed in respect of the 2013/2014 financial year are set out below and discussed.

1. Postponed Rates

An owner of rural land or land used as a principal dwelling where the land is not being used for the purpose for which it is zoned, may apply to Council for postponed rates.

The rating of land is on the basis of use, not zoning.

The Valuer General approves and provides Council with a discounted land value to calculate the rates payable on these properties. The amount discounted is referred to as postponed rates.

Under Section 595 of the Local Government Act on the 6th year the first year's postponed rates and interest are to be written off. Upon sale of the property the amount postponed (up to 5 years) is payable.

There are currently 16 properties which qualify for postponed rates within the Camden LGA. The total amount of postponed rates and charges as at 30 June 2014 is \$111,906.97.

The postponed amounts written off for the 2013/2014 rating year are as follows:

Rates written off from 2009/2010	\$19,221.62
Interest written off from 2009/2010	<u>\$7,531.48</u>
Total	\$26,753.10

2. Pension Rebates

Section 583 of the Local Government Act requires Council to write off amounts of Rates, Charges and Interest reduced or waived under Division 1 of Part 8 of Chapter 15 of the Act (concessions for pensioners).

Amount of Pension Rebates for 2013/2014 - **\$660,354.49**

Council has claimed 55% reimbursement (\$363,194.97) from the Division of Local Government for the amount written off.

Therefore, the cost to Council of subsidising pensioner rates during the 2013/2014 financial year was \$297,159.52.

3. Accrued Interest (minor amounts outstanding)

Section 567 of the Local Government Act allows Council to write off accrued interest on amounts that would be uneconomical to recover.

Amounts written off under \$3.00 - **\$4,665.74**

FINANCIAL IMPLICATIONS

In accordance with the relevant sections of the Local Government Act, the total amount to be written off in the 2013/2014 financial year is \$691,773.33. The majority of the amount to be written off pertains to pensioner rebates, 55% of which is recovered from the Division of Local Government.

The amount to be written off each financial year is considered as part of the annual budget process and is reviewed at each quarterly budget review. Adjustments which arise as a result of exemptions or write-offs are included within budget projections to minimise the impact they may have on Council's budget position.

CONCLUSION

The General Manager has a statutory obligation to advise the Council of all Rates and Charges that are to be written off; the adoption of this report means that Council has complied with the requirements of The Local Government Act and the Local Government (General) Regulation 2005 (Clause 131).

RECOMMENDED

That Council note and write-off rates, charges and levies outlined in this report totalling \$691,773.33 for the 2013/2014 financial year.

ORDINARY COUNCIL

ORD09

ORD09

SUBJECT: CAMDEN GENERAL CEMETERY
FROM: Director Community Infrastructure
TRIM #: 14/127224

PURPOSE OF REPORT

To inform Council of the results of the public exhibition to the Camden General Cemetery Masterplan and to recommend that Council adopts the Masterplan (provided as **Attachment 1** to this report).

BACKGROUND

On the 27 May, 2014 Council considered a report on the proposed upgrade works at Camden General Cemetery and resolved to:

- i. endorses the draft Camden General Cemetery Upgrade Masterplan and staging of upgrade works;*
- ii. agrees to publicly exhibit the draft Masterplan and staging of upgrade works for a period of 28 days;*
- iii. be provided a further report detailing the results of the exhibition of the draft Masterplan and staging of upgrade works; and*
- iv. that Council workshop the general matters raised.*

The public exhibition is now complete and the general matters raised were discussed at a workshop on 12 August, 2014.

MAIN REPORT

In accordance with Council's resolution, the draft Camden General Cemetery Upgrade Masterplan was advertised in local newspapers and on Council's website, from 18 June to 16 July 2014. In addition, a letter was forwarded to all known funeral directors, monumental masons and grave diggers, and the Camden RSL Sub-Branch. As the Cemetery is a heritage item under Schedule 5 of Camden LEP 2010, comments were also sought from Council's Heritage Officer (Strategic Planning).

Three submissions were received; one from a monumental mason, one from a resident and one from Council's Heritage Officer. Submissions are provided in the **Supporting Documents** of this report. However the main issues raised are provided below, together with an officer comment.

Issue raised

Various designs for memorialisation in Camden General Cemetery.

Officer comment

Noted – further detailed design will be undertaken following development approval.

Issue raised

Requested a toilet facility and a kiosk or refreshment van.

Officer comment

A toilet facility is considered beneficial and the plans will consider the inclusion of toilet facilities. The style of a toilet facility would need to be determined in the detailed design. A permanent kiosk is not considered a cost effective option, nor is there considered to be sufficient demand for the provision of a refreshment van within the Cemetery.

Issue raised

Reconsider the location of the carpark on the SW ridge top.

Officer comment

A gravel turning circle and parking location is already located in this area. To ensure the heritage significance of the site is maintained, alternatives and engineering solutions will be explored during detailed design.

Issue raised

Existing trees identified in the Camden Significant Tree Register should not be removed or adversely affected by works including new graves.

Officer comment

In the preparation of the detailed design, all existing trees will be assessed.

Issue raised

Ensure that dense perimeter screen planting does not obstruct significant views to Camden to the north east and rural views to the west.

Officer comment

One of the stated aims of the draft masterplan is to maintain the open rural character of the cemetery. This will be addressed in the development of the Landscape Plan.

Issue raised

Replace the failing Monterey Cypress trees with other evergreen species from those in the masterplan.

Officer comment

This will be addressed in the development of the Landscape Plan.

Issue raised

Reconsider the palette of many paving materials to one that is simple and in keeping with the rural character. It is recommended to continue to use bitumen roads with no kerbing. Pedestrian paths to be simple stabilised gravel or earth toned brushed concrete for high use areas.

Officer comment

Noted.

Issue raised

Maintain the rural perimeter fencing and simple barriers within the cemetery.

Officer comment

Noted. It is only proposed at this time to upgrade the entrance gates.

Issue raised

All work shall not impact on existing graves.

Officer comment

Every effort will be made to ensure that any works will not impact on existing graves.

Issue raised

Routine maintenance of existing graves is required to retain heritage fabric as part of the masterplan.

Officer comment

Noted. General Maintenance is currently undertaken by contractors. A maintenance plan is proposed to be developed as components of the masterplan are constructed.

Other Matters

At the Council workshop on 12 August 2014, matters regarding current fees and charges for burial plots/internments, time-limits on the use of burial plots and ownership; on-selling of burial plots, the size of burial plots and the number of burial internments per burial plot were discussed. Whilst Council currently has Rules and Conditions (provided as **Attachment 2**) for Burials at Camden General Cemetery in place that address the matters discussed, it is proposed to prepare a Management Plan for the Camden General Cemetery which is updated as components of the draft Masterplan are implemented to ensure the Cemetery is able to meet the needs of the community into the future.

In addition, it was raised with Council that as the Cemetery is located on Crown Lands, Council is required to obtain the Crown Lands approval, as owner of the land, for the proposed works. Crown Lands have advised Council that it may be beneficial to seek to establish a Reserve Trust for Camden General Cemetery and for Council to become a Reserve Trust Manager.

Should Council agree to become a Reserve Trust Manager of a Reserve Trust, Council will have powers under the Crown Lands Act 1989 to deal with the land, subject to the Minister's consent. For any works proposed on Crown Land, the Reserve Trust is considered a public authority under the Environmental Planning and Assessment Act 1979, and as such, Council as the Reserve Trust Manager, can undertake works on the reserve, without the need for the Crown, as owner of the land, to endorse the development application provided a notice of intention to lodge the development application is served on the Crown. Note this only applies if the Reserve Trust Manager is undertaking works on behalf of the Reserve Trust.

FINANCIAL IMPLICATIONS

The estimated cost of completing all four stages of the draft Masterplan is \$3.63 million.

\$600,000 has been allocated by Council in the 2014/15 budget to commence implementation of Stage 1 works with the key items being the Columbarium Wall and maintenance area.

Council officers will continue to explore further funding opportunities to assist with further stages of the upgrade works.

The ongoing maintenance is currently funded from Camden Cemetery income received through the sale of burial and memorial licences, with excess funds being transferred to

the Cemetery Reserve. These funds will be used to progress further stages of the Masterplan.

CONCLUSION

The draft Camden General Cemetery Upgrade Masterplan has been publically exhibited and a notification of the public exhibition forwarded to all known funeral directors, monumental masons and grave diggers, and the Camden RSL Sub-Branch. Three written responses have been received which have been assessed and issues raised have been addressed.

It is recommended that Council adopt the draft Camden General Cemetery Upgrade Masterplan and commence implementation of Stage 1 works with the key items being the Columbarium Wall and maintenance area. In addition, it is recommended that Council seek to establish a Reserve Trust for Camden General Cemetery and to act as Reserve Trust Manager.

RECOMMENDED

That Council:

- i. notes the submissions received during the public exhibition period;**
- ii. endorses the adoption of the draft Camden General Cemetery Upgrade Masterplan;**
- iii. writes to all respondents thanking them for their submissions;**
- iv. submits a development application for all stages of works**
- v. commences implementation of Stage 1 works with the key items being the Columbarium Wall and maintenance area;**
- vi. prepare a Management Plan for Camden General Cemetery; and**
- vii. seek to establish a Trust for Camden General Cemetery and become a Reserve Trust Manager.**

ATTACHMENTS

1. Camden General Cemetery - Masterplan
2. Camden General Cemetery - Rules and Conditions for Burials
3. Submissions to Camden General Cemetery Masterplan - July 2014 - *Supporting Document*

ORDINARY COUNCIL

ORD10

ORD10

NOTICE OF MOTION

**SUBJECT: NOTICE OF MOTION - FUTURE BUSINESS OPPORTUNITIES FOR
CAMDEN LGA**

FROM: Cr Fischer

TRIM #: 14/129017

"I Councillor Penny Fischer hereby give notice of my intention to move the following at the Council Meeting of 26 August 2014:"

That Camden Council;

- i. *Write to all NSW Government Ministers requesting that the Camden Local Government Area, with emphasis on greenfields sites, be considered for future relocation of NSW Government agency public sector jobs (as part of the NSW Government's "Decade of Decentralisation");*
- ii. *Write to the Federal Government requesting that any NSW based Federal Government agencies consider relocation to the Camden Local Government Area;*
- iii. *Tender for, (when issued) a lease proposal during Government Property NSW (GPNSW) competitive procurement process; and*
- iv. *Forward a copy of said letters and a copy of this Notice of Motion to the Federal Member for Macarthur and the State Member for Camden.*

RECOMMENDED

That Council:

- i. **Write to all NSW Government Ministers requesting that the Camden Local Government Area, with emphasis on greenfields sites, be considered for future relocation of NSW Government agency public sector jobs (as part of the NSW Government's "Decade of Decentralisation");**
- ii. **Write to the Federal Government requesting that any NSW based Federal Government agencies consider relocation to the Camden Local Government Area;**
- iii. **Tender for, (when issued) a lease proposal during Government Property NSW (GPNSW) competitive procurement process; and**
- iv. **Forward a copy of said letters and a copy of this Notice of Motion to the Federal Member for Macarthur and the State Member for Camden.**