



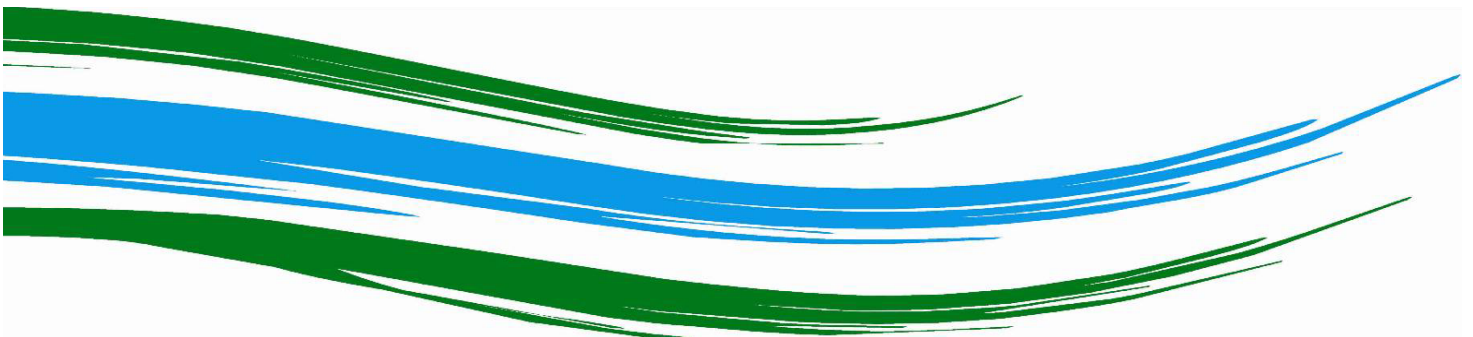
# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**10 February 2015**

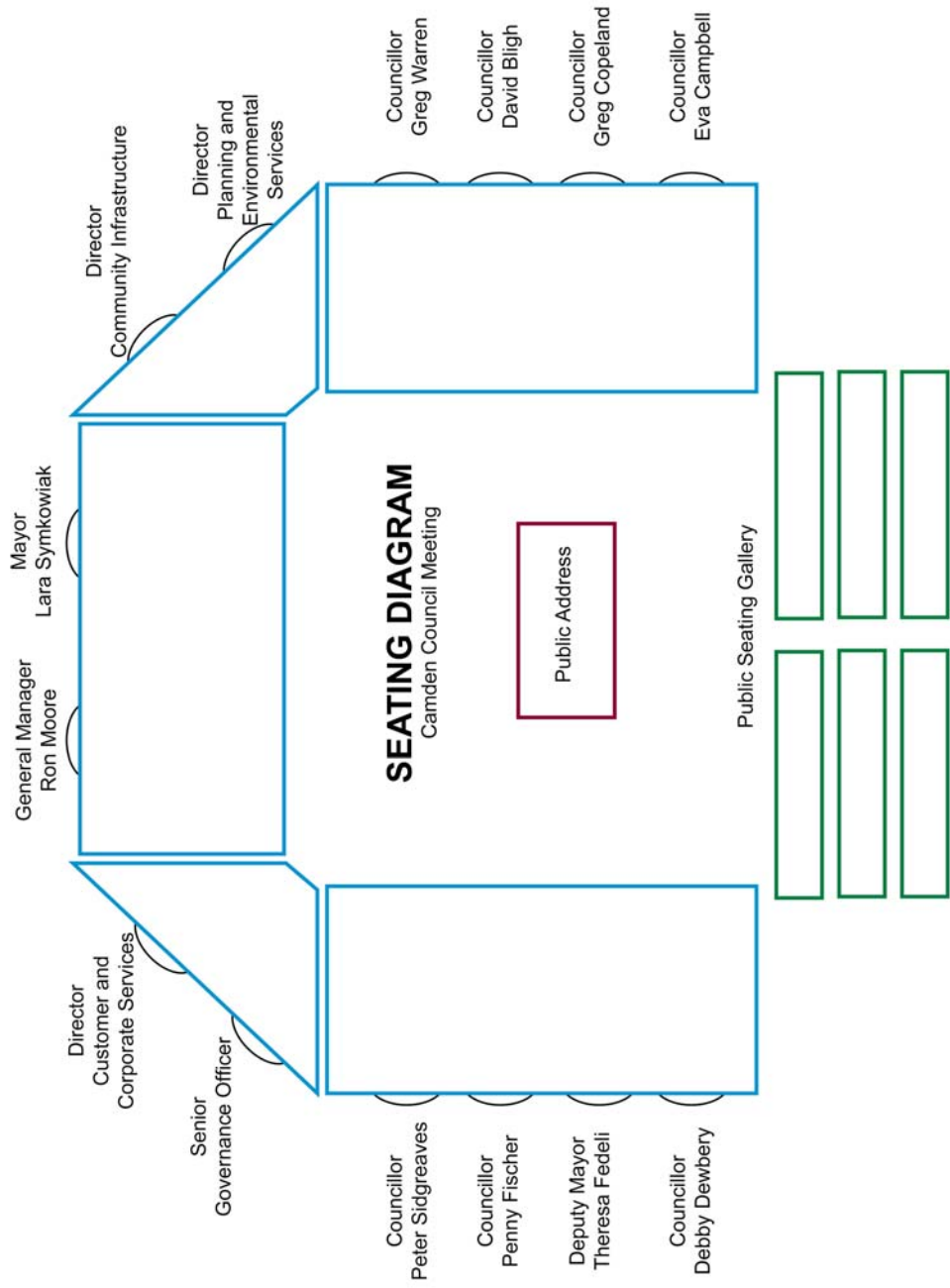
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**Camden Civic Centre**  
**Oxley Street**  
**Camden**



## 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

## ORDER OF BUSINESS - ORDINARY COUNCIL

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## ORDINARY COUNCIL

**SUBJECT: PRAYER**

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### 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)*

\*\*\*\*\*



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## **ORDINARY COUNCIL**

**SUBJECT: ACKNOWLEDGEMENT OF COUNTRY**

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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.



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## **ORDINARY COUNCIL**

**SUBJECT: RECORDING OF COUNCIL MEETINGS**

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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.



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## ORDINARY COUNCIL

**SUBJECT: APOLOGIES**

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

**RECOMMENDED**

**That leave of absence be granted.**

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## ORDINARY COUNCIL

**SUBJECT:       DECLARATION OF INTEREST**

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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.**

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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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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.**



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## ORDINARY COUNCIL

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 27 January 2015.

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 27 January 2015, copies of which have been circulated, be confirmed and adopted.**



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## **ORDINARY COUNCIL**

**SUBJECT:      MAYORAL MINUTE**

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Consideration of Mayoral Minute (if any).



ORD01

## ORDINARY COUNCIL

ORD01

**SUBJECT: CONSTRUCTION OF A TWO STOREY DWELLING AT 45 - 47 MOYENGULLY AVENUE, MOUNT ANNAN**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 15/4032

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**APPLICATION NO:** 1046/2014  
**PROPOSAL:** Construction of a two storey dwelling house  
**PROPERTY ADDRESS:** 45 – 47 Moyengully Avenue, Mount Annan  
**PROPERTY DESCRIPTION:** Lot 4357, DP 1163630  
**ZONING:** R2 Low Density Residential  
**OWNER:** Mr & Mrs Moody  
**APPLICANT:** Oakworth Home Pty Ltd

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for construction of a two storey residential dwelling and associated site works.

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

### SUMMARY OF RECOMMENDATION

That Council determine DA1046/2014 for the construction of a two storey residential dwelling 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 two storey residential dwelling and associated site works at 45 – 47 Moyengully 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 for a period of 14 days from 17 November 2014 to 1 December 2014 in accordance with the DCP. One submission was received (objecting to the proposed development). **A copy of the submission is provided with the Business Paper supporting documents.**

Council staff contacted the submission writer to discuss their concerns, however were unsuccessful in resolving the issues raised in the submission.

The issues raised in the submission relate to the impact of the development on the adjoining property in terms of loss of privacy due to the location of the first floor windows and loss of sunlight to the garden area.

In relation to loss of privacy, the application proposes two bedrooms on the upper level along the southern boundary adjacent to 41 – 43 Moyengully Avenue (at present, no dwelling exists on 41-43 Moyengully Avenue). Bedrooms are not considered to be habitable areas as they experience low usage and have a low level of congregation. As such, the proposed dwelling meets the requirements of the DCP and it is considered that there will be no unacceptable impacts on privacy for adjoining properties.

It is acknowledged that some overshadowing will occur to the adjoining property at 41 – 43 Moyengully Avenue, however the proposed development complies with the DCP’s requirements for solar access for both the subject and adjoining site which requires a minimum 3 hours of sunlight.

The DA **fully complies** with all relevant planning controls and all Council policies applicable to the site.

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

**AERIAL PHOTO**



**THE SITE**

The site is known as No 45 - 47 Moyengully Avenue, Mount Annan and is legally described as Lot 4357, DP 1163630. The site forms part of the Garden Gates residential estate.

The site has a frontage of 109.5m to Moyengully Avenue, a maximum depth of 27.5m and an overall area of 1626.44m<sup>2</sup>. The site is relatively flat and currently vacant.

The surrounding area is characterised by vacant lots to the south, which are also zoned for residential use, newly constructed single/two storey residential dwellings to the east and to the west of the site lies William Howe Regional Park.

The western section of the site is identified as being a bushfire Asset Protection Zone (APZ) and this part of the site cannot be developed for residential purposes.

### HISTORY

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

Date	Development
27/8/2007	Subdivision of land for residential purposes as part of the Garden Gates Estate by DA 316/2006
14/4/2011	Creation of this lot approved by DA253/2011

### THE PROPOSAL

DA1046/2014 seeks approval for construction of a two storey residential dwelling and associated site works.

Specifically, the proposed development involves:

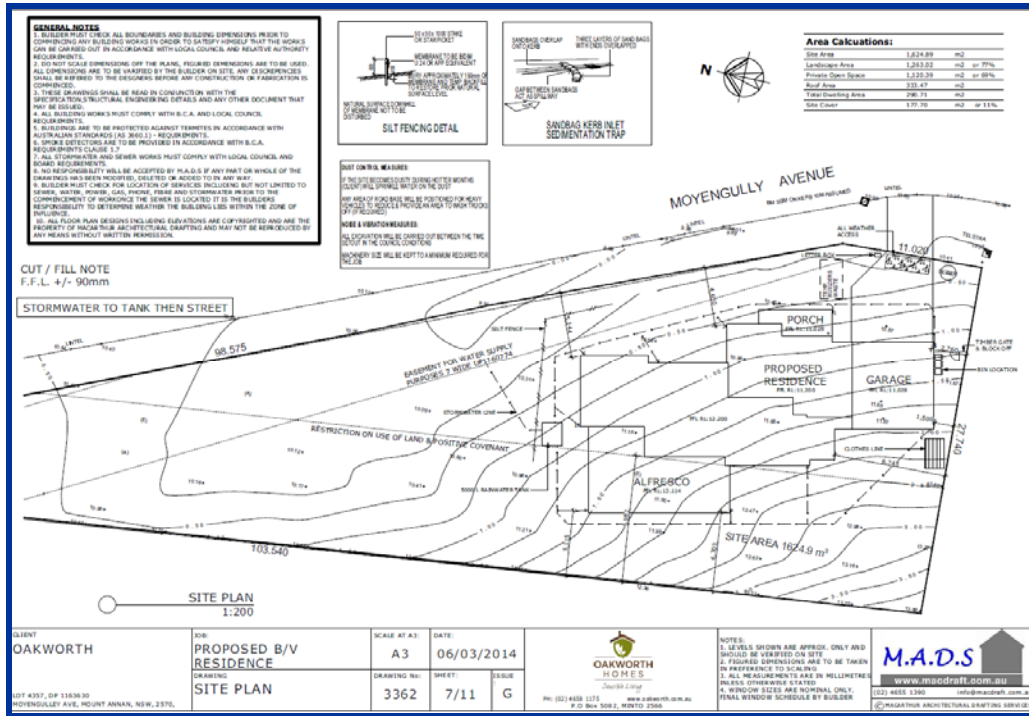
- construction of a two storey dwelling with a maximum height of 7.17m comprising of brick and tile;
- double garage, study, laundry, pantry, kitchen, home theatre, family room, dining room, rumpus room and an alfresco dining area at ground floor level;
- four bedrooms, en-suite, bathroom at first floor level; and
- driveway, landscaping and associated site works.

The value of the works is \$359,000 (including GST).

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

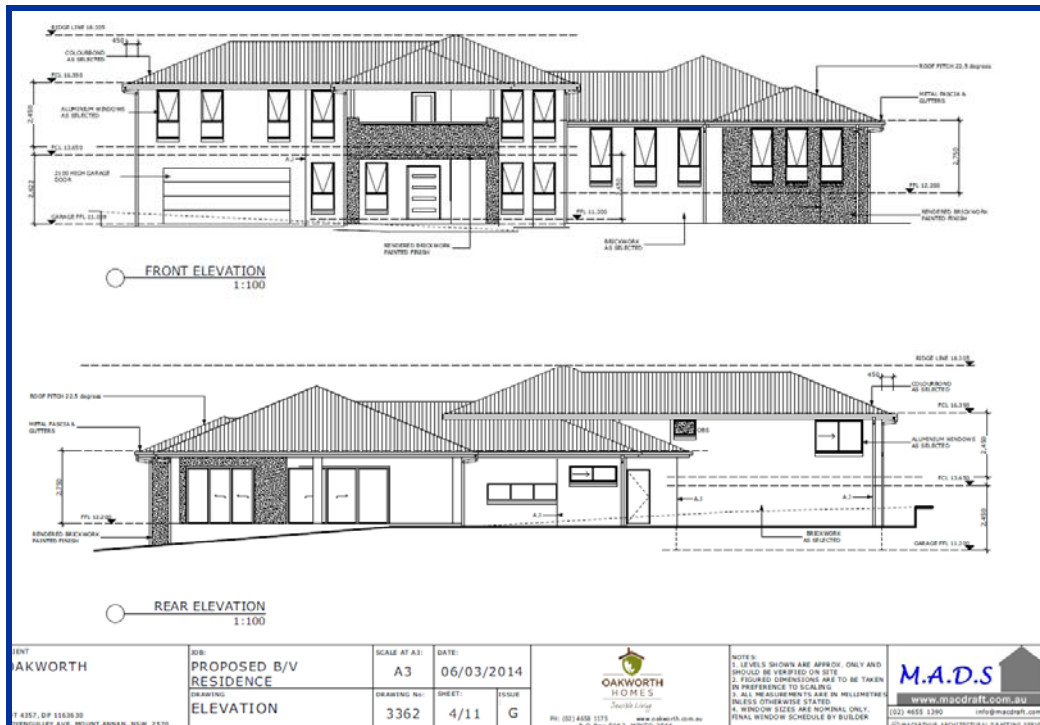


## PROPOSED PLANS

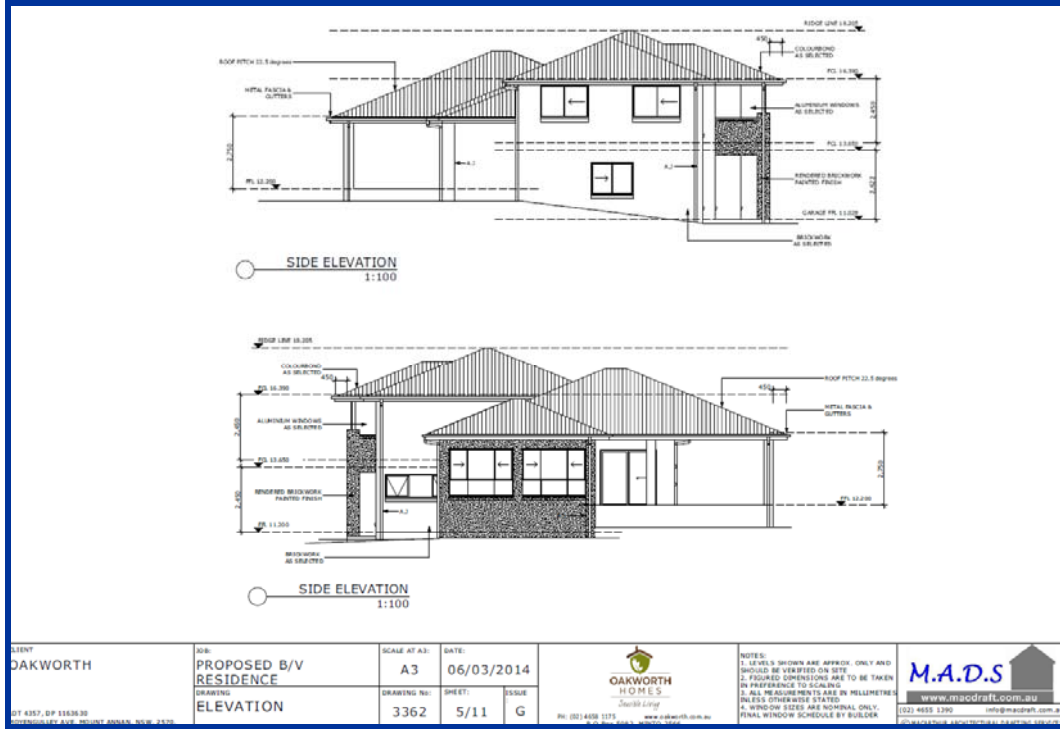


ORD01

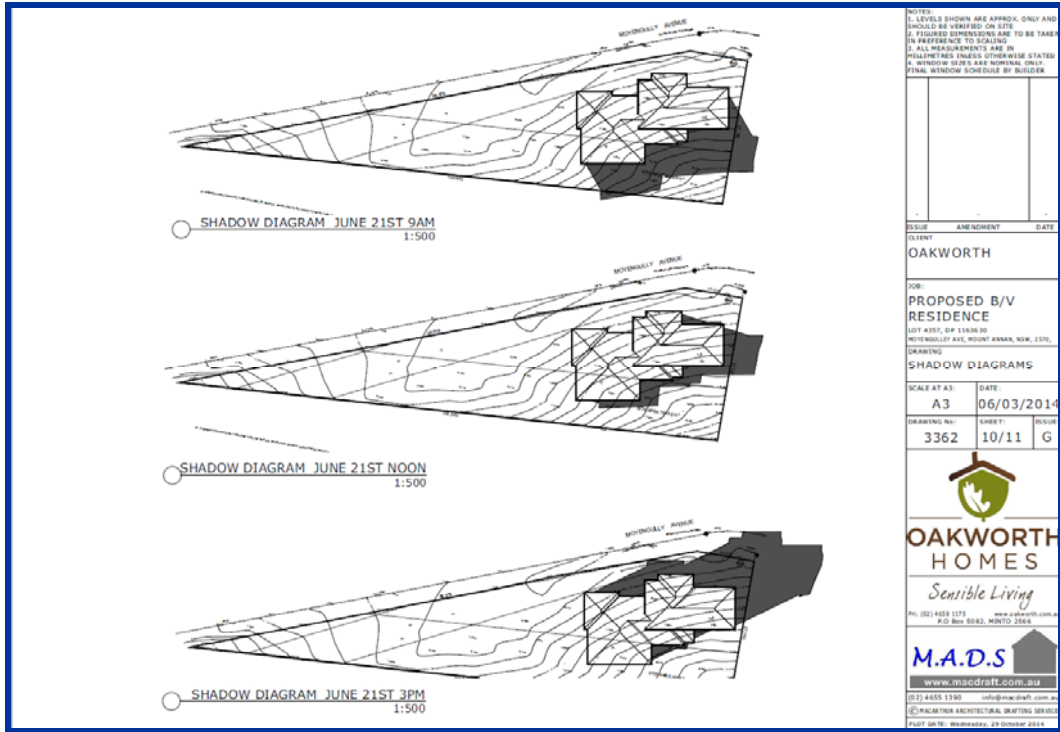
## PROPOSED ELEVATIONS



ORD01



**SHADOW DIAGRAM PLANS**



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## 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
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- 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. Site contamination and its suitability for residential purposes was approved by DA 361/2006 and DA 253/2011.

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

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 certificate 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 certificate.

#### 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 and are deemed acceptable.

#### Camden Local Environmental Plan 2010 (LEP)

##### *Permissibility*

The site is zoned R2 Low Density Residential under the provisions of the LEP. The proposed development is defined as a “dwelling house” by the LEP which is a permissible land use in this zone.

*Objectives*

The objectives of the R2 zone are as follows:

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

Officer comment

The proposed development will provide a form of housing that reflects the needs of the community and the low density residential environment.

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

Officer comment

The objective is not relevant to the proposed development as the proposal is for a dwelling.

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

Officer comment

The objective is not relevant to the proposed development as the proposal is for a dwelling.

- 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 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
4.3 Height of Buildings	Maximum building height of 9.5m	Proposed 7.17m building height	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure including water and sewer	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 comply with Planning for Bush Fire Protection 2006  A further condition is recommended to remove the	Yes

Control	Requirement	Provided	Compliance
		alfresco dining area to the rear of the site due to its location within the Asset Protection Zone (APZ) as there is a restriction on the land that prohibits the construction of a dwelling or other habitable buildings within the APZ	
B1.12 Contaminated and Potentially Contaminated Land Management	Compliance with Council's Management of Contaminated Lands Policy	Contamination of the land and its suitability for residential purposes was approved by DA 361/2006 and DA 253/2011	Yes
B1.13 Mine Subsidence	Approved from the Mine Subsidence Board	Stamped and approved plans have been submitted from the Mine 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	2 car parking spaces are proposed and are located behind the building line	Yes
D2.1.1 Setbacks	<p>Front – minimum of 4.5m</p> <p>Rear – 4m for single storey portion, 6m for two storey portion</p> <p>Garages – 5.5m and 1m behind building line</p> <p>Side (for detached dwellings) – minimum of 0.9m</p> <p>Architectural building elements may encroach into the front setback</p>	<p>4.65m front setback proposed</p> <p>5.1m ground floor setback proposed</p> <p>14m (first floor) setback proposed</p> <p>6.4m setback and 1m behind the front building line</p> <p>Minimum of 1.5m side setback proposed</p> <p>A porch encroaches into the front setback, which is considered to be satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
D2.1.3 Height, Massing and Siting	Maximum 9.5m building height	Proposed 7.17m building height	Yes
D2.1.4 Visual and Acoustic	Internal Layout of residential buildings, window	The layout of the proposed dwelling has been designed to minimise noise impact.	Yes

Control	Requirement	Provided	Compliance
Privacy	openings, the location of out door living areas and building plant should be designed to minimise noise impact and transmission		
	Direct overlooking of neighbouring main living and private open space areas should be minimised	The proposed development will not result in adverse overlooking impacts. Bedrooms are not considered to be living areas as they experience low usage and have a low level of congregation	Yes
	Balconies or decks are not permitted at the side or rear of the top floor of a two storey dwelling	No balconies or decks are proposed at the side or to the rear of the first floor of the dwelling	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	11% ground floor coverage proposed and 6.2% upper floor coverage proposed	Yes
	A minimum 30% of the site must be landscaped	77% landscaped area proposed	Yes
	20% of the site must be private open space (POS)	69% of the site POS is proposed	Yes
	Sunlight must reach 50% of the PPOS (in the proposed and surrounding development) for a minimum of 3	The PPOS of both proposed and adjoining dwellings will comply with this requirement	Yes

ORD01

**ORD01**

Control	Requirement	Provided	Compliance
	<p>hours between 9am and 3pm on 21 June</p> <p>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</p> <p>An area of principal private open space (PPOS) with a minimum area of 24m<sup>2</sup>, minimum length of 4m and a maximum gradient of 1:10 must be provided</p> <p>At least one principal living area must face predominantly north</p> <p>The PPOS must be adequately screened for privacy</p> <p>At least 65% of the POS areas must be soft landscaping</p> <p>An external clothes drying area with good solar access must be provided</p>	<p>North facing windows of proposed and adjoining living areas will comply with this requirement</p> <p>PPOS exceeding 24m<sup>2</sup>, with a minimum length of 4m and a gradient less than 1:10, will be provided for the proposed dwelling</p> <p>The dwelling proposes living areas that face predominantly north</p> <p>The proposed PPOS for the proposed dwelling will be adequately screened for privacy</p> <p>POS well in excess of 65% soft landscaping</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
D2.1.6 Garages, Site Access and Parking	<p>Minimum 5.5m from front boundary setback 1m behind front of building façade</p> <p>Garage doors to be no more than 50% of the building</p>	<p>The proposed double garage is setback from the front boundary 6.4m and is 1m behind the main building line</p> <p>The garage door covers approximately 30% of the building façade width</p>	<p>Yes</p> <p>Yes</p>



Control	Requirement	Provided	Compliance
	façade width		
D2.1.7 Streetscape and Architectural Design	The form, scale and siting of the building and the materials and colours must be appropriate to the character of the area	It is considered that the form, scale and siting of the dwelling is appropriate to the character of the area	Yes
	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 dwelling incorporates a range of features including porch, 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 the entire 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 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 14 days in accordance with the DCP from 17 November 2014 to 1 December 2014. One submission was received (objecting to the proposed development).

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

1. *Concerns about privacy and overlooking*

Officer Comment

The issue of privacy and overlooking has been considered. The DCP protects privacy of adjoining properties via controls which restrict direct overlooking from living spaces. The application proposes two bedrooms on the upper level of the site's southern boundary. Bedrooms are not considered to be living areas as they experience low usage and have a low level of congregation. Therefore, the privacy of the adjoining occupiers is not considered to be adversely affected.

2. *Concerns about overshadowing*

Officer Comment

It is acknowledged that some overshadowing will occur on the adjoining property however this is a common occurrence with two storey development. The extent of shadows shown on the submitted shadow diagrams are based on the worst case scenario being the 21<sup>st</sup> June, the shortest day of the year.

The adjacent dwelling to the south will receive some overshadowing along the northern boundary during the winter period. This dwelling will however maintain a minimum 3 hours of sunlight between 9.00am and 3.00pm on 21 June which fully complies with the requirements of the DCP.

**(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**

*Mine Subsidence Board (MSB)*

Pursuant to Section 91 of the *Environmental Planning and Assessment Act 1979*, the DA is classed as Integrated Development in that it requires concurrence from the Mine Subsidence Board. The proposed plans have been stamped approved by the Mine Subsidence Board.

Office of Environment and Heritage (OEH)

The DA was referred to the OEH for comment as the site adjoins William Howe Regional Park. The OEH raised no objection to the proposal, however requested that Council consider a number of issues during the consideration of the DA including

location of asset protection zones, noise and amenity impacts, boundary encroachments, stormwater runoff, erosion and sediment control, threats to ecological connectivity and management implications.

Council staff have considered these matters as part of the application assessment and have addressed each of these issues. The proposed DA will not adversely impact the surrounding development including William Howe Regional Park.

**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 1046/2014 is recommended for approval subject to the conditions contained in this report.

**CONDITIONS**

**1.0 - General Conditions of Consent**

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

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
3362 Sheet 1/11 – 11/11 Issue G	Architectural Plans and elevations and associated information	Oakworth Homes	29 October 2014

Document Title	Prepared by	Date
BASIX Certificate No. 582776S	Baxbury Consultancy	17 October 2014

- (2) **Modified Documents and Plans** - The development shall be modified as follows:

- a) The alfresco dining area must be deleted to ensure that no development is undertaken within the Asset Protection Zone.

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

- (3) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (4) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (5) **Home Building Act** - Pursuant to Section 80A(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
    - i. has been informed in writing of the name and licence number of the principal contractor; and
    - ii. where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act;
  - b) in the case of work to be carried out by an owner-builder:
    - i. has been informed in writing of the name of the owner-builder; and
    - ii. if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (6) **Excavation for Residential Building Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation; and
  - b) where necessary, underpin the adjoining premises to prevent any such damage.
- This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.
- (7) **Noxious Weeds** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.

## 2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any Geotechnical Report

applicable to the site. A statement to that effect shall be provided to the Certifying Authority.

- (2) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2.0m from the external walls of the building. Where the external walls are within 2.0m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (3) **Driveway Gradients and Design** - For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design shall comply with AS 2890.1-2004 'Off street car parking' and:
- a) the driveway shall comply with Council's Engineering Specifications;
  - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
  - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
  - d) a Public Road Activity approval must be obtained prior to the commencement of any works.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (4) **Salinity** - The proposed dwelling, landscaping and associated works for the development shall comply with the requirements of Camden Council's Building in Saline Prone Environment.

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 demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (5) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more.
- (6) **Bushfire Safety** - The site is located within a bush fire prone area and must comply with NSW Rural Fire Service document "Planning for Bush Fire Protection 2006." In this regard the following is required:
- a) Construction shall comply with AS3959—Construction of Buildings in Bush Fire Prone Areas.
  - b) The entire property shall be managed as an 'Inner Protection Area' as outlined within clause 4.1.3 of Planning for Bush Fire Protection 2006.
  - c) Compliance with Appendix 3 of Planning for Bush Fire Protection 2006.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

### 3.0 - Prior to Commencement of Works

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

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
  - a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the registered number and date of issue of the relevant development consent;
  - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
  - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
  - f) a telephone number on which the PCA may be contacted for business purposes.
  
- (2) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
  - a) the name and address of the person by whom the notice is being given;
  - b) a description of the work to be carried out;
  - c) the address of the land on which the work is to be carried out;
  - d) the registered number and date of issue of the relevant development consent and construction certificate;
  - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - f) the date on which the work is intended to commence.
  
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
  - a) a Construction Certificate has been issued by a Consent Authority;

- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
  - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
  - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
  - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
  - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
  - c) the name, address and telephone number of the PCA.

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

- (5) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall 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).

#### 4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:

- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
  - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall 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.
- (4) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b or c):
- a) street gutter;
  - b) drainage easement; and
  - c) existing drainage system.

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

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

- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (7) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (8) **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.



## 5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Footpath Crossing Construction** - A footpath crossing and driveway shall be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.

## 6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
  - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays;
  - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute; and
  - c) not 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*.

## RECOMMENDED

**That Council approve DA 1046/2014 for the construction of a two storey dwelling at 45 – 57 Moyengully Avenue, Mount Annan, subject to the conditions listed above.**

**ORD01**

## ATTACHMENTS

1. Plans
2. Floor Plans - *Supporting Document*
3. Submission - *Supporting Document*
4. Public Exhibition and Submissions Map - *Supporting Document*

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## ORDINARY COUNCIL

ORD02

ORD02

**SUBJECT: ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING INCLUDING THE PROVISION OF A FIRST FLOOR EXTENSION AT 26 EUCALYPTUS CIRCUIT, MOUNT ANNAN**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 15/13764

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**APPLICATION NO:** 809/2014  
**PROPOSAL:** Alterations and additions to an existing dwelling including the provision of a first floor extension  
**PROPERTY ADDRESS:** 26 Eucalyptus Circuit, Mount Annan  
**PROPERTY DESCRIPTION:** Lot 2824 DP 1032786  
**ZONING:** R2 Low Density Residential  
**OWNER:** Mr RT and Mrs D Brown  
**APPLICANT:** Mr RT Brown

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for alterations and additions to an existing dwelling including the provision of a first floor extension at 26 Eucalyptus Circuit, Mount Annan.

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

### SUMMARY OF RECOMMENDATION

That Council determines DA 809/2014 for alterations and additions to an existing dwelling including the provision of a first floor extension, 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 alterations and additions to an existing dwelling including the provision of a first floor extension at 26 Eucalyptus Circuit 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 for a period of 14 days in accordance with the DCP. Two submission were received (from the same property objecting to the proposed development). **A copy of the submissions is provided with the Business Paper supporting documents.**

Council staff contacted the submission writers to discuss their concerns, however were unsuccessful in resolving the issues raised in both submissions.

The issues raised in the submission relate to the proposed height, loss of 80% of tree top views, heat from the metal roof, glare and reflectivity from proposed materials, loss of privacy, construction noise issues, loss of property values, impact on streetscape and general impact on neighbouring properties.

The DA proposes a maximum building height of 8.39m. The building height limitation for the site is 9.5m as specified in the Camden Local Environmental Plan (LEP) 2010. It is considered that the proposed building height is reasonable given the applicable height control.

The loss of 80% of tree top views has been assessed and it is considered that a significant view is not being lost in this instance. In addition, it should be acknowledged that there is no general right to a view. The trees in question will still be visible from the submitter's property, albeit in a reduced capacity.

The submitter raises concern in relation to the westerly summer sun which may create heat from the proposed metal roof. The proposed metal roof is of colorbond material (and is of a dark brown colour 'NightSky') and it is not considered that it will unduly reflect heat. A BASIX Certificate has been lodged with the development application which demonstrates that the colour 'NightSky' has the most solar absorbance rating of any colorbond material.

The issue of glare and reflectivity has also been considered and based on the material proposed, i.e. colorbond roof, weatherboards, face brickwork and wall cladding, it is not considered they will be any adverse glare or reflectivity on surrounding properties.

Loss of privacy to the submitter's backyard and their 4<sup>th</sup> bedroom window has been raised as an issue. The proposed development does not propose any windows on the upper level of the western elevation which backs on to the submitter's property, only two skylights. It is therefore considered that there will be no loss of privacy to the submitter's backyard as a result of the extension.

The issue of construction noise has been considered and a construction noise condition is recommended which limits the hours of work to ensure any adverse noise impacts are minimised.

Loss of property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, however no evidence has been provided to suggest devaluation in property values as a result of this DA.

The street impact resulting from the proposed height, design and material of the proposed development has been considered and the proposal will be in keeping with the surrounding residential development which contains a mix of single and two storey homes. Of note, there are a number of similar style homes in the adjacent streets which sit comfortably next to single storey dwellings.

The proposed extension will allow an existing family to remain in their current home. Its bulk and scale is not deemed to be excessive, and proposes greater setbacks than is required by the DCP to ensure sufficient space exists between adjacent dwellings.

General impacts on surrounding properties have been considered and the subject DA will not result in any significant overshadowing or overlooking and conditions are recommended to ensure that dust/noise issues will be mitigated during the construction stage.

The DA **fully complies** with all relevant 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 26 Eucalyptus Circuit, Mount Annan and is legally described as Lot 2824, DP 1032786.

The site has a frontage of 15.9m to Eucalyptus Circuit, a depth of approximately 30m and an overall area of 503.70m<sup>2</sup>. The site contains an existing residential dwelling, driveway and landscaping.

The surrounding area is characterised by a mix of single and two storey residential dwellings, together with their associated driveways, car parking spaces, landscaping, fencing and signage.

The surrounding Mount Annan residential estate lies to the north of this area whilst to the south-east is the Botanic Gardens. To the west of the site lies the Spring Farm residential suburb.

**HISTORY**

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

Date	Development
19 December 2001	Approval of a single storey dwelling by DA 2270/2001

**THE PROPOSAL**

DA 809/2014 seeks approval for a development application (DA) for alterations and additions to the ground floor of an existing dwelling and a first floor extension.

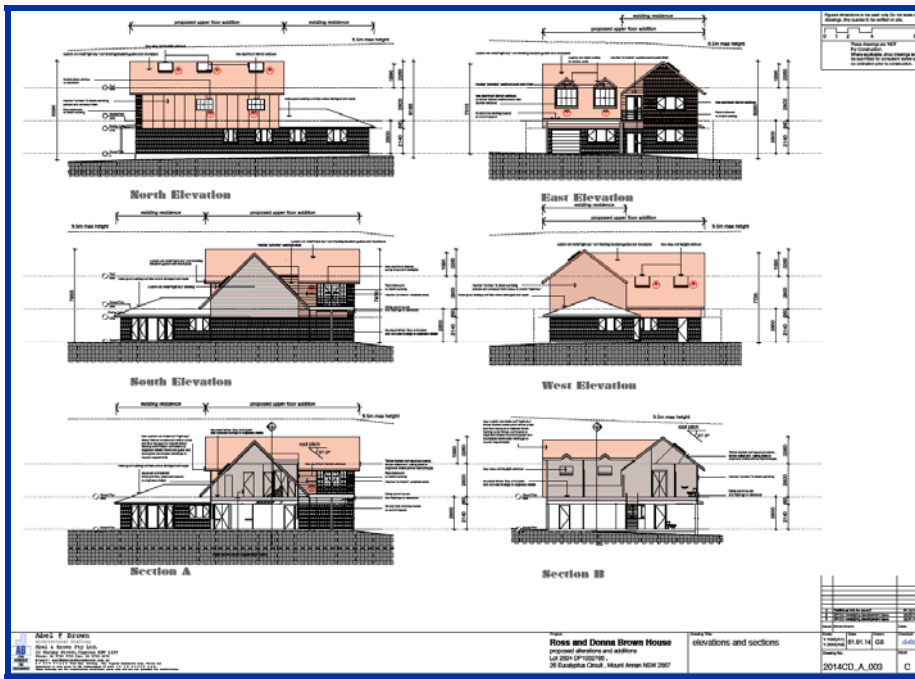
Specifically the proposed development involves:

- internal works to the ground floor to include a new kitchen, bedroom and the erection of an internal wall between the family and rumpus room;
- new staircase to link the ground and first floor;
- two storey addition to create a first floor which includes 2 bedrooms, family bathroom, rumpus room and study. This results in a maximum building height of 8.39m; and
- the provision of 2 car parking spaces (one behind the building line) and the use of face brick, timber and colour bond materials to match existing development.

The value of the works is \$120,000 (including GST).

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

**PROPOSED PLANS**



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## ASSESSMENT

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 against these 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 certificate 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 certificate.

### 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. Council staff have reviewed the site and are satisfied that it is not contaminated and is therefore suitable for its intended residential use.

### 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 and a condition is recommended to provide a water pollution control device as part of the proposed development.

### Camden Local Environmental Plan 2010 (LEP)

#### *Permissibility*

The site is zoned R2 Low Density Residential under the provisions of the LEP. The proposed development is defined as alterations and additions to a “dwelling house” by the LEP which is a permissible land use in this zone.

#### *Zone Objectives*

The objectives of the R2 Low Density Residential zone are as follows:

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

Officer comment:

The proposed development will continue to provide housing needs to the community in a low density environment.

- 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 alterations and additions to an existing dwelling.

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

Officer comment:

The proposed development is for alterations to an existing dwelling house. This objective is not relevant to this application.

- 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
4.3 Height of Buildings	Maximum 9.5m building height	Proposed 8.39m building height	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure including water and sewer	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.

<b>Control</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Appropriate erosion and sedimentation controls measures have been proposed	Yes
B1.2	Minimise cut and fill	No cut and fill proposed	N/A
B1.3 Salinity Management	Salinity resistant construction	The proposed development will be constructed to be salinity resistant	Yes
B1.9.9 Waste Management Plan	Waste management plan	A waste management plan has been conditioned to comply with the DCP	Yes
B1.10 Bushfire Risk Management	Compliance with Planning for Bush Fire Protection 2006	There is a BAL assessment lodged and a condition of consent has been implemented to comply with this report	Yes
B1.12 Contaminated and Potentially Contaminated Land	Contamination assessment and remediation (if required)	Council staff have reviewed the site and are satisfied that it is not contaminated and is therefore suitable for its intended residential use	Yes
B1.13 Mine Subsidence	Application for development within the area shown in figure B2 requires prior approval of the Mine Subsidence Board	The development has submitted stamped plans from the Mine Subsidence Board dated 14 August 2014	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	A condition has been imposed to deal with construction noise	Yes
B5.1 Off-street Car Parking Rates and Requirements	2 off-street car parking spaces required with at least one located behind the building line	2 off-street car parking spaces are provided with one located behind the building line	Yes
D2.1.1 Setbacks	Front – minimum of 4.5m	5.93 front setback proposed	Yes
	Rear – 4m for	6.25m ground floor setback	Yes

**ORD02**

Control	Requirement	Provided	Compliance
	<p>single storey portion, 6m for two storey portion</p> <p>Garages – 5.5m from property boundary and 1m behind building line</p> <p>Side (for detached dwellings) – minimum of 0.9m</p>	<p>proposed. 13.8m (first floor) setback proposed</p> <p>Garage setback 10.6 from front boundary and 4.7m behind principal building line</p> <p>1.35 minimum side setback proposed</p>	<p>Yes</p> <p>Yes</p>
D2.1.3 Height, Massing, and Siting	<p>Maximum 9.5m building height</p> <p>Attic rooms may be provided in the roof void where the roof pitch does not exceed 45 degrees and where dormer windows are provided. Such rooms are not considered to be storeys.</p>	<p>The development proposed a maximum building height of 8.39m</p> <p>Attic rooms are provided in the roof void, the roof pitch proposed is 37.5° and two dormer windows are proposed</p>	<p>Yes</p> <p>Yes</p>
D2.1.4 Visual and Acoustic Privacy	<p>Internal Layout of residential buildings, window openings, the location of out door living areas and building plant should be designed to minimise noise impact and transmission</p> <p>Direct over looking of the main living areas and private open space of adjacent dwellings should be minimised through building layout.</p>	<p>The internal layout provided has been designed to minimise the affect of noise impact and transmission on neighbouring properties. The first floor addition does not propose any balconies</p> <p>Private open space remains the same and will not overlook the main living areas and private open space of adjacent dwellings</p>	<p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	Balconies or decks are not permitted at the side or rear of the top floor of a two storey dwelling	A deck is proposed however this deck is located to the front of the dwelling and predominantly faces Eucalyptus Circuit.	Yes
D2.1.5 Private Open Space, Site Cover and Landscape 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	Ground floor area has site coverage of 49.8%. Upper floor (total floor area) has a site coverage of 29.7%	Yes
	A minimum 30% of the site must be landscaped	50% of landscaping area can be used for landscaping	Yes
	20% of the site must be private open space (POS)	25% of the site can be used for POS	Yes
	An area of principal private open space (PPOS) with a minimum area of 24m <sup>2</sup> , minimum length of 4m and a maximum gradient of 1:10 must be provided	24m <sup>2</sup> principle private open space has been provided and has a length of 5m	Yes
	Sunlight must reach 50% of the PPOS (in the proposed and surrounding development) for a minimum of 3 hours between 9am and 3pm on 21 June	Sunlight is provided to the private open space of the subject development and the sufficient sunlight is provided to the neighbouring properties	Yes
North facing windows of living	North facing windows receive a minimum of 3 hours of light.	Yes	

ORD02

**ORD02**

Control	Requirement	Provided	Compliance
	<p>areas in proposed and surrounding development must receive a minimum of 3 hours of sunlight between 9am and 3pm on 21 June</p> <p>At least one principal living area must face predominantly north</p> <p>The PPOS must be adequately screened for privacy</p> <p>At least 65% of the POS areas must be soft landscaping</p> <p>An external clothes drying area with good solar access must be provided</p>	<p>Shadow diagrams have been lodged as part of this development application to demonstrate this</p> <p>The living room is located at the rear of the dwelling and has a window that faces north</p> <p>PPOS has adequate screening and is located off a living room to the rear of the site. This PPOS will not be overlooked by adjacent properties</p> <p>All the POS area proposed contains soft landscaping</p> <p>There is ample area to provide clothes drying space which has good solar access</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
D2.1.6 Garage, Site Access and Parking	Garage doors must not dominate the dwelling and streetscape	Garage remains as originally approved and presents as a single garage to the street	Yes
D2.1.7 Streetscape and Architectural Design	<p>The form, scale and siting of the building and the materials and colours must be appropriate to the character of the area</p> <p>The primary street frontage must incorporate two design features</p> <p>450mm eaves are to be provided to</p>	<p>The form, scale and siting of the building will add character to the streetscape and not detract from surrounding developments</p> <p>Entry feature and balcony fronting the street have been provided</p> <p>450mm eaves provided to the entire dwelling</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	75% of dwellings		

***(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 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 for a period of 14 days in accordance with the DCP. The exhibition period was from 8 October 2014 to 22 October 2014. Two submissions were received (from the same property both objecting to the proposed development). **A copy of a public exhibition and submissions map is provided with the Business Paper supporting documents.**

Council staff contacted the submission writers to discuss their concerns however were unsuccessful in resolving the issues raised in both of the submission.

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

1. Concerns raised with regards to the height of the proposed first floor extension.

Officer comment:

The DA proposes a maximum building height of 8.39m. The building height limitation for the site is 9.5m as specified in the Camden Local Environmental Plan (LEP) 2010. It is considered that the proposed building height is reasonable given the applicable height control.

2. The development will create the loss of 80% of tree top views.

Officer comment:

The loss of 80% of tree top views has been assessed and it is considered that a significant view is not being lost in this instance. The view in question is to a 6 hectare portion of heavily treed land adjoining the Eastern side of Eucalyptus Circuit, which forms part of the Royal Botanical Gardens. This land is approximately 60m from the rear boundary of the submission writers property, with views provided in an easterly and north easterly direction from the rear of their property over the roof tops of existing dwellings along Eucalyptus Circuit. The trees which form the view will still be visible from the submitter's property, albeit in a reduced capacity. In addition, it should be acknowledged that there is no general right to a view.

3. The westerly summer sun will create heat from the proposed metal roof.

Officer comment:

The submitter raises concern in relation to the westerly summer sun which may create heat from the proposed metal roof. The proposed metal roof is of colorbond material (and is of a dark brown colour 'NightSky') and it is not considered that it will unduly reflect heat. A BASIX Certificate has been lodged with the development application which demonstrates that the colour 'NightSky' has the most solar absorbance rating of any colorbond material.

4. Issue of glare and reflectivity as a result of the materials being used

Officer comment:

The issue of glare and reflectivity has been considered and based on the material proposed, i.e. colorbond roof, weatherboards, face brickwork and wall cladding, it is not considered they will be any adverse glare or reflectivity on surrounding properties.

5. Loss of privacy to the submitter's backyard and their 4<sup>th</sup> bedroom window.

Officer comment:

Loss of privacy to the submitter's backyard and their 4<sup>th</sup> bedroom window has been raised as an issue. The proposed first floor addition does not include any windows on the western elevation which backs on to the submitter's property, only two sky lights. It is therefore considered that there will be no loss of privacy to the submitter's backyard as a result of the extension.

6. If the proposed development is approved, it will create construction noise.

Officer comment:

The issue of construction noise has been considered and a construction noise condition is recommended which limits the hours of work to ensure any adverse noise impacts are minimised.

7. The street impact resulting from the proposed height, design and material of the proposed development.

Officer comment:

The proposed development is in keeping with the surrounding residential development and adds character to the streetscape.

8. The development will result in loss of property value to 19 Bottlebrush Street, Mount Annan

Officer comment

Loss of property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, however no evidence has been provided to suggest devaluation in property values as a result of this DA.

9. Adverse impacts impact on streetscape as a result of design.

Officer comment:

The street impact resulting from the proposed height, design and material of the proposed development has been assessed and it is considered that the proposed development is in keeping with the surrounding residential development which contains a mix of singular and two storey homes. Of note, there are a number of similar style homes in adjacent streets which sit comfortably next to single storey dwellings.

The proposed extension will add to the character of the streetscape and will allow an existing family to remain in their current home. Its bulk and scale is not deemed to be excessive and it provides for greater setbacks than specified in the DCP to ensure sufficient space exists between adjacent dwellings.

10. Adverse impacts impact on neighboring properties.

Officer comment:

General impacts on surrounding properties have been considered and the subject DA will not result in any significant overshadowing or overlooking and conditions are recommended to ensure that dust/noise issues will be mitigated during the construction stage.

**(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 809/2014 is recommended for approval subject to the conditions contained in this report:

**CONDITIONS**

**1.0 - General Conditions of Consent**

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

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
2014CD_A_001 Issue B	Site Plan Site Analysis Plan	Abel and Brown Pty Ltd	1 December 2014
2014CD_A_002 Issue C	Proposed Floor Plans	Abel and Brown Pty Ltd	1 December 2014
2014CD_A_003 Issue C	Elevations and Sections	Abel and Brown Pty Ltd	1 December 2014
2014CD_A_004 Issue B	Shadow Diagram 21 <sup>st</sup> June -9am, 12pm,3pm	Abel and Brown Pty Ltd	1 December 2014
2014CD_A_005 Issue B	Erosion and Sediment Control Plan/Waste Management Plan	Abel and Brown Pty Ltd	1 December 2014

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
  - a) in the case of work for which a principal contractor has been appointed:
    - i. has been informed in writing of the name and licence number of the principal contractor; and



- ii. where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
  - b) in the case of work to be carried out by an owner-builder:
    - i. has been informed in writing of the name of the owner-builder; and
    - ii. if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (5) **Excavation for Residential Building Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
  - a) protect and support the adjoining premises from possible damage from the excavation; and
  - b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.

- (5) **Bushfire Protection** – These conditions have been imposed to ensure that the development is sufficiently protected from the risk of Bushfire in accordance with 'Planning for Bushfire Protection, 2006' as published by the NSW Rural Fire Service and Planning NSW and shall be complied with prior to the issue of an Occupation Certificate.

In this regard the development shall demonstrate compliance with the requirements of the Complying Development BAL Assessment prepared by Building Code & Bushfire Hazard Solutions, Report Reference 140338 dated 2 October 2013. In addition the proposed development shall comply with the following:

- (a) The proposed dwelling shall be constructed to the following Bushfire Attack Levels in accordance with the requirements of AS3959-2009:
  - Any new roof and new construction facing north, east and south shall be construction to Bushfire Attack Level BAL29.
  - The western (rear) façade shall be construction to Bushfire Attack Level BAL19.
- (b) At the commencement of building works and in perpetuity the entire property shall be managed as an Inner Protection Zone, outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- (c) Water, electricity and gas are to comply with section 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006'.

- (d) Access shall demonstrate compliance with Section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

### 2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2.0m from the external walls of the building. Where the external walls are within 2.0m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

### 3.0 - Prior to Commencement of Works

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

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the registered number and date of issue of the relevant development consent;
  - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
  - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
  - f) a telephone number on which the PCA may be contacted for business purposes.
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
  - b) a description of the work to be carried out;
  - c) the address of the land on which the work is to be carried out;
  - d) the registered number and date of issue of the relevant development consent and construction certificate;

- e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
  - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
  - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
  - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
  - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
  - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
  - c) the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (5) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall 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).

#### 4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
  - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
  - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall 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.
- (4) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the existing drainage system.

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

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

- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.

## 5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.

## 6.0 – Operational Requirements

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
  - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays;
  - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute; and
  - c) not 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*.

## RECOMMENDED

**That Council approve DA 809/2014 for alterations and additions to an existing dwelling including the provision of a first floor extension at 26 Eucalyptus Circuit, Mount Annan subject to the conditions listed above.**

## ATTACHMENTS

1. Plans
2. Floor Plans - *Supporting Document*
3. Submissions - *Supporting Document*
4. Public Exhibition and Submissions Map - *Supporting Document*

## ORDINARY COUNCIL

ORD03

**SUBJECT: TEMPORARY USE OF CAMELOT HOUSE AND GROUNDS AS A FUNCTION CENTRE FOR A MAXIMUM 2 YEAR PERIOD, 151 KIRKHAM LANE, KIRKHAM**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 15/4345

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**APPLICATION NO:** 659/2014  
**PROPOSAL:** Temporary use of Camelot House and grounds as a function centre for a maximum 2 year period  
**PROPERTY ADDRESS:** 151 Kirkham Lane, Kirkham  
**PROPERTY DESCRIPTION:** Lot 32, DP 785487  
**ZONING:** RU1 Primary Production  
**OWNER:** Mr CB Powers & Camelot House  
**APPLICANT:** Mrs Rachel Powers

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the temporary use of Camelot House and grounds as a function centre for a maximum 2 year period at 151 Kirkham Lane, Kirkham.

The DA is referred to Council for determination as there remain unresolved issues received in 24 submissions and one petition from the public.

### SUMMARY OF RECOMMENDATION

That Council determine DA 659/2014 for the temporary use of Camelot House and grounds as a function centre for a maximum 2 year period 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 temporary use of Camelot House and grounds as a function centre for a maximum 2 year period at 151 Kirkham Lane, Kirkham.

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 on two separate occasions in accordance with Camden Development Control Plan 2011. 24 submissions and one petition (34 signatories) were received (all objecting to the proposed development). **A copy of the submissions and petition is provided with the Business Paper supporting documents.**

Following an initial assessment of the application, Council staff and the NSW Office of Environment and Heritage (OEH) requested further information. This information was provided by the applicant to Council and included a revised acoustic report, visual

assessment plans, catering management plans, traffic management details and further clarification on hours of operations and events to be held. This revised information provided Council staff with sufficient information to progress with the assessment of the DA.

The revised information has also satisfied the requirements of OEH who support the proposal on a temporary basis. The rationale for the 2 year temporary approval is to ensure there will be no adverse impacts on the heritage significance of Camelot and also to ascertain if the proposed use is viable.

The revised information also aided in clarifying issues raised in a number of submissions in relation to operating hours, noise issues and traffic management.

Council staff were in contact with a number of the submission writers to discuss their concerns, however were unsuccessful in resolving the issues raised in the submissions and petition.

The issues raised in the submissions and petition relate to a range of issues, however the primary areas of concern are that the proposal is incompatible with surrounding residential homes, adverse noise issues, traffic issues, existing unauthorised works, heritage impacts and loss of property values.

The compatibility of the proposed use with surrounding development has been assessed and subject to a number of conditions relating to noise, hours of operation, security and traffic management, it is considered that the use of Camelot House and grounds as a function centre is compatible with the surrounding residential homes and will ensure the preservation of the heritage significance of Camelot.

To ensure the proposed development fully complies with Council's Noise Policy and the amenity of surrounding residents is protected, a number of conditions to manage noise are recommended. These include the installation of a 3m high acoustic barrier comprising hay bales around the perimeter of the marquee, the upgrading of the marquee features to include double skinned vinyl wall panels, ceiling lining etc., a dedicated sound system with a compression limiter and a noise management plan which sets out the management processes and procedures to be implemented at each function. Subject to the imposition of these conditions, the amenity of existing residents is capable of being maintained.

A traffic and parking management plan was submitted in support of this DA and this outlines how patrons will enter, park and leave the subject site, and also provides details on the number of car parking/ bus spaces proposed. This has been assessed by Council staff and given the maximum number of patrons proposed is 200 people, the car parking proposed (109 car parking spaces and 4 coach/ bus spaces) is deemed to be sufficient.

In addition, the additional traffic movement to and from the site has been assessed. Given the traffic volumes proposed, it is not considered that there will be any adverse impacts on the existing road network, i.e. Kirkham Lane as a result of the proposed use as a function centre.

This DA is solely based on the proposed development and any unauthorised works will be dealt with as a separate matter.

The application was supported by a Heritage Impact Statement and a Restoration and Dilapidation report given the State heritage status of Camelot. This information has

been reviewed by Council staff and the NSW Office of Environment and Heritage (OEH) and the temporary use of Camelot as a function centre is supported in this instance.

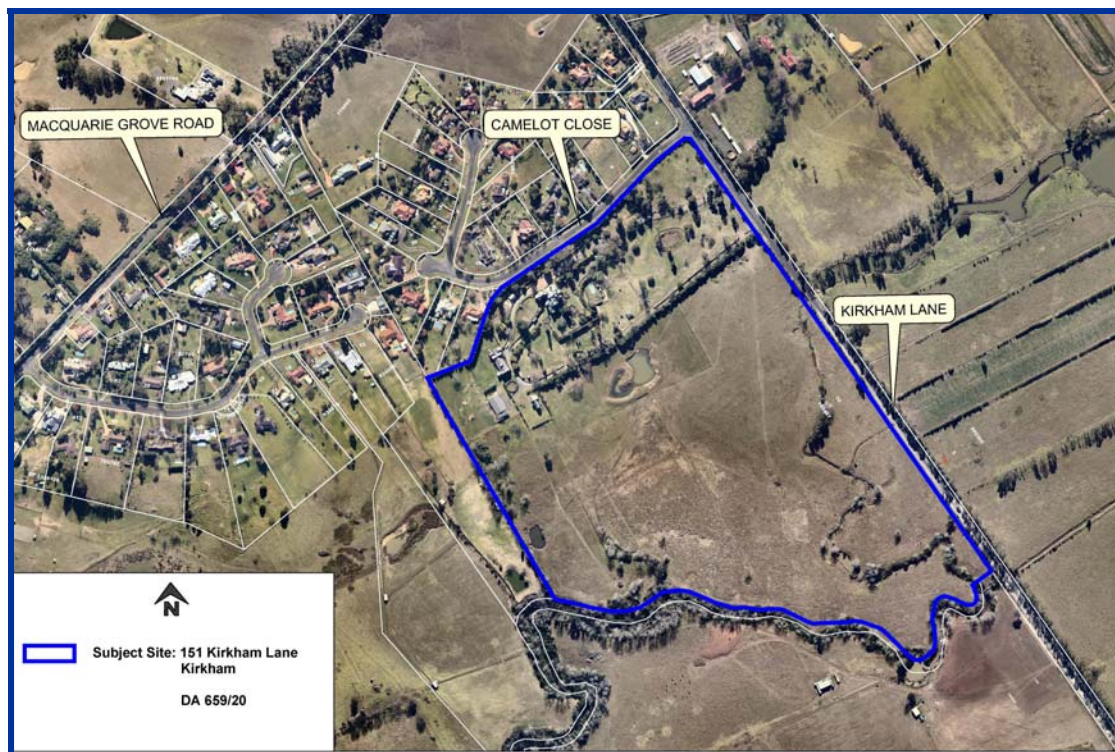
The temporary erection and dismantling of the proposed marquee is deemed reasonable and conditions are recommended to ensure that the site is reinstated to its original condition after each function.

Loss of property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, however no evidence has been provided to suggest there will be devaluation in property values as a result of this DA.

All other issues raised in the submissions received are dealt with in detail in the submissions section of this report.

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 151 Kirkham Lane, Kirkham and is legally described as Lot 30, DP 785487.

The site has a frontage of 724m to Kirkham Lane, a depth of 507m and an overall area of 30.3ha. The site is located on the south-western side of Kirkham Lane, approximately 800m north west of the intersection between Kirkham Lane and Camden Valley Way.



The site currently accommodates Camelot House (State Heritage Item), brick stables, smokehouse, workers cottage, aviary, landscaped gardens and a metal farm shed, and its ongoing land use as a rural property.

The surrounding properties are characterised by low density single and two storey residential dwellings and rural landholdings.

Studley Park golf course and residential dwellings are south of the site, and to the north the area is bound by the suburb of Kirkham. Narellan lies to the east whilst to the south the area is bound by Camden Valley Way and the suburb of Elderslie.

**HISTORY**

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

Date	Development
25 April 1999	Refusal of DA 181/1993 which sought to create a 2 lot subdivision
25 February 2002	Refusal of DA1437/2000 which sought approval for the use of Camelot House as an Entertainment Facility
23 October 2001	Approval of DA1945/2001 for the use of Camelot House for TV commercial
26 May 2003	Refusal of DA1664/2002 which sought the use of Camelot House as an auction room
26 June 2008	Refusal of DA796/2007 which sought the erection of a shed/outbuilding

**THE PROPOSAL**

DA 659/2014 seeks approval for the temporary use of Camelot House and grounds as a function centre for a maximum 2 year period.

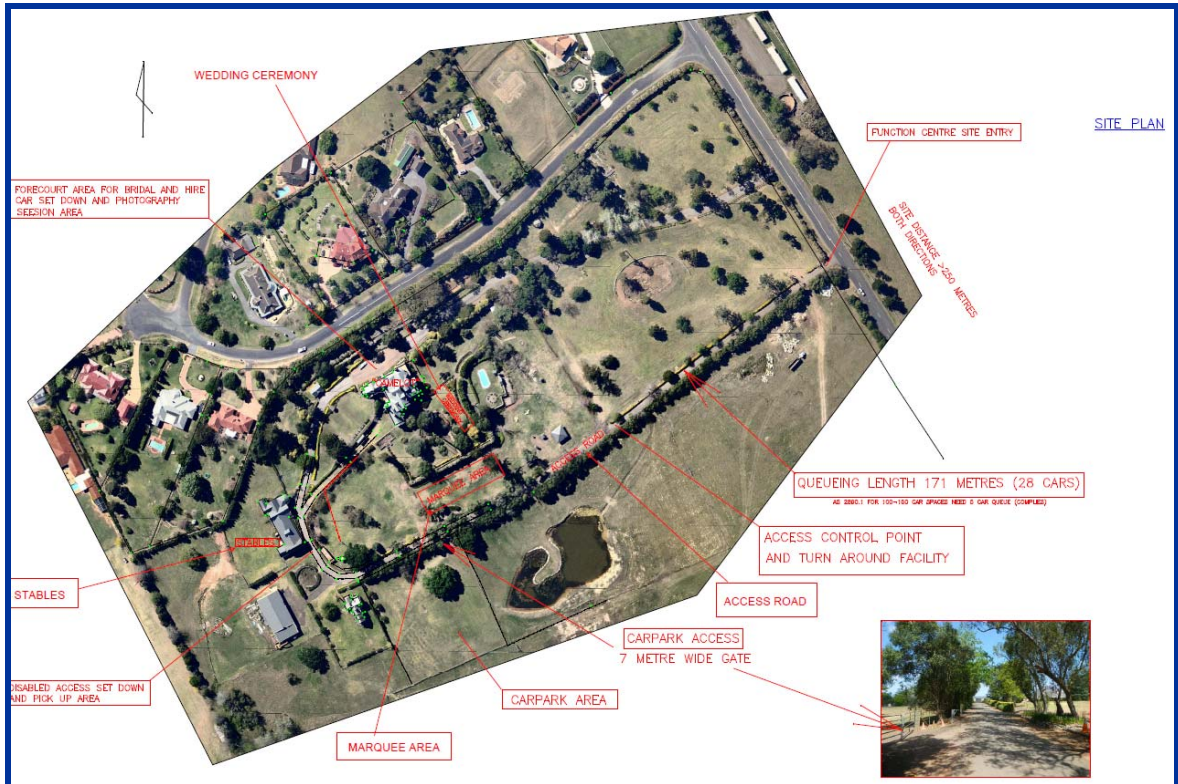
Specifically the proposed development involves:

- the erection of a marquee with a maximum size of 10m x 20m to host the following types of events:
  - a) Weddings including formal, informal and “pop up weddings”;
  - b) Christening or name giving;
  - c) Engagement parties/Wedding anniversaries;
  - d) Birthday parties where the birthday person is over 50 years and over of age;
  - e) High teas and morning teas/special events such as Melbourne Cup day, Christmas in July, mother’s day/fathers day etc.;
  - f) Photographic shoots;
  - g) Guided tours of the residence, stables and grounds;
  - h) Historic car club events that may include display of historic vehicles;
  - i) Community club events such as Rotary, Apex, Lions Club, Quota Club, Probeus Club etc.
  
- hours of operation from Monday to Thursday 9am to 5pm, Friday & Saturday 10am to 11.00pm (with music to cease at 10.30pm) and Sunday 10am to 11pm (with music to cease at 9.30pm);
  
- all guests will vacate the property by 11pm;

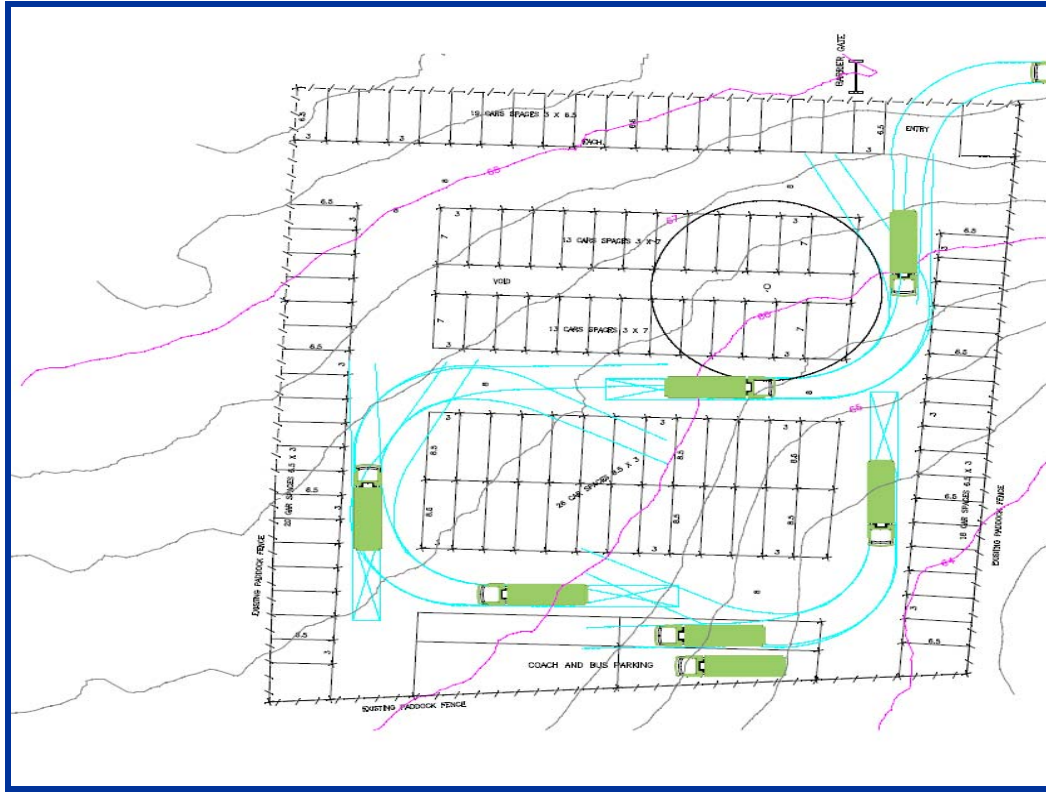
- access to the site will be from the secondary site entry located approximately 160m north west of the intersection of Camelot Close;
- function guests to be confined to the ceremony area, marquee, portable outdoor toilet area, car park and driveway areas;
- catering of events will occur in accordance with the submitted Catering Management Plan;
- portable outdoor event toilets will be used to manage wastewater and these outdoor event toilets will be located in the 'mobile toilet block' as identified on the submitted plans'
- lighting will be provided within the marquee and 2 flood lights will be used for external lighting which are located to ensure no glare on adjacent residents; and
- car parking facilities are provided within the identified 'car park' area on the submitted plans.

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

**PROPOSED SITE PLAN**



## PROPOSED CAR PARK PLAN



ORD03

## PROPOSED PERSPECTIVE VIEW FROM KIRKHAM LANE BOUNDARY



PHOTO 1 - PERSPECTIVE VIEW FROM KIRKHAM LANE BOUNDARY

ORD03

**PROPOSED PERSPECTIVE VIEW FROM SOUTHERN FAÇADE OF HOUSE**



**PROPOSED PERSPECTIVE OF MARQUEE**



**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:

- 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.

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 RU1 Primary Production under the provisions of the LEP. The proposed development is defined as a "function centre" by the LEP, however a function centre is a prohibited land use in this zone.

The application seeks to gain its permissibility by using Clause 5.10(10) of the Camden LEP which is a conservation incentive clause. This Clause specifies that the consent authority may grant consent to development even though development for that purpose would otherwise not be allowed, i.e. prohibited by this Plan, if the consent authority is satisfied the requirements of that Clause can be met. The requirements of Clause 5.10(10) of the LEP include the following:

- (a) The conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent.

Officer comment:

The applicant has provided a restoration and dilapidation report for Camelot House, stables, workers cottage and gardens in support of this application. This report lists all the necessary works that need to be undertaken to conserve Camelot House and its surrounds. This report has been assessed by Council staff who agree with the works listed within. The money generated by the events proposed in this DA will be used to complete the identified conservation works within Camelot. These works will be subject to consultation with OEH.

- (b) The proposed development is in accordance with a heritage management document that has been approved by the consent authority.

Officer comment:

As aforementioned, the applicant has submitted a restoration and dilapidation report which outlines the necessary work that needs to be undertaken for Camelot and its

surrounds and details how this work will be managed. This report has been assessed by Council staff who agree with the works listed within. In addition, the applicant has submitted a Heritage Impact Statement for the proposed works which notes that the use of Camelot as a function centre will not adversely impact on its heritage significance and will allow for funds to be generated for the necessary upkeep.

It is therefore a recommended condition that the funds generated as a result of the use of Camelot House as a function centre must be used to complete the works identified in the restoration and dilapidation report. These works will be subject to consultation with OEH.

- (c) The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out.

Officer comment:

As aforementioned, it is a recommended condition that the funds generated as a result of the use of Camelot House as a function centre must be used to complete the works identified in the restoration and dilapidation report. These works will be subject to consultation with the NSW OEH.

- (d) The proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance.

Officer comment:

The use of Camelot as a function centre has been assessed by both Council staff and the NSW OEH and it has been considered that there will be no adverse impacts on the heritage significance of Camelot or its setting as a result of this DA. A number of conditions are recommended to ensure compliance with the restoration and dilapidation report. In addition, the NSW OEH have issued General Terms of Approval (GTA's) and compliance with these GTA's is a recommended condition.

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

Officer comment:

The amenity of the surrounding area has been considered and subject to a number of recommended conditions in relation to noise, security, hours of operation and guest numbers, it is considered that any impacts can be managed successfully.

*Objectives of the applicable zone*

The objectives of the RU1 Primary Production zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for the use of Camelot House and its grounds as a function centre.

- To encourage diversity in primary industry enterprises and systems appropriate for the area.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for the use of Camelot House and its grounds as a function centre.

- To minimise the fragmentation and alienation of resource lands.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for the use of Camelot House and its grounds as a function centre.

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

Officer comment:

Subject to a number of recommended conditions in relation to noise, security, hours of operation and guest numbers, it is considered that any conflicts between land uses within this zone and land uses within adjoining zones can be managed.

- To permit non-agricultural uses which support the primary production purposes of the zone.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for the use of Camelot House and its grounds as a function centre.

- To maintain the rural landscape character of the land.

Officer comment:

The use of Camelot House and its grounds as a function centre will not adversely impact the rural landscape of the land given its temporary nature and also its position with the grounds of Camelot.

*Relevant Clauses*

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

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 9.5m building height	The proposed temporary marquee will have a maximum height of 4.2m	Yes

**ORD03**

Clause	Requirement	Provided	Compliance
5.9 & 5.9AA Trees or Vegetation	Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation	The DA does not propose any tree or vegetation removal. The marquee will be placed on a wooden floor platform and the area beneath will be rehabilitated at the end of the 2 year period	Yes
5.10 Heritage Conservation	To conserve the environmental heritage of Camden and to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views	The applicant has provided Council with a Heritage Impact Statement (HIS) and restoration and dilapidation report for Camelot. This has been reviewed by Council staff and the NSW Heritage Council who are satisfied that the environmental heritage of Camelot and its grounds are being maintained and protected. It is a recommended condition that all works are carried out in accordance with the HIS, restoration and dilapidation report and the NSW Heritage Council's GTA's	Yes
7.1 Flood Planning	Minimise the flood risk to life and property associated with the use of land	The site is located on flood prone land, however its use as a function centre will not increase flood risk to life or property. In addition, emergency access is available from a public road	Yes
7.2 Airspace Operations	Development consent must not be granted to development if the consent authority is satisfied that the proposed development will penetrate the Obstacle Limitation Surface as shown	The subject site is located within the 115m AHD. Given the proposed height of the marquee, it will not penetrate the OLS	Yes



Clause	Requirement	Provided	Compliance
	on the Obstacle Limitation Surface (OLS) Map		

***(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.

Control	Requirement	Provided	Compliance
B1.5 Trees and Vegetation	Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation	The DA does not propose any tree or vegetation removal. The marquee will be placed on a wooden floor platform and the area beneath will be rehabilitated at the end of the 2 year period	Yes
B1.6 Environmentally Sensitive Land	A development application for land shown on the Environmentally Sensitive Land (ESL) Map as being affected by any of the categories identified in the legend must be accompanied by certain information	A small portion of the sites southern boundary is mapped as ESL. However as noted, no trees or vegetation are proposed to be removed as part of this DA	Yes
B1.9.1 Waste Management Plan	A Waste Management Plan (WMP) outlines the waste management for the proposed use as a function centre must be provided	Details of waste removal and management have been provided in the catering Management Plan and are acceptable. A condition is recommended which requires compliance	Yes

**ORD03**

Control	Requirement	Provided	Compliance
		with the catering management plan	
B1.10 Bushfire Risk Management	Development must be compatible with bushfire risk management principles	Part of the site is identified as bush fire affected land. The area of the proposed works, i.e. marquee area is not bush fire prone	Yes
B1.11 Flood Hazard Management	Development on flood prone land must comply with Council's Engineering Design Specifications and Flood Risk Management Policy	The DA complies with Engineering Design Specifications and Flood Risk Management Policy	Yes
B1.12 Contaminated and Potentially Contaminated Land Management	An assessment against SEPP 55 is required for all DA's prior to submission	The site has been assessed and is not deemed to be contaminated	Yes
B1.15 Development near Camden Airport	Buildings or structures within the area affected by the Camden Airport Obstacle Limitations Surface (OLS) or Procedures for Air navigation Services-Aircraft operations (PANS-OPS) contained in the Camden Airport Master Plan must not exceed the obstacle height limit shown on the OLS Map  Buildings or structures located within the area affected by the Camden Airport OLS or PAN-OPS contained in the Camden Airport Master Plan must use materials that have low reflectivity	The subject site is located within both the 150m AHD and 175m AHD. Given the proposed height of the marquee, it will not penetrate the OLS  The materials proposed by the applicant for the marquee comprise low reflectivity	Yes  Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy (ENP)	To ensure the proposed development fully complies with Council's Noise Policy and the amenity of	Yes

Control	Requirement	Provided	Compliance
		<p>surrounding residents is protected, a number of conditions to manage noise are recommended. These include acoustic wall of 3m high, upgraded marquee features, a dedicated sound system with a compression limiter and a noise management plan. Subject to the imposition of these conditions, the DA complies with Council's noise policy</p>	
<p>B1.18 Trial Periods</p>	<p>Council can include a condition for a trial period for a maximum 12 month from the date of issue of the Occupation Certificate</p>	<p>The applicant has proposed the use of Camelot as a function centre on a trial period of a maximum 2 years. This is deemed reasonable subject to conditions being imposed to ensure the amenity of adjacent residents is protected. After the cessation of the 2 year period, a new DA to extend the use will then need to be lodged with Council for assessment</p>	<p>Yes</p>
<p>B3 Environmental Heritage</p>	<p>Development within the vicinity of a heritage item must be assessed to determine whether it will have any impact on the significance of the heritage place and how this can be mitigated</p>	<p>The applicant has provided Council with a Heritage Impact Statement (HIS) and restoration and dilapidation report for Camelot. This has been reviewed by Council staff and NSW OEH who are satisfied that the</p>	<p>Yes</p>

ORD03

**ORD03**

Control	Requirement	Provided	Compliance
		environmental heritage of the Camelot and its grounds are being maintained and protected. It is a recommended condition that all works are carried out in accordance with the HIS, restoration and dilapidation report and the NSW OEH GTA's	
B5.1 Off street car parking rates/requirements	Function centres require 15 car parking spaces per 100m <sup>2</sup> of Gross Floor Area (GFA) room or 1 car parking space per 3 seats (whichever is greater)	Based on the maximum capacity of 200 guests, the applicant has proposed the provision of 109 off-street car parking spaces and 4 coach/bus spaces. These spaces are located in a designated car park to the west of the site. This has been assessed by Council's traffic engineer who is satisfied that the car parking proposed is sufficient to deal with the required number of patrons	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 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.

### Acoustic Impacts

Upon lodgement of the DA, the applicant submitted an acoustic report to address the potential noise impacts occurring as a result of the proposal. Council staff raised concerns with the findings of the acoustic report and requested further information to be provided. Following detailed discussions with both the applicant and the applicant's acoustic consultant, a final acoustic report was submitted for assessment.

This final acoustic report uses data obtained in an acoustic report submitted by a submission writer. This data has been assessed by Council staff and is deemed to be an accurate reflection of the current background noise and also provides an accurate representation of the potential noise that would occur as a result of the proposed use.

Based on the final acoustic report, a number of conditions to manage noise are recommended. These include the installation of a 3m high acoustic barrier comprising hay bales around the northern and western facades of the marquee, the upgrading of the marquee features to include double skinned vinyl wall panels, ceiling lining etc., a dedicated sound system with a compression limiter and a noise management plan which sets out the management processes and procedures to be implemented at each function.

In addition, a condition is recommended which requires a complaints handling procedure plan which deals specifically with the handling of neighbour complaints. This plan must specify and include the following measures to deal with neighbourhood complaint management, including maintaining and operating a complaints procedure and policy to deal with neighbour complaints and maintaining a neighbour complaints register which is accessible to Council staff on a regular basis.

The inclusion of these conditions will ensure the proposed development fully complies with Council's Noise Policy and the amenity of surrounding residents is protected.

### Traffic Impacts

A traffic and parking management plan was submitted in support of this DA and this outlines how patrons will enter, park and leave the subject site and also provides details on the number of car parking/bus spaces proposed. This has been assessed by Council staff and given the maximum number of patrons proposed is 200 people, the car parking proposed (109 car parking spaces and 4 coach/bus spaces) is deemed to be sufficient.

Furthermore, the additional traffic to and from the site has been assessed. Given the traffic volumes proposed, it is not considered that there will be any adverse impacts on the existing road network, i.e. Kirkham Lane as a result of the proposed use as a function centre.

The issue of road safety was also discussed with Camden Local Area Command (CLAC) who noted that the proposed use of Camelot as a function centre can be managed subject to conditions. These conditions include the erection of signage alerting patrons to leave quietly, the provision of CCTV and use of a minimum of 2 security guards. It is a recommended condition that all of the CLAC conditions are complied with.

### Heritage Impacts

The application was supported by a Heritage Impact Statement, Restoration and Dilapidation report and Visual Assessment given the State heritage status of Camelot. This information has been reviewed by Council staff and the NSW OEH and the temporary use of Camelot as a function centre is supported in this instance. The temporary erection and dismantling of the proposed marquee is deemed reasonable and conditions are recommended to ensure that the site is reinstated to its original condition after each function.

The NSW OEH has also recommended conditions which include limitation of a maximum 200 patrons, use of a temporary wooden floor for marquee and maintenance of the grass affected area and access paths. These conditions will ensure the preservation of this State heritage item.

In addition, it is a recommended condition that any revenue generated as a result of its use as a function centre is used to maintain and preserve Camelot and its grounds in accordance with the restoration and dilapidation report. Both Council staff and the NSW OEH are therefore satisfied that the heritage impacts associated with the proposed use are minimal and can be managed via a number of conditions.

### Security Impacts

The site plan illustrates the areas of Camelot which will be publicly available to patrons. These areas are primarily located to the south of Camelot House and include the access road, marquee area, mobile toilet block and wedding ceremony area. These areas will be identified as 'guest areas' and all other areas will be restricted. Signs will be erected on site to alert patrons to this and security personnel will be present on site to ensure guests do not wander on to adjacent properties. These security guards must remain on site until 30 minutes after wedding functions have ceased.

Given the distance from the proposed marquee and reception area to the nearest residential dwelling, it is not considered that guests would make their way to the northern portion of the site, the only exception here being the bridal party on arrival.

#### **(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 on two separate occasions in accordance with Camden Development Control Plan 2011. 24 submissions and one petition (34 signatories) were received (all objecting to the proposed development).

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

1. Unauthorised works occurring at Camelot House over a significant period of time and owners unwilling to abide by Council restrictions.

#### Officer comment:

The DA assessment considers the proposed development, whilst any unauthorised works will be investigated and considered separately by Council's Compliance team.

2. Proposal is incompatible with surrounding residential homes.

Officer comment:

The compatibility of the proposed use with surrounding development has been assessed and subject to a number of conditions relating to noise, hours of operation, security and traffic management, it is considered that the use of Camelot as a function centre is compatible with the surrounding residential homes and will ensure the preservation of the heritage significance of Camelot.

3. Adverse impacts from noise and PA system.

Officer comment:

Noise impacts from the proposed use have been assessed in detail and Council staff recommend a series of conditions to ensure that noise is managed effectively. These recommended conditions include the installation of a 3m high acoustic wall comprising hay bales around the perimeter of the marquee, the upgrading of the marquee features to include double skinned vinyl wall panels, ceiling lining etc., a dedicated sound system with a compression limiter and a noise management plan which sets out the management processes and procedures to be implemented at each function. Subject to the imposition of these conditions, the amenity of existing residents is capable of being maintained.

4. Traffic issues including safety issues due to traffic speeding on Kirkham Lane.

Officer comment:

As aforementioned, a traffic and parking management plan was submitted in support of this DA which details that there will not be any adverse impacts in relation to road safety as a result of this DA. The issue of road safety was also discussed with Camden Local Area Command (CLAC) who noted that the proposed use of Camelot as a function centre can be managed subject to conditions. These conditions include the erection of signage alerting patrons to leave quietly, the provision of CCTV and use of a minimum of 2 security guards.

5. No provision for policing of any agreed noise standards.

Officer comment:

To ensure that noise generated from the proposed use will not adversely impact surrounding residents, a number of conditions are recommended. These conditions include the requirement for a noise management plan which deals with the management processes to be implemented to minimise noise impacts on surrounding properties and a dedicated sound system with a compression limiter is also recommended which deals with both amplified music and speech. The compression limiter ensures that noise levels can not exceed the prescribed noise levels.

6. Events should be limited to ensure impacts on surrounding neighbours is limited and the trial period should be reduced to 12 months with a 6 month review period.

Officer comment:

The applicant has agreed to a two year trial period which will allow sufficient time to ascertain if the use of Camelot as a function centre is viable. Should the use be

successful, the applicant has noted they will then lodge a further DA for a permanent structure for functions.

A two year trial period is considered reasonable in this instance given the nature of the functions proposed, ie. primarily weddings. Wedding bookings are usually taken some time in advance of a wedding and a two year period will allow for a sufficient number of weddings to take place to allow for an adequate review of viability. Council staff can also undertake site inspections to ensure all works are being carried out in accordance with the recommended consent conditions.

7. Do residents have to wait a full two years before the events can be altered in the event they are not working?

Officer comment:

Residents do not have to wait a full two years to raise any concerns they may be having with the proposed use. Should complaints be received by Council staff, they will be investigated as and when they come in and appropriate action taken where necessary. In addition, a condition is recommended which requires the creation of a complaints procedure plan to deal with neighbour complaints by the applicant. This will need to be made available for viewing by Council staff upon request and will allow Council to monitor any potential noise issues raised by residents.

8. Acoustic report submitted is flawed and should not be relied upon.

Officer comment:

The acoustic report submitted upon lodgement of the DA has been reviewed by Council staff and concern was raised in relation to its adequacy. Further information was then provided by the applicant which demonstrates that subject to a number of conditions, the proposed use complies with Council's Environmental Noise Policy.

To that end, a number of conditions are recommended to ensure that at the site's property boundary, noise emissions from the proposed use must not exceed 41dBA at the nearest sensitive receivers which is the most accurate background noise level. This noise level is based on the background noise level set out in the acoustic report provided by a submission writer. To ensure 41dBA at the nearest sensitive receivers is met, the following recommended conditions are proposed:

- a. installation of a 3m high acoustic wall comprising hay bales around the northern and western facades of the marquee;
- b. the upgrading of the marquee features to include double skinned vinyl wall panels, ceiling lining etc.;
- c. a dedicated sound system with a compression limiter; and
- d. a noise management plan which sets out the management processes and procedures to be implemented at each function.

Subject to the inclusion of the aforementioned conditions, the amenity of adjacent residents' development can be maintained.

9. Exits should occur from bottom gates only and traffic will be queuing out of the site onto Kirkham lane which will cause traffic accidents.



Officer comment:

The application proposes to use a secondary site entry/exit which is located approximately 160m from the intersection of Camelot Close. This entry/exit point has adequate site distances for road users in that it provides site distance of up to 300m in each direction.

Additionally, the use of this secondary driveway allows for queuing of 28 cars within the site given the main access point is approximately 170m from Kirkham Lane. Guest invites will be checked at this point. This queuing distance more than complies with AS2890.1 which requires a queuing length of 48m for this proposal.

10. Third party security should be hired for each wedding function.

Officer comment:

The issue of security was discussed with the CLAC. CLAC have requested that a minimum of one security personnel per 100 guests are employed for wedding functions. It is a recommended condition that the request by CLAC to engage security personnel is endorsed.

11. Independent on-going noise monitoring should be implemented.

Officer comment:

To ensure noise is managed effectively, a number of conditions are imposed which the applicant must comply with. These conditions include the installation of a 3m high acoustic barrier comprising hay bales around the perimeter of the marquee, the upgrading of the marquee features to include double skinned vinyl wall panels, ceiling lining etc., a dedicated sound system with a compression limiter and a noise management plan which sets out the management processes and procedures to be implemented at each function.

It should be noted that the specified sound level criteria adopted has been derived from the submission writer's acoustic report and agreed to by the applicant and Council staff. Also the compression limiter ensures that noise can not exceed the prescribed levels set and therefore the need for independent on-going noise monitoring is not deemed necessary in this instance.

12. A bond should be held in the instance a noise breach occurs.

Officer comment:

In the instance any noise breach occurs, this will be dealt with through Council's compliance team. In addition, the *Environmental Planning and Assessment Act 1979* does not authorise Council to take bonds on the basis a breach of a consent is anticipated.

13. Use of Clause 5.10(10) of the Camden LEP is fundamentally flawed and Council can not approve the DA in its current format.

Officer comment:

The DA has been assessed in detail by both Council staff and the NSW OEH and it is considered that the use of Clause 5.10(0) of the Camden LEP is acceptable in this

instance. The use of Camelot as a temporary function centre will allow the applicants to obtain the necessary funding to continue to preserve and maintain Camelot House, grounds and associated structures. It is therefore considered that the use of Clause 5.10(10) of the Camden LEP is acceptable based on the merits of this development.

14. Inconsistency with objectives of the RU1 Primary Production zone.

Officer comment:

An assessment of the DA against the relevant zone objectives has been undertaken by Council staff and whilst the primary objectives of the applicable RU1 zone is primary production, the use of Camelot as a function centre does not preclude the ability of those objectives being met.

Subject to a number of conditions relating to noise, staff, hours of operation and security, it is not considered there will be any potential conflict between land uses.

15. Impact on views and vistas, loss of privacy and 'no-go' zone should be implemented around the site to protect neighbouring properties

Officer comment:

As demonstrated by the visual assessment lodged in support of the DA, the proposed marquee will be largely screened from neighbouring views to the north and also from the site's frontage to Kirkham Lane. The photomontages included illustrates that there will be no loss of views from neighbouring residential properties as a result of the DA.

The issue of loss of privacy has also been considered and as noted the location of the proposed marquee is screened by Camelot House itself and is located approximately 140m to the closest residential dwelling. Conditions are also recommended which require signs to be erected which note restricted areas. This will reduce incidents of patrons roaming around the site unsupervised. Further the employment of security for wedding functions of over 100 people is also recommended. Therefore the issue of loss of privacy can be managed accordingly.

16. Appearance of proposal in relation to streetscape.

Officer comment:

As noted above, the proposed marquee will not be visible from Kirkham Lane due to existing mature vegetation within the site. The marquee will only be visible upon entering the subject site. This can be seen from the visual assessment impact plans provided.

17. The noise from 200 people leaving the site at 11pm at night will result in significant noise implications for surrounding developments.

Officer comment:

As aforementioned, the issue of noise has been the subject of a rigorous assessment. The employment of car parking attendants and security personnel will allow for safe and reasonable exit at the end of each function. A condition is also recommended requiring the erection of signage to alert patrons to leave the premises quietly.

The location of the proposed car park is also to the south of Camelot House and noise and lighting from cars on adjoining properties to the north will also be reduced as a result.

18. Light spillage/reflection.

Officer comment:

All lighting proposed will be conditioned to comply with AS1158 and AS4282 which control lighting on roads and public spaces and the control of obtrusive effects of outdoor lighting.

19. Emergency procedures not in place.

Officer comment:

It is considered that there are sufficient exit points readily available in the instance of an emergency. Two separate entry/exit point exist on site from Kirkham Lane and these access points can accommodate emergency vehicles entering and exiting Camelot House and grounds.

20. Wastewater Management is not addressed.

Officer comment:

Waste water will be managed through the use of portable toilets on site. These toilets will be located to the south east of Camelot House. The portable toilets will be serviced and removed from the site upon completion of events for appropriate disposal. No additional effluent disposal is required on site as a result of this DA.

21. Property values will decrease in the area.

Officer comment:

Loss of property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, however no evidence has been provided to suggest devaluation in property values as a result of this DA.

22. Issue of alcohol on the premise and its affect on patrons

Officer comment:

Alcohol will be managed by the caterers used to service the proposed functions. Those caterers must have an up to date liquor licence and in accordance with that licence practice the responsible service of alcohol. In addition, security personnel in accordance with CLAC requirements will also be on site to ensure patrons are being managed where necessary.

23. Personal safety issues as guests may enter surrounding properties at night.

Officer comment:

As aforementioned, conditions are recommended which require signs to be erected which note restricted areas. This will reduce the incidents of patrons roaming around the site unsupervised. Further, the employment of security for wedding functions of

over 100 people is also recommended. Therefore the issue of loss of privacy can be managed accordingly.

24. Residents of Camelot Close are unable to run a home business so a commercial development should not be allowed.

Officer comment:

In the applicable RU1 zone, home businesses are permitted with development consent on the basis they meet the definitions of a home business. It is noted that a restriction does exist on a number of titles which limits the ability of the lots within Camelot Close to operate as a home business.

This claim has not been further substantiated, however should a DA be lodged for a home business that fully complies with all applicable objectives and controls, Council staff would assess this on its merits.

25. Will Council rezone Camelot as a commercial property and rate it as such?

Officer comment:

Council is not in the process of rezoning the subject land and the rates applicable are not required to be changed as a result of this DA.

**(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**

*NSW Office of Environment and Heritage (OEH) (Heritage Council)*

The DA was referred to OEH for assessment as this development relates to a State Heritage item and is therefore classed as Nominated Integrated Development pursuant to Section 91 of the *Environmental Planning and Assessment Act 1979*.

OEH raised no objection to the proposed development subject to General Terms of Approval (GTA's). These GTA's include limitation of a maximum 200 patrons, use of a temporary wooden floor for marquee, maintenance of the grass affected area and access paths and the engagement of a heritage consultant to supervise impact of works being undertaken. These conditions will ensure the preservation of this State heritage item.

**A copy of the OEH comments is provided as attachment 3 to this report**

*NSW Camden Local Area Command (CLAC)*

The DA was referred to the CLAC for comment and CLAC have identified the site as a 'low crime' risk. The CLAC has recommended several safety features for this development including CCTV cameras, anti-vandal lighting, an intruder alarm system and signs to notify patrons to leave quietly. All of the CLAC's recommendations are

recommended as conditions with the exception of vegetation being 3-5m clear of pathways. Council staff recognise the need for landscape vegetation to be designed which minimises the risk of concealment, however the landscape within Camelot forms part of its State heritage status and needs to be maintained in its current format.

**A copy of the police comments is provided as attachment 4 to this report.**

**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 659/2014 is recommended for approval subject to the conditions contained in this report:

**CONDITIONS**

**1.0 - General Conditions of Consent**

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

- (1) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (2) **General Terms of Approval** - The General Terms of Approval from state authorities shall be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

- I. NSW Office of Environment and Heritage (Heritage Council), reference number doc14/178785; 14/IDA/83, dated 28 January 2015.

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
7235 DA2 Amendment 2 Sheets 1 - 3	Plan for the approval of a temporary wedding and function Centre at Camelot	Rein Warry & Co	4 December 2014
14/1005 DA –A01 Issue A	Site Plan (Proposed Marquee)	Allman Johnson Architects	12 December 2014
14/1005 DA –A02 Issue A	Perspective View from Kirkham Lane Boundary	Allman Johnson Architects	12 December 2014

14/1005 DA –A03 Issue A	Perspective View from Southern Façade of House	Allman Johnson Architects	12 December 2014
14/1005 DA –A04 Issue A	South Western Perspective of Marquee from Power Pole	Allman Johnson Architects	12 December 2014
14/1005 DA –A05 Issue A	Perspective View from Stable Doors	Allman Johnson Architects	12 December 2014

Document Title	Prepared by	Date
Statement of Environmental Effects	Rein, Warry & Co	9 December 2014
Visual Assessment Report	Allman Johnson Architects	11 December 2014
Traffic and Parking Management Plan	Rein, Warry & Co	9 December 2014
Koikas Acoustic Report	Koikas Acoustics Pty Ltd	23 January 2015
Heritage Impact Statement	Rein, Warry & Co	1 April 2014
Restoration and Dilapidation Report	Rein, Warry & Co	6 June 2014
Catering Management Plan	Gourmet Fare Catering Pty Ltd	-

- (4) **Time Limited Approval** - Pursuant to Section 80A(1)(d) of the *EP&A Act 1979*, the approved use is limited to a period of 2 years from the date of commencement of the first event. Written notice of the commencement shall be provided to Council prior to the use commencing.

A further development application shall be provided to, and determined by, the Consent Authority prior to the expiration of this time period if the applicant intends to continue the use. If a development application is not determined prior to the expiry of this consent, then the approved use shall cease.

It is recommended that the further DA be lodged with the Consent Authority at least 4 months prior to the expiry of this consent.

- (5) **Outdoor Lighting** - All lighting shall comply with AS 1158 and AS 4282.
- (6) **Upgraded Marquee Features** – The marquee must include upgraded wall, ceiling and roof elements as described on pages 4-5 of the report titled *Response to Camden Council, RE: Camelot Wedding Reception Marquee, Lot 32 Kirkham Lane, Kirkham, NSW*, prepared by Koikas Acoustics, file reference 2476L20150123nkCamelot-Council.docx, dated 23 January 2015, being:
- Double skinned vinyl wall panels;
  - A “gathered” wedding ceiling lining;
  - Suspended ceiling panels above the two dance floors in the main seating space; and
  - 50mm acoustic Autex open weave foam wrap throughout the entire roof space, gables and walling in the rear of the tent.

- (7) **Dedicated Sound System** – A dedicated sound system with an RMS compression limiter (or similar) must be provided for all functions that involve the use of amplified music and/or speech. The sound system must be set-up so that noise from functions does not exceed the following criteria at any sensitive receiver:

	<b>L<sub>10</sub> Sound Level Criteria at Octave Band Centre Frequencies (Hz)</b>									
	<b>31.5</b>	<b>63</b>	<b>125</b>	<b>250</b>	<b>500</b>	<b>1k</b>	<b>2k</b>	<b>4k</b>	<b>8k</b>	<b>Total Awt</b>
<b>dB(A)</b>	22	25	27	27	30	34	37	34	27	41

- (8) **Certification of Dedicated Sound System** – Prior to the first function being held, Council must be provided with written confirmation from a suitably qualified acoustic consultant, certifying that the sound system incorporates an RMS compression limiter (or similar) and has been calibrated to ensure that the criteria in the following table will be complied with when measured at the boundary of any sensitive receiver:

	<b>L<sub>10</sub> Sound Level Criteria at Octave Band Centre Frequencies (Hz)</b>									
	<b>31.5</b>	<b>63</b>	<b>125</b>	<b>250</b>	<b>500</b>	<b>1k</b>	<b>2k</b>	<b>4k</b>	<b>8k</b>	<b>Total Awt</b>
<b>dB(A)</b>	22	25	27	27	30	34	37	34	27	41

- (9) **Noise Management Plans** – Prior to the first function being held, Council must be provided with a Noise Management Plan that sets out all management processes and procedures that will be implemented to minimise noise impacts on surrounding residential premises. The Noise Management Plan must be prepared by a suitably qualified and experienced acoustic consultant.
- (10) **Noise Criteria within Marquee** – Prior to the first function being held, Council must be provided with an L<sub>10</sub> sound level (including octave band centre frequency levels) and measuring point within the marquee that will ensure the criteria in the table below is not exceeded when measured at the boundary of any sensitive receiver. The marquee noise criteria must be determined by a suitably qualified and experienced acoustic consultant.

	<b>L<sub>10</sub> Sound Level Criteria at Octave Band Centre Frequencies (Hz)</b>									
	<b>31.5</b>	<b>63</b>	<b>125</b>	<b>250</b>	<b>500</b>	<b>1k</b>	<b>2k</b>	<b>4k</b>	<b>8k</b>	<b>Total Awt</b>
<b>dB(A)</b>	22	25	27	27	30	34	37	34	27	41

- (11) **Restrictions on Amplified Music and Speech** – The use of amplified music and speech must cease at:
- Monday to Thursday – 5:00pm
  - Friday to Saturday – 10:30pm
  - Sunday – 9:30pm
- (12) **Hay Bale Acoustic Walls** – Prior to the commencement of each function, hay bale acoustic walls at least 3m in height must be installed along the full length of the northern and western facades of the marquee as shown on Page 7 on the revised acoustic report prepared by Koikas Acoustics Pty Ltd, Reference No 2476L20150123nkCamelot-Council.docx, dated 23 January 2015.
- (13) **Food Safety and Hygiene Plan** – The Food Safety and Hygiene Plan must be updated to include the transport of food from the production facilities to the event, and cook-chill operations.

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- (14) **Provision of Toilet Facilities** – Appropriate portable toilet facilities that include effluent storage tanks must be provided for each function. The portable toilets must be serviced and maintained in a manner that prevents the overflow of effluent onto the ground. All effluent collected from the portable toilet must be disposed of at an appropriately licensed waste facility.
- (15) **Prohibition of use of Existing Toilets** – The use of permanent toilet facilities associated with existing dwellings, barns and other buildings by function patrons is prohibited.
- (16) **Erection of Marquee** - For each event, the marquee must be erected in accordance with the manufacturer's standards and details.
- (17) **Structural Adequacy** - The marquee must be able to resist loads determined in accordance with the following Australian and New Zealand Standards:
- (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*,
  - (ii) AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions*,
  - (iii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*,
- (18) **Mobile Food Vending** - The design, construction, fit-out, use and ongoing operation of the mobile food vending vehicle shall comply with all applicable Acts, Regulations, codes and standards including:
- a) the *Food Act 2003*;
  - b) the Food Regulation 2004;
  - c) Food Standards Australia and New Zealand – Food Standards Code 2003;
  - d) Council's Mobile Food Vending Vehicles and Temporary Food Stalls in A Public Place Policy;
  - e) the *Road Transport (Safety and Traffic Management) Act 1999*;
  - f) the Road Transport (Safety and Traffic Management) Regulation 1999;  
and
  - g) the Road Transport (Vehicle Registration) Regulation 2007.
- (19) **Safety By Design** - The development must be undertaken in accordance with the letter from NSW Police Force dated 9 January 2015. In particular, the following Police requirements are required to be implemented prior to the first event occurring:
- (a) Installation of CCTV cameras at entry and exit points covering the vehicles and persons entering and entering the site;
  - (b) A minimum of 2 security personnel are to be on site during events and for 30 minutes after the conclusion of each event; and
  - (c) The erection of signage at the car park exist which notes patrons must leave quietly



The only exception is the request for all vegetation to be setback 3-5m from pathways as noted on Page 4 of the CLAC assessment. The existing vegetation is deemed to be acceptable and forms part of the heritage status of Camelot. It is not considered it will create areas for concealment.

- (20) **Erection of signs** - The following signs must be erected and be placed in prominent locations prior to each function commencing:
- Restricted Areas – Signs must be erected on the subject site which details the areas of out bounds by members of the public.
  - Leave Function Quietly – A sign noting that patrons must leave the function quietly must be erected at the car park exit point.
- (21) **Revenue Generation** – All income generated as a result of the use of Camelot House and grounds as a function centre must be used for the maintenance and upkeep of Camelot. These works must be in accordance with the restoration and dilapidation report prepared by Rein Warry & Co dated 6 June 2014.

In addition, any repair/replacement work undertaken must comply with the requirements of the NSW OEH GTA's which form part of this consent.

## 2.0 - During Works

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

- (1) **Hours of Work** – The hours for the erection and dismantling of the marquee 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.
- (2) **Noise** - All work shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act (1997)*. All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority 'Environmental Noise Manual.
- (3) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.

## 3.0 – Ongoing Use

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

- (1) **Waste Disposal** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way (e.g. footpaths, roadways) at any time.
- (2) **Food Premises** - The following notifications shall occur:

- a) Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Registration' form can be found on Council's website.
  - b) the NSW Food Authority shall be notified and a copy of the notification shall be provided to Council. Notification can be completed on the NSW Food Authority website.
- (3) **Number of Patrons** - The number of patrons on the premises shall not exceed 200 people at any given time.
- (4) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday - Thursday	9am to 5pm
Friday - Saturday	10am to 10.30pm and guests must have vacated the premise by no later than 11pm
Sunday and Public Holidays	10.00am to 9.30pm and guests must have vacated the premise by no later than 11.00pm

- (5) **Approved Signage Maintenance** - The approved internal site signs shall be maintained in a presentable and satisfactory state of repair at all times.

The level of illumination and/or lighting intensity used to illuminate the sign/s shall comply with AS 1158 and AS 4282.

- (6) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (7) **Food Premises** - 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.

All equipment used for the display or storage of cold food shall maintain the food at a temperature of not more than 5°C.

A food business must, at food premises where potentially hazardous food is handled, have a temperature measuring device (e.g. probe thermometer) that:

- a) Is readily accessible; and
- b) Can accurately measure the temperature of potentially hazardous food to +/-1oC

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.

- (8) **Music and/or Amplifiers** - Music and other amplified sound, including recorded or broadcast programmes or the like, played on the premises, shall be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists, and shall only be audible within the property boundaries.
- (9) **Completion of Each Function/Event** – At the completion of each event and where practicable, the marquee must be dismantled and the site reinstated to its original condition.
- (10) **Complaints Handling Procedure Plan** - The applicant must prepare a complaints handling procedure plan which deals specifically with the handling of neighbour complaints. This plan must specify and include the following measures to deal with 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 Council staff on a regular basis.

**RECOMMENDED**

**That Council approve DA 659/2014 for the temporary use of Camelot House as a function centre for a maximum 2 year period at 151 Kirkham Lane, Kirkham subject to the conditions listed above.**

ATTACHMENTS

1. Site Plans
2. Office of Environment and Health Comments
3. Police Comments
4. Submissions - *Supporting Document*
5. Public Exhibition and Submissions Map - *Supporting Document*



ORD04

## ORDINARY COUNCIL

ORD04

**SUBJECT: SUBDIVISION TO CREATE 2 LOTS AND CONSTRUCTION OF A SINGLE STOREY PUB AND ASSOCIATED SITE WORKS, 14-26 CENTRAL HILLS DRIVE, GREGORY HILLS**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 15/5147

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**APPLICATION NO:** 671/2014  
**PROPOSAL:** Subdivision of land to create 2 lots and construction of a single storey pub, car parking, landscaping, signage and associated site works  
**PROPERTY ADDRESS:** 14–26 Central Hills Drive, Gregory Hills  
**PROPERTY DESCRIPTION:** Lot 503, DP 1157676  
**ZONING:** B5 Business Development  
**OWNER:** Dart West EP Pty Ltd  
**APPLICANT:** Malcon Pty Ltd

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the subdivision of land to create 2 lots and construction of a single storey pub and associated site works at 14 – 26 Central Hills Drive, Gregory Hills.

The DA is referred to Council for determination as there are proposed variations to the Camden Development Control Plan 2011 (DCP) and Turner Road Development Control Plan 2007 (DCP).

### SUMMARY OF RECOMMENDATION

That Council determine DA 671/2014 for the subdivision of land to create 2 lots and construction of a single storey pub and associated site works 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 subdivision of land to create 2 lots and construction of a single storey pub and associated site works at 14 – 26 Central Hills Drive, Gregory Hills.

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 the Camden DCP 2011. No submissions were received.

The applicant proposes a variation to Section B5.1 of the DCP in relation to the required number of off-street car parking spaces under the Camden DCP and also

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variations to setback controls under the Turner Road DCP.

The Camden DCP requires a total of 305 on-site car parking spaces. The applicant proposes 165 on-site spaces, which results in a difference of 140 spaces. The applicant has submitted a detailed parking submission which surveyed the car parking demand of pubs in a similar location.

Council staff have reviewed this variation request and recommend that it be supported subject to conditions including limiting the maximum number of patrons. Council's traffic engineer has reviewed the parking submission and agrees that the proposed reduced parking rate is appropriate for this development.

It is noted that the Roads and Maritime Services' Guide to Traffic Generating Developments does not specify a car parking rate for hotels, and recommends that proposed hotel developments be compared to similar existing developments.

The applicant also proposes variations to Part B3.5 of the Turner Road DCP in relation to front setbacks. The DCP states that any building on the site should have a front setback from Gregory Hills Drive of 5m. The applicant however proposes to provide a setback of 4.5m from this frontage. Council staff have reviewed the variation to the DCP and consider the lesser setback to be appropriate on the grounds that it will meet the objectives of the DCP, which aims to provide an attractive streetscape and a quality landscaped setting for the building.

Furthermore, Part B3.5 of the Turner Road DCP requires development along Central Hills Drive to have a zero setback from the street where an activated street frontage is proposed. The applicant proposes to provide a setback of 16m from its frontage to Central Hills Drive. This frontage is proposed to be activated, however a zero setback is not considered reasonable in this instance given the presence of a drainage easement and its proposed use. Council staff consider that the increased setback will provide for a safe and active frontage to the Turner Road Local Service Hub through the provision of outdoor terrace areas, pedestrian footpaths and entrances and landscape design that will provide an attractive streetscape.

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 14 – 26 Central Hills Drive, Gregory Hills and is legally described as Lot 503, DP 1157676. The site is located in the Turner Road Precinct of the South West Growth Centre.

The site has frontages of 141m to Central Hills Drive, 80m to Gregory Hills Drive, 80m to Lasso Road and an overall area of 13,710m<sup>2</sup>.

The site is currently vacant and has undergone bulk earthworks as part of the approved subdivision application.

The surrounding area is characterised by vacant lots intended for future employment/business uses. A number of buildings have been constructed within the vicinity including Masters hardware store and a number of fast food chains.

The surrounding area contains the Smeaton Grange industrial estate to the southwest with the Currans Hill residential suburb to the south-east. To the east and north-east lies the Sydney Catchment Authority upper canal, with the Gledswood, former El Caballo Blanco and Lakeside properties further to the north-east.

## HISTORY

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

Date	Development
9 March 2010	Approval of DA 985/2009 for the subdivision of land to create 59 industrial/business lots, construction of roads, drainage, bulk earthworks, landscaping and associated site works
14 September 2010 - 25 February 2012	A number of Section 96 modification applications have been approved for DA 985/2009 including variations to S94 contributions, use of fill material and revisions to road layouts

**THE PROPOSAL**

DA 671/2014 seeks approval for the subdivision of land to create 2 lots and the construction of a single storey pub and associated site works.

Specifically the proposed development involves:

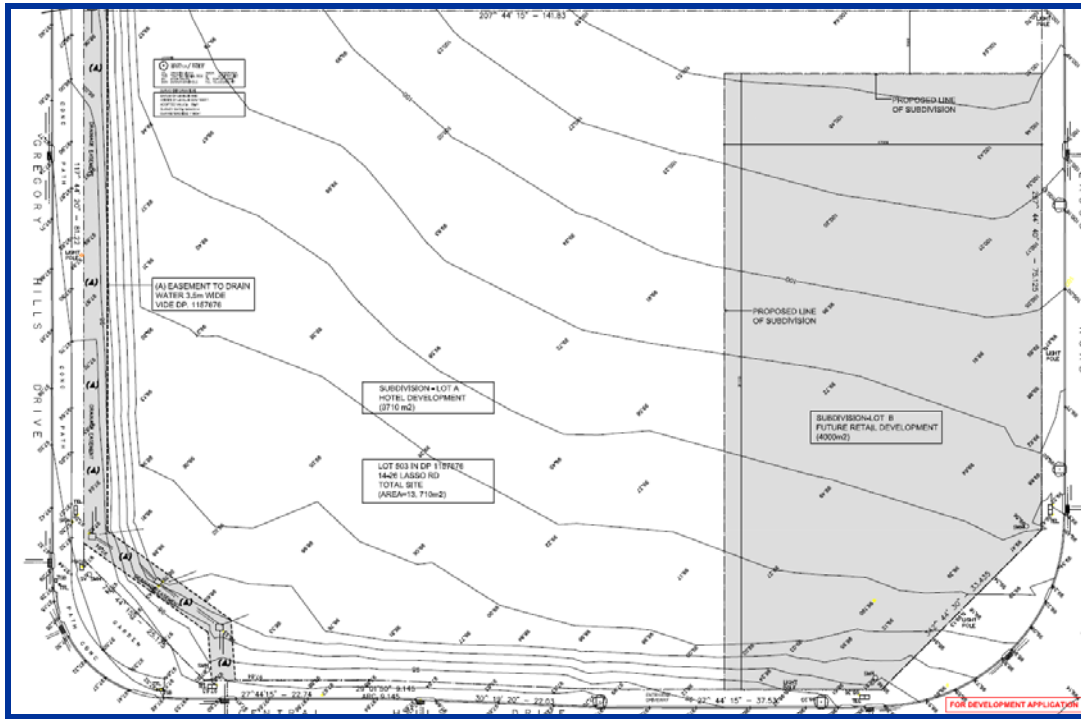
- Subdivision of the land to create 2 lots with areas of 9,710m<sup>2</sup> (Lot A) and 4,000m<sup>2</sup> (Lot B);
- construction, fit-out and use as a pub on Lot A with an overall area of 2,154m<sup>2</sup> (this includes back of house and store areas). An attached drive-through bottle shop will also be provided;
- the building will have a maximum height of 8.5m and will comprise of face brick, stone and timber;
- construction of a car park containing a total of 165 car parking spaces including 4 accessible spaces, 6 motorcycle and 11 bicycle spaces;
- two entry/exit driveways are proposed from Lasso Road and Central Hills Drive are proposed;
- erection of three illuminated pylon signs (one at the Lasso Road entrance, one along Central Hills Drive and one along Gregory Hills Drive), each with a maximum height of 6m;
- Installation of 6 walls signs, including an illuminated landscape wall sign at the corner of Central Hills Drive and Gregory Hills Drive;
- public trading hours for the main pub component of 7am until 1am, 7 days per week and the attached bottle shop 10am until 10pm Monday to Sunday; and
- employment of up to 40 employees on a full- time, part-time and casual basis.

The value of works is \$7,198,066.00

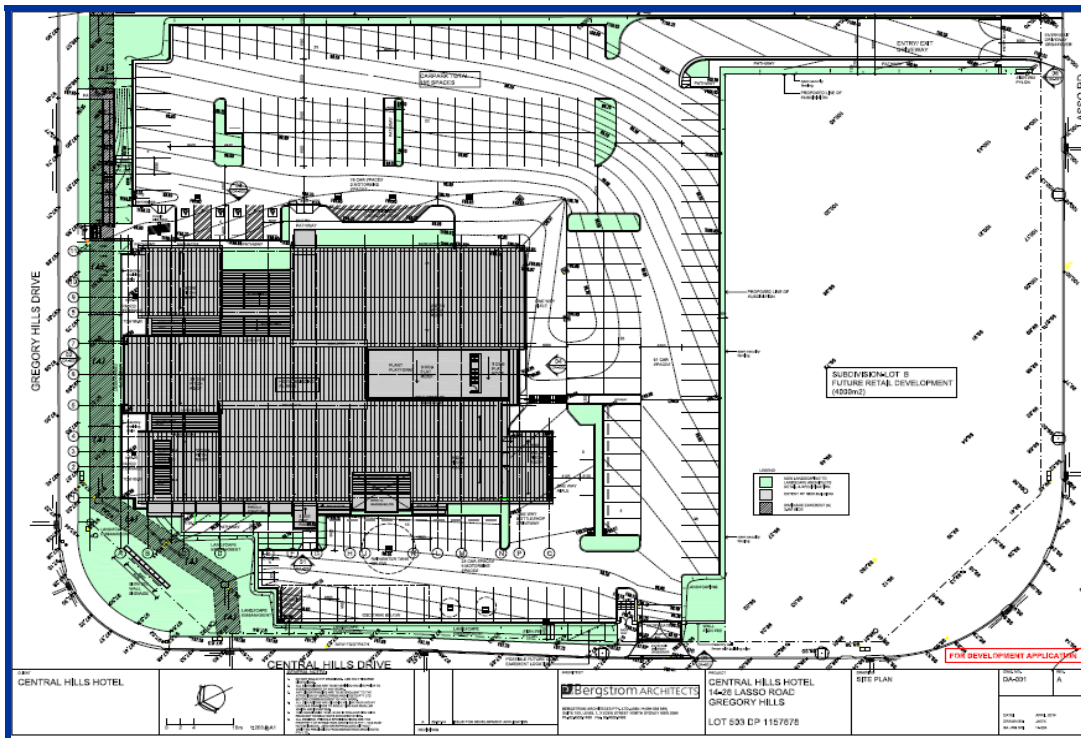
**A copy of the proposed plans is provided as attachment 1 to this report.**

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**PROPOSED SUBDIVISION PLAN**

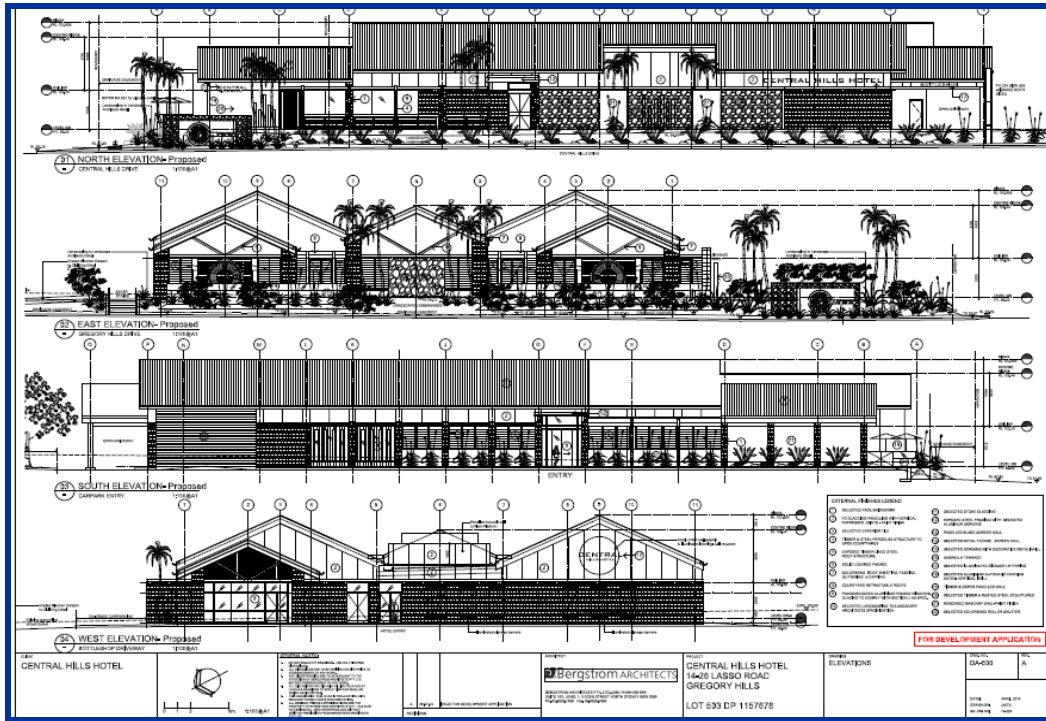


**PROPOSED PLANS**





## PROPOSED ELEVATIONS



ORD04

## PROPOSED PERSPECTIVE



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## 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 (Sydney Growth Centres) 2006
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 64 – Advertising and Signage
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River

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

#### State Environmental Planning Policy (Sydney Growth Centres) 2006

##### Permissibility

The site is zoned B5 Business Development under the provisions of the SEPP. The proposed development is defined as a “pub” and a “take away food and drink premise” by the SEPP. Both uses are permissible land uses in this zone. The associated signage is also permissible with development consent in the B5 zone.

##### Objectives

The objectives of the B5 Business Development zone are as follows:

- To enable a mix of business and warehouse uses and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of centres

##### Officer comment:

The proposed development will provide a facility that will support the business and warehouse uses within the Turner Road Business Park. As such, the proposal is consistent with this objective.

- To provide for a wide range of employment generating development.

##### Officer comment:

The proposed development will provide employment opportunities for up to 40 staff and is therefore consistent with this objective.

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

Officer comment:

The proposed development will provide a facility that will support the business and warehouse uses within the Turner Road Business Park. As such, the proposal is consistent with this objective.

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

Officer comment:

This proposal will maintain and enhance the economic strength of the centre in providing a pub, and does not retail food, clothing and convenience shopping.

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

Officer comment:

The proposed development is consistent with this objective as the development will provide a use that will compliment the surrounding employment uses.

*Relevant Clauses*

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

Clause	Requirement	Provided	Compliance
4.1 Minimum Lot Size	No minimum lot size identified	Lot A = 9,710m <sup>2</sup>  Lot B = 4,000m <sup>2</sup>	Yes
4.3(5) Height of Buildings	Maximum permitted building height of 15m for land that has frontage to Gregory Hills Drive	Proposed maximum height of approximately 8.5m at it highest point	Yes
6.1 Public Utility Infrastructure	Appropriate public infrastructure to service the development	Services by appropriate public utility infrastructure including water and sewer was approved under DA 985/2009 and is currently available to service the site	Yes

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.

A Phase 2 contamination assessment was previously considered for this site during the assessment of subdivision DA 985/2009. The contamination assessment confirmed that there were no areas of environmental concern or remediation works required.

It is therefore considered that the site is suitable for its intended commercial use.

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP)

The proposed development includes three 6m high illuminated free-standing signs and 6 illuminated wall signs.

Pursuant to Clause 4(1) of the SEPP, the proposed signs are considered to be “business identification signs” as opposed to “advertisements” in that they include logos and symbols/graphics that identify the pub but do not include the general advertising of products, goods or services.

Overall it is considered that the proposed signs are consistent with the aims, objectives and Schedule 1 assessment criteria of the SEPP.

A condition is however recommended to remove wall sign 1 along the Central Hills Drive elevation to ensure that the number of signs within the development does not appear cluttered or excessive when viewed from the street and the wider locality.

The height of the proposed 6m high free-standing signs is considered acceptable given that the maximum height of the building is 8.5m. The separation of these signs from the building will appear visually acceptable along Gregory Hills Drive and Central Hills Drive streetscapes to passing pedestrians and motorists when travelling along these roads.

In addition, the scale and proportions of the proposed wall signs on the building's elevation are considered to be satisfactory in relation to the future character of the area.

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 sediment and erosion control have been proposed that would provide protection for the river system during construction of the proposed development.

***(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**

Turner Road Development Control Plan 2007 (Turner Road 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.

<b>Objective/Control</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
A2.1 Indicative Layout Plan	Development to be consistent with Figure 2 – Indicative Layout Plan (ILP)	The ILP identifies the site for “business development”. As such, the proposed pub is consistent with the ILP	Yes
A2.5 Hierarchy of Centres and Employment Areas	Development is to be consistent with Table 1 and Figure 4		
	<u>Table 1</u> The Turner Road Business Development Area (BDA) is to provide a range of business activities including bulky goods retail, business premises, light industry, warehouse and distribution and small scale retail to cater for the need of employees of the Business Development and Industrial areas	The proposed pub will provide a significant business activity within the Turner Road BDA that will support the needs of employees within the surrounding areas. The development is therefore consistent with the DCP	Yes
	The maximum aggregate of retail premises is 2,500m <sup>2</sup> of GFA, excluding food and drink premises	The proposal will not create a separate retail premises as the proposed food and drink premise (bottle shop) is specifically excluded from the maximum aggregate of retail	Yes
	<u>Figure 4</u> Figure 4 identifies this site and surrounding area as containing a local services hub with a neighbourhood centre being located to the south east in Gregory Hills	The proposed pub will provide a significant business activity within the Turner Road BDA that will support the needs of employees within the surrounding areas. The development is therefore consistent with the DCP	Yes

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Objective/ Control	Requirement	Provided	Compliance
A6.2 Flooding and Water Cycle Management	<p>All development must incorporate water sensitive urban design (WSUD)</p> <p>Development must comply with the environmental stormwater objectives, have post development flows match pre-development flows and comply with Council's engineering specification</p>	<p>WSUD measures such as landscaping beds within the car park areas are proposed</p> <p>A concept stormwater management plan has been provided which includes an on-site detention basin which complies with the environmental stormwater objectives for this area. A condition is recommended to ensure compliance with Council's Engineering Specifications</p>	<p>Yes</p> <p>Yes</p>
A6.3 Salinity and Soil Management	<p>Works to comply with Salinity Initiative booklets and Council's Building in Salinity Prone Environment's policy</p> <p>Sediment and erosion controls to be installed prior to construction</p>	<p>Salinity on this site was considered during the assessment of subdivision under DA 985/2009. A condition was included in the development consent for that DA which required the 88B Instruments applying to the subject lots to include a restriction that all works be carried out in accordance with a site specific salinity management plan (SMP) applying to the site. The proposed development is recommended to be conditioned to comply with this SMP</p> <p>Details of appropriate sediment and erosion controls have been proposed. A condition is recommended to ensure that this requirements are adhered to</p>	<p>Yes</p> <p>Yes</p>
A6.8 Contamination Management	Developments in areas of environmental concern (AEC) as	Figure 23 does not identify any AECs on the subject site. Notwithstanding, a	Yes

Objective/ Control	Requirement	Provided	Compliance
	identified by Figure 23 require a Phase 2 Environmental Site Investigation	Phase 2 contamination assessment was considered for this site during the assessment of the previous subdivision DA 985/2009 and no AECs were identified	
A6.10 Acoustics	All industrial/commercial/ employment development is to comply with Council's Environmental Noise Policy (ENP)	The acoustic report submitted in support of the proposed development confirms it is capable of complying with Council's ENP. A number of conditions are recommended to ensure that noise from the development remains at an acceptable level in relation to the surrounding locality	Yes
A8.1 Sustainable Building Design	Developments not affected by BASIX are to achieve a 40% reduction of baseline potable water consumption	The proposed building is not subject to a BASIX assessment. The submitted plans and reports do not confirm whether or not the proposed building can achieve a 40% reduction of baseline potable water consumption. A condition is therefore recommended to ensure compliance with this requirement	Yes, subject to condition
	Building design to respond to local climate and site conditions with passive solar and ventilation measures incorporated into the design	Passive solar and ventilation measures have been incorporated into the design of the building and overall layout of the development	Yes
A8.2 Stormwater and Construction Management	A stormwater concept plan is to be lodged with DA	A stormwater concept plan was submitted with the DA. Council staff have assessed this plan and consider it to be acceptable	Yes
A8.3 Waste Management	A waste management plan (WMP) is to be lodged with DA	A WMP has been provided which is generally acceptable	Yes

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Objective/ Control	Requirement	Provided	Compliance
	Waste storage and bin locations	An enclosed bin storage area will be provided in the rear service area, adjacent to the loading dock. The location and facilities proposed are considered to be sufficient for the development	Yes
A8.4 Site Facilities and Servicing	Garbage, mail structures, service meters and the like must be integrated into the overall design of the building and landscaping	Site facilities including a waste storage area and a loading dock have been integrated into the service “back of house” area of the proposed development	Yes
A8.6 Safety and Surveillance	Buildings to be designed to overlook streets and public areas to provide casual surveillance and minimise blank walls facing the street	The proposed building design provides sufficient opportunities for casual surveillance of Gregory Hills Drive and the surrounding car parking areas.  The proposed building will have a satisfactory relationship with the public domain, in that the design has incorporated suitably articulated facades that avoid long expanses of blank wall	Yes
	Crime Prevention Through Environmental Design (CPTED) principles must be incorporated in all developments	A CPTED has been submitted as part of the DA and is considered to satisfactorily incorporate CPTED principles into the design of the development. This has been reviewed by the Camden Local Area Command who have identified the site as a ‘low crime risk’	Yes
B3 2.1 Vision for the Employment Area	Area to provide employment for the future residents of Turner Precinct and overall Growth Centre	The proposed development will provide direct employment of up to 40 staff	Yes
	Streets and visually	The proposed landscaped	Yes



Objective/ Control	Requirement	Provided	Compliance
	<p>prominent areas to contain quality landscaping with trees and shrubs that resemble a welcoming streetscape</p> <p>Local service hubs to provide focal points and be characterised by local support and retail businesses such as cafes, child care centres, banks, open space, community facilities etc.</p>	<p>areas comply with the requirements of the DCP. The quality of species and density of plantings will result in a welcoming streetscape for this visually prominent corner site. Furthermore, the landscaping adequately screens and softens the car parking required for the proposed development</p> <p>The proposed building has been sited and architecturally designed to be an easily identifiable focal point in the streetscape that will support the surrounding employment lands</p>	<p>Yes</p>
<p>B3.1 Turner Road Employment Area Land Uses</p>	<p>Land uses to be generally in accordance with the preferred land use plan in Figure 2</p> <p>Active uses, such as showrooms and the like, which provide visual interest should front Gregory Hills Drive</p> <p>A local service hub to be provided in the form of a “main-street type” configuration along Gregory Hills Drive</p>	<p>The proposed pub is consistent with the preferred land use plan in Figure 2, which includes “active uses” including cafes, restaurants, child care centres, community facilities and parks</p> <p>The proposed building is considered to be of high architectural merit due to its overall design, articulation, height and materials</p> <p>The development provides an activated frontage along Central Hills Drive and Gregory Hills Drive though the provision of outdoor terraces, pedestrian pathways and landscaped areas. As such, the development will provide a key focus for the Turner Road Business Park</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>B3.2</p>	<p>Lots sizes should be of</p>	<p>The resulting lots will</p>	<p>Yes</p>

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Objective/ Control	Requirement	Provided	Compliance
Subdivision	<p>a diverse range to meet a range of different land uses</p> <p>Lots should be orientated and aligned to allow buildings to face the street, increase visual surveillance, facilitate solar access and encourage building design that has frontage to landscaped areas</p> <p>Battle-axe shaped allotments should be avoided and where they are proposed designed in accordance with AS 2890.2.</p>	<p>provide opportunity for development of a variety of sizes</p> <p>The layout of the resulting lots will allow future buildings to face Gregory Hills Drive, Central Hills Drive and Lasso Road. Furthermore, the layout will allow suitable solar access, surveillance and permit landscaped frontages</p> <p>The proposal results in a battle-axe shaped allotment (Lot A). The submitted Statement of Environmental Effects provides justification for the battle-axe shaped lot in that a second entry/exit point was required to service the development, with consideration that the access could not be provided from Gregory Hills Drive. This arrangement is considered to provide a satisfactory arrangement for access to the development</p>	<p>Yes</p> <p>Yes</p>
B3.4 Public Domain and Interface Areas	<p>Streetscape to provide pedestrian safety, amenity and visual interest, including landscaping and footpaths and pedestrian crossings are to be provided at appropriate locations</p> <p>The principles of CPTED must be incorporated into the design of the</p>	<p>The proposed pedestrian crossings within the car park, access points for pedestrians and wheelchairs from outside of the site are considered to be satisfactory and without conflict with vehicles. Landscaping and architectural elements are considered to be adequate to provide visual interest in the public domain</p> <p>A CPTED assessment has been submitted as part of the DA, which identifies how the CPTED principles</p>	<p>Yes</p> <p>Yes</p>

Objective/ Control	Requirement	Provided	Compliance
	development	have been included into the overall design of the development, which is considered to be satisfactory	
B3.5 Site Planning	Minimum 5m setback required from Gregory Hills Drive	4.5m setback is proposed	<b>No – DCP Variation 1</b>
	Zero setback required from Central Hills Drive if an activated frontage is proposed	16m setback	<b>No – DCP Variation 2</b>
	Minimum 3m setback required from Lasso Road	76.5m	Yes
	Parking area to be broken up by landscaping. Provide convenient, safe and comfortable pedestrian access to the building entrance	The proposed landscaping will sufficiently break up the car park areas along Central Hills Drive. Furthermore, landscaping fronting onto Gregory Hills Drive is considered to be acceptable. Pedestrian paths provide good access to and from the car parking areas and from outside the site to the pub	Yes
	Provide on-site stormwater detention (OSD) which complies with Table 10 of Part A	OSD which complies with Table 10 of Part A is proposed	Yes
B3.6 Building Design	Scale and massing of buildings to reinforce the desired urban design character of the precinct. Larger scale buildings or building elements should be used to signify prominent corners and activity nodes	As aforementioned, the proposed architectural features and overall design of the building adequately addresses its location on a prominent corner site	Yes
	Key sites identified on Figure 5 to include “gateway buildings” which signify entrance to the employment area. Architecture to	As aforementioned, the proposed architectural features and overall design of the building including height, built form, materials and colour	Yes

**ORD04**

Objective/ Control	Requirement	Provided	Compliance
	enhance its location and emphasise street corner	palette ate considered to adequately signify its location on a prominent corner site and provide a desirable gateway building	
	Facades to include high proportions of glazing and be articulated using architectural elements	Sufficient levels of glazing are proposed in the façade and architectural elements of the building	Yes
	Blank building facades facing the primary street frontage are not permitted	The building proposes suitably articulated building facades to the primary street frontages	Yes
	Glazing shall not exceed 20% reflectivity	Glazing will not exceed 20% reflectivity	Yes
	Development in the Business Development Lands must incorporate building design elements including effective sun-shading for west-facing windows, articulated roof forms, emphasis of customer entries and the use of high quality materials and finishes	As aforementioned, the proposed architectural features and overall design of the building including its height, built form and colour palette adequately signify its location on a prominent corner site and as such comply with the requirements of this control	Yes
	Rooftop structures to be incorporated into building design	The proposed roof plant has been incorporated into the building design and is considered to be acceptable	Yes
B3.7 Employment Operations	Access, parking and loading to be in accordance with Camden DCP 2011	A parking variation is proposed	<b>No – See DCP Variation 3</b>
	Details to be provided on hours of operation, number and timing of deliveries, frequency of heavy vehicles, machinery and lighting	Adequate details of proposed service operations have been provided	Yes
B3.9	Where parking is	The proposed landscaped	Yes

Objective/ Control	Requirement	Provided	Compliance
On Site Landscaping	forward of the building line a minimum 2m landscaping strip must be provided	areas along Central Hills Drive meet the 2m minimum requirement for a landscaping strip	
	Low water use and native plant species to be utilised in all landscaped areas where possible	The proposed landscaping generally consists of native and low water consuming plants	Yes
	A concept landscape plan must be submitted with the application	A concept landscape plan has been provided, which adequately demonstrates compliance with all relevant landscaping controls	Yes
B3.10 Outdoor Storage	No external storage of goods, including bins, permitted where visible from the public domain	All storage areas are located internally	Yes
	Details on size, height and screening structures for outdoor storage required to be submitted with the DA	No outdoor storage is proposed as part of the development	Yes

Camden Development Control Plan 2011 (Camden DCP)

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

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Appropriate erosion and sediment control measures	Appropriate erosion and sediment control measures have been proposed	Yes
B1.2 Earthworks	Minimise cut and fill and use clean fill material	Minor earthworks are proposed for this development and the use of clean fill material could be conditioned	Yes
B4.1 General Requirements for Signs	Signs to not detract from amenity/character	The scale of the proposed signs will not detract from the desired amenity and character of the area	Yes
	Signs to relate directly	The proposed signs	Yes

**ORD04**

Control	Requirement	Provided	Compliance
	to an approved land use being conducted on the land on which the sign is displayed.	relate to the proposed use of site as a pub	
	Signs must be located wholly within the site's property boundaries	The proposed signs will be located wholly within the property boundary of lot A	Yes
	Size and nature of signage must relate to the scale of development on the site	The proposed signs are considered to be in scale with the proposed building  A condition is recommended to remove wall sign 1 from the Central Hills Drive façade to ensure an acceptable appearance from the streetscape	Yes
B4.4 Advertising and Signage – Commercial and Mixed Use Zones	Maximum display area of signage not to exceed 20% of visible wall area	The proposed wall signs do not exceed 20% of the visible wall area of the applicable southern and eastern elevations	Yes
	Maximum of 2 signs per elevation	2 wall signs are proposed on each of the Gregory Hills Drive and Central Hills Drive elevations and 1 wall sign on the Lasso Road elevation	Yes
	All signs to be located wholly within the property boundaries	All signs will be located within the boundaries of lot A	Yes
	Illuminated signs must comply with AS 1158 and AS 4282	The proposed illuminated signs will be conditioned to comply with AS 1158 and AS 4282	Yes
	Maximum of one	The 3 proposed	Yes

Control	Requirement	Provided	Compliance
	<p>pylon sign per frontage not exceeding 6 above natural ground level</p>	<p>free-standing signs located on Gregory Hills Drive, Central Hills Drive and Lasso Road are 6m in height</p>	
<p>B5.1 Off-street Car Parking rates and Requirements</p>	<p>Pubs require the following car parking:</p> <p>1 car parking space per 2m<sup>2</sup> of GFA of public bar area</p> <p>1 car parking space per 5m<sup>2</sup> GFA of lounge, beer garden, auditorium, billiard or restaurant</p> <p>25 car parking spaces per 25 car parking spaces per 100m<sup>2</sup> of remaining public floor area</p> <p>GFA of bar area = 104m<sup>2</sup>/2 = 52 spaces</p> <p>GFA of other public floor space = 1250m<sup>2</sup>/5m<sup>2</sup> = 250 spaces</p> <p>The bottle shop requires 1 space per 30m<sup>2</sup> GFA = 79 m<sup>2</sup>//30 = 3</p> <p>Spaces required = 305</p> <p>1 bicycle space and 1 motorcycle space required per 25 car parking spaces in excess of the first 25</p> <p>Bicycle spaces required = 12</p> <p>Motorcycle spaces required = 12</p>	<p>The proposed pub will require a minimum of 305 car parking spaces based on the DCP. The DA proposes to provide 165 spaces, equating to a shortfall of 140 spaces. Council officers have reviewed this variation to the DCP and consider it acceptable. A detailed justification is provided at the end of the compliance table</p> <p>12 bicycle spaces and 12 motorcycle spaces are proposed, which complies with the DCP</p>	<p><b>No – See DCP Variation 3</b></p> <p>Yes</p>

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Control	Requirement	Provided	Compliance
	1 service vehicle loading area	An appropriate service vehicle loading area will be provided	Yes

DCP Variation 1 – Proposed front setback from Gregory Hills Drive

*DCP Control*

The DCP requires a 5m setback from Gregory Hills Drive to the front building line. The applicant is proposing a 4.5m setback to Gregory Hills Drive.

*Variation Request*

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

- a 4.5m setback is a minor variation to the 5m standard identified by the DCP;
- the building has been setback significantly from the Central Hills Drive;
- the building does not dominate the streetscape along Gregory Hills Drive;
- the building has been designed to provide a high level of visual interest to streetscape of Gregory Hills Drive; and
- high quality landscaping strips are provided along the Gregory Hills Drive frontage.

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

- the DCP allows a lesser setback if the resulting development is considered to be acceptable in relation the overall site layout, building form and design, landscaping elements;
- the building line varies with the main roof structure contained behind the 5m setback;
- although the front setback will be non-complaint with the DCP, the variation is minor in nature and meets the objectives of the clause, which aim to achieve attractive streetscapes and quality landscaped settings for buildings; and
- a setback of 4.5m is considered to be acceptable given the overall layout of the development, the scale, massing and design of the building and the landscaping provided to the primary frontages of the development.

Consequently, it is recommended that the variation to be DCP be supported.



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## DCP Variation 2 – Proposed setback to Central Hills Drive

### *DCP Control*

The DCP requires a zero lot setback from Central Hills Drive to the front building line in the instance an activated frontage is proposed.

### *Variation Request*

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

- a drainage easement along Central Hills Drive prevents the buildings from being constructed along the boundary of the site;
- the building in its proposed location will set a benchmark for quality architectural design in the locality; and
- the setback will allow for a well-designed landscaped curtilage that will result in an attractive streetscape.

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

- although the building will not align with the Central Hills Drive boundary, the 16m setback is considered to provide an active and attractive frontage to the Turner Road Local Service Hub. This will include the provision of pedestrian entrances and footpaths, the main entrance to the pub and a number of outdoor terrace areas;
- due to the presence of a drainage easement along the site's frontage to Central Hills Drive, the provision of a zero setback can not be provided in this instance'; and
- the proposed landscaping areas along the Central Hills Drive frontage, including the species and density of planting will result in a welcoming streetscape for this visually prominent corner site, which contributes to an attractive and vibrant employment area.

Consequently, it is recommended that the variation to be DCP be supported.

## DCP Variation 3 – Proposed Car Parking Variation

### *DCP Control*

The DCP requires a total of 305 off-street car parking spaces. The applicant proposes a total of 165 off-street car parking spaces. The DCP does however allow the applicant to submit a detailed parking submission in support of the DA.

The applicant has submitted a detailed parking submission, prepared by a traffic consultant.

### *Variation Request*

The applicant argues that the proposed 165 spaces on site are appropriate for the proposed development.

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

- a detailed parking assessment has been prepared by a traffic consultant, which assesses the parking demands of a similar facility in a similar location. The assessment surveyed the Narellan Hotel during peak times on a Friday, Saturday and Sunday during summer;

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

- The Roads and Maritime Services' Guide to Traffic Generating Developments does not specify a car parking rate for hotels, and recommends that proposed hotel developments be compared to similar existing developments;
- The applicant has submitted a detailed parking submission which surveyed the car parking demand of pubs in a similar location including the Narellan Hotel at peak times and demonstrated that the existing car park at Narellan was under utilised, or had similar parking numbers to that being proposed;
- Council staff have undertaken a review of parking at a number of other local sites, which support a reduced parking provision;
- Parking demands for alcohol related facilities has declined as alternate transport options such as share driving, taxis and walking have become more common;
- Council's traffic engineer has reviewed the parking survey and agrees that the proposed 165 car parking spaces are sufficient to service the proposed development; and
- a condition is also recommended to limit the number of people to 550 patrons in accordance with the applicants traffic report.

Consequently, it is recommended that the variation to be DCP be supported.

***(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 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 14 days in accordance with the DCP. The exhibition period was from 29 August 2014 to 11 September 2014. No submissions have been received.

**(e) The public interest**

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 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**

*Camden Local Area Command (CLAC)*

The DA was referred to the CLAC for a Safer by Design evaluation.

The CLAC has raised no objections to the proposed development and identified the proposal as a low crime risk rating and provided a number of advisory conditions. These conditions include the provision of CCTV, anti vandal type lighting, employment of security personnel and a graffiti management plan.

All of the CLAC's recommendations are recommended as conditions with the exception of vegetation being 3-5m clear of pathways. This would result in quite open and sparse areas. Council staff recognise the need for landscape vegetation to be designed which minimises the risk of concealment and the landscape species proposed achieves this.

**A copy of the police comments is provided as attachment 2 to this report.**

**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 671/2014 is recommended for approval subject to the conditions contained in this report:

**CONDITIONS**

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
DA000 Revision A	Cover & Site Analysis	Bergstrom Architects	15 August 2014
DA001 Revision B	Site Plan	Bergstrom Architects	13 November 2014
DA002 Revision A	Subdivision Plan	Bergstrom Architects	15 August 2014
DA003 Revision A	GFA Calculations	Bergstrom Architects	13 November 2014
DA100 Revision A	Ground Floor Plan	Bergstrom Architects	15 August 2014
DA110 Revision A	Roof Plan	Bergstrom Architects	15 August 2014
DA500 Revision A	Elevations	Bergstrom Architects	15 August 2014
DA501 Revision A	Elevations-Sections	Bergstrom Architects	15 August 2014
DA502 Revision A	Signage Details	Bergstrom Architects	15 August 2014
DA600 Revision A	Finishes	Bergstrom Architects	15 August 2014
DA601 Revision A	Montage	Bergstrom Architects	15 August 2014
C01 Revision 01	Notes & Legends Sheet	Taylor Thomson Whitting	24 July 2014
C02 Revision 01	Overall Plan	Taylor Thomson Whitting	24 July 2014
C03 Revision 01	Erosion & Sediment Control Plan	Taylor Thomson Whitting	24 July 2014
C05 Revision 01	Siteworks & Stormwater Plan	Taylor Thomson Whitting	24 July 2014
C10 Revision 01	Details Sheet 1	Taylor Thomson Whitting	24 July 2014
C11 Revision 01	Details Sheet 2	Taylor Thomson Whitting	24 July 2014
DA1 Revision B	DA Landscape Plan	Volker Klemm Landscape design	July 2014
S8878.DON Revision A1	Kitchen Equipment Layouts	Austmont	4 November 2014
S8878.DON Revision A	Bar Equipment Layouts	Austmont	9 July 2014

(2) **Modified Documents and Plans** - The development shall be modified as follows:

- a) The wall sign displaying "Central Hills Hotel" along Central Hills Drive (as shown in red on drawing no. DA-500 Revision A) shall be removed from this elevation.

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

- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Outdoor Lighting** - All lighting shall comply with AS 1158 and AS 4282.
- (5) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (6) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.
- (7) **Safety By Design** - The development shall be undertaken and operated in accordance with the letter from NSW Police Force dated 29 September 2014. In particular, the following Police requirements are required to be implemented:
  - (a) Installation of CCTV cameras at entry and exit points;
  - (b) Public lighting must be bright and even to permit facial recognition and be vandal proof; and
  - (c) Employment of security personnel to oversee entry of patrons and also to assist in maintaining decorum in the pub (this includes a minimum of 2 security personnel after 7pm each day); and
  - (d) If the hotel has a function, event or live entertainment additional security is to be provided at a ratio of 1:100 patrons.

The only exception to the above is the requirement for landscape to be 3-5m clear of pathways as noted on Page 6 of the CLAC assessment. The vegetation as shown on the proposed landscape plans is deemed to be acceptable.

- (8) **Off-street Car Parking Design** – The car park is to be designed in accordance with the requirements of AS2890.1:2004, Off Street Parking.
- (9) **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.

## 2.0 – Prior To Issue of a Construction Certificate

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

- (1) **Potable Water Consumption** – Prior to the issue of a Construction Certificate, details must be provided to the PCA which demonstrates the ability of the building to achieve a 40% reduction of baseline potable water consumption.
- (2) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic

management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

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

- (3) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (4) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (5) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with the Turner Road DCP Council's Engineering Specifications.
- (6) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Environmental Management Plan** - An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority.

The Environmental Management Plan shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining landuses and the natural environment is not unacceptably impacted upon by the proposal. The Environment Management Plan shall include but not be necessarily limited to the following measures:

- a) Measures to control noise emissions from the site;
  - b) Measures to suppress odours and dust emissions;
  - c) Soil and sediment control measures;
  - d) Measures to control air emissions that includes odour;
  - e) Measures and procedures for the removal of hazardous materials that includes waste and their disposal;
  - f) Any other recognised environmental impact; and
  - g) Community Consultation.
- (8) **Smoke Free Premises** - The construction and fit-out of the premises shall comply with the *Smoke-Free Environment Act 2000* and *Smoke-Free Environment Regulation 2000*. Details demonstrating compliance shall be provided to the Certifying Authority.

- (9) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the Certifying Authority for approval. Garbage room(s) is to be constructed of solid material, cement rendered and trowelled to a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste. Walls are to be smooth impervious surfaces. Ventilation, pest proofing and a hose tap to be provided.
- (10) **Mechanical Exhaust System** - Mechanical exhaust system(s) shall comply with the BCA and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points). Details demonstrating compliance shall be provided to the Certifying Authority.
- (11) **Salinity** - All buildings, landscaping and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with "Salinity Management Plan – Proposed Central Hills Business Park, Gregory Hills Development Catherine Fields, prepared by Douglas Partners Project 40741.14 Revision 1 dated June 2009.
- (12) **Landscape Plan** - A detailed Landscape Plan prepared in accordance with Council's Engineering Specifications must be provided to the Certifying Authority.
- (13) **Sydney Water Trade Waste** - The applicant shall contact the Commercial Trade Waste section of Sydney Water regarding the trade waste requirements. A written response from Sydney Water demonstrating compliance shall be provided to the Certifying Authority and Council.
- (14) **Food Premises** - The design, construction, fit-out, use and ongoing operation of the food premises and/or food storage area shall comply with all applicable Acts, Regulation, codes and standards including:
- a) the *Food Act 2003*;
  - b) the *Food Regulation 2004*;
  - c) *Food Standards Australia and New Zealand – Food Standards Code 2003*;
  - d) Council's *Food Premises Code*;
  - e) *AS 1668 'The use of ventilation and air conditioning in buildings'*;
  - f) the *BCA*; and
  - g) *AS 4674-2004 Design, construction and fit-out of food premises*.

Details demonstrating compliance shall be provided to the Certifying Authority.

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

### 3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the

occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.

- (2) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the registered number and date of issue of the relevant development consent;
  - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
  - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
  - f) a telephone number on which the PCA may be contacted for business purposes.
- (3) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
  - b) a description of the work to be carried out;
  - c) the address of the land on which the work is to be carried out;
  - d) the registered number and date of issue of the relevant development consent and construction certificate;
  - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
  - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;



- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
  - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
  - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
  - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
  - c) the name, address and telephone number of the PCA.

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

- (6) **Performance Bond** - Prior to the commencement of works a performance bond of \$10,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (7) **Site is to be Secured** - The site shall be secured and fenced to the satisfaction of the PCA. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall 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).

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

#### 4.0 - During Works

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

- (1) **Additional Approvals Required** - Where any works are proposed in the public road reservation, the following applications shall be made to Council, as applicable:

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- a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc, an application shall be made for a Road Opening Permit and an approval under Section 45 of the *Roads Act 1993*;
- b) For construction / reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application shall be made for a Roadworks Permit under Section 138B of the *Roads Act 1993*.

**Note:** Private stormwater drainage is the pipeline(s) that provide the direct connection between the development site and Council's stormwater drainage system, or street kerb and gutter.

- (2) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (3) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (4) **Site Management Plan** - The following practices are to be implemented during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
  - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
  - c) waste shall not be burnt or buried on site, nor shall wind blown rubbish be allowed to leave the site. All waste shall be disposed of at an approved waste disposal depot;
  - d) a waste control container shall be located on the site;
  - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
  - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
    - i) be a standard flushing toilet connected to a public sewer; or
    - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or

- iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (5) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (6) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (7) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (8) **Noise** - All work shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act (1997)*. All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority 'Environmental Noise Manual'.

## 5.0 - Prior To Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Compliance Certificate** - Once the installation of the mechanical ventilation system is completed, a Certificate of Compliance prepared by a suitably qualified mechanical engineer with details of tests carried out shall be provided to the PCA. Verification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (3) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (4) **Compliance with Acoustic Requirements** - Documentary evidence shall be provided to the PCA confirming if noise levels from the mechanical plan, refrigeration and operating equipment comply with the following criteria, when measured at the nearest residential boundary:
- 47db(A) during the day;
  - 45dB(A) in the evening;
  - 39dB(A) at night; and
  - 65dB(A) at any commercial boundary

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".

- (5) **Waste Disposal** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way (e.g. footpaths, roadways, plazas, reserves) at any time.
- (6) **Mechanical Exhaust System** - A Certificate of Compliance prepared by a suitably qualified engineer confirming that the mechanical exhaust systems have been designed, constructed and installed in accordance with the relevant requirements of Clause F4.12 of the BCA and AS1668 Parts 1 and 2, shall be provided to the PCA. Certification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (7) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent.
- (8) **Food Premises** - The following notifications shall occur:
  - a) Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Registration' form can be found on Council's website.
  - b) the NSW Food Authority shall be notified and a copy of the notification shall be provided to Council. Notification can be completed on the NSW Food Authority website.

**6.0 – Ongoing Use**

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

- (1) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (2) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday	7am – 1am
Tuesday	7am – 1am
Wednesday	7am – 1am
Thursday	7am – 1am
Friday	7am – 1am

Saturday	7am – 1am
Sunday and Public Holidays	7am – 1am

**Note:** The bottle shop shall only operate between 10am – 10pm Monday to Sunday

- (3) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site.

The loading dock shall be used for loading and unloading operations in connection with the approved use.

- (4) **Parking Areas to be Kept Clear** - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.

- (5) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).

- (6) **Safety By Design** - The development shall be undertaken and operated in accordance with the letter from NSW Police Force dated 29 September 2014. In particular, the following Police requirements are required to be implemented:

- (e) Installation of CCTV cameras at entry and exit points;
- (f) Public lighting must be bright and even to permit facial recognition and be vandal proof; and
- (g) Employment of security personnel to oversee entry of patrons and also to assist in maintaining decorum in the pub (this includes a minimum of 2 security personnel after 7pm each day); and
- (h) If the hotel has a function, event or live entertainment additional security is to be provided at a ratio of 1:100 patrons.

The only exception to the above is the requirement for landscape to be 3-5m clear of pathways as noted on Page 6 of the CLAC assessment. The vegetation as shown on the proposed landscape plans is deemed to be acceptable.

- (7) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

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

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

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

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans.

- (8) **Food Premises** - 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.

All equipment used for the display or storage of cold food shall maintain the food at a temperature of not more than 5°C.

A food business must, at food premises where potentially hazardous food is handled, have a temperature measuring device (e.g. probe thermometer) that:

- a) Is readily accessible; and
- b) Can accurately measure the temperature of potentially hazardous food to +/-1°C

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.

- (9) **Noise** – The noise from the mechanical plant, refrigeration and operating equipment shall be controlled by the way of acoustic barriers and silencers incorporated into the fan system. The Laeq15 minute noise level from such equipment shall not exceed the following criteria when measured at the nearest residential boundary:

- 47db(A) during the day;
- 45dB(A) in the evening;
- 39dB(A) at night; and
- 65dB(A) at any commercial boundary

- (10) **Liquid Wastes** - All liquid wastes other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water.

- (11) **Roof Elements** - All roof elements shall be closed during any music performances.

- (12) **Live Entertainment** - Live entertainment shall only be allowed to play up until 12.00am.

- (13) **Amplification Equipment** - Any amplification equipment shall be controlled by an RMS noise limiter. The limiter shall be installed to ensure that the internal reverberant LA10 sound pressure level does not exceed 87dB(A).

- (14) **Noise Limiter** - The noise limiter is to be calibrated by an acoustic engineer, tamperproof and only operable by a reasonable person.

The limiter is to be calibrated annually or on a needs be basis, with the compliance report being kept on the premises and made available to Council Officers upon request.

- (15) **Background Music** - Between the hours of 12.00am-1.00am only background music shall be played at a level of less that 70dB(A).

- (16) **Noise** – That the operation of the premises shall comply with the Office of Liquor Gaming and Racing standard noise emission criteria as follows:

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5 dB between 7.00am and 12.00 midnight at the boundary of any affected residence.

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence.

- (17) **Number of Patrons** – The number of patrons on the premise must not exceed 550 people at any one time.

## 7.0 - Prior To Issue of a Subdivision Certificate

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

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (2) **Show Easements/ Restrictions on the Plan of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (3) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete, unless otherwise approved in writing by the PCA.
- (5) **Fill Plan** - A Fill Plan shall be provided to the PCA prior to the issue of any Subdivision certificate. The plan must:
  - a) Show lot boundaries;
  - b) Show road/drainage/public reserves;
  - c) Show street names;

- d) Show final fill contours and boundaries, and
- e) Show depth in filling in maximum 0.5m Increments.

It is to be provided electronically in Portable Document Format (.PDF) at 150dpi with a maximum individual file size not exceeding 2 megabytes and provide both on compact disk and an A1 paper plan.

- (6) **Incomplete Works** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a bond with Camden Council for the construction of incomplete works, including concrete footpath and/or pedestrian/cycle shared way, in accordance with Camden Council's current Engineering Construction Specifications.
- (7) **Value of Works** – Itemised data and value of civil works shall be provided to Council for inclusion in Council's Asset Management System in accordance with Council's Engineering Specifications.
- (8) **Services** – Certificates and/or relevant documents shall be obtained from the following service providers and provided to the CA:
  - a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with energy supplier to service the proposed development.
  - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with telecommunications carrier to service the proposed development.
  - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (9) **Works as Executed Plan** – Works as Executed Plan shall be prepared and provided in accordance with Council's Engineering Specifications.

Digital data must be AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94.MGA zone 56)

- (10) **Section 88B Instrument** – The applicant shall prepare a Section 88B Instrument for approval by the CA which incorporates the following easements, positive covenants and restrictions to user where necessary:
  - a) easement for services;
  - b) easement to drain water and drainage easement/s over overland flow paths; and
  - c) that all buildings, landscaping and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with "Salinity Management Plan – Proposed Central Hills Business Park Gregory Hills Development Catherine Fields prepared by Douglas Partners



**RECOMMENDED**

**That Council approve DA 671/2014 for the subdivision to land to create 2 lots, construction of a single storey pub and associated site works at 14 – 26 Central Hills Drive, Gregory Hills subject to the conditions listed above.**

**ORD04**

ATTACHMENTS

1. Plans
2. NSW Police Comment

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**ORDINARY COUNCIL****ORD05****SUBJECT: EXTENSIONS AND ALTERATIONS TO THE NARELLAN HOTEL AND ASSOCIATED SITE WORKS AT 279 CAMDEN VALLEY WAY, NARELLAN****FROM:** Director Planning & Environmental Services**TRIM #:** 15/2998

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**APPLICATION NO:** 800/2014  
**PROPOSAL:** Extensions and alterations to the Narellan Hotel and associated site works  
**PROPERTY ADDRESS:** 279 Camden Valley Way, Narellan  
**PROPERTY DESCRIPTION:** Lot A, DP 393370  
**ZONING:** B5 Business Development  
**OWNER:** Jimmie Pty Ltd & Batasty Pty Ltd T/AS the Narellan Hotel  
**APPLICANT:** Jimmie Pty Ltd & Batasty Pty Ltd

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**PURPOSE OF REPORT**

The purpose of this report is to seek Council's determination of a development application (DA) for extensions and alterations to the Narellan Hotel and associated site works at 279 Camden Valley Way, Narellan.

The DA is referred to Council for determination as there is a proposed variation to Camden Development Control Plan 2011 (DCP).

**SUMMARY OF RECOMMENDATION**

That Council determine DA 800/2014 for extensions and alterations to the Narellan Hotel 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 extensions and alterations to the Narellan Hotel and associated site works at 279 Camden Valley Way, Narellan.

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 the DCP. No submissions were received.

The applicant proposes a variation to Section B5.1 of the DCP in relation to the required number of off-street car parking spaces. The DCP requires a total of 263 spaces to be provided for the overall Narellan Hotel development, taking into account the existing Hotel and the proposed extensions and alterations the subject of this DA.

115 spaces exist on the site and the applicant is not proposing to provide any additional spaces. The applicant has submitted a detailed parking submission which surveyed the car parking demand of the existing Hotel prepared by a traffic consultant in support of the DA.

Council staff have reviewed this variation request and recommend that it be supported. Council's traffic engineer has reviewed the parking submission and agrees that the proposed reduced parking rate is appropriate for this development.

It is noted that the Roads and Maritime Services' Guide to Traffic Generating Developments does not specify a car parking rate for hotels, and recommends that proposed hotel developments be compared to similar existing developments.

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 279 Camden Valley Way, Narellan and is legally described as lot A, DP 393370.

The site is located on the north western corner of the Camden Valley Way, Grahams Hill Road and Richardson Road signalised intersection. The site has frontages of 97.54m to Camden Valley Way, 82.56m to Grahams Hill Road and an overall area of 8,884m<sup>2</sup>.

The site currently accommodates the Narellan Hotel. The Hotel is a part single, part two storey building which contains a public bar and seating, outdoor terrace, a liquor

shop and an associated car park. The entire site is listed as a local heritage item in Camden Local Environmental Plan 2010.

The surrounding area is characterised by a range of uses including light industry, depots, commercial developments, a school and police station with low density residential development located to the south and west.

The Narellan industrial area lies to the north, whilst to the east along Camden Valley Way is the Narellan Town Centre. To the south are the Narellan and Narellan Vale residential suburbs, whilst to the west is “The Links” developer estate.

**HISTORY**

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

Date	Development
24 December 1999	Renovation and extensions to the Hotel approved by DA 1614/1999
5 August 2010	Hours of operation and patron capacity for the Hotel approved by DA 1231/2009
11 March 2014	Sale of seafood from a van approved by DA 881/2013

**THE PROPOSAL**

DA 800/2014 seeks approval for extensions and alterations to the Narellan Hotel and associated site works.

Specifically the proposed development involves:

- construction of a single storey extension to the rear of the Hotel. This extension will increase the gross floor area of the Hotel by 410.6m<sup>2</sup> and provide a new bar servery area, cool rooms, lounge area and enlarged gaming room. The extension will be constructed of a mix of rendered masonry, glazing, timber and metal, and will have a maximum height of 7.8m;
- internal alterations to the existing building to modify and enlarge the kitchen servery area and amenities;
- construction of a new covered outdoor deck area and disabled access ramp; and
- provision of a new loading bay, construction of a new service path, provision of two disabled car parking spaces in the existing car park and landscaping.

It is noted that following completion of the proposed development the Hotel will have a maximum peak of 11 staff present at any one time. This peak is on Friday and Saturday evenings.

The value of the works is \$1,666,040.

The proposed development does not seek to change the Hotel’s maximum patron capacity or operating hours which were approved by DA 1231/2009 as:

Maximum capacity = 325 patrons.

Approved operating hours =

**Monday to Saturday – 9am-4am.**

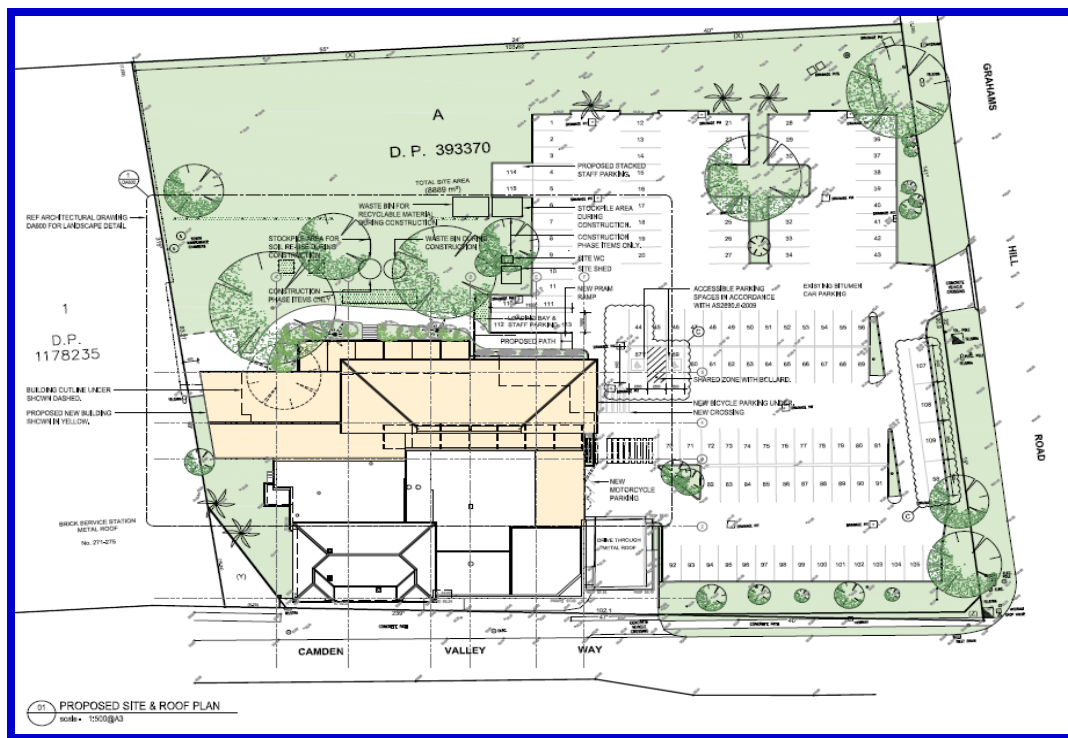
**Sunday – 10am-Midnight.**

**(Outdoor eating area) Monday to Saturday – 9am-Midnight and Sunday – 10am-Midnight.**

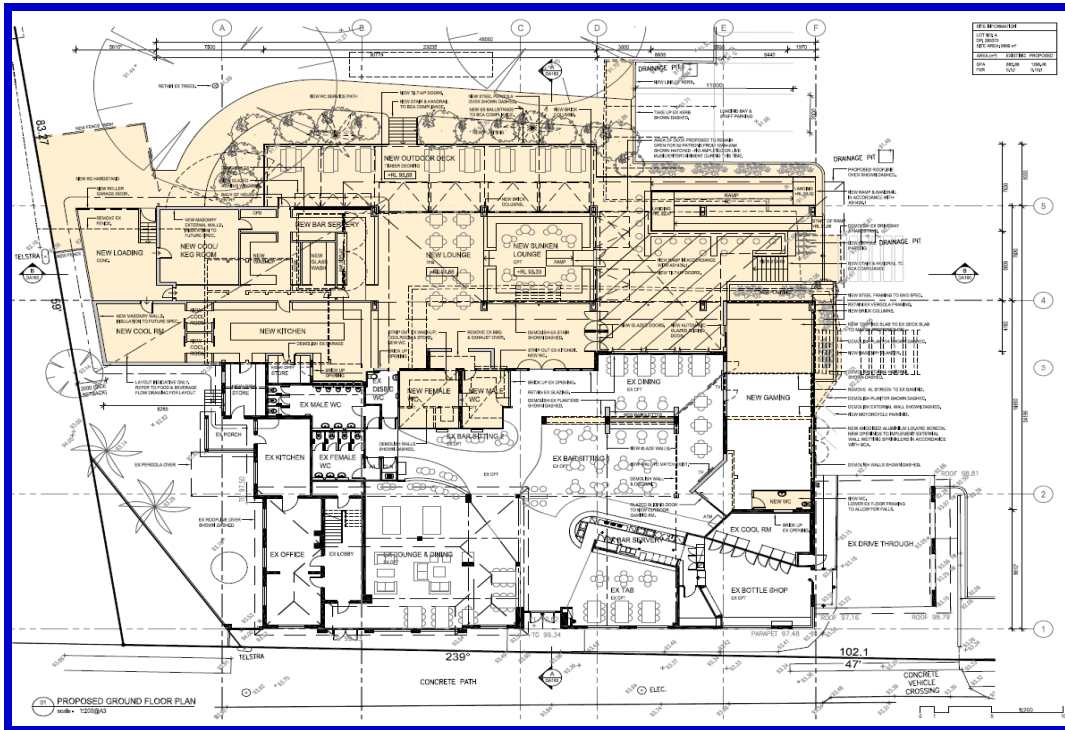
The only exception to the above is that the eastern part of the new outdoor deck is proposed to be used from Midnight until 2am, Monday to Saturday, for up to 50 patrons only. However the overall maximum number of patrons in the Hotel will still not exceed 325 at any one time.

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

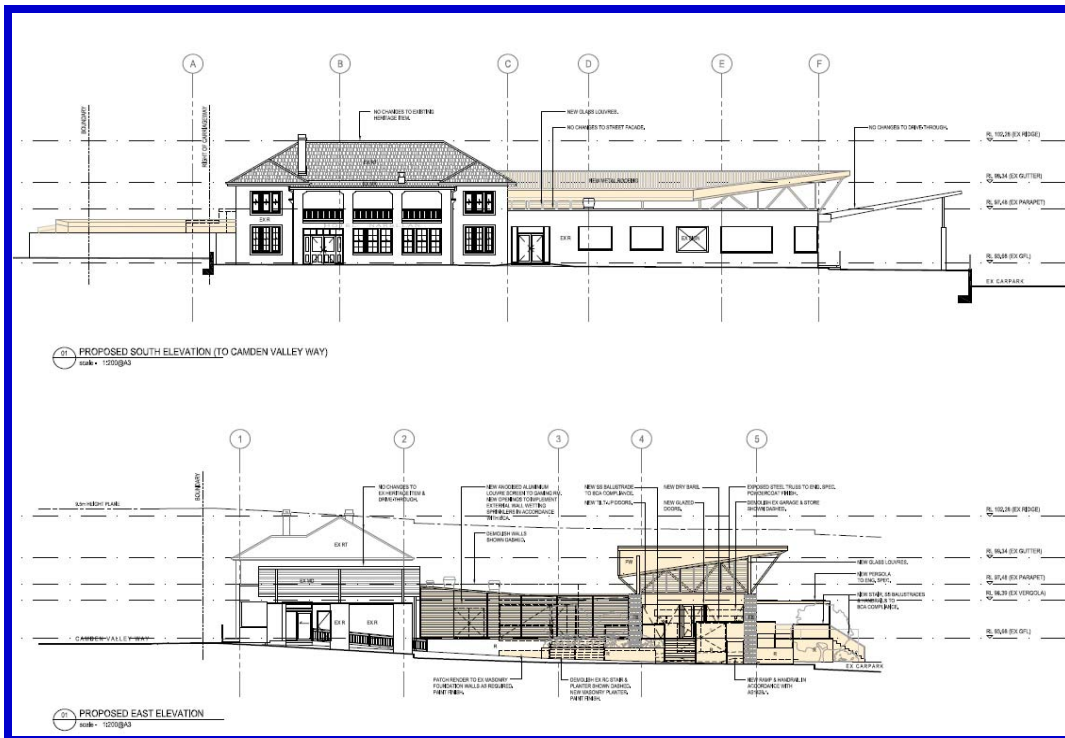
**PROPOSED SITE PLAN**

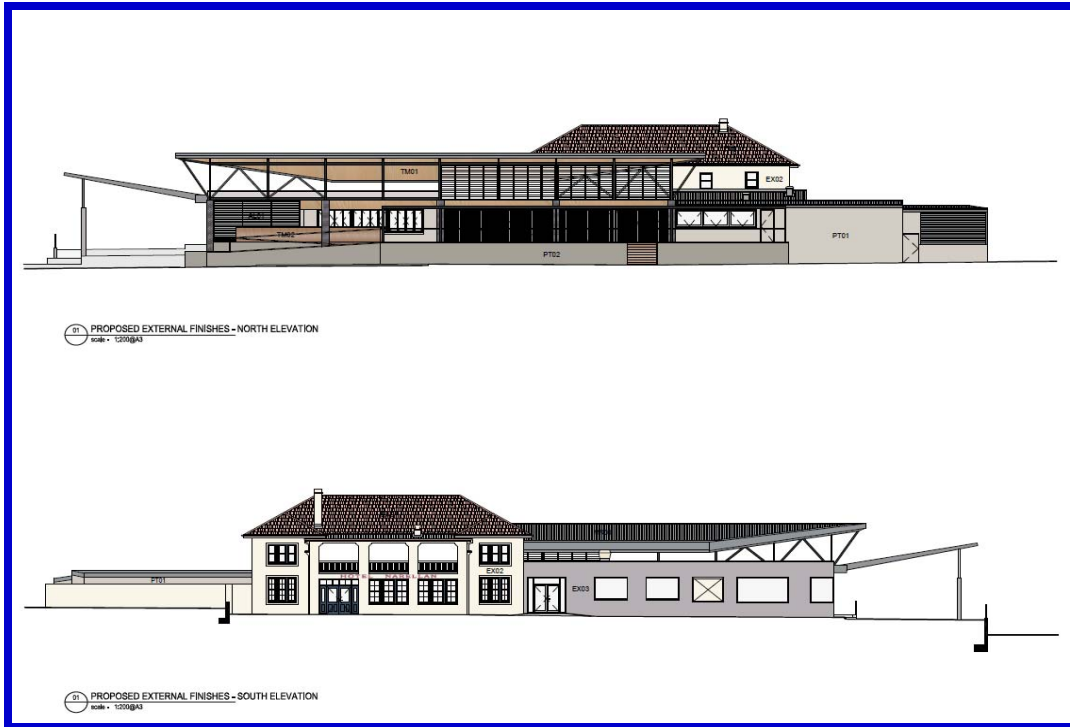
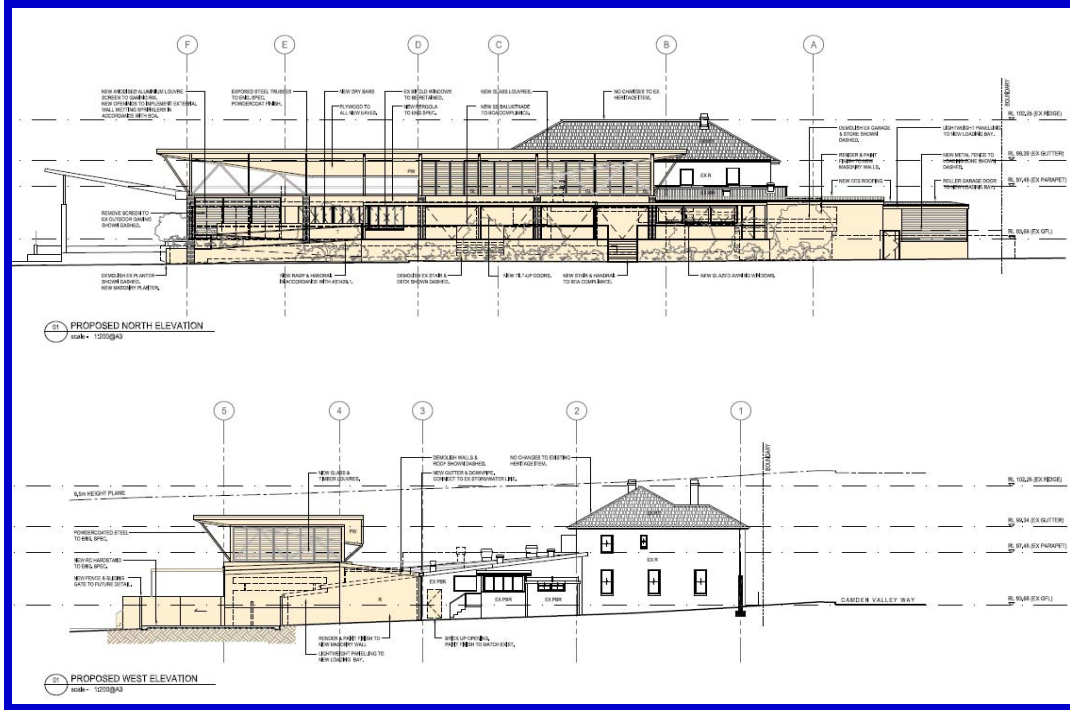


**PROPOSED FLOOR PLAN**



**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 site is suitable for its intended use (in terms of contamination) prior to granting consent.

The proposed development is for the extension of an existing building with the land use remaining the same. There is also no known evidence of any contamination present on the site. Consequently the site is considered to be suitable for its intended use.

However a standard contingency condition is recommended that requires if any contamination is found during construction, it must be managed in accordance with Council's Management of Contaminated Lands 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 upon the Hawkesbury-Nepean River system as a result of the proposed development. Standard conditions requiring appropriate soil and sediment erosion controls during construction are recommended.

Camden Local Environmental Plan 2010 (LEP)

*Permissibility*

The site is zoned B5 Business Development under the provisions of the LEP. The proposed development is defined as a “pub” by the LEP which is a permissible land use in this zone.

*Objectives*

The objectives of the B5 Business Development zone are as follows:

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

Officer comment:

The proposed development will extend an existing commercial development that is located close to, and will support the viability of, the Narellan Town Centre.



- To encourage development that supports or complements the primary office and retail functions of the local centre zone.

Officer comment:

This proposed development will complement surrounding office and retail functions of the Narellan Town Centre and not detract from them.

- To enable other land uses that are complementary to and do not detract from the viability of retail, business and warehouse uses within the zone.

Officer comment:

As aforementioned, it is considered that the proposed development will complement and not detract from the viability of surrounding land uses within the zone.

*Relevant Clauses*

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

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 9.5m building height	Proposed 7.8m building height	Yes
4.4 Floor Space Ratio	Maximum 1.1 floor space ratio for commercial premises	Proposed 0.15:1 floor space ratio	Yes
5.10 Heritage Conservation	Consent is required to alter a heritage item and to erect a building on land where a heritage item is located  Consider the effect of the proposed development on the heritage significance of the item or area concerned	The site is identified as a local heritage item. Development consent has been sought for the proposed development  It is not considered that the proposed development will have an adverse impact on the heritage item. The proposed extension is well designed and complements the existing building	Yes  Yes
7.2 Airspace Operations	Consent must not be granted if the development penetrates the Obstacle Limitation Surface.  The OLS level in this area is between 115 and 150 Australian Height Datum (AHD)	The proposed development has an AHD of 101.  As the proposed development is lower in height than the existing Hotel building, and many surrounding buildings, it is not considered that it will adversely affect the operations of Camden	Yes

Clause	Requirement	Provided	Compliance
		Airport. Council staff have consulted Camden Airport about the proposed development and no objection has been raised	
7.4 Earthworks	Consider a number of matters relating to earthworks including detrimental effects on drainage patterns, fill quality and amenity of adjoining properties	The extent of the proposed earthworks is minimal and is considered acceptable subject to the recommended conditions contained in this report	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. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Standard conditions are recommended to ensure that appropriate erosion, sediment and dust measures are installed and maintained throughout the proposed development	Yes
B1.2 Earthworks	Minimise cut and fill	Minimal earthworks are proposed and are acceptable to facilitate the construction of the proposed development	Yes
	Use only clean fill	A standard condition is recommended that permits only clean full to be used	Yes
B1.3 Salinity Management	Salinity resistant construction	A condition is recommended to ensure that the proposed development is constructed to be salinity resistant	Yes
B1.4 Water Management	Development to comply with Council's Engineering	Detailed stormwater plans were submitted in support of the DA and are acceptable. A standard condition is recommended that	Yes

Control	Requirement	Provided	Compliance
	Specifications in terms of stormwater detention, drainage and water sensitive urban design	requires the proposed development to comply with Council's Engineering Specifications	
B1.8 Environmental and Declared Noxious Weeds	Noxious weeds management	A standard condition is recommended that requires noxious weeds to be managed in accordance with the DCP	Yes
B1.9.4 Waste Management Plan	A waste management plan (WMP) is required	An adequate WMP has been provided	Yes
B1.12 Contaminated and Potentially Contaminated Land Management	Contamination assessment and remediation (if required)	<p>The development is for the extension of an existing building with the land use remaining the same. There is no known evidence of any contamination present on the site. Consequently the site is considered to be suitable for its intended use.</p> <p>However a standard contingency condition is recommended that requires if any contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy</p>	Yes
B1.15 Development near Camden Airport	Ensure buildings located within the Camden Airport Obstacle Limitations Surface (OLS) do not exceed the height level shown on the OLS map (115 AHD)	<p>The proposed development has an AHD of 101.</p> <p>Council staff have consulted Camden Airport about the proposed development and no objection has been raised</p>	Yes
	New buildings or structures affected by the OLS must use materials with low reflectivity	A condition is recommended requiring all materials used to have low reflectivity	Yes

**ORD05**

<b>Control</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	An acoustic report was submitted in support of the DA. The report demonstrates there will be no adverse noise impacts from the proposed development subject to controls regarding construction requirements and the playing of amplified music. Council staff have assessed this report, agree with its findings and recommend appropriate conditions to ensure compliance	Yes
B2 Landscaping	A landscape plan is to be provided	Sufficient details of the proposed landscaping as part of the development has been provided. The proposed landscaping is considered to be acceptable	Yes
B3 Environmental Heritage	A heritage impact statement (HIS) is required to be submitted for development which could affect the heritage significance of a heritage item	A HIS has been submitted in support of the DA. The HIS concludes that the proposed development will not adversely affect the heritage significance of the site. Council staff have reviewed the HIS and agree with its findings	Yes
B3.1 European Heritage	Development to be consistent with the DCP's heritage controls including:  Compatible design that complements existing buildings, avoids heritage replication and uses appropriate material, finishes and colours	The proposed development is contemporary in style, well designed, sensitive to the existing Hotel building and avoids heritage replication  The height, bulk and scale of the proposed development are compatible with the existing Hotel building  The proposed development is to the rear of the heritage building with a clear separation between the original and new elements  The materials and finishes proposed for the new extension are appropriate and will complement the existing building. They are also generally neutral in colour and will blend into the surrounding area	Yes
B5.1	Pubs require 1	115 car parking spaces exist on	<b>No – DCP</b>

Control	Requirement	Provided	Compliance
<p>Off-Street Car Parking Rates and Requirements</p>	<p>car space per 2m<sup>2</sup> of gross floor area (GFA) of public bar area, 1 space per 5m<sup>2</sup> GFA of lounge, beer garden, auditorium, billiard room and 25 car parking spaces per 100m<sup>2</sup> of remaining public floor area</p> <p>The Hotel's bottle shop requires 1 space per 30m<sup>2</sup> GFA</p> <p>The Hotel's first floor residence would require 2 spaces</p> <p>A seafood van previously approved to operate on the site requires 3 spaces</p> <p>Overall the entire Hotel development requires 263 spaces</p> <p>1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car spaces are required.</p> <p>There 4 bicycle and 4</p>	<p>the site.</p> <p>The applicant proposes a variation to the car parking requirement as there is a deficit of 148 spaces</p> <p>4 bicycle and 4 motorcycle spaces will be provided on the site</p>	<p>Variation 1</p> <p>Yes</p>

ORD05

Control	Requirement	Provided	Compliance
	<p>motorcycle spaces are required</p> <p>1 service vehicle loading area</p>	<p>An appropriate service vehicle loading area will be provided doubling with some of the proposed staff car parking which is considered to be acceptable for the proposed development</p>	<p>Yes</p>

DCP Variation 1 – Off-Street Car Parking Provision

*DCP Control*

The DCP requires a total of 263 car parking spaces to be provided for the overall Narellan Hotel development taking into account the existing Hotel and the proposed extensions and alterations the subject of this DA. The DCP does however allow the applicant to submit a detailed parking submission in support of the DA.

115 spaces exist on the site and the applicant is not proposing to provide any additional spaces. The applicant has submitted a detailed parking submission, prepared by a traffic consultant, in support of the DA.

*Variation Request*

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

- the parking submission submitted with the DA surveyed the existing hotel during peak times on a Friday, Saturday and Sunday during summer. The survey found that the existing Hotel car park was only ever a maximum of 68.2% full and that the maximum number of patrons in the Hotel was 143.

Using this data the submission has determined a peak car parking rate for the Hotel of 8.47 spaces per 100m<sup>2</sup> of public floor area. The submission advises that this rate is comparable to other hotels the traffic consultant has surveyed.

Using this parking rate, the existing hotel and proposed extensions would require an overall total of 92 spaces which are available on the site.

It is noted that this demand will increase to 95 spaces when the previously approved seafood van is in operation on Thursdays 9am-5pm and Christmas Eve and Good Friday 7am-4pm. However this will still leave a 20 space car parking surplus on the site (existing 115 spaces minus 95 for the Hotel and seafood van).

It is also noted that public floor area, as defined by the DCP, does not include back of house areas such as the kitchens, cool rooms, etc. where staff will work. However it is considered that the 20 car parking space surplus will be sufficient for staff car parking demands;

- the intent of the proposed development is to provide a more functional spatial layout and amenity for existing patrons, rather than to increase patron capacity; and

- it is noted that there is no proposed increase in the maximum 325 patron capacity previously approved by Council via Development Consent 1231/2009.

#### *Council Staff Assessment*

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

- The Roads and Maritime Services' Guide to Traffic Generating Developments does not specify a car parking rate for hotels, and recommends that proposed hotel developments be compared to similar existing developments;
- the parking surveys conducted at the hotel were carried out at appropriate peak times and demonstrate that the existing car park is under utilised;
- Council's traffic engineer has reviewed the parking submission and agrees that the proposed parking rate of 8.47 spaces per 100m<sup>2</sup> is appropriate for the Hotel;
- Council staff have undertaken a review of parking at a number of other local sites, which support a reduced parking provision;
- Parking demands for alcohol related facilities has declined as alternate transport options such as share driving, taxis and walking have become more common;
- council's traffic engineer has reviewed the parking survey and agrees that the proposed 115 car parking spaces are sufficient to service the proposed development; and
- a condition is also recommended to limit the number of people to 325 patrons in accordance with the applicants proposal.

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

***(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 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 14 days in accordance with the DCP. The exhibition period was from 3 to 17 October 2014. No submissions were received.

**(e) The public interest**

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 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**

*Roads and Maritime Services (RMS)*

The DA was referred to the RMS for comment due to the site's proximity to the signalised intersection of Camden Valley Way/Grahams Hill Road and Richardson Road.

The RMS raised no objection to proposed development and provided comments relating to construction traffic management and compliance with Australian Standards. A condition requiring compliance with the RMS's comments is recommended.

*Camden Local Area Command (CLAC)*

The DA was referred to the CLAC for a Safer by Design evaluation.

The CLAC has raised no objection to the proposed development subject to a number of requirements relating to additional safety and security measures (including CCTV and lighting) to ensure adequate safety is provided for patrons and staff. Compliance with these requirements is a recommended condition.

The only exception to the above is the second recommended condition in the section entitled "Natural Surveillance/Landscaping." This condition requires landscaping to be kept 3-5m clear of pathways. The proposed development includes some feature shrubs and groundcovers adjacent to a pathway leading into the Hotel which is considered to be acceptable and so compliance with this condition is unnecessary.

**A copy of the police comments is provided as attachment 2 to this report.**

**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 800/2014 is recommended for approval subject to the conditions contained in this report.

**CONDITIONS**

**1.0 - General Conditions of Consent**

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

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
DA010 Issue C	Site and Roof Plan	AN+A Architects	3 December 2014
DA011 Issue A	Ground Floor Plan	AN+A Architects	4 July 2014
DA012 Issue A	Roof Plan	AN+A Architects	4 July 2014
DA021 Issue A	Proposed Gross Floor Area	AN+A Architects	4 July 2014
DA151 Issue A	Elevations	AN+A Architects	4 July 2014
DA152 Issue A	Elevations	AN+A Architects	4 July 2014
DA153 Issue A	External Finishes	AN+A Architects	4 July 2014
DA160 Issue A	Sections	AN+A Architects	4 July 2014
DA600 Issue A	Sections	AN+A Architects	4 July 2014
H2.1	Stormwater Drainage Services Site Plan	Partridge Structural Pty Ltd	June 2014
H3.1	Stormwater Drainage Services Roof Plan	Partridge Structural Pty Ltd	June 2014
H4.1	Stormwater Drainage Services Ground Floor Plan	Partridge Structural Pty Ltd	June 2014
H5.1	Stormwater Drainage Services Sediment and Erosion Control Plan	Partridge Structural Pty Ltd	June 2014
H6.1	Stormwater Drainage	Partridge	June 2014

	Services Details	Structural Pty Ltd	
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Document Title	Prepared by	Date
Statement of Environmental Effects	BBC Consulting Planners	September 2014
External Finishes Schedule	AN+A Architects	29 January 2014
Landscape Planting Schedule	AN+A Architects	4 September 2014
Statement of Heritage	Archnew Designs	May 2014
Traffic Impact Assessment	Traffix	July 2014
DA Noise Impact Assessment	Acoustic Logic	17 November 2014
BCA Assessment Report	BCA Logic	7 November 2014
Waste Management Plan	A Waugh	31 July 2014
Plan of Management	-	-

- (2) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (3) **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.
- (4) **Damaged Assets** – Any work and public utility relocation within a public place shall incur no cost to Council.
- (5) **External Building Fabric** – The external building fabric is to be constructed from no less than 10.38mm laminated glass with an RW performance of no less than 35 as per the requirements of the approved Noise Impact Assessment.
- (6) **Previous Approval** - All conditions of Development Consent 1231/2009 apply to this development and must be complied with.

The only exception to the above is that the eastern part of the new outdoor deck can be used from Midnight until 2am, Monday to Saturday, for up to 50 patrons only. However the overall maximum number of patrons in the Hotel must not exceed 325 at any one time.

Condition 1.0(4) "Reviewable Condition for Hours of Operation" of Development Consent 1231/2009 applies to the eastern part of the new outdoor deck.

- (7) **Reflectivity of Glass** – The reflectivity of all glass used externally must not exceed 20%.
- (8) **Low Reflectivity** – All materials and finishes used in the development must have low reflectivity.
- (9) **Outdoor Lighting** – All lighting shall comply with AS 1158 and AS 4282.
- (10) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.
- (11) **Safety By Design** - The development must be undertaken and operated in accordance with the letter from NSW Police Force received by Council on 5 January 2015. In particular, the following Police requirements are required to be implemented:
  - (a) Installation of CCTV cameras at entry and exit points covering the vehicles and persons entering and entering the site, gaming rooms and outdoor areas;
  - (b) Public lighting must be bright and even to permit facial recognition and be vandal proof; and
  - (c) Employment of a security personnel to oversee entry of patrons and also to assist in maintaining decorum in the pub;
  - (d) If the hotel has a function, event or live entertainment additional security is to be provided at a ratio of 1:100 patrons.

The only exception to the above is the requirement for landscape to be 3-5m clear of pathways as noted on Page 6 of the CLAC assessment. The vegetation as shown on the proposed landscape plans is deemed to be acceptable.

- (12) **Roads and Maritime Services** – The development shall be undertaken in accordance with the letter from the Roads and Maritime Services' dated 15 October 2014.

## 2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Fire Safety Measures** – Prior to the issue of the Construction Certificate, the following information is to be submitted to the certifying authority:
  - (a) a list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
  - (b) if the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, an existing building, a separate list of those measures currently implemented in the building or on the land on which the building is situated.

- (2) **Smoke Free Premises** - The construction and fit out of the premises shall comply with the *Smoke-Free Environment Act 2000* and *Smoke-Free Environment Regulation 2000*. Details demonstrating compliance shall be provided to the Certifying Authority.
- (3) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the Certifying Authority for approval. Garbage rooms are to be constructed of solid material, cement rendered and trowelled to a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste. Walls are to be smooth impervious surfaces. Ventilation, pest proofing and a hose tap to be provided.
- (4) **Mechanical Exhaust System** - Mechanical exhaust system(s) shall comply with the BCA and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points). Details demonstrating compliance shall be provided to the Certifying Authority.
- (5) **Sydney Water Trade Waste** - The applicant shall contact the Commercial Trade Waste section of Sydney Water regarding the trade waste requirements. A written response from Sydney Water demonstrating compliance shall be provided to the Certifying Authority and Council.
- (6) **Food Premises** - The design, construction, fit-out, use and ongoing operation of the food premises and/or food storage area shall comply with all applicable Acts, Regulation, codes and standards including:
- a) the *Food Act 2003*;
  - b) the *Food Regulation 2004*;
  - c) *Food Standards Australia and New Zealand – Food Standards Code 2003*;
  - d) *Council's Food Premises Code*;
  - e) *AS 1668 'The use of ventilation and air conditioning in buildings'*; and
  - f) the *BCA*.
  - g) *AS 4674-2004. Design, construction and fitout of food premises*

Details demonstrating compliance shall be provided to the Certifying Authority.

- (7) **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.
- (8) **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.
- (9) **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.
- (10) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of \$5,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (11) **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.
- (12) **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.
- (13) **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.
- (14) **Section 94 Contributions** – A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
Contributions Plan No. 3	Trunk Drainage, Water Quality Facilities and Professional Services - indexed Quarterly to the Road Cost Index.	\$4,854.00 per hectare	\$199.00
Contributions Plan No. 17	Streetscape, Public Domain, Traffic Facilities and Roadworks, Rights of Carriageway and Professional Services - indexed Quarterly to the CPI.	\$39.00 per m <sup>2</sup>	\$16,013.00

The contributions must be paid prior to the issue of a Construction Certificate.

A copy of the Section 94 Contributions Plan may be inspected at Council's Camden office at 37 John Street, Camden or can be accessed on Council's website at [www.camden.nsw.gov.au](http://www.camden.nsw.gov.au).

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

- (15) **Salinity** – Due to the inherent characteristics of the Camden Local Government Area, buildings erected in the area may be susceptible to soil salinity levels that may have a cumulative damaging effect over time.

Camden Council therefore requires:

- (a) A salinity investigation assessment report be undertaken; OR
- (b) Compliance with the 'minimum requirements' specified in this condition.

#### Salinity Investigation Report

Prior to the issue of a Construction Certificate, a Salinity Investigation Report shall be prepared for the development in accordance with the requirements of "Site Investigation for Urban Salinity (Local Government Salinity Initiative)" prepared by the Department of Land and Water Conservation (2002).

The recommendations from this report shall be followed and incorporated into the design and construction of the development and are to be approved by the Certifying Authority.

#### Minimum Salinity Requirements for Camden LGA

Where a Salinity Investigation Report is not undertaken, the following construction inclusions shall be incorporated as a minimum in the building design to reduce/prevent any detrimental affect to the building from accumulative salt deposits:

- (a) **Concrete Strength:** The minimum concrete strength to bored piers, piles, strip footings and concrete floor slabs in contact with the ground shall be 32MPa.
- (b) **Damp-Proofing Membrane:** Concrete floor slabs in contact with the ground shall be provided with a damp-proofing membrane that is a 0.2mm thickness polyethylene film and of "high impact resistance" (as determined in accordance with AS2870).

The above minimum requirements shall be incorporated in the structural design and construction of the development. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

**Note:** Consideration in the design and construction of the development should also be made to the following matters (where relevant):

- (a) The provision of drainage to the building perimeter (including subsoil drainage), to prevent water ponding or soil waterlogging in the building vicinity;

- (b) External finished ground levels, including pavements, should not be higher than the base of the first course of brickwork, or the brickwork and mortar below a damp proof course (DPC) should be exposure rated;
- (c) DPC material must be carried through to the face of any applied finishes;
- (d) Retaining walls should be built of salinity resistant materials;
- (e) Porous pavement products such as cement and clay pavers may show permanent efflorescence and salt corrosion. The use of these products should be confirmed with the manufacturer as being suitable for use in a saline environment, prior to installation.

### 3.0 - Prior to Commencement of Works

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

- (1) **Erection of Signs** – The erection of signs shall be undertaken in accordance with Clause 98A of the Environmental Planning and Assessment Regulation 2000.
- (2) **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*.
- (3) **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.
- (4) **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.
- (5) **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 Works

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) **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.

- (6) **Noise** - All work shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act (1997)*. All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual.
- (7) **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.
- (8) **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.

- (9) **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 development. 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 occur must be reported to Council and be fully and continuously suppressed and destroyed, by appropriate means.

- (10) **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 6000m<sup>3</sup> - 3 sampling locations,
- (f) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> 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 <sup>3</sup> )
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 an 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) **Waste Disposal** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way (e.g. footpaths, roadways, plazas, reserves) at any time.
- (4) **Mechanical Exhaust System** - A Certificate of Compliance prepared by a suitably qualified engineer confirming that the mechanical exhaust systems have been designed, constructed and installed in accordance with the relevant requirements of Clause F4.12 of the BCA and AS1668 Parts 1 and 2, shall be provided to the PCA. Certification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (5) **Food Premises** - The following notifications shall occur:
- Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Registration' form can be found on Council's website.
  - the NSW Food Authority shall be notified and a copy of the notification shall be provided to Council. Notification can be completed on the NSW Food Authority website.
- (6) **Acoustic Compliance Report** - A report shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate certifying that noise levels from the mechanical plant, refrigeration and operating equipment, comply with the following criteria when measured at the nearest residential boundary:
- 45dB(A) in the evening;
  - 35dB(A) at night; and
- 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."
- (7) **Section 73 Compliance Certificate** – A Section 73 Compliance Certificate must be obtained from Sydney Water.

## 6.0 – Ongoing Use

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

- (1) **Graffiti Management Plan** - A graffiti management plan must be incorporated into the maintenance plan for the development. All graffiti shall be removed within 48 hours of the offence.

- (2) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday	9am – 4am
Tuesday	9am – 4am
Wednesday	9am – 4am
Thursday	9am – 4am
Friday	9am – 4am
Saturday	9am – 4am
Sunday and Public Holidays	10am – midnight

The outdoor eating area is to be restricted between 9am – midnight Monday – Saturday and Sunday 10am – Midnight.

The only exception to the above is that the eastern part of the new outdoor deck shown hatched on Plan DA011 dated 4/7/14 prepared by AN + A can be used from Midnight until 2am, Monday to Saturday, for up to 50 patrons only.

- (3) **Number of patrons** – The number of patrons on the premise must not exceed 325 at any one time.
- (4) **Safety By Design** - The development must be undertaken and operated in accordance with the letter from NSW Police Force received by Council on 5 January 2015. In particular, the following Police requirements are required to be implemented:
- (a) Installation of CCTV cameras at entry and exit points covering the vehicles and persons entering and entering the site, gaming rooms and outdoor areas;
  - (b) Public lighting must be bright and even to permit facial recognition and be vandal proof; and
  - (c) Employment of a security personnel to oversee entry of patrons and also to assist in maintaining decorum in the pub;
  - (d) If the hotel has a function, event or live entertainment additional security is to be provided at a ratio of 1:100 patrons.

The only exception to the above is the requirement for landscape to be 3-5m clear of pathways as noted on Page 6 of the CLAC assessment. The vegetation as shown on the proposed landscape plans is deemed to be acceptable.

- (5) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (6) **Noise Management** - Noise from mechanical plant, refrigeration and operating equipment shall be controlled by the way of acoustic barriers and silencers incorporated in the fan system. The LAeq 15 minute noise level from such equipment shall not exceed the following criteria when measures at the nearest residential boundary:

ORD05

- 45dB(A) in the evening; and
- 35dB(A) at night.

- (7) **Food Premises** - 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.

All equipment used for the display or storage of cold food shall maintain the food at a temperature of not more than 5°C.

A food business must, at food premises where potentially hazardous food is handled, have a temperature measuring device (eg. probe thermometer) that:

- a) Is readily accessible; and
- b) Can accurately measure the temperature of potentially hazardous food to +/-1oC

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.

- (8) **Amenity** - The business shall be conducted and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.

- (9) **Liquid Wastes** - All liquid wastes other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water.

- (10) **Music** - Live entertainment or amplified music shall only be allowed to play up until 11.00pm in accordance with the Plan of Management.

- (11) **Music on Outdoor Deck** – No live or amplified music can be played on the outdoor deck. Background music up to a sound pressure level of 65dB(A) can be played on the deck.

- (12) **Noise Limiter** - Any amplification equipment shall be controlled by an RMS noise limiter. The noise limiter is to be calibrated annually or on a needs be basis by an acoustic engineer, tamperproof and only operable by a reasonable person. A compliance report must be kept on the premises and made available to Council Officers upon request.

- (13) **Noise Levels** - The operation of the premises shall comply with the Office of Liquor Gaming and racing standard noise emission criteria as follows:

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5 dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz

inclusive) between 12:00 midnight and 7:00 am at the boundary of any affected residence.

**RECOMMENDED**

**That Council approve DA 800/2014 for extensions and alterations to the Narellan Hotel and associated site works at 279 Camden Valley Way, Narellan, subject to the conditions contained in this report.**

ATTACHMENTS

1. Proposed Plans
2. Police comments
3. Public Exhibition and Submissions Map - *Supporting Document*

**ORD05**

## ORDINARY COUNCIL

ORD06

**SUBJECT: DRAFT LEPPINGTON PRECINCT PLAN**  
**FROM:** Director Planning & Environmental Services  
**TRIM #:** 14/209304

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### PURPOSE OF REPORT

This report outlines the features of the Draft Leppington Precinct Plan and identifies the key issues for Council arising from the draft planning package. The purpose of the report is to seek Council endorsement of a formal submission to the Department of Planning and Environment (DPE).

### BACKGROUND

In November 2011, the Leppington Precinct was released for Precinct Planning by the Minister for Planning. Following a review of the Precinct's western boundary, an additional 198 hectares from Catherine Fields North Precinct was released in November 2012 to be included in the precinct planning process for Leppington.

The Precinct boundary was amended in late 2012. The Department of Planning and Environment (DPE) subsequently commenced the precinct planning process with the preparation of technical investigations and draft planning controls, that when finalised, will enable urban development in the Precinct. This work has culminated in the preparation of a Draft Precinct Planning Package which includes the following:

- Precinct Planning Report;
- Draft Indicative Layout Plan;
- Explanation of the proposed amendment to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (including draft maps);
- Draft Development Control Plan;
- Supporting technical studies;
- Biodiversity Certification Consistency Report.

The DPE conducted a public exhibition of the Draft Precinct Planning Package from 10 November until 19 December 2014. The DPE has granted Council an extension of time in which to lodge its submission following consideration of this report.

In addition, minor map amendments to reflect the new Rickard Road design in the Leppington North Precinct were also exhibited.

A Councillor Briefing session was conducted on 27 January 2015 and included a briefing provided by representatives of the DPE.

### MAIN REPORT

The Precinct comprises an area of 655 hectares with the entirety of the Precinct located in the Camden LGA. The land ownership pattern within the Precinct is highly fragmented, having historically been subdivided into land parcels averaging approximately one to two hectares each. There are a total of 284 separate land parcels



with 266 different landowners within the Leppington Precinct. The key features of the proposed rezoning include:

- approximately 7,000 dwellings for 23,500 residents;
- up to 16,700 square metres of retail floor space within the local centre;
- low density housing across the majority of the precinct, with medium density housing concentrated around a local centre and close to Leppington major centre;
- one high school and four primary schools;
- conservation of environmentally sensitive land along creek lines; and
- 56 hectares of open space including sports fields and other parks.

#### Indicative Layout Plan (ILP)

The draft ILP sets the framework for the Precinct and is provided in **Attachment 1 to this report**, along with a summary of key features. The draft ILP identifies the mix of land uses, the road pattern, infrastructure requirements, schools, open space, environmental corridors and stormwater management measures for the Precinct.

The draft ILP represents the preferred planning outcome for the Precinct based on the findings of specialist investigations and the planning principles above.

In relation to housing, the DPE's Precinct Planning Report states:-

*The majority of the land in the Precinct is proposed to contain low density residential development. The typical density of housing in these areas will be at least 15 dwellings per hectare. This means houses that are, on average, on blocks of around 450 square metres, which is typical of many urban growth areas in Sydney. The minimum lot size is 225 square metres, to encourage diverse and affordable housing options.*

It is worth noting that small areas of environmental living zone in the northern section of the Precinct will allow houses on large lots to respond to environmental constraints including flooding and topography. The minimum proposed lot size for these lands ranges from 1000m<sup>2</sup> to 2,500m<sup>2</sup>. This will add to the diversity of housing options offered in this Precinct.

#### Infrastructure Delivery Plan (IDP)

The stated primary purpose of the Leppington Precinct Infrastructure Delivery Plan (IDP) is to document the urban infrastructure requirements for the Leppington Precinct, and how this infrastructure will be planned, funded and delivered.

The IDP outlines local and regional level infrastructure required to meet the needs of the future residential and working population, including electricity, water, sewer, trunk drainage, roads, rail, education facilities, community facilities and open space.

The IDP identifies that ultimately, servicing the Precinct will require significant investment by State Government in water, sewer, power and road infrastructure. The IDP also discusses delivery mechanisms for the infrastructure and, in general terms, the likely timing and staging of development as it relates to essential infrastructure provision.

Whilst the IDP identifies the opportunities and constraints for infrastructure delivery, it fails to provide a funded delivery strategy for the Precinct's urban infrastructure

requirements. As a result, an infrastructure masterplan that better defines the timing of key infrastructure delivery and is integrated with the provision of local infrastructure is needed (discussed further under the key issues section of this report).

It should be noted that local infrastructure will be funded by Council via a Section 94 Contributions Plan. Some higher order infrastructure will be funded by the State Government via the Special Infrastructure Contributions (SIC) levy.

The Government collects funds for State and Regional infrastructure via the Growth Areas Special Infrastructure Contribution.

In addition to things such as land for education and health services facilities, the SIC funds (at least in part) the upgrade of the following roads that form part of the Precinct's road network:-

- Eastwood Road;
- Ingleburn Road;
- Rickard Road;
- Bringelly Road (Cowpasture Road) and
- Camden Valley Way.

### **Community consultation**

The planning for the Leppington Precinct has included community consultation, which is summarised below. In addition, Council staff have recorded the number and nature of enquiries made to Council. Since May 2014, Council staff have responded to 71 enquiries regarding the Leppington Precinct, mainly from affected landowners.

#### **May 2012 - Community Information Sessions**

Three community information sessions were held at the Narellan Library on 1, 3 and 8 May 2012. The objective of these sessions was to explain the precinct planning process and to provide the community an opportunity to meet DPE representatives and ask questions. Approximately 135 landowner and community members plus a Council representative attended these sessions.

Following completion of the Precinct boundary review, a further information session was held, also in the Narellan Library, on 5 September 2012, attended by 31 people.

#### **July/Aug 2013 - Pre-Exhibition Community Workshops**

A further 3 workshops were held in July/August 2013 with approximately 140 people attending. Council staff were also in attendance at this workshop. The workshops presented information on the key technical studies, and demonstrated how those studies had informed the development of the ILP.

Key issues raised at the workshops which had not been addressed at that time in preparing the ILP for exhibition included:-

- Timing for the construction of schools;
- Timeframe for development;
- Impact of land values on rates and land tax and
- Timing and delivery of sewerage infrastructure.

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February 2014 - Rickard Road Strategic Route Study

During February 2014, the DPE, supported by Council staff, conducted additional consultation with affected landowners about the Rickard Road Strategic Route Study. Many of the affected landowners are located in the Leppington Precinct. These workshops were used to inform landowners on the preferred route alignment of the extension to Rickard Road.

November 2014 - Public exhibition of draft Precinct Planning Package

Two community drop-in sessions were held at the Leppington Progress Hall, 123 Ingleburn Road Leppington (18 & 27 November, 2014). Representatives of Sydney Water have also been in attendance at the community drop-in sessions. A number of Council staff represented Council at these sessions.

In total there were 307 attendees who represented approximately 200 properties, representing 75% of landowners within the Precinct. The DPE has advised that they have received 117 written submissions in response to the public exhibition.

In Council's submission, a request will be made of the DPE to provide a clear response to residents regarding the 'next steps' in the process.

**Issues for Council's Submission**

Council has an opportunity to make a submission to the DPE. The key issues for inclusion in Council's submission are infrastructure service delivery, infrastructure funding, road network and implementation aspects of the staged rezoning proposal (expanded on below).

It is recommended that Council support the Leppington Precinct rezoning subject to the Government working with Council to resolve these issues and detailed technical matters to do with the draft Precinct Plan.

Issue: Land fragmentation & infrastructure delivery

Infrastructure availability is a key determinant of when land can develop. The land fragmentation situation means there is no lead-developer and no definitive development projections for infrastructure service providers to rely upon. This creates additional complexity for infrastructure service providers such as Sydney Water and Endeavour Energy.

The result is a series of "infrastructure service risks" to the Precinct that are outlined in the DPE's Precinct Planning Report, reproduced in **Attachment 2 to this report**.

Council submission response:

The Leppington Infrastructure Delivery Plan needs to clearly define the timing of key infrastructure delivery, and most importantly, be integrated with the provision of local infrastructure via the preparation of an infrastructure masterplan.

The DPE should take the lead with the preparation of an infrastructure masterplan for Leppington (as in the case of the Austral & Leppington North Precinct). This will assist both Council and the Government in aligning the delivery of services in their respective budgeting processes to stimulate development within fragmented land holdings.

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Issue: Development implementation

Development implementation in the Leppington Precinct will be more difficult given the fragmented land ownership and the lack of a lead developer. The Leppington Precinct Infrastructure Delivery Plan (IDP) acknowledges that standard practice to the delivery of infrastructure to urban growth areas needs to be tailored to enable development in the Precinct.

Council submission response:

Council accepts that development of this Precinct will require the staged construction of infrastructure such as collector roads and bus routes and the transition of land uses over a protracted time-frame. Council and the DPE will need to work together to adopt a proactive approach to resolving impediments to development, including securing funding for the delivery of infrastructure as opportunities arise.

Issue: Staged approach to rezoning

The DPE has proposed a staged rezoning approach to the Leppington Precinct. This is a new approach to Precinct Planning for the Growth Centres. The DPE is seeking feedback from landowners, Council and infrastructure agencies to confirm whether this approach is appropriate and whether the first stage rezoning area is adequate and reasonable. The staged rezoning sequence is provided as **Attachment 3 to this report**.

The staged rezoning approach is a response in part to the infrastructure and servicing challenges and the fractured land ownership pattern. Infrastructure availability is a key determinant of when land can develop.

The intent of the staged rezoning approach is supported in principle as it is consistent with the following planning objectives:

- ensure the orderly and cost-effective development of the land;
- assist in the coordinated programming and provision of the necessary infrastructure and sequencing and
- ensure services and works are carried out in logical and related stages.

Council submission response:

Council supports the principle of a staged rezoning approach as it may alleviate concerns raised by landowners, that rezoning of land without services results in land value increases, and therefore increased Council rates and land tax that do not match the development potential. However, there are a number of issues that need to be worked through with the DPE in relation to the implementation of staged rezoning, such as the assessment of DAs.

Issue: St Andrews Road role & function

The DPE's South West Growth Centre Structure Plan does not reflect St Andrews Road role and function consistent with the RMS draft Road Network Strategy as an east-west sub-arterial link between the F5 (M31) and Campbelltown Road to the east through to the Northern Road in the west. The Structure Plan makes no reference to St Andrews Road and shows no extension eastwards from Camden Valley Way towards the F5 (M31), nor to Campbelltown Road.

St Andrews Road will need to overcome a number of significant constraints for it to become a major east/west connection. In addition, the proposed extension of Raby

Road (west of Camden Valley Way) shown on the RMS draft Road Network Strategy may also face a number of environmental constraints.

Campbelltown City Council has written to the DPE to express its concerns about the proposed upgrade to St Andrews Road.

The State Government's recently released "A Plan for Growing Sydney" confirms the Government will update the South West Growth Centre Structure Plan. The DPE has advised this will entail a review of the traffic and access arrangements of the Structure Plan. It is hoped that this will address strategic road network issues including St Andrews Road.

Council submission response:

The DPE should investigate and resolve the role and function of St Andrews Road (and its implications for the Precinct traffic network and the strategic traffic network) in consultation with Council.

Should St Andrews Road retain its status as a sub-arterial road, it is recommended that the funding and delivery of this road should be a State Government responsibility. In line with this approach, it is requested that the Government's Special Infrastructure Contributions Scheme be reviewed to incorporate St Andrews Road.

Issue: Sportsgrounds

a) *District sportsgrounds*

Rossmore Precinct is situated adjacent to the north-west of Leppington Precinct. Early planning has identified suitable land in the Rossmore Precinct for district sports facilities to be located which is central to multi-Precinct populations who will use these facilities.

The south west rail link train stabling facility is located in the Rossmore Precinct. The district sports facility is considered to be a compatible land use with the train stabling facility and will act to provide a buffer to noise-sensitive land uses. It is proposed to locate a district sports facility within the Rossmore Precinct that is designed to serve multiple growth centre Precincts (4 double-field complexes up to 10ha in size that could serve up to 60,000 people and be located within 2km of most houses).

Council submission response:

It is requested that the DPE confirm its commitment to the provision of a district sportsground facility in the Rossmore location.

Further, the DPE should note that as this facility would serve a population of approximately 60,000 people, a contribution will be included in Council's draft Section 94 Plan to collect a contribution toward this facility, equivalent to the demand created by the Leppington Precinct population. The same apportionment approach will be taken to future Growth Centre Precincts whose population will have demand for the facility.

b) *Local sportsgrounds*

The draft ILP currently shows 4 sportsgrounds with two fields on each. The existing Pat Kontista Reserve is located on the corner of Heath & Byron Roads Leppington and has been incorporated into 1 of the sportsgrounds. The proposed arrangement addresses the demand for local active open space in an accessible fashion.

Council submission response:

Council has revised its approach to the delivery of such facilities since this precinct planning process commenced and now has a greater focus on providing fewer, larger facilities. In order to deliver on this objective, it is requested that the DPE investigate enlarging the 2 sportsground facilities situated on the south-western perimeter as part of the planning for the adjacent precinct.

Issue: Timing of the Draft Section 94 Development Contributions Plan

The DPE and Council are jointly preparing a draft Section 94 Contributions Plan that will specify the types of infrastructure to be provided by Council using section 94 funding, the cost of that infrastructure and the land requirements.

Council staff have clearly and consistently communicated to the DPE that the draft exhibition package should include the draft Section 94 Plan, given the importance of having a plan in place to fund the delivery of local infrastructure. However, this has not occurred. While this is disappointing, the risk to Council is considered low as the rezoning is unlikely to take effect until approximately mid-late 2015 and development will be delayed due a lack of services. If the rezoning takes effect without a new Section 94 Plan in place, development would be levied under Camden Contribution Plan 2004, which would levy a lower rate than the \$30,000 State Government cap amount (discussed further below).

A number of detailed issues for the draft Section 94 Contributions Plan are being discussed with the DPE and their consultants. These issues will be outlined in a future report to Council.

Council submission response:

That the DPE note that Council maintains its strong commitment to the Precinct Planning Project and in particular the preparation of the Section 94 Plan concurrently with the Precinct Planning Package. This will assist to lessen the risk that the rezoning takes effect with no new Section 94 Plan in place.

Issue: Funding of "essential infrastructure", "non-essential" infrastructure & regional level infrastructure

The DPE's Precinct Planning Report agrees that the Section 94 cap is a key issue facing infrastructure delivery and precinct development.

The State Government's policy caps funding for essential infrastructure (defined term) in the Section 94 Plan at \$30,000 per residential lot.

It is expected that the average Section 94 Contribution per residential lot will exceed the \$30,000 cap given the fragmented land ownership pattern within the Precinct, the significant amount of infrastructure that is required for the future residential population, and amount of constrained land (i.e. land that is unable to be developed due to flooding, riparian corridors, infrastructure provision etc).

The State Government's policy also restricts the Draft Section 94 Plan to levying for "essential infrastructure" (for example, the Section 94 Plan can levy for the land for a community facility but not for the construction of the facility). The Section 94 Plan can levy for "base level" embellishment of open space to make it safe and suitable for use. This means that funding for a proportion of the land and capital works costs specified in the draft Section 94 Contributions Plan is currently uncertain.

The State Government has identified two funding options to fund essential infrastructure above the \$30,000 cap:-

- apply for funding under the Government's Local Infrastructure Growth Scheme, or
- apply for a Special Rate Variation.

The Government has given Independent Pricing and Regulatory Tribunal (IPART) the authority to review the Draft Section 94 in these instances and determine applications for Special Rate Variations. As such, the Section 94 Plan will be reviewed by IPART. The outcome of the IPART review will be reported to Council.

Council submission response:

That the DPE notes Council's concerns regarding the impact of the cap on its ability to fund local infrastructure and be requested to work with Council to develop an infrastructure funding strategy.

Issue: Funding strategy

In deciding to adopt the Camden Section 94 Contributions Plan (Leppington North Precinct) at its meeting of 28 October 2014, Council also resolved to write to the DPE to seek the Department's assistance to establish an infrastructure funding strategy for growth centre precincts. The funding strategy should include forward funding of essential infrastructure, funding for the non-essential infrastructure shortfall and regional infrastructure funding.

Council submission response:

In order to facilitate the development of the Leppington North and Leppington Precincts, Council will need to be able to access funds to forward fund a range of infrastructure projects. Council does not currently have access to a funding source that would assist in this forward funding task, particularly for major facilities and is therefore requesting the DPE's assistance to explore "seed funding" opportunities such as interest free government loans.

**Project timeline from here**

The DPE and Council will assess submissions received during the public exhibition and complete supplementary technical work as required. The ILP will be updated, followed by preparation of gazettal material for the Minister. Gazettal of the State Environmental Planning Policy is scheduled for mid-2015.

The draft Section 94 Plan is being progressed and is expected to be reported to Council for consideration in the near future. Council staff are continuing to work through detailed comments on various parts of the draft Precinct Planning package and will continue to resolve these issues with the DPE.

**FINANCIAL IMPLICATIONS**

As noted in this report, there is likely to be a lack of funding for 'non-essential' infrastructure. There is currently no identified funding source to address this gap. Also noted in this report is the lack of funding for 'regional' level facilities (Leppington Precinct will contribute towards regional level facilities to be located within the Leppington Major Centre). There is also a lack of certainty to do with the funding source for 'essential infrastructure' above the \$30,000 cap and the associated IPART (Independent Pricing and Regulatory Tribunal) application process.

As discussed earlier, in order to facilitate the development of the Leppington precinct, given its high level of land fragmentation, Council will need to be able to access funds to forward fund major infrastructure projects.

### **CONCLUSION**

The vision for the Leppington Precinct is to provide for a range of housing types to meet the needs of a diverse and well-connected community. The Precinct will be supported by local facilities and infrastructure. The Precinct will be able to leverage off the future Leppington Major Centre. The Leppington station and related bus network presents an opportunity to create transit oriented development in the Sydney Metropolitan Region. The Precinct Planning Package balances competing natural and man-made opportunities and constraints present in the precinct with the potential to deliver a good quality of life for residents by providing access to a range of employment opportunities, services and amenity.

The major constraints to being able to realise this potential is the uncertainty for Council to be able to fund “non-essential” infrastructure and fund regional level community facilities that are required to support the incoming population. Addressing the implementation aspects of the staged rezoning approach is also a concern for Council.

It is recommended that Council support the Leppington Precinct rezoning subject to the issues raised by Council being addressed by the Government. In this regard, Council staff will continue to work with the DPE to resolve both high level and detailed issues to do with the draft Leppington Precinct Plan. Council will also request that the DPE provide a clear response to residents regarding the ‘next steps’ in the process.

Council is requested to endorse this report and its contents to form its submission to the DPE.

### **RECOMMENDED**

#### **That Council:**

- i. endorse the contents of this report as the basis for a formal submission to be forwarded to the Department of Planning & Environment and**
- ii. continue to:-**
  - a) advance the Precinct Planning Project and Draft Section 94 Plan in partnership with the Department of Planning & Environment;**
  - b) work with the Department of Planning & Environment to resolve implementation concerns to do with the staged rezoning approach and**
  - c) work with the Department of Planning & Environment seeking a resolution of Council’s infrastructure funding gap.**

#### **ATTACHMENTS**

1. Attachment 1 ILP Leppington
2. Attachment 2 Leppington
3. Attachment 3 proposed rezoning sequence Leppington



## ORDINARY COUNCIL

ORD07

ORD07

**SUBJECT:** RMS ACQUISITION OF COUNCIL OWNED LAND  
**FROM:** Acting Director Customer & Corporate Services  
**TRIM #:** 15/15032

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's approval for Roads and Maritime Services ("RMS") to acquire Council owned land to facilitate the upgrade of Narellan Road and The Northern Road, Narellan, by compulsory acquisition and lease by agreement.

### BACKGROUND

RMS has requested Council's agreement to the following:

- (i) The compulsory acquisition by agreement of the following sites:
  - Approximately 970 sqm from Lot 53 DP 857052 Waterworth Drive and approximately 1,560 sqm from Lot 1101 DP 884135 Welling/Narellan Road, Mount Annan (referred to as Site 1);
  - Approximately 4,220 sqm from Lot 100 DP 1107591 The Northern Road, Narellan (referred to as Site 2);
  - Approximately 300 sqm from Lot 211 DP 843880 Narellan Road, Mount Annan and approximately 200 sqm from Lot 1004 DP 830912 Hartley Road, Currans Hill (referred to as Site 3);
  - Approximately 400 sqm from Lot 183 DP 850094 Outram Place, Currans Hill (referred to as Site 4);
  - Approximately 12 sqm from Lot 182 DP 850094 French Place, Currans Hill (referred to as Site 5).
- (ii) The lease of the following which has been approved under the General Manager's delegations granted by Council on 27 August 2013:
  - Lease for construction purposes of approximately 450 sqm from Site 1 for a term of 12 months and then on a month to month basis;
  - Lease for construction purposes and detention basin of approximately 4,670 sqm from Site 2 for a term of 24 months and then on a month to month basis,
  - Lease for construction purposes of approximately 575 sqm from Site 3 for a term of 12 months and then on a month to month basis;
  - Lease for construction purposes of approximately 480 sqm from Site 4 for a term of 12 months and then on a month to month basis.
- (iii) The compulsory lease of approximately 250 sqm from Site 5 for a term of 12 months and then on a month to month basis.

Location plans of all 5 sites are **attached**. The areas highlighted in pink reflect the acquisition area and the areas highlighted in green reflect the lease area.

It is noted that the proposed lease and acquisition of the land was workshopped with Councillors on 27 January 2015.

## MAIN REPORT

In accordance with section 177 of the *Roads Act 1993* (Roads Act), RMS may acquire land:

- (a) that is to be made available for any public purpose for which it is reserved or zoned under an environmental planning instrument, or
- (b) that forms part of, or adjoins or lies in the vicinity of, other land proposed to be acquired for the purpose of opening, widening or constructing a road or road work.

RMS also has the ability to occupy (including lease) any land for the purpose of carrying out road work (section 175 of the *Roads Act*). The *Local Government Act 1993* also allows RMS to lease community land in accordance with the relevant Plan of Management.

Pursuant to the *Land Acquisition (Just Terms) Compensation Act 1991* (the Act) and in accordance with advice received by Council's solicitor, the land may be acquired either by mutual agreement or compulsory acquisition. The RMS, being a State Government Department, is unable to negotiate the acquisition of land by mutual agreement and by virtue of their own internal policy, is required to go through the compulsory acquisition process. The compulsory acquisition process can then be conducted either with or without agreement.

In order to assist securing early entry to the land RMS has requested that Council consent to the acquisition of the land by the compulsory process and agree to accept compensation in the amount as determined by the Valuer General. By agreeing to the acquisition, the process as set out by the Act is much quicker than acquisition without agreement.

The compensation payable is determined by the Valuer General for compulsory acquisitions with or without agreement pursuant to the provisions of the Act. The key distinction with agreement acquisitions is that if Council consents to the compulsory acquisition process by agreement, Council waives its entitlement to lodge an appeal to the Land and Environment Court with respect to the amount of compensation determined by the Valuer General. It is noted however that when calculating the value, the Valuer General will value the land based upon market value taking into account recent sales evidence, land area and type, zoning & improvements etc and the valuation is completed by an independent valuer. It is also acknowledged that any legal costs incurred appealing the amount of compensation would most likely outweigh any difference in valuation.

The benefit of Council consenting to the acquisition process is as follows:

- The process is less time consuming and onerous on both parties. RMS need to call for tenders in March 2015 and by agreeing to the acquisition, the project is more likely to remain on target; and
- Council will maintain a positive relationship with RMS who has worked collaboratively with Council to achieve a negotiated outcome which is beneficial for Council.

Council Officers have worked collaboratively with RMS staff to ensure that the acquisition and lease have no adverse impact upon Council's use of the land as follows:

- RMS has reduced the area to be leased for Site 1 to ensure that the road widening works would not impact upon Council's expansion of the Mount Annan Leisure Centre expansion works.
- In regards to the lease of Site 1, RMS have agreed to allow Council and/or Council contractors access to the lease area should it be required to cater for the Mount Annan Leisure Centre expansion works.
- RMS has agreed to reimburse Council's redesign costs for the Mount Annan Leisure Centre upgrade that are incurred as a result of the RMS acquisition proposal.
- RMS have relocated a detention basin from adjoining land to land owned by Council in order to avoid any adverse effects to Council's works at the Narellan Hub Site (Site 2).
- RMS has amended the acquisition area of Site 2 to enable a secondary access to the planned site as required by Council officers for the Narellan Hub Site (Site 2).
- The lease for Site 2 is to be for the relocated detention basin. RMS have agreed to pay a rental amount for this land due to the fact that Council's land is to be burdened with a detention basin (despite this relocation being at Council's request). The terms of the lease are summarised in Council's Supporting Documents (see **Attachment 8**).

The proposed lease and acquisition of the land was workshopped with Councillors on 27 January 2015 and subsequently, the lease agreements for Sites 1-4 have been executed under the General Manager's Delegation of Authority.

Should Council disagree with the acquisition and lease by agreement, RMS may utilise their compulsory acquisition powers to acquire and lease without agreement which may potentially jeopardise the successful negotiation of the points above.

Despite the fact that Council waives its right to appeal the amount of compensation for the acquisition by pursuing the "with agreement" approach, it is Council officers' opinion that this is the preferred method of acquisition due to the following reasons:

- the compensation is determined by a registered valuer and is based upon market rates, including taking into account recent sales evidence, land area and type, zoning and improvements etc;
- the "with agreement" method of acquisition will ensure that the project will not be delayed;
- Council ensures a commitment to the negotiated outcomes set out above; and
- it is likely that the costs incurred in appealing a decision regarding the amount of compensation would most likely outweigh the amount in dispute.

#### **Lease of Site 5 – Lot 182 DP 850094 Narellan Road**

The lease of Site 5 is unique in that it is community land which has a Plan of Management which categorises the use of the land as a "Park". The "Park" Plan of Management does not allow for leasing and licensing of this land. As such, RMS are proposing to compulsorily lease the land under the provisions of the Act by agreement. The compulsory lease by agreement provisions then override the *Local Government Act's* provisions relating to the management of community land.

As such, a Council resolution is required for the compulsory lease of Site 5 (highlighted in green on the attached plans) with or without agreement.

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## FINANCIAL IMPLICATIONS

Council will receive compensation in the amount as determined by the Valuer General for Sites 1-5 (highlighted in pink on the attached plans). In addition rent will be received for Site 2 in the amount set out in Council's Supporting Documents.

The timing of settlement is currently unknown as it is dependent upon the Valuer General carrying out a valuation and the Minister approving the acquisition (post this report).

## CONCLUSION

RMS has the power to acquire and lease the land and has requested that Council consents to the acquisition of Sites 1-5 and lease of Site 5, thereby securing early entry onto the land. If Council does not consent to the acquisition, RMS will acquire and lease the land with compensation payable still determined by the Valuer General.

RMS has been agreeable to amend the plans to facilitate future works on Council land and have requested that officers enable the process to be carried out quickly by agreeing to the proposed lease and acquisition of the relevant land.

Council's agreement to the compulsory acquisition of Sites 1-5 and lease of Site 5 will increase the likelihood that the much needed works will be completed on schedule.

## RECOMMENDED

**That Council:**

- i. agree to the compulsory acquisition of part Lot 53 DP 857052 Waterworth Drive and part Lot 1101 DP 884135 Welling Drive/Narellan Road, Mount Annan, Part Lot 100 DP 1107591 The Northern Road, Narellan, part Lot 211 DP 843880 Narellan Road, Mount Annan and part Lot 1004 DP 830912 Hartley Road, Currans Hill, part Lot 182 DP 850094 French Place and 183 DP 850094 Outram Place, Currans Hill being the area highlighted in pink on the attached plans for Sites 1-5; and**
- ii. agree to the compulsory lease of Part Lot 182 DP 850094 French Place, Currans Hill being the area highlighted in green on the attached plan; and**
- iii. make the appropriate budget adjustments for the provision of compensation as determined by the Valuer General for the acquisition of Sites 1-5 and rent to be received for Site 2 in the amount set out in Council's Supporting Documents.**

## ATTACHMENTS

1. Site 1
2. Site 2
3. Site 3
4. Site 4
5. Site 5
6. Narellan Road Site Plan
7. The Northern Road Site Plan
8. The Northern Road Lease Terms - *Supporting Document*

**ORD07**

## ORDINARY COUNCIL

**ORD08**

**SUBJECT: PAYMENT OF EXPENSES AND PROVISION OF BENEFITS TO THE MAYOR AND COUNCILLORS POLICY**

**FROM:** Acting Director Customer & Corporate Services

**TRIM #:** 15/8739

### PURPOSE OF REPORT

The purpose of this report is to:

- (i) advise Council of the response from the exhibition period for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy ('Policy'); and
- (ii) seek Council's approval to adopt the 'Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy' following public exhibition, as required by the *Local Government Act 1993*.

### BACKGROUND

On 28 October 2014, a revised Policy was considered by Council (see **Attachment 1** for a copy of the report) and it was resolved that Council:

- (i) submit the revised Policy for public exhibition for 28 days;
- (ii) consider any public submissions and formally adopt a revised Policy at its Ordinary Council Meeting on 9 December 2014; and
- (iii) ensure that the allowances provided for under the Policy are indexed each year by CPI (Sydney All Groups) as at 30 September.

During the course of discussions at the meeting of 28 October 2014, it was identified that:

- the current, and revised, reimbursement amounts for mobile phone costs may be higher than the actual cost of mobile phone contracts; and
- the revised amount of \$16 per hour allocated for the reimbursement of care arrangements was likely to be considerably less than the actual cost of arranging care.

As such, at the Council meeting of 9 December 2014, Council resolved to place on public exhibition for 42 days (extended period due to the Christmas/New Year period) a revised 'Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy' incorporating the changes to the mobile phone usage and care arrangement allowances set out in the table below (see **Attachment 2** for a copy of the report).

Item for Reimbursement	Existing Policy (incl GST)	Exhibited Policy (incl GST)	Amended Allowance (incl GST)
Mobile phone costs including data usage (per month)	\$285	\$303	<b>\$200</b>
Internet / iPad data usage costs (per month)	\$40	\$42	<b>\$50</b> (Note: this does not include mobile phone data usage)
Telephone line rental and call costs (per month)	\$115	\$122	<b>\$122</b>

Item for Reimbursement	Existing Policy (incl GST)	Exhibited Policy (incl GST)	Amended Allowance (incl GST)
Cost of care arrangements (per hour)	\$15	\$16	\$30
<i>Note: the areas shaded grey remain unchanged from the exhibited version.</i>			

It was also resolved that Council:

- write to the Office of Local Government to advise of Council's decision to re-exhibit the Policy; and
- consider any public submissions and formally adopt a revised Policy at its Ordinary Council Meeting of 10 February 2015.

The letter to the Office of Local Government was sent on 12 December 2014.

### MAIN REPORT

From 11 December 2014, the re-exhibited Policy which included the amended allowances shown in the above table was placed on Council's website, and advertised in the Camden Narellan Advertiser on 17 December 2014, 7 January 2015 and 14 January 2015. Hardcopies of the Policy were also available for viewing at Council's Administration Centres.

A copy of the draft 'Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy' as publicly exhibited and including the changes to the mobile phone usage and care arrangement allowances is attached to this report (see **Attachment 3**).

One submission was received during the extended public consultation period (see **Attachment 4** in Supporting Documents). Whilst the submitter noted difficulties in understanding the reimbursement thresholds, the submitter considered it positive that Council recognised the variance in mobile phone usage costs and that the Policy was re-exhibited.

### FINANCIAL IMPLICATIONS

The proposed alteration of the allowances for telecommunications and care arrangements is provided for within the Councillor's expense budget.

### CONCLUSION

The *Local Government Act 1993* requires that Council annually review and submit its policy to the Director-General of the Division of Local Government.

Pursuant to section 252 of the Act, Council is to have regard to any submissions made and make any appropriate changes to the draft policy, prior to adopting the policy.

### RECOMMENDED

**That Council:**

- i. **note the submission received;**
- ii. **adopt the proposed 'Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy' as attached to this report and publicly exhibited as required under the *Local Government Act 1993*; and**

**ORD08**

- iii. **submit a copy of the adopted policy to the Director-General of Local Government.**

ATTACHMENTS

1. Council Report - Payment of Expenses Policy - 28 Oct 2014
2. Council Report - Payment of Expenses Policy - 9 Dec 2014
3. Re-exhibited Payment of Expenses & Provision of Facilities Policy
4. Submission on re-exhibited Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy - *Supporting Document*



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## ORDINARY COUNCIL

ORD09

ORD09

**SUBJECT: ON-TIME PAYMENT POLICY**  
**FROM:** Acting Director Customer & Corporate Services  
**TRIM #:** 15/12844

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### PURPOSE OF REPORT

The purpose of this report is for Council to formally adopt the On-Time Payment Policy (Policy) following the exhibition period.

### BACKGROUND

The Small Business Friendly Councils Program was launched in September 2014 by the Minister for Local Government, The Hon. Paul Toole MP. Camden Council is one of 38 Councils across NSW which has signed up to be part of this innovative program.

Council has made a number of commitments through this program, which include:

- developing a Business Advisory Board in collaboration with key stakeholders from the Camden Local Government Area business community,
- reporting on business improvement processes and the on-time payment policy in Council's operational plans, and
- Implementing new initiatives to engage with small businesses in Camden.

At its meeting of 25 November 2014 Council resolved to place the policy on public exhibition and be provided with a further report detailing the results of the 6 week exhibition period.

### MAIN REPORT

This policy will formalise Council's commitment to pay invoices for eligible small business suppliers within 30 days of receipt as part of the small business friendly Councils Program.

**A copy of the Policy is provided as attachment 1 to this report.**

This policy was placed on public exhibition between 26 November 2014 and 9 January 2015. Following this period of public exhibition there were no written submissions received regarding the policy. As a result of this the draft policy is considered final and ready for adoption.

Upon adoption, the policy will be promoted on Council's website as part of the Small Business Friendly Councils Program. Information will also be provided to suppliers on purchase orders and in any regular correspondence sent by Council's Finance & Corporate Planning Branch.

Council will provide quarterly reports as part of the Quarterly Budget Review Statements which will outline compliance with the policy, the number of small businesses paid within the terms of this policy and the amount of interest paid where amounts were outstanding beyond 30 days (if applicable).

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### FINANCIAL IMPLICATIONS

There are no direct financial implications for Council.

### CONCLUSION

The Small Business Friendly Councils Program is a ground breaking program which will see participating Council's support small businesses through reviewing existing procedures and practices, and exploring new initiatives which enable small businesses to grow and thrive.

The adoption of this policy is consistent with Council's commitment to the Small Business Friendly Councils Program.

### RECOMMENDED

**That Council adopt the On-Time Payment Policy.**

### ATTACHMENTS

1. On-Time Payment Policy



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## ORDINARY COUNCIL

ORD10

ORD10

**SUBJECT:** CAMDEN CIVIC CENTRE GRANT  
**FROM:** Acting Director Customer & Corporate Services  
**TRIM #:** 15/8692

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### PURPOSE OF REPORT

To advise Council of the successful funding application for \$20,000 (GST exclusive) to be used at Camden Civic Centre, through the NSW Government's Community Building Partnership Program 2014, administered by the NSW Department of Premier and Cabinet, and to seek Council's endorsement to accept the funding.

### BACKGROUND

Council was advised in late December that the grant application was approved for further improvements at the Civic Centre through the Community Building Partnership Program 2014. The Civic Centre refurbishment schedule has been assisted in past years by this funding which has been used for capital upgrades and improvements to the venue.

### MAIN REPORT

The Civic Centre was successful in receiving a grant in the sum of \$20,000 (GST exclusive) through the NSW Government's Community Building Partnership Program 2014. The original submission requested \$60,000 to undertake: improvements to kitchen, improvement to audio visual and acoustic equipment in performance spaces, and improvements to amenities on the first floor. Staff will prioritise the needed works to expend the funds which have been made available.

Program funding requirements state that the project should be completed by 31 January 2016.

### FINANCIAL IMPLICATIONS

Existing Civic Centre budgeted capital funds will be used to match the funding provided by the NSW government. The funds provided through Community Building Partnership Program have been matched with the Civic Centre's available capital funds for the past three years resulting in significant refurbishment being undertaken.

### CONCLUSION

The Camden Civic Centre has been successful in its funding application for \$20,000 (GST exclusive) under the NSW Government Community Partnership Program 2014 for capital improvements.

In order for Council to confirm its participation in the Program, a Funding Agreement is required to be signed and returned to the NSW Department of Premier and Cabinet.

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**RECOMMENDED**

**That Council:**

- i. accept the funding for \$20,000 (GST exclusive), from the Community Building Partnerships Program 2014, administered by the NSW Department of Premier and Cabinet for the purpose of contributing to the ongoing improvements at Camden Civic Centre**
- ii. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 27 August 2013 Minute Number ORD 215/13; and**
- iii. write to the State Member for Camden, Chris Patterson MP thanking him for his support for this project.**

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## ORDINARY COUNCIL

ORD11

ORD11

**SUBJECT: APPOINTMENT OF INDEPENDENT MEMBERS TO BUSINESS ASSURANCE AND RISK COMMITTEE**

**FROM:** General Manager

**TRIM #:** 15/15645

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### PURPOSE OF REPORT

On 13 May 2014 Council resolved to establish a Business Assurance and Risk Committee as part of the Review of the Organisational Structure.

On 10 June 2014 Council resolved to instruct the General Manager to seek expressions of interest for external Business Assurance and Risk Committee members including an independent Chairperson for the remainder of the Council term. A report was to be brought back to Council for their appointment.

The purpose of this report is to recommend the appointment of two independent external members to the Business Assurance and Risk Committee, including an independent Chairperson and to increase the fee paid to external committee members.

### BACKGROUND

Council resolved to endorse the implementation of a business assurance and risk management framework on 10 June 2014. The framework consists of a Business Assurance Officer and a Business Assurance and Risk Committee and is consistent with Internal Audit Guidelines issued by the Office of Local Government under Section 23A of the *Local Government Act 1993*.

Council adopted the Business Assurance and Risk Committee Charter on 10 June 2014. The Charter outlines the roles and responsibilities of the Committee and provides the structure of the Committee which is to consist of the following voting members:

- two Councillors
- three independent members (not employed or elected representatives of the Council)
- Chairperson to be one of the independent members

Councillor Fischer and Councillor Sidgreaves were nominated as Councillor Members of the Committee for the remainder of this Council term.

In accordance with Council's resolution, expressions of interest were sought to fill the three independent member positions.

### MAIN REPORT

In accordance with Council's Business Assurance and Risk Committee Charter, independent members are to be selected as voting members of the Committee.

The timeline for seeking expressions of interest was commenced in line with the appointment of Councils Business Assurance Officer who started in late October 2014.

Expressions of interest were sought for independent members during the period 3 October to 27 October 2014 via the following means:

- weekly advertisements in the local newspapers
- two advertisements in the Sydney Morning Herald; and
- advertising via Council's website during the period.

An information package was made available to all applicants outlining the key elements of the Business Assurance and Risk Committee, including its structure and membership, objectives and roles and responsibilities of members. The information package also included the selection criteria which applicants were assessed on as follows:

- knowledge and expertise in audit functions;
- experience in accounting or related management field including financial services, legal, risk management or business expertise;
- understanding of the role of local government;
- understanding of the role of corporate governance in organisations;
- previous experience serving on similar committees.

An additional desirable selection criteria included was:

- understanding of the Macarthur Region, particularly Camden.

The closing date for applications was 27 October 2014. Four applications were received by the due date. Two applicants were granted permission to submit late applications in the interests of ensuring a sufficient field for consideration. These applications were received on 28 October 2014 and 3 November 2014. Six applications were received in total.

Three of the applicants were assessed as not providing evidence that they adequately met the selection criteria. The remaining applicants were invited to attend an interview in January 2015.

The Interview Panel consisted of the General Manager, Ron Moore and Council's Business Assurance Officer, Michelle Brockwell.

Based on the interviews conducted combined with the applications received, the Interview Panel determined two applicants, John Gordon and Bruce Hanrahan, were suitable for appointment. An outline of their relevant experience and expertise is set out in the assessment of applications received in Council's Supporting Documents (**see Attachment 1**).

The combination of financial and audit expertise and legal expertise from the two applicants are considered a good mix of skills for the Business Assurance and Risk Committee.

It is considered appropriate to appoint John Gordon as Chairperson to the Business Assurance and Risk Committee as he has the most extensive experience in similar roles.

The current interview process did not identify a suitable third candidate for the Committee. It is considered appropriate to commence the Business Assurance and Risk Committee with two independent members. Research has indicated that a number of Audit Committees successfully operate with two independent members and two councillors.

The Office of Local Government recommends that an Audit and Risk Committee has a majority of independent members. It is therefore considered appropriate for Council to seek further expressions of interest for a third member to the Committee. It is anticipated that the current recommended members may be able to assist in this process.

### **FINANCIAL IMPLICATIONS**

On 10 June 2014 Council resolved to remunerate external Business Assurance and Risk Committee members at the rate of \$500 per meeting for the independent Chairperson and \$400 per meeting for external members. This rate was based on a small survey of other Councils.

As part of the Expression of Interest, two of the candidates in their applications to Council recommended that the fee on offer be reconsidered as it is low in comparison to other Committees they are members of and is not commensurate with the level of work involved.

As a result a more comprehensive review of fees paid to Committee members was undertaken. This review has revealed that there is a broad range of fees paid to external Committee members. Some external Committee members receive no payments on the basis that they are local residents volunteering their skills to their community. Other Councils pay remuneration as high as \$5,000 per meeting.

The review found that Council had resolved to remunerate fees at the lower end of the average paid to local government Audit Committees. Whilst there are a number of Councils that pay \$500 per meeting, there are a number of Councils that pay \$1,000 or more to Committee members. The current adopted fee is also significantly lower than fees paid to NSW Government agency Audit Committee members when compared to agencies of a similar size under the Prequalification Scheme.

It is recommended that Council increase the fee paid to external Committee members in consideration of their knowledge and expertise, the commitment required of members, and an allowance for travel. It is anticipated that the work involved for Committee members for each meeting will include 2-4 hours for research and reading of agenda papers, 2 hours meeting attendance and up to 3 hours travel. As such, the current adopted fee is not necessarily commensurate with the level of work required.

The higher fees are also recommended in consideration of the growth and organisational change Camden is currently experiencing and the high calibre of Audit Committee members needed to provide advice on these issues.

It is recommended that the fee be increased to \$1,200 (Chairperson) per meeting and \$1,000 (member) per meeting. This is inclusive of GST, travel and all on-costs.

Based on the two recommended Committee members and up to four meetings per year, the financial cost is expected to be \$8,800 per annum.

Expressions of interest for a third independent member of the Committee will also be requested at the higher rate. At a point where a third independent member is appointed, the total annual cost is expected to be \$12,800.

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## **CONCLUSION**

Appointment of independent external members to Council's Business Assurance and Risk Committee is required under the Committee's Charter. The appointment of the recommended applicants to the Business Assurance and Risk Committee will improve Council's governance framework. The recommended appointments have a high level of expertise in varying disciplines which will be of significant value to Council.

## **RECOMMENDED**

### **That Council:**

- i. resolve to appoint John Gordon as Independent Chairperson of the Business Assurance and Risk Committee for the remainder of the Council term;**
- ii. resolve to appoint Bruce Hanrahan as independent member of the Business Assurance and Risk Committee for the remainder of the Council term;**
- iii. resolve to remunerate external Business Assurance and Risk Committee members at the rate of \$1,200 per meeting for the independent Chairperson and \$1,000 per meeting for external members, such rates being inclusive of GST, travel and all on-costs;**
- iv. resolve to write to the unsuccessful applicants thanking them for their interest in Council's Business Assurance and Risk Committee;**
- v. resolve to seek expressions of interest for a third external Business Assurance and Risk Committee member with a report to be brought back to Council for their appointment.**

### **ATTACHMENTS**

- 1. Assessment of applications for external members of Business Assurance and Risk Committee - *Supporting Document***